

Saturday, February 18, 1956

# LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

**VOL. I, 1956**

(15th February to 3rd March 1956)



**TWELFTH SESSION, 1956**

(Vol. I contains Nos. 1 to 15)

LOK SABHA SECRETARIAT  
NEW DELHI

## CONTENTS

**(Part II Debates—Vol. I—15th February 1956 to 3rd March 1956)**

COLUMNS

*No. 1. Wednesday, 15th February, 1956*

President's Address . . . . .	1—18
Message from Speaker . . . . .	19
Death of Shri Natesan . . . . .	19
Question of Privilege . . . . .	20—21
President's assent to Bills . . . . .	21
Motion for adjournment—	

Violations of Indian territory by Portuguese Armed Forces . . . . .	22—23
---	-------

Papers laid on the Table . . . . .	23—26
Representation of the People (Second Amendment) Bill . . . . .	26
Securities Contracts (Regulation) Bill . . . . .	26—27
Control of Shipping (Continuance) Bill . . . . .	27—28
Daily Digest . . . . .	29—36

*No. 2. Thursday, 16th February, 1956*

Death of Shri Meghnad Saha . . . . .	37—38
Daily Digest . . . . .	39—40

*No. 3. Friday, 17th February, 1956*

Motion for adjournment—	
Firing in Manipur State . . . . .	41—42
Papers laid on the Table . . . . .	44—47
Committee on Private Members' Bills and Resolutions—Forty-third Report.	
Life Insurance (Emergency Provisions) Bill . . . . .	44
Sales-tax Laws Validation Bill . . . . .	44—45
Capital Issues (Continuance of Control) Amendment Bill . . . . .	45
Life Insurance Corporation Bill . . . . .	45
Business of the House . . . . .	46—47
Question of Privilege . . . . .	47
Representation of the People (Amendment) Bill—	
Motion to consider as reported by Select Committee . . . . .	47—95
Resolution regarding Industrial Service Commission . . . . .	95—101
Business of the House . . . . .	102
Committee on Private Members' Bills and Resolutions—	
Forty-third Report . . . . .	102—106
Daily Digest . . . . .	151—154

*No. 4. Saturday, 18th February, 1956*

Business Advisory Committee—	
Thirty-first Report . . . . .	155

Representation of People (Amendment) Bill, as reported by Select Committee—	
Motion to consider . . . . .	155—60
Clauses 1—29 . . . . .	160—223
Motion to pass, as amended . . . . .	223
Bar Councils (Validation of State Laws) Bill, as passed by Rajya Sabha—	
Motion to consider . . . . .	223—39
Clauses 1—2 and Schedule . . . . .	238—39
Motion to pass, as amended . . . . .	239
Voluntary Surrender of salaries (Exemption from Taxation) Bill—	
Motion to consider . . . . .	239—42
Clauses 1—2 . . . . .	241
Motion to pass as amended . . . . .	242
University Grants Commission Bill—	
Motion to consider Rajya Sabha Amendments . . . . .	242—47
Indian Red Cross Society (Amendment) Bill—	
Motion to consider . . . . .	247—56
Clauses 1—9 and Schedules I to III . . . . .	256—57
Motion to pass as amended . . . . .	257
Saint John Ambulance Association (India) Transfer of Funds Bill—	
Motion to consider . . . . .	257—59
Clauses 1—2 and Schedule . . . . .	259—60
Motion to pass as amended . . . . .	260
All-India Institute of Medical Sciences Bill—	
Motion to consider . . . . .	260—84
Daily Digest . . . . .	285—86
<i>No. 5. Monday, 20th February, 1956</i>	
Death of Acharya Narendra Deva . . . . .	287—90
Papers laid on the Table . . . . .	290
Motion regarding Thirty-first Report of Business Advisory Committee . . . . .	290
Release of two Members from detention . . . . .	291
Motion on Address by the President . . . . .	291—402
All-India Institute of Medical Sciences Bill—	
Motion to consider . . . . .	402—31
Consideration of clauses . . . . .	431—40
Daily Digest . . . . .	441—42

*No. 6. Tuesday, 21st February, 1956*

Papers laid on the Table . . . . .	443—44
Prevention of Corruption (Amendment) Bill—	
Opinions . . . . .	444
Messages from Rajya Sabha . . . . .	444—46
Multi-Unit Co-operative Society (Amendment) Bill, 1956 . . . . .	446
Estimates Committee—	
Nineteenth Report . . . . .	446
All-India Institute of Medical Sciences Bill—	
Clause 9 . . . . .	447—53
Motion to pass, as amended . . . . .	453—60
Motion on Address by the President . . . . .	461—566
Daily Digest . . . . .	567—70

*No. 7. Wednesday, 22nd February, 1956*

Motion for Adjournment—	
Incursion by Pakistan Army into Chhad Bet in Rann of Kutch . . . . .	571—74
Papers laid on the Table . . . . .	574—76
Committee on Private Members' Bills and Resolutions—	
Forty-fourth Report . . . . .	576
Election to Committee—Delhi Development Provisional Authority . . . . .	577
Motion on Address by the President . . . . .	577—710
Daily Digest . . . . .	711—14

*No. 8. Thursday, 23rd February, 1956*

Warrant for arrest of a Member . . . . .	715
Presentation of Railway Budget . . . . .	715—41
Motion on Address by the President . . . . .	741—846
Daily Digest . . . . .	847—48

*No. 9. Friday, 24th February, 1956*

Papers laid on the Table . . . . .	849
Message from Rajya Sabha . . . . .	849
Indian Lac Ceas (Amendment) Bill . . . . .	849
Petitions regarding Report of States Re-organisation Commission . . . . .	850
Control of Shipping (Continuance) Bill—	
Motion to consider . . . . .	850—89
Clauses 2 and 1 . . . . .	889
Motion to pass . . . . .	889—91
Capital Issues (Continuance of Control) Amendment Bill—	
Motion to consider . . . . .	891—908

## COLUMNS

Committee on Private Members' Bills and Resolutions—	
Forty-fourth Report . . . . .	908—09
Indian Panel Code (Amendment) Bill ( <i>Insertion of new section 170A</i> ) . . . . .	909
Indian Panel Code (Amendment) Bill ( <i>Insertion of new section 427-A</i> ) . . . . .	909
Proceedings of Legislatures (Protection of Publication) Bill . . . . .	909—10
Motor Vehicles (Amendment) Bill ( <i>Substitution of Section 65 etc.</i> )—	
Motion to consider . . . . .	910—43
Demands for Supplementary Grants . . . . .	943
Shri Kashi Viswanath Mandir Bill—	
Motion to consider . . . . .	943—54
Daily Digest . . . . .	955—56
<i>No. 10. Monday, 27th February, 1956</i>	
Death of Shri G. V. Mavalankar . . . . .	957—68
Daily Digest . . . . .	969—70
<i>No. 11. Tuesday, 28th February, 1956</i>	
Death of Shri Lalchand Navalrai . . . . .	971 .
Papers laid on the Table . . . . .	971—972
Message from the President . . . . .	973
Message from Rajya Sabha . . . . .	973
Indian Cotton Cess (Amendment) Bill . . . . .	973
Arrest of a Member . . . . .	973
Estimates Committee—	
Twentieth Report . . . . .	974
Election to Committee—	
Central Advisory Committee of National Cadet Corps . . . . .	974
Agricultural Produce (Development and Warehousing) Corporations Bill . . . . .	974—75
Capital Issues (Continuance of Control) Amendment Bill—	
Motion to consider . . . . .	975—1030
Clauses 2, 3 and 1 . . . . .	1030
Motion to pass . . . . .	1030
Sales-tax Laws Validation Bill—	
Motion to consider . . . . .	1031—80
Daily Digest . . . . .	1081—84
<i>No. 12. Wednesday, 29th February, 1956</i>	
Paper laid on the Table . . . . .	1085
Committee on Private Members' Bills and Resolutions—	
Forty-fifth Report . . . . .	1085
Securities Contracts (Regulation) Bill . . . . .	1085—86

## COLUMNS

## Sales-tax Laws Validation Bill—

Motion to consider	1086—1128
Clauses 2, 3 and 1	1128—33
Motion to pass	1133

## Business of the House

1133—35

## Life Insurance (Emergency Provisions) Bill—

Motion to consider	1135—75
--------------------	---------

## Presentation of General Budget, 1956-57

1175—1208

## Finance Bill

1208

## Daily Digest

1209—10

*No. 13. Thursday, 1st March, 1956*

## Paper laid on the Table

1211

## Estimates Committee—

Twenty-first Report	1211
---------------------	------

## Business of the House—

Hours of Sitting	1211
------------------	------

Demands<sup>2</sup> for Supplementary Grants, 1955-56

1212—1304

Appropriation Bill	1305
--------------------	------

## Life Insurance (Emergency Provisions) Bill—

Motion to consider	1305—38
--------------------	---------

## Daily Digest

1339—40

*No. 14. Friday, 2nd March, 1956*

## Paper laid on the Table

1341—42

## Messages from Rajya Sabha

1342

## Appropriation Bill

1343

## Life Insurance (Emergency Provisions) Bill—

Motion to consider	1343—1402
--------------------	-----------

## Committee on Private Members' Bills and Resolutions—

Forty-fifth Report	1402—03
--------------------	---------

## Resolution regarding Appointment of a Committee to examine Community Projects and National Extension Service Schemes

1403—54

## Resolution regarding Fixing a Target date for Prohibition

1454

## Daily Digest

1455—56

*No. 15. Saturday, 3rd March, 1956*

## Motions for Adjournment

1457—60

## Paper laid on the Table

1460

## Statement regarding Printing errors in Finance Bill

1460—61

155

156

## LOK SABHA

Saturday, 18th February, 1956

*The Lok Sabha met at Eleven of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

## QUESTIONS AND ANSWERS

(No Questions: Part I not published)

11-00 A.M.

BUSINESS ADVISORY COMMITTEE  
THIRTY-FIRST REPORT

Shri A. M. Thomas (Ernakulam): I beg to present the Thirty-first Report of the Business Advisory Committee.

REPRESENTATION OF THE  
PEOPLE (AMENDMENT)  
BILL

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Shri H. V. Pataskar on the 17th February, 1956, namely:

"That the Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of Part C States Act, 1951, as reported by the Select Committee, be taken into consideration."

The Minister of Legal Affairs (Shri Pataskar): I shall only briefly refer to the few points which were raised in the discussion yesterday.

As I clearly said yesterday, I am sure that the Election Commission will take the co-operation of whichever party is available. Even after giving that assurance and pointing out to the hon. Members what the Election Commission had said about the matter, I find that some people have expressed some misgivings in the matter. I do not think I can add anything to what I have already said except that I feel convinced that on

account of the peculiar circumstances which existed at the time of the last general elections probably no party or organisation was ready enough to come forward to co-operate. It was a new task and I do not want to blame anybody for it. I would request hon. Members not to start with the supposition that the Election Commission and all those concerned with it will always be inclined not to take the help and the co-operation of any party whatsoever, and particularly parties in the Opposition. I will revert to that a little later.

My hon. friend Shri Kamath mentioned about the fees which he thought were still being charged at the rate of Rs. 50 for application for getting the name of a person who is entitled to vote enrolled in the register and to get it corrected for the purpose. Yesterday without making full enquiries I deliberately did not want to say anything which may not be correct, but now I find the position is this, that at the time when the rules were first made the fee was no doubt, as the hon. Member stated, Rs. 50 but in 1953 November the rule was amended and the fee was reduced to Re. 1 for the application and Rs. 10 for the appeal. In the present rules that are now again framed after the amendment of those rules necessitated by the ordinance that was issued, I think the amount of fee is the same. So, practically from 1953 onwards the fee is only Re. 1 for getting the name enrolled and Rs. 10 for the appeal.

Shri Bibhuti Mishra (Saran-cum-Champanar): That should also go.

Shri Pataskar: To that I will reply when I come to the amendments, because there are some hon. Members who probably do not want that anything should at all be taxed to anybody. We will see to that. That will be a matter which should be considered when the amendments come.

As regards the qualifying date I think I have already stated what I had to. There is no virtue in any particular date, whether it is March, September or July, but the point is as, I pointed out in the beginning, under article 326 of

## [Shri Pataskar]

the Constitution a date has to be fixed. I am sure whichever date is fixed is certainly going to cause inconvenience to some people who may be left out.

**Shri Kamath** (Hoshangabad) : Less and less inconvenience.

**Shri Pataskar** : Supposing this time we fix the date of elections in the month of February or March. It may be that a particular date may be more convenient from the point of view of the elections to be held now. But this is a permanent statute and the date we fix now may not be convenient for the next elections or the elections after that. Any date that we may fix may in a certain contingency be advantageous to some and may be disadvantageous to others who probably by that date might miss being twenty-one years of age. So, I would only say that the Select Committee, after having considered everything, has fixed the 1st of March. There is neither any particular merit in it, nor is it a thing which we can amend by changing one way or the other. I think it will not be of much use.

Another point that was made was about the Electoral Officers. The scheme of things is that under section 13A, Part II-A, we are now going to have the following kinds of officers. There will be a Chief Electoral Officer for every State. Generally I understand he is of the rank of a Secretary or Deputy Secretary of the State department. Then we have got the Electoral Registration Officer for every constituency. Generally speaking, such an officer will be a sub-divisional officer or some other officer from that constituency. Then we are going to have Assistant Electoral Registration Officers who are generally of a lower rank like Tehsildars or Mamlatdars as they are called in some parts. In big cities like Bombay and Calcutta probably these officers are generally officers of the corporation itself. The choice will be made on the basis that they are persons who are best fitted to know and to do the work which is expected of them. For instance, in the city of Bombay, instead of appointing somebody from the Secretariat, if there is an officer who is connected with the Corporation itself, naturally he is in a better position to do the work expected of him under the Act. That is why we have also made the provision that the Electoral Registration Officer may be also a servant of the local authority. In smaller areas we should appoint only

Tehsildars or chief municipal officers. In big cities it is these people who are serving the Corporation who are better fitted for this work. That is why in new section 13 B we say :

"The electoral roll for each assembly constituency, electoral college constituency and council constituency shall be prepared and revised by an Electoral Registration Officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf."

Therefore, looking to the provisions that are made, I think the government officers are likely to do the work, as they have done in the past, more or less quite satisfactorily.

It is on account of our misgivings about the position and role of the government servants when they were the agents of a foreign government that we have come to look upon them as bureaucrats, and we still continue to look upon any work that they are likely to do, or any work that they are entrusted with, in the same manner in which we used to look at it when they were the agents of a foreign government. But I would like to point out on the contrary that if this work is entrusted to proper officers of government of a good rank in the new set-up of things. . . .

**Shri Kamath** : 'Proper officer' means what ?

**Shri Pataskar** : He should not be a man who has got some bad past or something of that kind.

**Shri Kamath** : Not pro-Congress ?

**Shri Pataskar** : That is exactly the point to which I am coming. And I am not going to stop merely at that ; he should not be pro-Congress, pro-Socialist or pro-Communist and so on. We must take into account the fact that there is a difference between the servants of government in the past and the servants of government in the new set-up of things, that has come into force after the commencement of the Constitution. For, in the new set-up of things, it may be that today there may be a Congress government in power, but tomorrow or after five years it may be that it is the Socialist government in power, and the third day it may be the government of

the Ram Rajya Parishad which will be in power; we do not quite know. So, so far as the government servants are concerned, there is this difference as compared with an ordinary individual.

**Mr. Deputy-Speaker :** The hon. Minister has only said that he should not be pro-Congress, pro-Socialist and pro-Communist, but not that he should not be pro-Forward Bloc.

**Shri Kamath :** Forward Bloc is now merged in P.S.P.

**Shri Pataskar :** I was just trying to give one or two illustrations. I would seriously like to urge for the consideration of the Lok Sabha, and particularly of Shri Kamath.....

**Shri Kamath :** I am all attention.

**Shri Pataskar :** ....that in the new set-up of things, the government servants who are at the top always think that they are not necessarily the servants of a party, for the party is liable to change. As is the case in England or other countries where probably democracy has been functioning for a long time, these servants are less likely to favour any particular party or to act in a manner prejudicial to the other parties, because after all, they are the steady element, and they have to perform their functions, whichever party may for the time being be in power. Therefore, in matters of election etc. we ought to look upon these government servants from this new point of view rather than from the point of view that we adopted when they were servants of a foreign administration. Naturally, at that time, there was no question or no possibility of any one section coming into power, and there was no chance, as far as they could see in the near future, of their being subjects to working under Shri Kamath or anybody from the other side. But in the new set-up of things, I think we should shed some of these suspicions which we have inherited from the past on account of the sentiments associated with government servants. That is what I would like to urge for yesterday I found that a lot of time was spent in saying, this bureaucracy is die-hard and so on.

So far as election work is concerned, we have not come across any single case, nor has anybody been able to point out any case, where anything wrong had really been done.

**Shri Kamath :** That is not correct.

**Shri V. G. Deshpande (Guna) :** Many cases are there.

**Shri Pataskar :** So far as I could find, there has not been officially any case where anything wrong had been done. Of course, suspicions might be there; but that is a different matter.

**Shri V. G. Deshpande :** But the authority to prove it is also the same.

**Shri Pataskar :** With regard to the rule-making powers, there was some criticism. I think there was probably an oversight on the part of the Select Committee. In the other Bill on which the Select Committee have submitted their report the rule-making power has been embodied in the proper form. I shall be prepared to get the relevant provision in this Bill amended so that it may be in the form in which we are trying to put it in the other Bills.

On the whole, I think, this Bill has been well received by the Lok Sabha, and I hope that it will soon be passed into law.

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

"That the Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of Part C States Act, 1951, as reported by the Select Committee, be taken into consideration."

*The motion was adopted.*

**Clause 2.—(Amendment of Section 2)**

**Mr. Deputy-Speaker :** There is an amendment to this clause, namely amendment No. 14.

**Shri Kamath :** My amendment reads:

Page 1, lines 7 and 8 omit 'in subsection (1)'.

I just want to observe that in the principal Act, a copy of which is to be found in the *Manual of Election Law*, —I do not know whether it has been amended since....

**Shri Pataskar :** It has been amended, and therefore, it is correct, Section 2 has subsequently been amended by the Andhra State Act, and therefore it is in the proper form there. I think therefore the hon. Member need not move his amendment.

**Mr. Deputy-Speaker :** There are no other amendments to clause 2. The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clauses 3 to 6**

**Mr. Deputy-Speaker :** Since there are no amendments to clauses 3 to 8, I shall put them to vote together.

**Shri Barman** (North Bengal—Reserv-ed—Sch. Castes) : I have to say something on clauses 7 and 8.

**Shri Kamath :** I would like to speak on clause 7.

**Mr. Deputy-Speaker :** In that case, I shall put clauses 3 to 6 to vote.

The question is :

"That clauses 3 to 6 stand part of the Bill."

*The motion was adopted.*

*Clauses 3 to 6 were added to the Bill.*

**Clause 7.—(Amendment of Section 12)**

**Shri Barman :** In clause 7, it has been provided that :

"In section 12 of the principal Act, the words and figures 'section 6, section 9 or' shall be omitted."

The reason for this has been given in para 9 of the Report of the Select Committee, and it is as follows :

"The Committee feel that there will be hardly any occasion before the next general elections, for altering or amending any order delimiting existing parliamentary or assembly constituencies formed under sections 6 and 9 of the principal Act and therefore references to these sections may be omitted from section 12."

My submission is that first of all it is not contemplated that these two sections referred to in section 12 which gives the power to the President to make any amendments to the orders under sections 6 and 9 are only a temporary proposition. The provision in the main Act has been put in there for all time to come, that is, so long as this Act stands. I do not therefore find any

reason now to omit reference to these two sections from section 12 of the principal Act."

There may arise exigencies or occasions when it may be necessary to make some alteration in the delimitation of constituencies. Therefore, there is an overwhelming need for this provision. Secondly, as a result of the States reorganisation that will come into effect in the near future, there will arise occasions when it will be necessary to alter the delimitation of constituencies, both of Parliament and of the assemblies.

Therefore, there may be necessity of it in the near future because if constituencies are reorganised before the next general elections come, occasions will certainly arise for delimiting constituencies again or making changes in the constituencies that have already been delimited under sections 7, 6 and 9. So I do not find any reason to eliminate sections 6 and 9 from the operation of section 12 and take out the power of the President under that. I hope the hon. Minister will explain the position.

**Shri Kamath :** I would like to support the point of view that has been set forth by my hon. friend, Shri Barman, and also briefly referred to by me yesterday. I had given notice of an amendment in this context, but apparently because it sought to negative this clause, it is not in the list. I had suggested that clause 7 be omitted from the Bill. So it does not find a place in the list on the ground that my amendment sought to negative the clause. I really do not see any reason why the reference to sections 6 and 9 should be omitted because, as I said yesterday, if the States are reorganised, not merely the parliamentary constituencies but also the Assembly constituencies, where a district or taluk or tehsil has been broken up, will be equally affected, and there will be need to alter or amend the Parliamentary as well as the Assembly constituencies. Of course, the Minister, replying to this argument yesterday, said that the Committee proceeded on the assumption that there would be no change in the *status quo* with regard to the set up of States in India. But I believe it should be taken for granted that there will be some change, if not at the end of this year, but certainly before the next general elections, whether they come in 1957 or 1958 or even later. Nothing is gained by deleting the reference to these two sections in section

12 of the principal Act. I would like to know from the Minister what exactly is gained by it. I believe nothing will be lost by retaining the reference to sections 6 and 9 in section 12. I would, therefore, suggest that clause 7 of the Bill which seeks to delete the reference to sections 6 and 9 in section 12 of the principal Act be omitted. I commend this proposition to the acceptance of the House.

**Shri Pataskar :** There appears to be some misunderstanding. Clause 7 of the Bill proposes that the reference to sections 6 and 9 in section 12 of the principal Act be deleted. Section 6 gives the power to the President to delimit parliamentary constituencies. Section 9 similarly gives that power to the President to delimit the Assembly constituencies. The position was that at the time when the 1950 Act was passed, the delimitation of constituencies in a proper manner could not be expected to be completed immediately. Therefore, as was done in many other matters, power was given to the President by these sections to delimit constituencies. Subsequently, in 1952, we passed the Delimitation Commission Act, and on the basis of that Act, constituencies have now been delimited both for the purpose of election to Assemblies and for the purpose of election to Parliament.

Now, so far as the general elections, to which my hon. friend, Shri Kamath, made a reference, are concerned, the delimitation has been done so far as matters stand now, and it was done under that Act. Therefore, in between the present constituencies will continue as they are. That is what is expected, because when the general elections come, that will be more or less on the basis of the delimited constituencies. Now, let us suppose that in the meantime States reorganisation comes—I would like to elaborate this point a little further because yesterday I was only replying shortly.

**Shri Kamath :** Very good.

**Shri Pataskar :** Suppose States reorganisation necessitates delimitation of certain Assembly or Parliamentary constituencies. The best thing will be not to proceed under this power of the President which was temporarily given to him, but to proceed under the Delimitation Commission Act, if necessary, even by making some amendments to it. Therefore, I said yesterday that the Select Committee proceeded on this

basis that at the present moment we do not know the exact shape of things so far as the question of States reorganisation is concerned, and even when it is done, what may be required is not that all the Assembly constituencies throughout India will have to be changed but there might be some change in some parts. I think that could better be done not by resorting to these two sections—sections 6 and 9—which in their very nature, intention and object are of a temporary character, but by taking suitable action under the Delimitation Commission Act. Of course, if it becomes necessary to make any amendment, it should better be done in the Act itself so that there will be uniformity in respect of the work regarding delimitation. It is solely from that point of view that the Select Committee has done it. I hope hon. Members will appreciate that they thought that we need not continue to burden this Act with sections which were intended to fulfil only a temporary purpose and for which there would now be no use so far as the Select Committee could think. So I think hon. Members will agree that the reference to sections 6 and 9 in section 12 has been rightly omitted.

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

"That clause 7 stand part of the Bill."

*The motion was adopted.*

*Clause 7 was added to the Bill.*

*Clause 8 was added to the Bill.*

**Clause 9.—Insertion of new Parts II-A**

*and II-B*

**Shri Sadhan Gupta** (Calcutta South-East) : I beg to move :

(1) Page 2, for lines 21 to 24 substitute :

"(1) The Election Commission shall appoint a chief electoral officer for every State."

(2) Page 2, lines 32 to 35 :

for "who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf", substitute "who shall be appointed by the Election Commission".

(3) Page 2, lines 32 and 33—

omit "or of a local authority".

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

Page 3, line 11—

for "much" substitute "many".

**Shri Krishna Chandra** (Mathura Distt.-West) : I beg to move :

Page 2, line 31,—

after "revised" insert "subject to the control of the Chief Electoral Officer".

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

(1) Page 2, for lines 21 to 24, substitute—

"(1) The Election Commission shall appoint a chief electoral officer for every State."

(2) Page 2, lines 32 to 35—

for "who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf," substitute "who shall be appointed by the Election Commission".

(3) Page 2, lines 32 and 33—

omit "or of a local authority".

(4) Page 3, line 11,—

for "much" substitute "many".

(5) Page 2, line 31,—

after "revised" insert "subject to the control of the Chief Electoral Officer".

**Shri Sadhan Gupta :** The amendments I have moved are designed to provide an independent machinery for the registration of electors. By my first amendment, I seek to provide that the Chief Electoral Officer shall be appointed by the Election Commission and not designed or nominated by the Election Commission from amongst officers of the Government. As you had pointed out yesterday, the use of the word 'designate' or 'nominate' would necessarily mean that the officer concerned would be an officer who was working in that State: otherwise, it would be idle to designate or nominate an officer who was not working in that State, and so could not be drafted in as a part-time servant. I am quite aware of the objection that the work may not be enough.

**Mr. Deputy-Speaker :** He may be a Central Government servant working

in the State and can be designated with the consent of the Centre.

**Shri Sadhan Gupta :** He can be designated with the consent of the Central Government; that is true. But our experience is that in these cases mostly officers of the State Government are designated and for good reason, because it is these officers that are connected mostly with administrative work and they are seized upon for the purpose of acting as Chief Electoral Officers. The duties entrusted to them are duties which are more appropriate to officers of State Government and, therefore, officers of State Governments are so appointed or designated for this purpose. Therefore, for all practical purposes, I think, we can assume that they will more often than not be officers of the State Government. Anyhow, whether they are officers of the State Government or the Central Government, it is a fact that they would be officers of the executive authority and will not be strictly independent officers. In cases where there is a tussle between rival groups—the ruling party and the opposition party—in the matter of registration of electors, where there will be pockets which will be opposed to Government, as I have pointed out yesterday, there is some chance of these officers being tampered with by the executive authority if it is interested enough and if the executive authority seeks to bring pressure on the officers concerned, it will be very difficult for them to resist. Therefore, the Chief Electoral Officer and the Electoral Registration Officer should be officers of the Election Commission and not of the Government at all.

I am quite aware, as I said, of the fact that enough work may not be found for them to occupy them whole time. But, if that is the case, I would rather suggest that people may be engaged on a part-time basis, people who are not government servants may be engaged on a part-time basis by the Election Commission or, if that is thought undesirable, then, for the sake of a good and independent registration machinery I would even accept the position that they should be appointed to do less work rather than, for the sake of economy, take officers of the Government who may be subjected to pressure. After all this registration is a very important matter. It is connected with a very vital matter. Therefore, the independence should be secured in preference to all other considerations.

With the same object in view, I have tabled amendment No. 16 which seeks to empower the Election Commission to appoint the Electoral Registration Officer also. The Chief Electoral Officer is entrusted with the supervision of the preparation of the electoral rolls and the Electoral Registration Officer is directly responsible for the preparation of the electoral rolls. So, these officers should be as independent as possible of the executive pressure.

My third amendment, amendment No. 17, is moved with the very same purpose but with a less ambitious object. If I fail in both of my other amendments, then I would recommend my third amendment which is designed to exclude officers of local authorities. As I pointed out already, local authorities in our country are not all reliable; they are not all even democratically elected. Therefore, it is very unsafe to entrust the officers of local authorities with the task of preparation of registers of electors.

**Shri Kamath :** I will confine my remarks mainly to the proposed section 13 D as per clause 9 of the Bill. We have already rule 23 in the old rules framed under the principal Act, that is, the Preparation of Electoral Rolls Rules, 1950. Rule 23 deals with this matter. I, therefore, do not see why we should have this new provision here in view of the fact that a rule dealing with this matter is already in force. It is on page 163 of the Election Manual. This, perhaps, makes it a little more explicit. This rule is in force, and one of the grounds on this basis raised by my opponent in my election petition case was rejected by the Tribunal and the superior courts, precisely because this rule applied to that matter. "It shall be lawful to combine the preparation and publication....

**Mr. Deputy-Speaker :** There is an explicit provision here in the Bill.

**Shri Kamath :** I said in view of this it is perhaps unnecessary.

**Mr. Deputy-Speaker :** It must be there in the Act. The Act gives the power to frame rules.

**Shri Kamath :** The rules have also got statutory force according to the interpretation of the Supreme Court.

Coming to my amendment, which is a minor one, it deals only with a linguistic or verbal aspect of this provision.

The new section 13 D says in line 2, the electoral rolls of so much of the assembly constituencies.... I think the word 'much' is not correct. My amendment is to the effect that the word 'much' should be replaced by the word 'many'. You do not say so much constituencies, you say so many constituencies as are in the Parliamentary constituency.

**Shri Ramchandra Reddi (Nellore) :** May be a part of the constituency also.

**Shri Pataskar :** I will try to explain it. Supposing there are 7 constituencies of an assembly and we have a certain basis on the population and it may be that instead of 7 there may be 6 full constituencies and a certain part of the seventh constituency. That is why the word 'much' will be more useful. If you use the word 'many' then it will mean only full constituencies.

**Shri Kamath :** So far as I am aware a parliamentary constituency is a multiple of assembly constituencies, 5, 6, 7 or 8. In Madhya Pradesh it was 8.

**Shri Pataskar :** As far as possible we stick to it. But if it becomes necessary in a particular case, then, the word 'much' has to be used.

**Mr. Deputy-Speaker :** When it is a parliamentary constituency it may mean so much and if it is an assembly constituency it may be so many. Therefore as between one constituency and the other so much within itself. The singular includes the plural but so much will not be covered by the use of so many. That is why 'much' is used in the place of 'Many'. Even though 'many' is not used. When one constituency can be touched, other constituencies may also be touched. After all, it is the language that should be the handmaid to our expression.

**Shri Kamath :** Then, I have just one other remark and that is with regard to the proposed section 13-A, sub-section (2). In view of the fact that in this Bill subsequently—I would refer the hon. Minister to clause 24 on page 7—the Select Committee has deemed it fit to amend the provision and include correction along with revision, here also there must be a similar amendment. There must be a chief electoral officer to supervise the preparation, revision and correction of electoral rolls. Although I have not given notice of an

[Shri Kamath]

amendment in this regard, if it is acceptable to the House, it may be incorporated in sub-section (2) of section 13-A, so that it may read—

"Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act."

**Shri Ramachandra Reddi :** As regards the amendment moved by Shri Sadhan Gupta, I am afraid he has not been able to look into the difficulties, mainly administrative, when these electoral officers are to be selected. As a matter of fact, no provincial officer can be appointed without consulting the Local Government. The amendment suggested by Shri Sadhan Gupta seeks to empower the Election Commission to appoint any body straightaway either from the Central Government Secretariat or from the Local Government Secretariat. If it is a matter of appointing a competent person for the purpose, the Commission must consult the Local Government and find out the most competent person for the purpose. Otherwise, the Local Government will be absolutely incapacitated from choosing the proper person for the particular purpose. The objection seems to be that Local Governments are likely to choose their own officers and as such they will be very partial to the government in power at that particular period. But the usual procedure is that a senior officer of the Government, preferably an I.C.S. or I.A.S. officer will be chosen for the purpose. They belonging to all India Services, one should not be too much suspicious of their capacity of being impartial. I, therefore, oppose the amendments that have been given notice of and spoken about by Shri Sadhan Gupta.

It is, on the other hand, very safe to consult the Local Governments and find out the most proper person suited for the purpose. As regards the local authority being consulted by the Election Commission for choosing a competent officer, especially in corporations like Madras, Bombay and Calcutta, the local authority would be more competent to take charge of the preparation of the electoral rolls than anybody chosen at random by the Election Commission. It is always not safe to suspect

everybody either in the local authority or Local Government. On the other hand, it is quite safe to entrust such important matters to persons who know the subject well, who are acquainted with the locality and who will be able to understand and discharge the duties more properly.

With these remarks I oppose the two amendments given notice of by Shri Sadhan Gupta.

**Shri V. G. Deshpande :** I rise to support the amendments moved by my hon. friend Shri Sadhan Gupta. I think these amendments are very important from the point of view of the efficient functioning of democracy in this country. I must very frankly admit that the way in which the Election Commission has functioned in this country has really done credit to our election law, and their independence and impartiality have been above reproach during the last general elections. But at the same time I must say that that cannot be said of the machinery which worked under it within the States. Particularly the returning officers and other lower officials, including the electoral officers, cannot be given the praise which was bestowed upon them by our hon. Minister for Legal Affairs. I think he completely missed the point when he said that there is difference between the bureaucracy in the old regime and the bureaucracy in this democratic regime. I know there is difference, but the difference is that the bureaucracy under the old despotic rule knew that it could act impartially and nobody would touch them, when the bureaucracy has to work under Ministers who are not above reproach. I do not blame the officers, lower or higher and I know they are in an embarrassing position. There are Ministers who would remove the officers, who would not give them promotion, and who would not put them in positions of higher responsibility, and so the officers are put in an embarrassing position.

We have come across instances where the electoral officers have acted with partiality. Complaints were made, but they were also decided by the Local Government, and, therefore, we could not get justice. Had the other Bill been brought before us at the same time, the duties and functions of these chief electoral officers would have been discussed. Therefore, I want that in a democracy, just as for the protection of the rights of the individual from the

oppression of the democratic imperialism, an independent judiciary is necessary. At the same time, it is my firm opinion that for the efficient functioning of democracy and also for the efficient functioning of the election machinery, it is absolutely essential that just as we have got the Election Commission, an independent and impartial body which has evoked admiration from all quarters, at least in every State there should be one officer who can supervise, co-ordinate and see that all the work of electioneering is carried on in an impartial manner. And if this has to be achieved, I would go a step further and say that the Election Commission should have its own cadre and appoint electoral officers in every State from its own cadre. If that cannot be done, they may choose any judicial or administrative officer from a State and he should be appointed and not nominated or designated as provision has been made for in this law. What happens is that an Under Secretary or Secretary is designated or nominated as a chief electoral officer and is not appointed. We want that the Election Commission should appoint an independent officer to be a chief electoral officer. I am not much worried whether he will have enough work or not. If he has not enough work, we are prepared to pay the price so that the elections may be free and fair, and it is not a very great matter, according to me. If you have to appoint officers who have not got enough work, even at that cost, we have to see that the Election Commission appoints officers whose impartiality is above suspicion. Here it is not a question of suspicion in our minds. We know it. These officers think that they are going to work under these Ministers. Unfortunately in our country, just as in England, the opposition parties are not strong enough for an officer to be afraid that tomorrow these Ministers may go away and others may come. Lectures may be given but they think that these are the Ministers who are going to continue even after the next elections.

**An Hon. Member:** What do you think?

**Shri V. G. Deshpande:** My own wish is different. (*Interruptions*) Election boxes are in the hands of chief electoral officers whom I want to be appointed by an impartial agency. My own feeling is that, particularly when the opposition parties have not been developed in this country, we should see

that the election is conducted properly and the Election Commission should be authorised to appoint the chief electoral officers.

**पंडित सी. एन. मालवीय (रायसेन) :** आज श्री देशपांडे ने कलाज ६ में श्री साधन चन्द्र गुप्त के अमेंडमेंटके सिलसिले में जो तकरीर की है और कल भी कनसिडरेशन स्टेज में श्री वसू ने जो तकरीर की, उन में उन्होंने डेमोक्रेसी का नाम लिया है और डेमोक्रेसी के नाम पर उस अमेंडमेंट का समर्थन किया है। लेकिन मैं देखता हूँ कि वे डेमोक्रेसी के बुनियादी उसूल की ही मुख्यालिफत करना चाहते हैं। अगर डेमोक्रेसी का मतलब इन्सानपर यकीन करना है, तो सब से पहले वह इन्सान पर यकीन ही नहीं करते—वह उस की बुनियाद ही सन्देह और शको-शुब्दा पर डालते हैं। मेरी समझमें वह बात नहीं आती कि अगर इलैक्शन कमीशन किसी आफिसर को डेजिगनेट या नामिनेट करे या उस को एपायंट करे, तो उस आफिसर की ईमानदारी या गैर-ईमानदारी में कैसे फ़र्क पड़ जायेगा। मैं समझता हूँ कि ईमानदारी किसी हद तक एक इन्सान की इन्सानियत पर—मनुष्य के कैरेक्टर पर—निर्भर करती है। यह कितने आश्चर्य की बात है कि अगर किसी आफिसर को इलैक्शन कमीशन मुकर्रर कर देगा, तो उस में ईमानदारी आ जायेगी, लेकिन अगर उस को गवर्नर्मेंट के कन्सल्टेशन के बाद मुकर्रर किया जाता है, तो वह ईमानदार और इण्डिपेंडेंट नहीं हो सकता है। इस प्रकार अपनी शिकायतों को सामने ला कर उस के बहाने एक उसूल की मुख्यालिफत करना मेरी समझ में नहीं आया है। अगर एक आफिसर, जो एक जिम्मेदार जगह पर काम कर रहा है, कोई बैईमानी करता है या किसी के असर में प्राप्ता है, तो वह तो आफिसर रहने के काबिल ही नहीं है—उस को चाहे कोई एपायंट करे या नामिनेट करे। हम सब जानते हैं कि इलैक्शन कमीशन जिस आफिसर को गवर्नर्मेंट के कन्सल्टेशन से डेजिगनेट या नामिनेट करेगा, वह तो इलैक्शन

के काम को सिफ़ सुपरवाइज़ करेगा और इलैक्ट्रो-रोल्ज को तैयार और रिवाइज़ करवायगा। वह स्वयं हर जगह नहीं जायगा और उस को जगह-जगह पर काम करने के लिये आफ़िसर्ज मुकर्रर करने होंगे। इस का मतलब तो यह होगा कि उन आदमियों का एक नया कैडर बनाया जाय और एक नई किस्म के सब आदमी रखे जायें, जो कि मेरे स्थाल में प्रैक्टिकली भुमकिन नहीं हैं।

उन की दलीलें और उन की बुनियाद इतनी कमजोर हैं कि इस अमेंडमेंट को हरणिज़ नहीं माना जाना चाहिये। देशपांडे जी ने कहा कि हम इस का पूरा स्वर्च देंगे—वी आर प्रिपेयर्ड टु पे दि प्राइस। आखिर वह कितनी प्राइस पे करेंगे? एक तरफ तो वह कहते हैं कि इन मिनिस्टर्ज का दिमाग काम नहीं करता और वे सेक्रेटरीज़ और आफ़िसर्ज के हाथों में खलते हैं और दूसरी तरफ कहते हैं कि हम को स्टेट गवर्नमेंट के मुकाबले में आफ़िसर्ज पर ज्यादा विश्वास है। इस समय उन की कौन सी बात मानी जाये? यह माना जाये कि आफ़िसर्ज अपनी जगह मजबूत हैं या यह माना जाये कि मिनिस्टर्ज मजबूत हैं। इस लिए मैं इस अमेंडमेंट की मुख्यालिकत करता हूँ। इस क्लाऊ को इसी रूप में पास कर देना चाहिये। अगर आफ़िसर्ज को डेजिनेट या नामीनेट करने के बजाय एपायंट किया गया, तो एक नया कैडर, एक नया डिपार्टमेंट और एक नई मशीनरी पैदा करनी पड़ेगी। हम को इतने आदमी नहीं मिल सकते हैं कि हम यह पूरी मशीनरी नये सिरे से तैयार कर सकें। इसलिये एक बिल्कुल प्रैक्टिकल पायंट आफ व्यू से यह क्लाऊ इसी शक्ति में पास की जानी चाहिये।

**Shri S. S. More (Sholapur):** I have seen the amendments moved by my friend Shri Sadhan Gupta and I wonder whether the acceptance of these amendments will remove the grounds on which certain apprehensions are entertained with some justification even by the Members of the Opposition. If we

go through the law of England we find that the electoral machinery is composed of not only Government officers but even non-officials who are respected by all parties concerned and the elections are run in a fair manner with justice to all. What is the secret of their running this whole machinery in such a smooth manner without any friction. It is because all the parties there had developed enduring confidence in the working of democracy. Therefore, it is not only the Government which is expected to be responsible but even the opposition is supposed to be responsible to some extent to the electorate in the country.

I could see that the Government officers were human beings and when they got an impression that a certain thing done to the advantage of a party in power may bring them some benefit or may keep them away from some harm it would be quite natural for them to toe the line of Government and act in such a manner that might give an impression to the opposition that they were acting for the advantage of the party in power. Is there any guarantee that the present party in power will remain so for all times that many of the Members are banking that they will remain in power till eternity. If we take into consideration what happened in connection with the SRC report and several other Government proposals there will be many who will be saying that in some provinces Congress will be a weakening force—a force which will be tottering on its last legs—and some of the Opposition parties may come into power. It may come into power. It may be unpalatable to certain parties but those who are lovers of democracy will say that such a change ought to come. The electorate, according to the elementary principles of democracy, must have always two choices before them—either party A or party B. I am not playing the part of a political astrologer but it is quite natural according to the free working of democracy and the forces which are released by democracy that some other parties may come to power in some of the States.

**Shri M. S. Gurupadaswamy (Mysore):** Next time itself.

**Shri S. S. More:** If some parties are bound to come to power, it is quite possible that when the Election Commission is acting in consultation with the State Government of those

States, the officers may be recommended by the State Governments for being appointed or designated or nominated by the Election Commission who may be favourable to that particular party in power at the Centre or at the State though the party in power at the Centre may be a different party. It is quite possible that the electoral officer who is to supervise the preparation, correction and revision of the electoral rolls and other arrangements may be between the devil and the deep sea—one party may be in office at the Centre and another in office at the lower level, State level. This conflicting force working upon him will ensure his impartial acting.

**Shri V. G. Deshpande :** False position.

**Shri S. S. More :** My friend says that it is a false position. I know Shri Deshpande is a better judge of false position. (*Interruption*). But my feeling is that the best course for the opposition parties and those who have a faith in democracy is not to find fault with an electoral officer here or other subordinates there but to develop a strong and united Opposition in the country itself so that there shall be a nice balance of power and the officers will be able to judge that if they are trying to be favourable to a particular party it is quite likely, more than 50 per cent. likely, that the party may be challenged in its power by some other party which is also developing equal strength. If that sort of an assurance is conveyed and if those conditions are created by which this sort of fear will operate on their minds then automatically the smooth working, the impartial working of the whole machinery shall be guaranteed to us.

12 NOON.

Sir, I have some experience of the opposition parties in this country. Unfortunately, the opposition parties are more rigid, more orthodox and more loving to live in isolation to each other than an orthodox person belonging to a caste which is supposed to be a superior caste. It is for the opposition parties to come together. There are trends that way. Some of the parties are carrying on talks to develop one united group. When there are no ideological differences I think, in the interest of democracy, it is to our advantage to see that the Opposition is united on a class basis, on one uniform ideology

so that we can give an effective challenge to the party in power either at the central level or State level. Unfortunately it is not the electoral officers who are helping the party in power to which you have the honour to belong but dissensions among the Opposition Group. We are playing to the advantage of the party in power. We put in so many candidates with the result that the votes are split up. I will give you the figures given by the Election Commission. 45 per cent. of the voting was given to the Congress. Out of the total electorate only 51 per cent. went to the polls. Out of this 51 per cent. only 45 per cent. voted for the Congress and as far as Parliament is concerned with 45 per cent. of the voters going to the polls the Congress was given 74 odd as the number of seats that they captured. That is, the minority of voting is given the majority of seats and the party in power does not represent the majority of the electorate voting in the country but only 45 per cent. of the 51 per cent. of the total electorate. The whole electoral system is responsible for this and not the electoral officer.

So, two things are necessary. We must have a complete overhauling of the electoral system in this country. I may make a request to you, Sir, and through you to the Speaker to take the initiative because in England whenever the electoral system had to be reformed the Speaker took the lead to appoint a committee. In 1918 the Speaker appointed a committee and a conference was held of that committee to make certain suggestions. In 1924 another Speaker took the initiative and appointed a committee and the Speakers' Conference made certain suggestions by way of recommendations to the Government. In 1944 another Speakers' Conference was held and they subjected the whole electoral system to a detailed scrutiny. They made certain positive suggestions for being adopted by the Government.

I therefore, say that all these things ought to be kept above party level and it is the function of the Speaker. I would say on the analogy of what has been done in England, to take the initiative in this matter, take all the members of the different opposition parties into confidence and have a conference in which this whole problem of electoral reform shall be more thoroughly and adequately gone into so as to ensure that our electoral system

## [Shri S. S. More]

shall see that the majority opinion in the country is properly reflected both in the Centre and the States. I would, therefore, earnestly tell the hon. Members of the Opposition that they are placing a wrong emphasis when they draw the electoral officers over the fire of criticism by saying that they are likely to be favourable here or favourable there. In this particular Bill they are concerned only with the preparation of the roll. The final judgment is with the electorate. The electoral officer has no influence on the electorate. Simply because A is enrolled on the register that does not mean that the officer who has enrolled A on the register has influenced on the voter himself.

Therefore, I would say that all of us, in the interest of democracy, should rise above party considerations, some immediate considerations advantageous here or disadvantageous there, and try to hold a democratic machinery which will convey satisfaction and complete confidence to the future generation.

**Shri Krishna Chandra :** Sir, in this clause the chief electoral officer, the electoral registration officers and the assistant electoral registration officers have been vested with the responsibility of preparing and revising the electoral roll. It has been laid down in section 13A (2) that the chief electoral officer has to supervise the preparation and revision of the electoral rolls. Then, the assistant electoral registration officers have to work subject to the control of the electoral registration officer as laid down in section 13C(2). Now, by oversight it has been left out that the preparation and revision of the electoral roll which has to be done by the electoral registration officers under section 13B(1) will be done subject to the control of the chief electoral officer on the lines of the provision made in section 13C(2) that the assistant electoral registration officers shall work subject to the control of the electoral registration officer. My amendment is.....

**Mr. Deputy-Speaker :** Is it not covered by section 13A(2) which says: "the chief electoral officer shall supervise the preparation and revision of all electoral rolls"?

**Shri Krishna Chandra :** That is there, but I want it to be more specific. Whereas these assistant electoral registration officers will be subject to the

control of the electoral registration officers it has not been laid down anywhere whether the electoral registration officers will be subject to the control of the chief electoral officer. These officers are all to be appointed by the Election Commission and it has been clearly laid down that the assistant electoral registration officers will be subject to the control of the electoral registration officer. It has not been laid down whether the electoral registration officers will be subject to the control of the chief electoral officer. There is a general clause that he will supervise the preparation etc., but I want that this should be specifically laid down.

**Mr. Deputy-Speaker :** There is an appeal to him provided in certain cases. If they are subject to control then how can the appeal once again be made to him?

**Shri Krishna Chandra :** There is only a general provision that he will supervise.

**Shri Barman :** Sir, I could not follow the hon. Members who had said that the Election Commission should directly appoint the chief electoral officer or, of course necessarily, the second grade of officers, that is the electoral registration officers also. These two classes of officers are to be appointed out of the officers of the Government may be of the State so far as the chief electoral officer is concerned, but necessarily of the State so far as the electoral registration officers are concerned.

The suspicion of some hon. Members is that, being officers of the Government they will be influenced by the Ministry. I do not know how the Ministry can tell the officers or give them instructions to compile the electoral roll in such a way that only persons who support the party in power will be registered and not others. It is an impossible proposition. Even to suppose or suspect that is nothing but something extraordinary. The main objection is that the chief electoral officer is to be designated or nominated out of the officers of Government. But, in order that we may provide something in the law we must see as to its practicability. If the Election Commission sitting at Delhi were so omniscient as to call out persons from each and every State, who are not officers of Government and who will be, according to their satisfaction, impartial persons and be impartial to the Government and the Opposition—even

taking it as granted—we have to see whether the outsider who is being appointed as the chief electoral officer will be able to perform his duties with the help of the persons such as the registration officers, the assistant electoral officers, etc. He must be a person who can command respect. We shall have to see to the practicability of the matter. He, though being an outsider, will have to work with the assistance of the Government officials, because we cannot suppose that the Election Commission will appoint a host of persons from the chief electoral officer down to the assistant electoral officers and others, so that the entire machinery may have no connection with the Government. If we have, out of necessity, to take the help of Government officials at any level, then the chief electoral officer sitting at the top cannot revoke the suspicion from the minds of my friends there that everything is done without any favour this way or that way.

Apart from this consideration, this is simply a compilation of the electoral rolls. The main business remains later on, when the main election will commence. What will be the suggestion of my friends in the case when the elections come? Who will conduct the whole elections? It is a vast machinery that is required for the purpose. Do they propose that all the persons, from the top down to the lowest personnel, who will be entrusted with the election work will be appointed by the Election Commission and will be paid or out of the public coffer because of the suspicion that they cherish, namely, that any Government officer being included in that machinery will not do justice to all the parties equally? I think that is a proposition which is impossible. A separate machinery completely outside the Government cannot conduct the election of the nature that we see in a country like India. That will involve a vast expenditure. The machinery itself will not be possible to be evolved and there is no guarantee that if the Election Commission sitting here can select only impartial persons all over India, all the persons selected by them or engaged by them will all be impartial persons. So, this is a proposition which is carried to the extreme and it is nothing but fantastic. When we have the experience of the last general elections for which even Members of the Opposition have nothing but praise, they will have nothing

to fear in this respect. We do not like to involve the country in an expenditure that is unnecessary. They are evolving and proposing a method which to my mind will not be practical for the Election Commission itself to function in the way which my hon. friends want the Commission to function.

**Mr. Deputy-Speaker :** I thought Pandit Thakur Das Bhargava wanted to speak and, in fact, I called him before I called Shri Barman. Evidently he was preoccupied.

**Pandit Thakur Das Bhargava (Gurgaon) :** I stood up, Sir.

**Mr. Deputy-Speaker :** He was conversing with his next hon. Member. He is an elderly gentleman of the House. Their talk inside the House disturbs the House and also disturbs hon. Members. Pandit Thakur Das Bhargava will proceed with his speech now.

**पंडित थाकुर दास भार्गव (गुरगांव) :** जनाब डिप्टी स्पीकर साहब, अभी जो बहस हो रही है, उस बारे में यही दो बातें श्री एच० एन० मुकर्जी और श्री एस० एस० मोरे के नोट्स में थीं, जिन पर कि इस समय बहस हो रही है और वहां पर मैं ने कहा कि क्यों सेलेक्ट कमेटी ने यह पसन्द नहीं किया कि एक एलेक्टोरल अफिसर ऐसा बने कि जो बिल्कुल इंडिपेंडेंट हो और सारे का सारा कैडर ऐसा बन जाय जिस का कि किसी किस्म का ताल्लुक गर्वनमेंट से न हो :

**Shri S. S. More :** May I correct the hon. Member? I have made not suggestion regarding this clause.

**Pandit Thakur Das Bhargava :** I know I have referred to the second point also on which he has spoken. I mention that there are two points here.

सेलेक्ट कमेटीमें भी यह सवाल उठा । मैं यह अर्जन नहीं करना चाहता कि, किस ने उठाया और किस ने उस पर बहस की, लेकिन यह सवाल वहां पर उठा और इस पर बहस हुई और यह फैसला लिया गया जो सेलेक्ट कमेटी ने दर्ज किया है । इस के बारे में जो बहस हुई है वह बड़ी बाजे बहस हुई है और हर

## [पंडित ठाकूर दास भार्गव]

उत्तम के ऊपर बहस हुई है। उन में से चन्द एक उत्तम तो ऐसे हैं जो इस बहस से ताल्लुक नहीं रखते हैं। श्री एस. एस. मोरेकी जो बहस में सुनी वह बड़ी आला दर्जे की बहस थी, लेकिन मुझे अफसोस है कि इस पाइंट पर जो खास पाइंट है उस से वह बहुत कुछ तजाबुज्ज कर गये लेकिन उन का जो नतीजा था वह बिल्कुल दुरुस्त था और मैं उन के साथ बिल्कुल सहमत हूँ।

श्री देशपांडे और श्री साधन गुप्त ने फरमाया कि हम यह चाहते हैं कि एलेक्टोरल अफिसर बड़ा इंडिपेंडेंट होना चाहिये और जो किसी लोकल गवर्नरमेंट और गवर्नरमेंट आफ इंडिया से ताल्लुक न रखे और उस के मातहत भी जिसने अफसरान हों उन को लेकर एक ऐसा अलहिदा केंडर बन जाय जिस का किस्म का ताल्लुक गवर्नरमेंट से न हो। मैं अदब से अर्ज करूँगा कि हम ने अपने कांस्टिट्यूशन में एलेक्शन कमीशनर को और एलेक्शन के महकमेंको एक तरह से अलहिदा और बड़ी अकलमंदीके साथ अलहिदा रखा। अगर उस को अलहिदा न रखते तो बहुत सारे झगड़े पैदा होते और यह कहा जा सकता था कि फलां पार्टी का उस पर असर है लेकिन जब वह महकमा अलहिदा है और एलेक्शन अफिसर अलहिदा है और उन की सुपरिनेंडेंस, कंट्रोल और डाइरेक्शन के मातहत यह एलेक्टोरल रोल्स बनेंगे तो मुझे कोई शब्दहा नहीं है कि वे एलेक्टोरल रोल्स सही होंगे।

इस के अलावा यह सिर्फ अपोजीशन पार्टीज या कांग्रेस पार्टी का ही फर्ज नहीं है कि एलेक्टोरल रोल्स को दुरुस्त बनायें बल्कि यह हर एक गवर्नरमेंट वर्ष दी नेम का फर्ज है कि हर एक आदमी का—जो वोट देने का हकदार हो, उस का नाम वोटर्स लिस्ट में मौजूद हो। यह एलेक्शन कमिशनर का फर्ज है कि हर एक वोटर का नाम, जिस को वोट देने का हक हासिल हो मतदाता-सूची में आ जाय।

उस के अन्दर जो इनसिनुएशंस किये गये हैं कि शायद रॉलिंग पार्टी ऐसा करे कि ऐसे आदमियों के नाम न आने दे या कोई और किसी तरह का अन्धरहैंड हथियार इस्तेमाल करे, वह मुनासिब नहीं थे और इस किस्म की क्रिटिसिज्म नामुना-सिब थी और वाक्या और हकीकत यह है कि जो पिछले चुनाव हुए वह बड़े फेयर, और की हुए और जिन्होंने आज इस तरह की क्रिटिसिज्म की है उन मेरे दोस्तों ने भी इतनी कामयाबी के साथ चुनाव करने के लिये एलेक्शन कमिशनर को ट्रिब्यूट किया है और उस ट्रिब्यूट में मैं उन के साथ शामिल होता हूँ। जहां तक एलेक्शन कमीशन का ताल्लुक है, उन का काम निहायत अच्छा रहा है और उन से जो उम्मीद रखी गई थी उस को उन्होंने पूरा किया है। यहां पर इस तरह का सवाल उठाना कि यह जो एलेक्टोरल रोल्स बनाने का काम है, इस के अन्दर कोई पोलिटिकल इन्फ्लुएंस आने का इमकान है, उस के बारे में मैं बड़े अदब से अर्ज करूँगा कि इस देश के बास्ते यह बड़ी शक्ति बदकिस्ती की बात होगी अगर कोई पार्टी भी इस किस्म की कोशिश करे कि जिस आदमी को वोट देने का हक हो वह वोट का हक इस्तेमाल करने से महरूम हो जाय और मैं समझता हूँ कि ऐसा अपोजीशन पार्टीज भी नहीं चाहती और कांग्रेस पार्टी तो कर्तव्य यह नहीं चाहती।

जहां तक अपोजीशन पार्टीज का सवाल है, उन्होंने अब तक जैसा कि मालूम होता है, एलेक्टोरल रोल्स के दुरुस्त कराने में बहुत ज्यादा हिस्सा नहीं लिया है। हमारे मुकर्जी साहब ने नोट दिया और यह शिकायत की कि दरअस्त उन का को-आपरेशन नहीं सीक किया गया। इस तरह के इन्सुएशन हुए, साधन गुप्ता साहब ने भी तकरीर की और कहा कि उम के साथ पूरी तरह से कोआपरेशन नहीं किया गया। मैं अर्ज करना चाहता हूँ कि यह तो एक नान-पार्टी क्षेत्र है फिर हर एक वोटर को उस का हक मिले। गवर्नरमेंट और आपोजीशन पार्टीज

दोनों का ही फर्ज है कि जहां तक बोटिंग का सवाल है वह कोई भी पार्टी पालिटिक्स म आने दे । हर एक आदमी जो हैसियत रखता है बोट देने की उस को उस का भौका दिया जाय ।

इस में कोई शक नहीं है कि सेलेक्ट कमेटी ने इस बारे में यह अर्ज किया था कि आनरेबल मिनिस्टर साहब यहां पर कोई ऐश्योरेन्स दें, लेकिन यह तो सिर्फ ऐबंडेंट काशन की वजह से था वरना इस की कोई जरूरत नहीं है कि इस तरह का ऐश्योरेन्स आनरेबल मिनिस्टर साहब दें । क्योंकि पिछली दफ़ा इस तरह की कोई शिकायत नहीं थी कि सब का कोआपरेशन नहीं लिया गया । मैं इस बात को अच्छी तरह से जानता हूँ कि पूरा कोआपरेशन सब से लिया गया है । असलियत यह है कि इस बारे में किसी किस्म के ऐश्योरेन्स की जरूरत नहीं है और अगर कोई बोटर होने की हैसियत रखता है तो उस को जरूर बोटर बनाया जाय । हम ने इस चीज को दर्ज कर दिया तो इस के यह माने नहीं कि हम ने इस चीज को माना नहीं या इस को क्वेश्चन किया, सिर्फ ऐबंडेंट काशन की तौर पर चूंकि हाउस का सेंस था इस लिये हम ने रिपोर्ट में लिख दिया । ज्यादातर आइडिया यह था कि बड़े बड़े शहरों में जैसे कलकत्ता, मद्रास और बम्बई हैं, जहां लोकल बाड़ीज हैं, उन के जो आफीसर्स हैं वह भी इस का तजुर्बा रखते हैं और उन के तजुर्बे का फायदा उठाया जाय । यह कहना कि कैडर बनाया जाय यह कंट्री पर इतना ज्यादा बोझ डालना होगा जिस को कि वह बदर्शित नहीं कर सकेगा । यह चीज कतई मुनासिब नहीं होगी कि इस तरह के कैडर के बनाने पर जोर दिया जाय जिस के पास कि काफी मसल्फियत सारे असें के लिये नहीं हो सकेगी । मोरे साहब ने जो तकरीर की वह इस का पूरा जबाब थी । मैं इस को मानने को तैयार नहीं हूँ कि आइन्डा अगर कोई लोकल स्टेट गवर्नर्मेंट आयेगी जो कांग्रेस गवर्नर्मेंट का सम्प्रिट्यूट होगी वह यह कोशिश करेगी कि ऐसे आफसरान मुकर्र करें

जो उस पार्टी के तरफदरा हों । मेरे विमान में वह चीज है ही नहीं । मैं नहीं समझता कि कांग्रेस पार्टी कभी भी ऐसी कोशिश करेगी या कोई और स्टेट गवर्नर्मेंट जो किसी दूसरी पार्टी की होगी, जिस का मुझे इमकान इतनी जल्दी नज़र नहीं आता जितना कि मेरे साहब को, वह भी ऐसी कोशिश करेगी कि जिस आदमी को बोट देने का हक हो उस को यहहक न मिले । यह हिन्दुस्तानियों के इन्हेरेन्ट नेचर के लिलाफ है कि वह इस तरह से किसी स्टेट अथारिटी को यूज करे कि वह किसी तरह भी बेईमानी करने में सकृदार्थ करे । हर एक अथारिटी का यह फर्ज होगा कि वह इस तरह से काम करे । और मैं उम्मीद करता हूँ कि कोई भी अथारिटी इस तरह का गलत काम नहीं करेगी । इस बास्ते मैं अर्ज करता हूँ कि यह प्रेक्टिकल प्रोपोजीशन यही है । मैं आज भी जानता कि कई आफसरान गवर्नर्मेंट में ऐसे हैं जिन का रवैया यह है कि वह गवर्नर्मेंट को गालिया देते रहते हैं, पार्टी इन पावर को गालिया देते रहते हैं । मैं ने खुद अपने एलेक्शन में देखा है कि कई आफिसर्स थे जो कांग्रेस पार्टी का साथ हर्गिज नहीं देते थे और बेजा मुखालिफत करते थे । उनकी मैं ने शिकायतें की कि उन्होंने गलती की, ऐसी गलती जिस की अगर वह कांग्रेस पार्टी के हक में भी होती तो भी मैं शिकायत करता । तो यह तो इंडियान्जिल आफिसर्स का सवाल है । कभी कोई पार्टी ऐज सच या गवर्नर्मेंट ऐज सच ऐसी बातें नहीं करती हैं । फिर यह तो सिर्फ प्रेलिमिनरी एलेक्टोरल रोल बनाने का सवाल है । वही रोल स्टेट गवर्नर्मेंट के, म्यूनिसिपलिटी के और डिस्ट्रिक्ट बोर्ड के भी काम आता है । सब इस बात के गवाह हैं कि जिस तरह से सरकार ने यह रोल बनाये ह, उन के बनाने में उस ने कभी यह ख्याल नहीं रखा है कि हम फलां पार्टी के आदमी को बोटर्स में लेंगे या फलां को नहीं लेंगे । शर्त यह है कि वह हकदार हो । अभी हिन्दुस्तान में यह बहुत नहीं आया है कि बिलायत की तरह से नान-आफिसर्स को इलेक्टोरल आफिसर मुकर्र कर

[पंडित ठाकुर बास भागव]

दें। अगर कोई भी ऐसा शास्त्र है, अगर कोई भी आफिशिल है जो कि तजुर्बेकार हो, सरकार का काम करने का उस को तजुर्बा है तो उस की मदद ली जायेगी। आखिर अस्त्यार तो एलेक्टोरल कमिशनर को है। यह नहीं है कि गवर्नरमेंट उन्हीं अफसरोंको नामीनेट करेगी जिन को वह जानती है कि वह बायस्ट हैं। लेकिन उन से कंसल्टेशन करने में कोई हर्ज नहीं है। जिम्मेदार तो एलेक्शन कमीशन है जो कि इंडेपेंडेंट बोडी है। उस पर एलेक्शन कमीशन का ही कोल होगा और उसी के डाइरेक्शन के मुताबिक वह काम करेंगे।

मैं अर्ज करना चाहता हूं कि जो प्राविजन किया गया है हमारे हालात के मुताबिक है, मैं उस के अन्दर कोई खदाशा नहीं देखता। अगर मुझे थोड़ा भी खदाशा होता जो कि मेरे दोस्त साथन गुप्ता को है तो मैं उन की ताईद करता, क्योंकि मैं यह नहीं चाहता हूं कि देश के अन्दर एक मिनट के लिये भी किसी पार्टी का भी ऐसा स्पाल हो कि जिन की वोट देने की हैसियत है उन को उस हक से महरूम किया जाय। अगर ऐसा होता है तो यह बड़ा भारी वायोलेशन होगा एक सैक्रेड इयूटी का मुझे हर्गिज कोई डर नहीं है कि एलेक्शन कमीशन अपने अस्त्यार को ठीक तरह से इस्तेमाल नहीं करेगा। जिस बक्त वह मुकर्रर करेगा उस बक्त वह सूख जांच कर लेगा कि जिस को वह मुकर्रर कर रहा है वह इंपार्शल आफिशर है, क्योंकि यह तो एक बुनियाती चीज है, अगर यहीं पर गलती हो गई तो आगे चल कर तो बड़ी भारी शिकायतें होंगी।

चूंकि इस का ताल्लुक सिर्फ एलेक्टोरल रोल बनाने से है इस वास्ते में उन चीजों में नहीं जाना चाहता जिन का ज़िक्र मेरे दोस्त मोरे साहब ने किया। पिछले एलेक्शन में क्या हुआ, ४५ परसेंट वोट कांग्रेस को मिले या कितने परसेंट मिले, यह तो एक इरेलेवेंट चीज है। इस

लिये मैं इस का जवाब नहीं देना चाहता। न जूस बहस पर, जिस को वह पेश करने लगे, मैं तबसिरा करना चाहता हूं। मैं तो सिर्फ यह अर्ज करना चाहता हूं कि जो प्राविजन हम ने किया है वह बिल्कुल दुरुस्त है और मेरे दोस्तों का एमेंडमेंट्स नामंजूर कर दिये जायें।

**Shri B. D. Pande** (Almora Distt.—North East): Mr. Deputy-Speaker, I have great respect for Opposition Members, but if they say that honesty is confined to that small group and that all our officers are dishonest and corrupt I will never concede it. In other countries the Opposition does not abuse all officers in this way. I can say that in my division in U.P. the elections have been conducted very efficiently and impartially in a very elegant manner. We cannot think of manipulating the electoral rolls. No officer can do it. It is an impossible task to manipulate and bribe 17 crores of voters. If we were autocrats like the Russians who gave the power of voting only to the Communist Party only and not to any other party, we would have given the power of voting to Congressmen only and not to everybody in the country but Congress fought for liberty and gave a vote to every adult. I say again, our officers are all impartial. They are not here to defend themselves and I think I represent them also. They are all doing their duty well. Of course, there may be one or two dishonest officers. But that state of affairs will be found everywhere. Even amongst us, if we search our hearts and see whether we are up to the mark or not, we will find that some of us are not of that standard....

**Mr. Deputy-Speaker:** Order, order, When we have the whole of India to discuss about, it is irrelevant to draw an analogy that some Members of Parliament are dishonest and so on. Hon. Members will try to avoid any reference either to the ability or conduct of Members of Parliament. Let no such reference be made as an analogy or example. Otherwise, if one hon. Member says "yes", another will say "no". It is no good saying if some officers are corrupt, there are also some hon. Members, let them touch their hearts and say. It is very wrong.

**Shri B. D. Pande:** I may say, . . .

**Mr. Deputy-Speaker:** Nothing about any hon. Member here.

**Shri B. D. Pande:** It is not correct to say that my officers were partial.

**Shri N. C. Chatterjee (Hooghly):** The hon. Member is continually saying, my Government, my officers are all honest. What does he mean?

**Mr. Deputy-Speaker:** Perhaps the hon. Member is too conscious of the party.

**Shri B. D. Pande:** Instead of my Government, I shall say, our Government. The officers are all very efficient. The electoral rolls are prepared most honestly. I must say this of U.P. the most progressive state in India. I think there is nothing to hurl these abuses on this side of the Lok Sabha as has been done. We are all one. We are honest. Whichever Government will be right will come into power. Whichever Government has the qualities to govern, that will come into power. All the officials will obey. They cannot disobey. Reference was made to the Chief Commissioner. He is also appointed by Shri Jawaharlal Nehru and Dr. Rajendra Prasad.

हमने तो चाहा था कि हाकिम से करेंगे करयाद  
वह भी कमबक्त तेरा चाहनेवाला निकला।

वे लोग भी तो हम में से ही हैं, हमारे ही तो  
नियुक्त किये हुए हैं। इन्हींने तो यहां पर काम  
करना है। आसमान से तो कोई फरिश्ते काम  
करने के लिये नहीं आयेंगे।

Angels will not come from heaven to work. We are to govern. If there are dishonest officers, they ought to be brought to book. If there is dishonesty, instances ought to be given and remedied in the place where there is dishonesty. Here to say that they are all dishonest is not courtesy. That is not civilisation. That is too much. I have great respect for the Opposition leaders. We are going to concede every dignity to them. We are trained to that nature. We have all fought for the liberty of the whole country. We cannot condemn any party and throw them out of the Lok Sabha. They have every right as I have. We have not that power and we will never do it. We will bring them into our fold. We will do everything to bring them to the path which Mahatma Gandhi has laid. That is what I say. Criticism ought to be well-balanced, and not like saying, all the world is dishonest and I am the only honest man here. That position I cannot concede. I have nothing more to say.

**Shri Pataskar:** I was a little surprised that this simple provision should have evoked such an amount of party differences and heat and what not. The only point here is this. In sections 13A to D we are making provision for chief electoral officers, and electoral registration officers, and in 13D as to what should be parliamentary constituencies. The main burden of the song was as to what should be the character and position of these chief electoral officers. As a matter of fact, we said yesterday and you yourself pointed out this. Section 13A says :

"There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf."

So, the power to designate or nominate is with the Election Commission itself. Almost every one has agreed and has nothing to say so far as the work of the Election Commission is concerned. As I said yesterday, the Election Commission is an independent authority which has been created very rightly by the Constitution. We have found that the work of the Election Commission has evoked admiration not only in this country, but even elsewhere. It was a stupendous task. For the first time in the history of the world, on account of adult franchise, 18 crores of people, almost about that number, had to be registered, rolls prepared and all that. I do not say that there may not be any mistakes anywhere. But, it must be admitted by all concerned that the machinery which we devised, apart from any party considerations, has worked wonderfully well. Particularly in view of the fact that this was the first time when an experiment on such a colossal scale was made anywhere in the world, it has really evoked admiration not only here, but outside also. People, particularly those who are starting with ideas of establishing some sort of parliamentary democracy look to what we have been able to do as a matter of guidance which they should try to emulate. In these circumstances, I think there need not have been so much of heat and party considerations, introduced in a simple matter like this. However, I will not deal with that. I would urge upon hon. Members to consider dispassionately whether the provisions as they have been made, in the light of the way in which they have

[**Shri Pataskar**]

already worked, are right or not. I would say that probably if they get rid of the obsession of belonging to a particular party, maybe in the minority or majority, they will find that the provisions which are proposed to be made here are quite adequate, simple and straightforward.

With respect to designation and nomination, I think it has already been conceded that they have got a special meaning. These are the very words which are used in the existing Act. As I said earlier, we have got chief electoral officers for every State and these are, naturally, persons who are of the rank of a Deputy Secretary or Secretary of the Government. I believe that that should be continued. Particularly in a country where there was so much display of party feelings in respect of the representatives of the people themselves, I believe that we have followed a very healthy practice that is followed in the United Kingdom, of leaving it in the straight and safe hands of the services. Even in the great United Kingdom where this system of parliamentary democracy has been working for so many years, the steady factor is the services. Parties and party considerations may vary. But, the services' perform the functions of a steady element. In view of all that has been said on both sides, I need not dilate on this. I am sorry I am unable to accept any of these amendments which have been moved for the simple reason that no amendments are needed for a matter which has been so ably put at the instance of the Select Committee. They have carefully considered every matter. We have already discussed it threadbare from every point of view. I hope hon. Members will pass this clause as it is.

**Shri Kamath** : What about correction ?

**Mr. Deputy-Speaker** : The hon. Member Shri Kamath said that in addition to powers of revision, there should be power of correction also.

**Shri Pataskar** : I do not think it is necessary. I have examined this. You will find, section 13A (2) says :

"Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation and revision of all electoral rolls...."

I think correction will come under this.

**Mr. Deputy-Speaker** : In another place, the hon. Minister will see that both the words, correction and revision are used. If only 'revision' is used everywhere, it may include correction.

**Shri Kamath** : It is on page 7.

**Shri Pataskar** : I would like to invite the attention of the hon. Member to section 22. This relates to correction of entries in electoral rolls.

"The electoral registration officer for a constituency, on application made to him for the correction of an existing entry in the electoral roll of the constituency, shall, if he is satisfied after such enquiry as he thinks fit, that the entry relates to the applicant and is erroneous or defective in any particular, amend the entry accordingly."

I think that is included. If you read the new section 22 with this, there should be absolutely no difficulty, and we need not go on adding words.

**Shri Kamath** : Read 24.

**Shri S. S. More** : The effect will be since the Select Committee has added correction and addition to the preparation at page 7, it is quite likely to be interpreted that the Chief Electoral Officer has not been given the power of correction, but only revision.

**Mr. Deputy-Speaker** : The hon. Minister may kindly refer to page 7, clause 24.

**Shri S. S. More** : That will have to be accepted.

**Mr. Deputy-Speaker** : It reads :

"In section 28 of the principal Act,—

(a) in sub-section (2), for clause (h), the following clause shall be substituted, namely:—

(b) the revision and correction of electoral rolls and inclusion of names therein".

At the time of introducing the Bill, the Minister might have thought that revision included correction, but by way of abundant caution the Select Committee have added correction also.

**Shri Pataskar :** I do not mind since in (h) we have added the word "correction".

**Shri K. K. Basu (Diamond Harbour):** Before you put it to the House may I seek an assurance from the hon. Minister? We understand members of the Civil Service are to be appointed Chief Electoral Officers. If the officer appointed is from a different State then it is all right, but if he is an officer of the same State, he should be made a whole-time officer. He should not be a Joint Secretary of the Home Ministry and also Chief Electoral Officer at the same time. He should be a whole-time officer, not doing any other administrative job of the Government, because he has much closer liaison and relationship with the Government of that State in the other case, and though he may be a very just and good officer, it creates a feeling that he is influenced by the ruling party.

**Mr. Deputy-Speaker :** We are only on the electoral roll.

**Shri K. K. Basu :** We have expanded the functions and powers of the Chief Electoral Officer. If he is a part-time officer, he does day-to-day work as Joint Secretary of the department and also functions as the Chief Electoral Officer. We should make him independent of the executive and he should work under the Election Commission.

**Shri Pataskar :** It has to be noted in this connection that the Chief Electoral Officer, under the new section 13A(2) will work subject to the superintendence, direction and control of the Election Commission to expect that he should be an independent officer solely devoted to this work, I think, is not necessary also. From the enquiry made, it seems there is hardly enough work for him. Pandit Thakur Das Bhargava was saying that we should start a cadre. That is not the idea at all. The officer is only concerned with the preparation of electoral rolls. When we come to some more powers, we shall consider whether we should give those powers to him or not. That is a different matter. So far as the purposes of this Bill are concerned, I think the Chief Electoral Officer has to perform certain very simple functions, and that also he has to perform only under the supervision and control of the Election Commission. And the third ground is there will not be enough work for him.

Of course, I have heard patiently since yesterday some references being made to some Chief Electoral Officer of a particular State. The best course would be not try to change the law, but to bring these matters to the notice of the Election Commission in whom we all have confidence. I am sure they will do the needful if at all there is anything which requires some correction, etc.

**Shri K. K. Basu :** We are not changing the law. He may be an officer of the Government. He might be appointed for three years as Chief Electoral Officer. Once he is appointed, he is under the Commission and he has another job. The only point is the question of money. We may have to spend some Rs. 5 or Rs. 6 lakhs more. When we are spending so much for the elections, that will not come in the way.

**Mr. Deputy-Speaker :** Very well. I will put the amendments to the vote of the House.

The question is :

Page 2,—

for lines 21 to 24 substitute :

"(1) The Election Commission shall appoint a chief electoral officer for every State."

*The motion was negatived.*

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

Page 2, lines 32 to 35—

for "who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf."

*substitute "who shall be appointed by the Election Commission."*

*The motion was negatived.*

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

Page 2, lines 32 and 33—

*omit "or of a local authority".*

*The motion was negatived.*

**Mr. Deputy-Speaker :** Amendment No. 18. Shri Kamath.

**Shri Kamath :** I do not press that. It is a verbal amendment.

**Mr. Deputy-Speaker :** Amendment No. 8. Shri Krishna Chandra.

**Shri Krishna Chandra :** Not pressing.

**Mr. Deputy-Speaker :** Have both the hon. Members, Shri Kamath and Shri Krishna Chandra, the leave of the House to withdraw their amendments?

**Hon. Members :** Yes.

*The amendments were, by leave withdrawn.*

**Mr. Deputy-Speaker :** Regarding "correction", in view of the fact that the hon. Minister is willing to accept it, Shri Kamath may move a formal amendment.

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

Page 2, line 27—

*for "and revision" substitute "revision and correction".*

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

Page 2, line 27—

*for "and revision" substitute "revision and correction".*

*The motion was adopted.*

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

"That clause 9, as amended, stands part of the Bill."

*The motion was adopted.*

*Clause 9, as amended, was added to the Bill.*

*Clause 10 was added to the Bill.*

*Clause 11.—(Substitution of new section for section 14)*

**Shri Bansilal** (Jaipur): I want to speak on clause 11.

**Mr. Deputy-Speaker :** First of all, let me dispose of the amendments.

**Shri Bansilal :** I want to oppose clauses 11 and 13.

**Mr. Deputy-Speaker :** Very well. I am coming to it. First of all, let me dispose of the amendments. I will give him an opportunity.

**Shri Bibhuti Mishra :** I beg to move:

Page 3,—

*after line 28, add :*

"(c) any person who completes his age of 21 years just on the date of calling to the constituency may be enlisted as voter, if he produces a certificate of his qualifying age of 21 years to the electoral registration officer of the constituency."

**Shri Sadhan Chandra Gupta :**

(1) Page 3,—

*for lines 25 to 28, substitute :*

"(b) 'qualifying date' in relation to the preparation or revision of every electoral roll under this part, means the 30th day of September of the year following the year in which it is so prepared or revised."

(2) Page 3, line 27—

*for "1st day of March" substitute "1st day of October".*

(3) Page 3,—

*after line 28, add :*

"Provided that nothing contained in this Act shall be deemed to prevent the preparation of an electoral roll on a date earlier than the qualifying date."

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

(4) Page 3, line 27,—

*for "March" substitute "July".*

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

(1) Page 3,—

*for lines 25 to 28, substitute :*

"(b) 'qualifying date' in relation to the preparation or revision of every electoral roll under this part, means the 30th day of September of the year following the year in which it is so prepared or revised."

(2) Page 3, line 27—

*for "1st day of March" substitute "1st day of October".*

(3) Page 3,—

*after line 28, add :*

"Provided that nothing contained in this Act shall be deemed to prevent the preparation of an electoral roll on a date earlier than the qualifying date."

Page 3, line 27—  
for "March" substitute "July".

**Shri Bibhuti Mishra :** I will also give an opportunity to the hon. Member who wants to oppose all the amendments and both the sections.

**श्री बिभूति मिश्र :** उपाध्यक्ष महोदय मेरी अमेन्डमेन्ट बहुत साधारण है और वह यह है कि जब प्रैजिडेंट कॉन्स्टिट्यूशन्सी को काल करे तब अगर कोई आदमी जिस की उम्र २१ वर्ष की हो जाती है इस विषय में एक सटिक्केट इलेक्ट्रल रजिस्ट्रेशन आफिसर के सामने पेश करें। तो उस का नाम बोटर लिस्ट में दर्ज कर लिया जाय। यहां पर क्वालिफाइंग डेट १ मार्च रखी गई है। कभी-कभी ऐसा होता है कि इलैक्ट्रल रोल बन जाता है और इलैक्शन नवम्बर, दिसम्बर, जनवरी या फरवरी में हो, तो इस बीच में अगर किसी आदमी की उम्र २१ साल की हो जाती है, तो उस का नाम इलैक्ट्रल रोल में दर्ज करवाने के लिए कोई सहूलियत नहीं है।

इस अमेन्डमेन्ट के द्वारा उस आदमी को सहूलियत हो जायेगी। हमारी सरकार भी चाहती है और हमारे संविधान में भी यह है कि उन सभी आदमियों को जिनकी अवस्था २१ साल की हो जाती है बालिगमताधिकार का अधिकार हो जाता है। ऐसी हालत में मैं समझता हूं कि इस बात की सहूलियत देनी चाहिए। यह बहुत साधारण बात है। मैं कानून मंत्री साहब से प्रार्थना करूंगा कि वे इस संशोधन को कनूल कर लें। मेरा संशोधन इस प्रकार है:

Page 3, after line 28, add :

"(c) any person who completes his age of 21 years just on the date of calling to the constituency, may be enlisted as voter, if he produces a certificate of his qualifying age of 21 years to the electoral registration officer of the constituency."

मैंने देखा है कि कभी-कभी बहुत से आदमियों के नाम बोटर्स लिस्ट में लिखने से छूट जाते हैं, कम से कम जो लोग गांवों में रहते

हैं और जिनके घर जिले के सदर मुकाम से बीस पञ्चवीस या तीस मील की दूरी पर हैं। उन गरीब आदमियों की उम्र २१ साल होने के बाद भी उनके नाम बोटर्स लिस्ट में दर्ज नहीं होते। कभी-कभी पब्लिक वर्कर्स के नाम भी दर्ज होने से रह जाते हैं। अगर यह संशोधन स्वीकार कर लिया जाता है तो ऐसे लोगों की सहूलियत मिट जायेगी। यह एक साधारण सा सुधार है। मैं प्रार्थना करूंगा कि लों मिनिस्टर साहब इसको स्वीकार कर लें।

**Shri Sadhan Gupta :** My amendments to this clause are designed to make sense of the right of franchise which a citizen enjoys. Now, what is provided in this clause by the definition of 'qualifying date' is that the qualifying date should be the 1st of March in the year in which the electoral roll is prepared or revised. That is to say, only citizens who reach the age of 21 on the 1st day of March of the year in which the electoral roll is prepared or is revised will be entitled to cast his vote in an election.

The restriction to such an early date is grossly unfair to the citizen, because in practice, it will mean that in elections, and particularly in general elections, a large number of citizens will be deprived of their right to vote, although they would have reached the age of 21. An electoral roll obviously would be finally published sometime in September or October. It is provided by another section of the parent Act that an electoral roll will be in force up to the 30th day of September, and then of course the next electoral roll would come into force if a revision has taken place in the meantime. So, while the electoral roll would be published in September or October, the registration will be with reference to a date which is about six months earlier.

We all know that the general elections are likely to take place in this country sometime in January or February, perhaps more likely in the beginning of middle of February. Already when the electoral roll comes into force, it will be about six or seven months out of date, but particularly when a general election takes place, the electoral roll would be about a year out of date.

[**Shri Sadhan Gupta**]

We know very well that in our country a population of about 3½ crores is added every ten year. So, as a matter of fact, we can expect that about 35 lakhs of people will come of age every year for the purpose of voting. So, about 35 lakhs of Indian citizens will be deprived of the right of voting, under the procedure laid down in this clause.

Therefore, what I would suggest is to make the qualifying date a date subsequent to the preparation of the electoral roll. And I would like to show that the Constitution does not stand against it. In my first amendment, I have proposed an altered definition of 'qualifying date', which is that :

"'qualifying date', in relation to the preparation or revision of every electoral roll under this part, means the 30th day of September of the year following the year in which it is so prepared or revised."

My object is that everyone will have the right of vote, who will come of age within a year after the electoral roll comes into force.

What the Constitution requires is really not that a person should be 21 for the purpose of exercising the right of voting, but that he should be 21 on a date to be named for the purpose of being registered as a voter. Now, there is no bar to naming a subsequent date from the date of registration. I would not suggest that the date should be fixed after a long period so as to perpetrate some kind of fraud on the Constitution, but I would suggest that people who would come of age within the year during which the electoral roll is supposed to be in force or is likely to be in force, should be allowed the right of voting.

If you like, you may provide that people who do not reach the age of 21 on the date when the electoral roll comes into force may be shown in a separate part of the register, and the date of their coming of age may be separately indicated, for that is very easily done by having a column to show the date on which they come of age. And you can provide that they will exercise their votes only when they actually come of age. But I do not think that is even necessary under the Constitution. It is sufficient to name a qualifying date after the date of registration, a qualifying date which falls within a time during which the electoral roll is in force, and

allow everyone who will come of age during this period to exercise the right of voting. And that may be a very reasonable period which will keep the electoral roll absolutely up to date, supposing we accept 21 as the age at which people are entitled to exercise their franchise.

That is why I have suggested in my first amendment that the qualifying date may be the 30 day of September of the year following the year in which the electoral roll is prepared.

**Mr. Deputy-Speaker :** As in the case of income-tax law with respect to marginal income-tax up to Rs. 100 and so on, can it be said that on the qualifying date, all those persons shall be registered who are only 20 years and 6 months, so that a short time before the election (which may take place one year hence) they would have completed the age of 21 and therefore be entitled to cast their votes? If that is done, then not only those who have completed 21, but those who have completed 20 years and 6 months also may be registered.

1.P.M.

**Shri S. S. More :** Something like that can be devised.

**Mr. Deputy-Speaker :** That can be done.

**Shri Sadhan Gupta :** That is what I am suggesting.

**Mr. Deputy-Speaker :** Is it difficult to find out who is 20 years and 6 months?

**Shri Sadhan Gupta :** As I read article 326 of the Constitution, there is no bar to it.

**Mr. Deputy-Speaker :** There is no bar, not that he is not eligible to be put on the register. The difficulty will arise when there is a bye-election or some election immediately. Then there will be two different rolls.

**Shri Sadhan Gupta :** The constitutional provision is very peculiar. What it says is that a person shall be entitled to be registered as a voter, if he reaches the age of 21 on a date to be fixed by law. It does not say whether the date shall be earlier than the date of registration or later than the date of registration. To obviate any controversy on this point, I have suggested amendment No. 20 where instead of 1st March, I have suggested the 1st of October. I have

suggested it for this reason: the section of the Act provides that an electoral roll will be in force up to the 30th day of September. From the 1st day of October, a fresh electoral roll would come into force. There is no difficulty in fixing the qualifying date as the 1st day of October so that everyone who would come of age on that day the electoral roll is in force would be eligible to vote for the year during which the electoral roll will remain in force.

**Shri Pataskar :** May I say one thing so that the discussion will be a little more clarified? The existing section 24 says that every electoral roll subsequently prepared under this Act shall come into force on the 1st day of October. That date was fixed at that time. Now what has been done—and very rightly—is this. In section 21 (1) we say :

"The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act."

This fact may be taken note of by hon. Members when making their comments. This is the difference between the provision in the Act and the proposed provision.

**Mr. Deputy-Speaker :** The small period that has to elapse for the preparation of rolls can never be avoided under any circumstances. Therefore, if it should be the 1st day of October, there is some force in that, but as soon as it is finalised and comes into force, the inconvenience of a small period of three or four months cannot be avoided.

**Shri Sadhan Gupta :** I quite see that. In that case, I would rather advocate a provision to the effect that the electoral roll in each year should come into force on a certain date and the qualifying date should be fixed in relation to that date.

**Shri S. S. More :** It will not be prepared every year.

**Shri Sadhan Gupta :** It may be revised. Even in revision, registration will have to be done with reference to the qualifying date.

**Mr. Deputy-Speaker :** Whenever a correction is made, it must come into

force immediately; otherwise, there is no purpose in it. If election is to take place in January, what is the meaning of waiting till the next October? It will be infructuous and useless. Therefore, so far as corrections, revisions etc. are concerned, they must come into force as and when the orders are passed. The same thing is extended to the final publication of the electoral rolls.

**Shri S. S. More :** Publication has reference to the preparation of rolls according to the proposed section 21. But in the case of revised rolls or corrected rolls, they come into force automatically the moment a correction or revision is made.

**Shri Sadhan Gupta :** In any case, I think the Constitution does not bar the registration with reference to a subsequent qualifying date because, the right of franchise follows from the right of registration and it is not conferred by the Constitution.

**Mr. Deputy-Speaker :** All the stages of this Bill must be completed before 1.30 P.M. The hon. Member will bear it in mind.

**Shri Sadhan Gupta :** Yes.

Therefore, I would suggest the acceptance of either of the two amendments I have moved.

As regards amendment No. 22, it is only by way of clarification. I need hardly state that the register may be prepared earlier than the qualifying date fixed.

**Shri Kamath :** I listened very carefully to the speech made by the hon. Minister in his reply to the earlier discussion. One remark that he made struck me as rather strange, and that is when he said that there is no virtue in any particular date. I might state in the same way that there is not much virtue in perhaps about much of the legislation also that we put through here, considering the spate of amending Bills that come one after another. Even as regards the Constitution, we have had so many amending Bills. But I hope the Minister will agree that in this Welfare State, which he is supposed to promote, even though there may not be much virtue in a particular date or a particular legislation, there must be as little inconvenience as possible to as many as possible. I say this because he said that any date that might be fixed will

## [Shri Kamath]

cause some inconvenience. But you should fix such a date as will cause as little inconvenience as possible to as many people as possible. In the light of this, I have read the dissenting Minutes of my hon. friends, Shri S. S. More and Shri H. N. Mukerjee, and I am inclined to agree with the observation of Shri S. S. More that considerations of administrative difficulties should not be the sole criterion. My hon. friend, Shri H. N. Mukerjee, has pointed out in his Minute of Dissent :

"I learn that in the United States a prospective voter coming of age even by election day is permitted to be registered".

I do not know how it is done. I would have liked Shri H. N. Mukerjee to enlighten us on this point. If that is feasible, if that is a practical proposition, we can certainly have it here.

**Shri S. S. More :** Let him read some reference book on electoral law in the United States.

**Shri Kamath :** There is no time for it now. Shri H. N. Mukerjee must have read some book on that. Shri S. S. More was also on the Select Committee (*Interruption*). I would be glad if we are told how that is done in the United States. But if that is not possible, I suggest acceptance of my amendment No. 21. Instead of the 1st day of March, we should have the 1st day of July as the qualifying date.

**Shri U. M. Trivedi (Chittor) :** Why 1st of July ?

**Shri Kamath :** As I said yesterday, July to January, 6 months, is more than enough for an efficient administration—that is however an assumption that I have made that the administration is efficient—and if that is even reasonably efficient, six months will be more than sufficient for the preparation, revision and final publication. I would prefer even a later date, September or October, but from the little experience that I have had of administration I would have 6 months.

**Pandit Thakur Das Bhargava (Gurgaon) :** Six months before election and not before the issue of the notification?

**Shri Kamath :** The point made by the hon. Minister was that we are going to have them in February or March next

year but some by-elections there may be at some other time and so on and so forth. I think it is a salutary recommendation of the Election Commission that general elections in the country should be held simultaneously throughout the country and in so far as our country is concerned, these months, January to March are the best months for general elections. They are the winter months; the monsoon is ruled out completely; from May to September no general election can be held—even by-elections cannot be held during these months—but, particularly, December to March would be normal months for a general election in our country. We are all agreed on that point that these are the best months for general elections—whether they are held in 1957 or 1958 or any subsequent year. Therefore, considering that the general elections will be held only in January, February and March, there should be enough time for this work of preparation, revision and correction, and if they fix a date it may be the 1st of July and not the 1st of March.

**Shri Bansilal :** I have very carefully gone through the report of the Select Committee and I must say at the outset that I am obliged to the hon. Members Shri Mukerjee and Shri More who have given their minutes of dissent so far as clauses 11 and 13 are concerned. I think these clauses are very unhappily worded. It seems that taking advantage of article 326 of the Constitution—every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed—taking advantage of these words, a date is fixed whereby the roll is to be final and the qualifying date is mentioned in this Bill.

This age of 21 years is a very blessed age. The sons and daughters of our motherland look to that age, that period of their lives when they will be entitled to vote. As soon as an Indian comes of that age, he should be given the facility and opportunity to cast his vote and take part in shaping the country's future. Here, just to avoid an administrative difficulty, a qualifying date is fixed that it should be the 1st of March. Of course, nobody can deny that there must be some period so that the electoral rolls may be finalised. That does not mean that any arbitrary date such as the 1st of March should be fixed. It is just possible that elections may not take place as envisaged after the 1st

of March. It may take another one year or more. What will happen to those persons who have come of the age of 21 years? They will have to wait to get their names entered. May I ask the hon. Minister what is the reason whereby lakhs of our young men who generally take part in the elections—it is men of the ages of 21, 22 and 23 who are more enthusiastic than any other age group to take part in elections—are made to wait? They must be given the facility and opportunity to cast their votes so that they may feel some satisfaction that they are shaping the country's future.

The hon. Minister will agree that there is no sanctity behind this 1st of March. As my hon. friend has just observed we cannot take it that the elections will be held according to schedule. It may be possible that the general elections may not take place. All these persons will have to wait. The number of persons who come of age in a particular year I feel, will be lakhs. I may say that so far as a particular constituency is concerned, the number will not be much. Out of 75,000 votes, for this age group it may be 1,000. It is not difficult to include these 1,000 or 500 persons who have come of that age in that period. So, I submit that this qualifying date—1st of March—is absolutely arbitrary and the Select Committee has not given thought as to what it ought to be. There may be some reasonable period but that does not mean that 1st of March should be fixed. No reason whatsoever is mentioned in the report as to why it should be the 1st of March and not 1st of April or 1st of May. My submission is that instead of a particular date, it should be a particular period which will precede the election.

I think that many of the amendments are to this effect. I think we should not take it that all those amendments which are tabled by the opposition are without any force. I have gone through the Select Committee report and the arguments that have been advanced. A large number of our young men are looking forward to this Bill and I am surprised that the consciousness is not sufficiently aroused in our country. Otherwise, they would have raised their voices by now—those who are going to come of age during this period. Lakhs of our sons and daughters will be deprived of their right and they will have to wait for one year because an arbi-

trary date has been mentioned in this. There is no use simply amending the electoral law. If we amend it we must amend it so as to give the greatest facility to our citizens.

I submit again that so far as this electoral law is concerned, no administrative difficulty should come in our way and it cannot do any credit to any administration which, on account of difficulties, small or great, denies the right of vote to any citizen of the country. My submission is that earnest thought should be given by the hon. Minister to these amendments and he should agree to whichever amendment will best suit the purpose. Otherwise, I think it will be unjust. An electoral law should be very simple and should give as much facility as possible. As pointed out by Shri Mukerjee in his Minute of Dissent, in America even if a citizen qualifies by attaining the necessary age by election day, he is permitted to be registered and some such procedure can be evolved here also. The citizen, who has attained the requisite age, goes before the magistrate and takes a certificate to that effect, and it is not even necessary that his name should be on the electoral rolls. If he simply holds a certificate that he has qualified himself to be a voter because he has come of age, that is 21, then he should, by right, be entitled to vote.

On this age of 21, there is a lot of conflicting opinion in the country. I think that 21 is rather on the high side. Does any man wait till he attains the age of 21 for the purpose of marriage? But for voting you require that he should wait till he completes the age of 21. There is a vast amount of opinion that the age of 21 fixed for this purpose is very high. It is a question of amendment of the Constitution, I know, but in my opinion, it should not be more than 19 or 20 at the most. Even after 21 years, the man will have to wait for another one year because of this qualifying day provision. As soon as that blessed date is over, he feels that he is entitled to vote. This will create a lot of discontent in the younger generation who will curse this Lok Sabha by saying that proper care was not taken to give them their right of vote. What are we to reply to our sons and daughters who are anxiously looking forward to exercise their vote? Take the case of my eldest daughter. She worked for me in my election and she was so full of enthusiasm to enquire of

[**Shri Bansilal**]

me as to when she would have her right of vote. I told her to wait till she reached the age of 21 years. But now as soon she reaches that age, I will have to tell her, "Unfortunately enough you are not 21 years on the qualifying day fixed for the purpose." Therefore, with all the force at my command, I request the hon. Minister to think over the amendments and the suggestions that have been made.

Another point that I would like to draw the attention of the House to is this. In clause 13, the words "ordinarily resident in a constituency" are used. Although I have very carefully gone through this Bill, I do not know what is the meaning of "ordinarily resident" (*Interruption*). It has not been defined as to what should be the period for which he should be ordinarily resident in the constituency.

**Mr. Deputy-Speaker**: An ordinary citizen is entitled to vote if he has a house....

**Shri Bansilal**: He acquires the right of being enrolled in a particular constituency on so many factors and residence is one of them. I do not know whether 180 days ought to be taken as a reasonable period which will give him qualification on account of residence. Here the words used are only "ordinarily resident".

**Shri Altekar** (North Satara): It is defined in section 20.

**Shri Bansilal**: But still what should be the period for qualifying oneself on the basis of residence has not been stated, and this is a lacuna.

**Shri Pataskar**: Every adult must be entitled to vote.

**Shri Bansilal**: Then why this residence qualification should be there at all, I do not know. In that case, any voter may go and say "I am here; please take my vote".

**Mr. Deputy-Speaker**: A pilgrim from Uttar Pradesh goes to Rameswaram and his name has to be entered there on the polling day and he must be a *bona fide* resident there; he must own a house or be a resident there ordinarily.

**Shri Bansilal**: No lacuna should be left to remain when we frame a law. A citizen acquires the right of being enrolled on account of the fact that he ordinarily resides there, but the words "ordinarily resident" are not mentioned anywhere else or defined. In my opinion, this expression should have been defined somewhere.

**Pandit Thakur Das Bhargava**: The words ordinary residence are given in the Civil Procedure Code, section 20 and in many other places. The connotation of these words is fully known to lawyers. It does not necessarily mean 120 or 180 days. The words "ordinarily resident" are used in law. It is an ordinary expression in law and appears in many Acts.

**Shri Kamath**: He is also a lawyer, I think.

**Shri Bansilal**: Then, I think we have not improved upon the Act in section 19. We have rather confused matters by not defining the expression "ordinarily resident".

**Shri U. M. Trivedi**: May I seek your indulgence for a minute? We have got a provision in clause 11, that is in section 14, for the qualifying date. In the new section 21 that has been proposed in clause 15, there is a proviso to sub-section (2) of section 21, saying—

"Provided that if for any reason the electoral roll is not revised in any year, the validity or continued operation of the electoral roll shall not thereby be affected."

The cumulative effect of these two sections would be this. One attains the age of 21 on the qualifying date, say, 1st March, 1956. But if for some reason the electoral roll for 1956 is not revised, that man even when he attains the age of 22 in 1957, will not be allowed to vote. For some reason or other if the revision does not take place, even if he becomes 24 years of age, he will not be allowed to vote. I think that some provision must be made whereby if a man attains 21 years on the qualifying date, his name must be included in the preparation of the electoral roll, without any revision on an application being made to the effect that he has attained the age on the qualifying date.

**Mr. Deputy Speaker**: The hon. Member will kindly see that it is not revised as a whole and it will continue.

That is all that it means. Therefore, after every qualifying date, it is open to him to get his name included by way of correction. He can go and state that he is 21 or 22.

**Shri U. M. Trivedi :** Under what provision?

**Mr. Deputy-Speaker :** Correction under section 21.

**Shri U. M. Trivedi :** That would be an omission. But my humble suggestion to you will be that this is not an omission but is an addition of his name. On the 1st March he becomes qualified and he is therefore entitled to be entered in the list and that could be entered only in the revised list. If the revised list is not published, he will not be entitled to be entered in the list. That is why I suggest that some provision should be made to meet this contingency.

**Mr. Deputy-Speaker :** Not only such corrections can be made on the ground that his name was omitted though he had on the first qualifying date attained 21, but his name ought to be included because he has attained the age in the next qualifying date....Age also must be one of the considerations for correction.

**Shri Pataskar :** Section 23 gives the right to a person of this nature to go and apply and get his name entered in the register.

**Shri U. M. Trivedi :** He has attained the age of 25 years; he ought to have been included.

**Shri Pataskar :** I attach the same importance to people of any age, whether it is 21 or anything else. I do not regard that there is anything blessed as 21 or 40, and many hon. Members are 25 years of age.

**Shri U. M. Trivedi :** Then make it 25.

**Shri Pataskar :** The only question is as to whether as my friend Shri Kamath pointed out, what we have done is capable of further improvement so as to reduce the possibility of hardship being caused to some people. The difficulty is like this. Article 326 lays down.

"The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a

Citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law...."

What is such a person entitled to? He is entitled to register himself as a voter. The Constitution provides that everyone who is a citizen and who has completed the age of 21 years on a date which should be fixed by law shall be entitled to have his name registered as a voter. Whatever date we fix, those who complete 21 years between the date fixed and the date of election are going to be excluded. The only point is as to whether we can make any improvements so that the number could be reduced as low as possible. A number of births take place every day. Can we at any time predict what will be the number of persons who will attain the age of 21 between the date which we are going to fix by law and the date of election? It is an uncertain factor. Supposing we are able to fix the election date and say that the elections in India will be held on a particular date, then also it would be possible to make something. By referring to that date we shall fix a date as near to the date of election as possible. But that also is not possible under the existing circumstances. How can we fix the date of any general election for all times to come? In the very nature of things there might be so many contingencies. The other method of having some fixed dates is not available to us. Therefore, we are placed in this difficulty under the Constitution. Naturally and very rightly the date has to be fixed. I do not want to make light of the fact that we should try to minimise it to the lowest possible number. But so far as I have been able to think out, we cannot fix the date on which the elections must be held and there is also another difficulty. We have no means of seeing that persons will be so born that between these two dates they will not attain the age of 21. In the circumstances some date has to be fixed taking into consideration the time for elections, etc. and arrangements have to be made. It is not only from the point of view of administrative convenience at all. Administrative convenience should not be given the first place; I agree with the hon. Members there. Some date has to be fixed as required by the Constitution. If I had been convinced that a suitable date could be fixed so that the number affected would be the lowest, I would certainly have accepted. What is the point of preventing somebody who is entitled to this? I very carefully and

[**Shri Pataskar**]

patiently followed the speeches of the hon. Members but they should also take this difficulty of mine into consideration. These are the factors which we cannot get over.

Reference was made to the American Constitution. There it was said, something was done. I have not studied it. There is probably no provision as our article 326 and we do not know what their machinery is; I am not aware of all facts. So far as India is concerned, I think it would not be safe to say that even at the time of election if somebody comes and produces his age certificate he should be allowed. It cannot be done on practical considerations. I am aware of a certain case in my district where a person was prosecuted for having produced a false certificate though the certificate was a certified one. That sort of complications arise. Our law is that he should be of a definite age on a particular date and his name should be on the electoral roll. Taking all these factors into consideration, I think the Select Committee has come to the very right conclusion. I do not minimise the importance of the point stressed by the hon. Members but still I am inclined to think that we have not been able to find out a solution better than the one which the Select Committee has ultimately found. I would, therefore, appeal to the hon. Members to withdraw their amendments with all my sympathy for them because I cannot accept their amendments and to allow the clause to remain as it is.

**Mr. Deputy-Speaker** : Now I shall put the amendments to the vote of the House. The question is :

Page 3—

for lines 25 to 28, substitute—

"(b) 'qualifying date', in relation to the preparation or revision of every electoral roll under this part, means the 30th day of September of the year following the year in which it is so 'prepared or revised'."

*The motion was negatived.*

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

Page 3, line 27 for

"1st day of March" substitute  
"1st day of October."

*The motion was negatived.*

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

Page 3, after line 28 add :

"Provided that nothing contained in this Act shall be deemed to prevent the preparation of an electoral roll on a date earlier than the qualifying date."

*The motion was negatived.*

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

Page 3, line 27 for

"March" substitute "July"

*The motion was negatived.*

**Shri Bibhuti Mishra** : I beg leave to withdraw my amendment, No. 9.

*The amendment was, by leave, withdrawn.*

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

"That clause 11 stands part of the Bill."

*The motion was adopted.*

*Clause 11 was added to the Bill.*

**Mr. Deputy-Speaker** : I shall now put clauses 12 to 17.

**Shri Kamath** : Yesterday, there was a short notice question, and then some papers were laid on the Table. We started at about 12.15 or 12.20 as the record would show. It was agreed that we would discuss this for five hours. According to that we have got some more time.

**Mr. Deputy-Speaker** : There are other matters also.

**Shri Kamath** : Clause 15 is an important clause.

**Mr. Deputy-Speaker** : Various hon. Members referred to clause 15 and other clauses also. I am very sorry. It is now nearly 1.40. The other day we spent about 2½ hours and today more than 2½ hours. Yesterday we started at 12 and went on till 3 P.M.

**Shri Kamath** : We went on till 2.30 after that there was private Members' business.

**Mr. Deputy-Speaker** : Then we shall go on upto 2 o'clock. Hon. Member wants 15 more minutes.

**Shri Kamath** : That is a fair allocation.

**Mr. Deputy-Speaker :** I will put the other clauses to the vote of the House. *Clauses 12 to 14 were added to the Bill.*

**Clause 15—(Substitution of new sections for section 21 to 25).**

**Mr. Deputy-Speaker :** Now, are there any amendments? Hon. Members may move them if they want.

**Shri Sadhan Gupta :** I beg to move :

- (1) Page 4, omit lines 24 to 26.
- (2) Page 4, after line 36 insert—

*"21A. Assistance of political parties to be taken in preparation and revision of electoral rolls.—*

"The chief electoral officer, every electoral registration officer and every assistant registration officer shall take such assistance as may be given to him by all political parties recognised by the Election Commission and by such other organisations as such officer may think fit in the matter of preparation or revision of electoral rolls and shall afford each of them all reasonable facilities for rendering such assistance."

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

- (1) Page 4, after line 26, insert—

"(2A) Two copies each of the draft as well as final rolls shall immediately after publication be supplied free of cost to each recognised political party in that constituency and one copy of the final rolls shall be supplied free of cost to every validly nominated candidate for election from that constituency in a general or by election."

- (2) Page 4, after line 26, insert—

"(2A) In the preparation, revision and correction of electoral rolls, the Election Commission shall invite the co-operation of all recognised political parties and afford them adequate facilities for such co-operation."

- (3) Page 5, line 40, add at the end.

"Whether in the first instance or in appeal from an order of the electoral registration officer."

**Shri Bibhuti Mishra :** I beg to move :

- Page 6, omit lines 1 to 3—

**Mr. Deputy-Speaker :** These are the amendments moved. Amendment Nos.

10 and 11 are not moved. Hon. Members may be brief. Two minutes each and 3 minutes to the hon. Minister.

**Shri Sadhan Gupta :** Mr. Deputy-Speaker, I am proposing two amendments to this clause. The first is to omit lines 24 to 26 on page 4 which provides that if revision is not made the previous electoral roll will remain in force. I am strongly opposed to this allowance because there is no reason why the electoral rolls should not be revised every year. Already, as we have seen in the course of the discussion on clause 13, there is the danger of disfranchising a lot of people. The hon. Minister has expressed sympathies with this but has pleaded his inability to remedy this evil. Therefore there is no reason why the revision should be dispensed with even by implication. So, I am seeking to omit that proviso.

My second amendment No. 27 is more important than the first one.

**Mr. Deputy-Speaker :** We will assume there is some disturbance, some floods or some other difficulty. Is the hon. Member telling the Government that they ought not to take shelter under the proviso? It is one thing to do away with the proviso. We will assume that there is, unfortunately, some disturbance. What is to happen if there is another election or a by-election? The hon. Member knows alternatives. He is such an eminent lawyer. The alternatives are always there but they ought not to be resorted to.

**Shri Sadhan Gupta :** My second amendment is regarding the assistance of political parties. By this amendment I have sought to add section 21A which is to read :

"The chief electoral officer, every electoral registration officer and every assistant registration officer shall take such assistance as may be given to him by all political parties recognised by the Election Commission and by such other organisations as such officer may think fit in the matter of preparation or revision of electoral rolls and shall afford each of them all reasonable facilities for rendering such assistance."

The hon. Minister had complained yesterday that co-operation was not forthcoming. My contention is that co-operation could not be given principally because it was impossible under

[**Shri Sadhan Gupta**]

the present set-up to offer the real kind of co-operation. For instance, what co-operation could the political parties give without being supplied a draft of the electoral roll? How would they know who had been omitted and who had been included? They cannot be expected to visit the *thana* or a post office to copy out the draft *in extenso* and then see who has been omitted and all that. Therefore, all reasonable facilities must be provided to people, to recognised political parties and to other organisations. There may be social organisations and there may be unrecognised political parties. But, what I have sought to provide is that it is an obligation on the electoral officer to accept the co-operation of the recognised political parties and it is discretionary on the electoral officer to select other organisations, which would include, of course, unrecognised political parties, whose assistance will be taken. I do not doubt that he will exercise his discretion in a reasonable manner. Therefore, I have sought to provide this additional safeguard which will ensure an accurate preparation of the electoral rolls because the political parties are much better in touch with the localities and can help in the preparation of the electoral rolls more efficiently than the staff of the election department.

I have known cases in Calcutta where people have not been included in the electoral rolls. When they complained to the department they were told that their names would be included after the enquiry had been made. After some time when they visited the department again they were told that the enquiries had been made but they were not found in their houses. As a matter of fact, the enquiries were not made at all. Perhaps the person entrusted with the carrying on of an enquiry just filled up a fictitious form and did not actually go to enquire. Something like that happened so that although on record the enquiry was shown to have been made yet the enquiry was not in fact made. This thing would happen if it is entrusted to mere bureaucratic operation.

Therefore, it is always better to have representatives of the parties, in which the people have confidence and which have their links with the people, to come in for the preparation of electoral rolls. Without a statutory direction it has been found that many of the officers are rather chary of accepting such co-operation. It has happened in Bengal, for

example, that a certain electoral officer, although he was told repeatedly, did not call one particular party because the Government was not favourably disposed towards that party. Of course, the difficulty is that he thinks that if he has too much to do with that party the Government may be displeased with him particularly when he is a servant of that Government. Therefore, if the statutory direction is there then it will be a safeguard for him as well as a safeguard for the people. That is why I command this proposed section 21A for the acceptance of the House.

**Shri Kamath** : Mr. Deputy-Speaker, I have moved my amendments Nos. 25, 26 and 28. I am at one with my hon. friend Shri Sadhan Gupta that the assistance of all parties—the party in power and the opposition parties—should be sought by the Election Commission on a footing of absolute equality and fairness. They should be afforded all adequate and reasonable facilities for giving such assistance and co-operation to the Election Commission as is required in this very important work. This is the very basis of our election. If this work is ill-done, elections cannot possibly be free and fair. To ensure that this co-operation is really effective I have moved my amendment No. 25 to the effect that two copies of the draft as well as final rolls shall be made available to every recognised political party in the area, State or constituency. The final rolls can, of course, come later on but unless the draft is made available free of cost to each recognised political party in the State or constituency.....

**Shri U. M. Trivedi** : That will be real democracy.

**Shri Kamath** : ....I fail to see how a political party can give real effective assistance to the Election Commission in this work which affects the entire nation, the entire people. As far as the final rolls are concerned I have suggested that two copies of the final rolls should be made available free of cost to every recognised political party as well as to every validly nominated candidate in a constituency. I am given to understand, and I hope my friends Shri S. S. More and Shri Altekar will bear me out, that in the last election the Bombay Government supplied electoral rolls free of cost to candidates.

**Shri Altekar (North Stara)** : 7 copies to each.

**Shri Kamath :** My demand is very modest, I have said only two copies. In my State of Madhya Pradesh they do not give even one copy.

**Shri U. M. Trivedi :** In Rajasthan they do not even allow to see the rolls.

**Shri Kamath :** That seems to be the worst case. But Bombay State seems to be progressive at least in this respect if not in others. I do not know whether in U.P. also they do, but regarding Bombay it has been stated by my hon. friend that 7 copies of the electoral rolls are supplied; of course, the Minister himself is from Bombay and he must be knowing it very well. If that has been done by Bombay State I see no reason why other states should not emulate the example of Bombay State at least in this respect. I, therefore, hope that this amendment will commend itself to the acceptance of the House and to the Minister, as regards supply of electoral rolls free of cost first, to the recognised political parties—and second, when the election comes, whether by-election or general election,—to every validly nominated candidate.

Amendment No. 28 refers to proposed section 23 which says that under sub-section (4) when an application is rejected by the chief electoral officer the appeal shall lie to the Election Commission. Amendment No. 28 is to sub-clause 4 (b) of clause 23. I want to add my amendment to page 5, line 40, at the end. I have said that the appeal should lie to the Election Commission whether in the first instance or in appeal from the order of the electoral registration officer. There are two contingencies. An appeal could be made to the Election Commission from an order of the chief electoral officer under sub-clause 4 (b). I have suggested that the appeal should lie to the Election Commission in both cases—whether in the first instance or in appeal from an order of the electoral registration officer.

I commend all these amendments 25, 26 and 28—to the acceptance of the House.

**Shri Bishnu Prasad Singh :** उपाध्यक्ष महोदय, मुझे अपने ३ नम्बर के संशोधन पर यह निवेदन करना है कि धारा १५ के पार्ट ५ में आपने जो यह व्यवस्था रखी है कि हर एक अपील के लिये प्रार्थी को एक निश्चित फीस जमा करनी पड़ेगी जो कि किसी भी हालत में वापस नहीं थी जायेगी, मैं समझता हूँ कि फीस की व्यवस्था रख कर हमारे लाँ मिनिस्टर साहब ने देहात के रहने

वाले उन अशिक्षित और गरीब लोगों के प्रति नाइन्साफी बर्ती है और इस के अतिरिक्त भारतीय संविधान द्वारा हर एक निवासी को जो बालिग मताधिकार का अधिकार प्रदान किया गया है, उस का आप उन से इस फीस की व्यवस्था को रख कर के छीनने जा रहे हैं। अगर हमारे लाँ मिनिस्टर साहब गांवों में गये होंगे तो उन्होंने स्वयं देखा होगा कि हमारे देहातों के निवासियों की आर्थिक दशा कैसी है ? वे बेचारे सुबह से शाम तक जी तोड़ कर परिश्रम करते हैं लेकिन उन को पेट और भोजन और कपड़ा नहीं मिल पाता है। दिन भर काम करने के बाद गांवों में हमारे यहां उन को दो सेर भर अनाज मजदूरी के रूप में मिलता है और आज के दिन वे बेचारे अपना और अपने बाल-बच्चों का भरण-पोषण नहीं कर पाते हैं। अब आप ही बतलाइये कि अगर ऐसे गरीब आदमियों का मतदाता सूची में नाम शामिल होने से रह गया तो वह अपना नाम दर्ज कराने के लिये कहां से फीस जुटायेगा ? मान सीजिये कि थोड़े से ऐसे भी आदमी जो आज कल कांग्रेस का काम करते हैं, पब्लिक वर्क करते हैं और उन में उन की दिलचस्पी है और यदि ऐसे लोगों का नाम बोटसं लिस्ट में दर्ज होने से रह गया तो उन को अपना नाम दर्ज कराने के बास्ते २५, ३० मील देहातों से दूर डिस्ट्रिक्ट हेडक्वार्टर में जाना पड़ेगा, अगर वहां पर काम न बना तो उन को पटना जाना पड़ेगा या थोड़ी देर के लिये मान सीजिये कि उन को उस काम के लिये दिल्ली आना पड़े, तो मैं पूछता चाहता हूँ कि यह सब खर्च उन के पास कहां से आयेगा ? मैं तो ऐसा समझने पर मजबूर हूँ कि विधान में बालिग मताधिकार का जो आधिकार भारतवासियों को दिया गया है, वह इस प्रकार की कानून में व्यवस्था करके लोगों से छीना जा रहा है और इसी लिये मैंने अपने अमेडमेंट द्वारा यह चाहा है कि इस ५ नम्बर के सब क्लाज को हटा दिया जाये। ५ नम्बर के सब क्लाज में इस तरह दिया हुआ है :

## (स्थि विभूति मिश्र)

"Every application and appeal under this section shall be accompanied by the prescribed fee which shall in no case be refunded."

अब आप ही बतलाइये कि एक गरीब आदमी कहां से फीस जुटा सकता है ? और इस फीस की व्यवस्था इसमें शामिल देखकर तो मुझे ताज्जुब होता है कि कांग्रेस के शासन काल में ऐसा क्योंकर संभव हुआ । उस कांग्रेस के शासन काल में जो सन् १९२० से लेकर आज तक देश की गरीबी और भुखमरी को मिटाने के बास्ते संघर्ष करती आरही है, फीस की शर्त लगाना कुछ समझ में नहीं आता और साफ जाहिर है कि इस का असर देश के एक बहुत बड़े तपके पर लगेगा क्योंकि देश में गरीबों की तादात बहुत काफ़ी है और ऐसे लोगों से जिनके पास खाने के लिये भी पर्याप्त साधन न हो, उन से नाम दर्ज कराने के बास्ते फीस की मांग करना सरासर उन के साथ बेइन्साफ़ी करना है और उनको बोट देने के हक से महरूम करना है । मैं नहीं समझता कि कोई भी इस बात को कबूल करेगा कि एक गरीब आदमी से फीस बसूल कर के उस का नाम बोटर लिस्ट में दर्ज किया जाये, बगैर फीस मिले उस का नाम दर्ज न किया जाये । मैं तो समझता हूँ कि इस तरह का काम तो सरकार को अपने खर्चें से करना चाहिये और जब सरकार यह कहती है कि हम बालिग भताधिकार के आधार पर इस सरकार को बना रहे हैं तब गरीब आदमियों से फीस लेकर उन का नाम दर्ज करने की बात कहां तक बाजिब है ? इस सम्बन्ध में मैं आप को महाराजा अशोक के राज्यकाल का उदाहरण देना चाहता हूँ यदि अशोक महाराज के राज में किसी के घर में चोरी होती थी तो राजा को जो खाने-पीने बगैर ह का भता और वेतन आदि मिलता था, उस में से कटौती कर के आवश्यक सुधार कर दिया जाता था । उसी तरह मैं तो चाहूँगा कि आज के दिन भी अगर हमारे राज्य में किसी बोटर का नाम सूची में शामिल होने से छुट

गया, तो इसके लिये लों बिनिस्टर साहब को सजा देनी चाहिये क्योंकि निश्चय ही यह उन की जिम्मेदारी है कि इस की ठीक तौर पर व्यवस्था करें और अगर व्यवस्था दोषपूर्ण रह जाती है तो उस के लिये जिम्मेदार बिनिस्टर साहब को सजा होनी चाहिये न कि उस गरीब आदमी को जिस का कि नाम सरकार की असावधानी से बोटर लिस्ट में दर्ज होने से रह गया है । उस गरीब आदमी से जिसके पास भर पेट खाने को भी नहीं है उस से नाम दर्ज कराने के बास्ते फीस की मांग करना सरासर अन्यायपूर्ण है । आज गांवों में कितने आदमी ऐसे हैं जो कि इस तरह की फीस देने की हैसियत में हैं ? यह सरकार का काम है कि बिना उनसे फीस लिये हुए अगर किसी बोटर का नाम सूची में दर्ज होने से रह गया हो तो उस को दर्ज कर दें । इस-लिये मेरी मांग है कि यह जो फीस की व्यवस्था बाला सब क्लांज नम्बर ५ है उस को बिल में से हटा दिया जाय और अपने नम्बर तीन के अमेंडमेंट से यही मैंने चाहा है और मैं चाहता हूँ कि सरकार को बिना कोई फीस लिये हुए अगर किसी बोटर का नाम मतदाता सूची में शामिल होने से रह गया हो तो उस के नाम को सूची में दर्ज करना चाहिये ।

**Mr. Deputy-Speaker :** I now call upon the hon. Minister. We have to finish it before 2 P.M.

**Shri Altekar :** We began yesterday at 12.15 P.M.

**Mr. Deputy-Speaker :** We have extended it by 20 minutes. The period will be over by 2 o'clock.

**Shri Pataskar :** I will not take long. As regards the question of fees, as I have already pointed out in the beginning, the fee is only Re. 1. Of course, my hon. friend Shri Bibhuti Mishra would like the hon. Minister to be punished; I do not know whether the hon. Minister is in charge of these things, because the Election Commission is an independent authority which is constituted under the Constitution. The hon. Member wants to have a punishment for

the Minister. It is probable that out of 18 crores of people, some name may be casually left out. I can hardly reply to persons who, in the name of the poor, can say anything they like. That is the only reply which I can give. Probably my friend has not been able to follow the trend of legislation which we are making. It is the Constitution which has created an Election Commission, and having failed to realise that, the hon. Member has made his remarks in the name of the poor. I do not know whether poor people have come in large numbers in respect of this matter. I have very little to reply to such fantastic arguments.

As regards the suggestion made by the hon. Member Shri Kamath, with respect to the supply of some copies to the candidates, in what stage and in what manner, I think these are matters which should be left rather to be prescribed and decided by rules or instructions, quite apart from the suggestion that without any such provision in the State of Bombay copies could be supplied there. I think that is a matter which will be considered by the Election Commission. As has been mentioned yesterday, the Election Commission only some months back had called a conference of representatives of all political parties and took some tentative decisions and issued some instructions. I think these are matters which should not be incorporated in the statute-book without knowing what the consequences are and what the costs are. These are necessarily the matters which the Election Commission will take into account.

**Shri Kamath :** What about the rules?

**Shri Pataskar :** When the rules are framed, they will be laid on the Table of the House. I am prepared to say that in the place of sub-clause (b) (3) of clause 24, to which Shri Kamath has tabled an amendment, we will have a clause which will satisfy him, namely :

"All rules made under this Act shall, as soon as may be after they are made, be laid for not less than thirty days before both Houses of Parliament and shall be subject to such modification as Parliament may make during the session in which they are so laid or the session immediately following."

**Shri Kamath :** That is my amendment.

**Shri Pataskar :** But it is a little different. I think this should satisfy all the arguments which have been advanced with respect to these clauses.

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

Page 4—

"omit lines 24 to 26"

*The motion was negatived.*

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

Page 4—

after line 36, insert—

"21A. Assistance of political parties to be taken in preparation and revision of electoral rolls.—The chief electoral officer, every electoral registration officer and every assistant registration officer shall take such assistance as may be given to him by all political parties recognised by the Election Commission and by such other organisations as such officer may think fit in the matter of preparation or revision of electoral rolls and shall afford each of them all reasonable facilities for rendering such assistance."

*The motion was negatived.*

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

Page 4—

after line 26, insert—

"(2A) Two copies each of the draft as well as final rolls shall, immediately after publication be supplied free of cost to each recognised political party in that constituency, and one copy of the final rolls shall be supplied free of cost to every validly nominated candidate for election from that constituency in a general or by-election."

*The motion was negatived.*

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

Page 4—

after line 26, insert—

"(2A) In the preparation, revision and correction of electoral rolls, the Election Commission shall invite the co-operation of all recognised political parties and afford them adequate facilities for such co-operation."

*The motion was negatived.*

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

Page 5, line 40—

add at the end

"Whether in the first instance or in appeal from an order of the electoral registration officer."

*The motion was negatived.*

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

• Page 6—

omit lines 1 to 3.

*The motion was negatived.*

**Shri Kamath :** What about amendment No. 29?

**Mr. Deputy-Speaker :** The amendment is not to clause 15. It comes under clause 24. The question is :

"That clause 15 stands part of the Bill."

*The motion was adopted.*

*Clause 15 was added to the Bill.*

*Clauses 16 and 17 were added to the Bill.*

**Mr. Deputy-Speaker :** The convention and practice are that after the time is over, all the amendments tabled by the Government should be allowed to be moved. Under clause 18, there are two amendments given notice of.

**Clause 18—(Amendment of section 27.)**

*Amendments made : (i) Page 6, line 17.*

*for "a local authority" substitute "each such local authority".*

"(ii) Page 7, lines 3 and 4—

*omit: "[excluding the second proviso to sub-section (2)]"*

—[Shri Pataskar]

2 P.M.

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

"That clause 18, as amended, stands part of the Bill."

*The motion was adopted.*

*Clause 18, as amended, was added to the Bill.*

*Clauses 19 to 23 were added to the Bill.*

**Clause 24—(Amendment of section 28) :**

*Amendment made—Page 7 for lines 30 to 32 substitute—*

"(3) All rules made under this Act shall as soon as may be after they are made, be laid for not less than thirty days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

—[Shri Pataskar]

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

"That clause 24, as amended, stands part of the Bill."

*The motion was adopted.*

*Clause 24, as amended, was added to the Bill.*

*Clauses 25 to 28 were added to the Bill.*

### New Clause 29

**Mr. Deputy-Speaker :** There is a Government amendment No. 6 for the insertion of a new clause 29.

*Amendment made : Page 8 after line 20, add—*

"29. *Repeal of Ordinance 7 of 1955.*—The Representation of the People (Amendment) Ordinance, 1955 is hereby repealed."

—[Shri Pataskar]

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

"That new clause 29 stands part of the Bill."

*The motion was adopted.*

*New clause 29 was added to the Bill.*

### Clause 1—(short title.)

*Amendment made : Page 1— for clause 1, substitute—*

"1. *Short title.*—This Act may be called the Representation of the People (Amendment) Act, 1956."

—[Shri Pataskar]

**Shri Pataskar :** This Act will come into force as soon as it receives the assent of the President.

**Shri Kamath :** It is said here that it shall come into force on the 1st day of January, 1956.

**Mr. Deputy-Speaker :** Mr. Kamath's point is that it is mentioned here that this will come into force on the 1st day of January, 1956, whereas we are in the month of February now, and the Bill may have to go to the other House and so on. It is open to the Lok Sabha to say that it shall come into force from the 1st day of January.

**Shri Pataskar :** After my amendment No. 2 to clause 1 has been adopted, there is no mention of the date on which this will come into force. This will come into force on the date on which this receives the assent of the President.

**Mr. Deputy-Speaker :** So, sub-clause (2) of clause 1 is omitted, in view of Shri Pataskar's amendment.

The question is :

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted*

*Clause 1, as amended, was added to the Bill.*

#### Enacting Formula

*Amendment made : Page 1 line 1—  
for "Sixth Year" substitute  
"Seventh Year".*

—[*Shri Pataskar*]

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

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

**Shri Pataskar :** I beg to move :

"That the Bill, as amended, be passed."

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

"That the Bill, as amended be passed."

*The motion was adopted.*

#### BAR COUNCILS (VALIDATION OF STATE LAWS) BILL

**The Minister of Legal Affairs (Shri Pataskar) :** I beg to move :

"That the Bill to validate certain State Laws amending the Indian Bar Councils Act, 1926, as passed by Rajya Sabha, be taken into consideration."

This is a very simple Bill. The Indian Bar Councils Uttar Pradesh (Amendment) Act 1950 (U.P. Act XXIV of 1950) provided for the dissolution of the Allahabad Council and the constitution of an *ad hoc* Bar Council for the High Court of Allahabad. As we are all aware, formerly there were the Chief Court of Avadh and the High Court of Allahabad. After the coming into force of the Constitution, naturally, there was only one High Court and that was the High Court of Allahabad. Therefore, they passed this Act for the establishment of a Bar Council for Uttar Pradesh.

[**PANDIT THAKUR DAS BHARGAVA in the Chair**]

The Allahabad High Court, however, in the decision reported in A.I.R. 1954 Allahabad 728 said that the subject matter of the enactment related to the latter part of entry 78 of the Union List in the Seventh Schedule to the Constitution, that is, "persons entitled to practice before the High Courts" and not to entry 26 of the Concurrent List—"legal medical and other professions". As hon. Members are aware, there are two entries in our Constitution; entry No. 26 in the Concurrent List, "legal medical and other professions", and entry 78 in the Union List, "persons entitled to practice before High Courts". The Allahabad High Court came to the conclusion that this matter related more to entry No. 78 and therefore has held that that Act was *ultra vires*. Now, it is represented by the Government of the U.P. that on account of this decision, some difficulties have been created in the matter of the working of the Bar Councils Act in that State.

Similarly, on the creation of the State of Andhra, the President, in exercise of the powers of the Andhra Legislature then vested in him, enacted the Indian Bar Councils (Andhra Amendment) Act, 1954 (President's Act VII of 1954) and the Madras Legislature enacted the Indian Bar Councils (Madras Amendment) Act, 1954, providing for separate Bar Councils being established for the State of Andhra and the State of Madras. Supposing this matter was taken up somewhere, it may be decided one way or the other. So far as the decision of the Allahabad High Court is concerned, the U.P. Government has gone in appeal to the Supreme Court. Apart from that particular case, it is desirable that we should try to set matters right by accepting the decision of the Allahabad High Court and putting

[Shri Pataskar]

it beyond doubt that these Acts shall be valid as if they were passed by this Parliament. I think the Bill is more or less of a non-controversial nature. It is intended for facilitating a small matter, for correcting something which has created some difference of opinion. I hope this Bill will be passed. This Bill has been passed by the Rajya Sabha.

**Shri S. S. More** (Sholapur) : Before you put the motion to the Lok Sabha, may I seek some clarification and if necessary rise to a point of order?

Under rule 91 of our Rules of Procedure,

"As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette."

My submission is this. Here, we are validating the provisions of certain Acts passed by provincial legislatures. In effect, we are adopting all those provisions as part of our enactment. Then only could validity be imparted to those provisions. Interpreting this rule in the proper spirit, this is supposed to be for public information. The validity clauses alone are not enough. All the provisions which are going to receive validity at our hands also form part of the present Bill. If a Bill is to be published according to this rule, I would submit that the Bill along with the provisions of the Acts which are to receive validity at our hands should also be simultaneously published. Then alone can publication be said to be complete in accordance with the spirit of rule 91. I want to know whether all these enactments have been published along with the validating provisions of the Bill.

**Mr. Chairman** : What is the contention? Does he wish to say that this Bill has not been published in the Gazette?

**Shri S. S. More** : My submission is,—I have not made myself clear....

**Mr. Chairman** : I understand the hon. Member to mean that not only the Bill, but the provisions of the laws sought to be validated ought to have been published.

**Shri S. S. More** : If they are published, the next motion can come in. If they are not published along with the validating provisions, my submission is, there is no compliance with rule 91 and there-

fore, the next motion cannot appropriately come in here. That is my submission for your consideration.

Another point is this. The validating provisions are circulated to the Members. The other enactments have not been circulated to the Members. Is this proper compliance with the Rules of Procedure? We are supposed to give validity to all those Acts. Is it not the function of the Government to see that all those enactments along with the validating Bill are circulated to the Members so that the Members can properly study those provisions and see what validity is to be imparted to those enactments? Because we are undoing the effect of a High Court's decision, that should not be done very lightly.

**Shri U. M. Trivedi** (Chittor) : On a point of order, I want to make a little submission. The point has been touched by my hon. friend Shri S. S. More. I want to elaborate a little on it. Because this motion is for consideration, I oppose consideration of this motion.

**Mr. Chairman** : Order, order. The motion has not yet been put to the Lok Sabha. Let the motion be put. Then, there can be either support or opposition to the motion. I thought the hon. Member was raising some point relating to the motion itself.

**Shri U. M. Trivedi** : To the motion itself.

**Mr. Chairman** : He is opposing the motion. There will be ample time to oppose.

**Shri U. M. Trivedi** : My submission is, it should not be considered at all.

**Mr. Chairman** : The motion should not be put?

**Shri U. M. Trivedi** : The motion should not be considered. I make this submission not only because of the provisions of rule 91 which my hon. friend Shri S. S. More pointed out, but also for this reason. The Statement of Objects and Reasons shows that this law could only have been made by Parliament under the provisions of article 246 read with item 78 of the Union List. That is to say, whatever law is to be made could be made only by Parliament. Here, what they are seeking is, to validate a law which neither exists *de facto* nor *de jure*. You can validate things which exist. Things which do

not exist, you cannot validate. There must be something in existence which you can validate. Here, there is nothing in existence. That law which was made by the U.P. legislature was *ab initio* void. *Ab initio* void means no law of that nature exists now. Therefore, there is nothing to validate. In other words, it is this Parliament which is now going to make a new law. If a new law is to be made, all the provisions of that law must be embodied in the Bill. These provisions are not in the Bill itself. What the Bill says is, take cognisance of the three laws, invalid laws which do not exist anywhere and validate them. Such a Bill cannot be introduced and cannot be put for consideration before the Lok Sabha. This contention has been upheld in the decision in A.I.R. 1954 Allahabad 728 which has been referred to in this case itself.

**Mr. Chairman :** Order, Order. The point whether there is something non-existent, whether that can be validated, will also come for consideration when this motion is made. I do not see any reason why the motion should not be allowed to be made. I can understand Shri More's point which I will consider, but so far as the point made by the hon. Member is concerned, I feel this is a point which should be taken into consideration after the motion has been made.

**Shri U. M. Trivedi :** As you please.

**Mr. Chairman :** As regards the first one....

**Shri Pataskar :** As regards the first one, rule 91 says :

"As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette."

And this Bill when it was introduced was published in the Gazette. As regards the point what the Bill seeks to do, it seeks to validate certain other Acts of State legislatures which are mentioned in the Schedule which has been published along with the Bill in the Gazette. Of course, the availability of copies is a different matter, but so far as rule 91 is concerned, I think there has been a publication within the meaning of the rule. The Bill itself was published. We will consider whether really copies of the Acts referred to could not have been obtained, but that

is a different matter. So far as the operation of rule 91 is concerned, I think there is no bar.

**Mr. Chairman :** As a matter of fact....

**Shri S. S. More :** Before giving your final decision, will you permit me to make a submission?

**Mr. Chairman :** The practice is that as soon as a Bill is introduced, a copy is supplied to the Members.

Copies of the relevant provisions of law which are sought to be enacted or amended are also supplied. At the same time, if there is a reference in the Bill to certain Acts, entire copies of those Acts are not supplied. If there is any reference to any particular portion of any law, then the copies of the relevant portion from that law is supplied even today. This is the practice. Shri More's complaint is, since the House is asked to validate the entire provisions of certain Acts, all those provisions should have been supplied along with the copy of the Bill. That is the objection. But this is a matter of practice rather than one of principle.

So far as rule 91 is concerned, it says that the Bill shall be published. The Bill has been published. That rule does not say that the Bill along with the references which relate to particular provisions of the Bill should be published. There is no such rule. The practice in the House is that the provisions relating to which reference is made in the body of the Bill are supplied, and it is but right that they are supplied to hon. Members, so that when they read the Bill they also go through the provisions which are sought to be amended. It may be that so many copies of these Bills may not be found in the Library also. So, it is quite desirable that when a reference is made to particular provisions, copies of such provisions should be a part of the Bill itself, as is the practice. So far as rule 91 goes, it does not say even the references contained in the Bill should also be published. I therefore do not see any point in Shri More's objection.

**Shri S. S. More :** There is another point. You are a Member who had the fortune to be present here in the Assembly during the last quarter of a century. I can refer to past rulings of the Chair where it has been stated that when a particular matter has to be taken before the House, it is the duty of those

[Shri S. S. More]

who are in charge of the particular motion to keep the House posted with all the relevant facts. The essential principle of publication of the Bill is that the whole country should know what Bills are going to be passed by the House affecting their own lives. So, taking the spirit behind this act of publication and also the spirit of the notice which has to be given to the Members that Bills are to be brought before the House, I would say that by this validating provision we are giving validity to all the provisions of these three Acts. We do know how many sections they have, what are their provisions. And even the Law Minister when he made the motion for consideration was not kind enough to give us some idea about those provisions.

**Shri Pataskar :** I think I gave it.

**Shri S. S. More :** He simply referred to the Allahabad High Court decision. Are we going to give validity to all those provisions in an ignorant manner and will it be consistent with our dignity and responsibility to the whole country? I would request that this may not be strictly interpreted as coming under rule 91. You have to lay down certain principles for the guidance of the Government and Members of the Opposition. This is a democracy which should be a vigilant democracy and not an ignorant, blindly following democracy.

**Mr. Chairman :** The hon. Member has himself been here in Parliament for such a long time and he knows the rules very well.

**Shri S. S. More :** Only two or three years.

**Mr. Chairman :** When the rules are there, it is not for the Chair to add to them. The hon. Member himself could have given notice of a change in the rules and the Rules Committee might have amended rule 91 to the effect he wants.

At the same time, in the absence of such a rule which requires that the relevant provisions should be published along with the Bill, I do not feel justified in not putting the motion before the House. I am clear in my mind that it is quite desirable that all the provisions which are sought to be enacted should be supplied to hon. Members so that they may understand and may not just in ignorance pass them *in extenso* as if

we are not called upon to have to consider those provisions. Therefore, I think it is desirable that the Bill is circulated to Members with the relevant provisions which are sought to be enacted. It would have been better if the copy of these Acts were circulated along with this Bill, but that relates to practice and not to any rule. I therefore, put the motion to the vote of the House.

**Shri Sadhan Gupta** (Calcutta South-East) : You ought to put the motion before the House and not to the vote of the House.

**Mr. Chairman :** The motion will be passed when....

**Shri Sadhan Gupta :** The motion is made.

**Mr. Chairman :** The motion is made and I will take the vote whether it is allowed to be considered or not at the proper time.

**Shri Sadhan Gupta :** But there will be discussion on the motion?

**Mr. Chairman :** There will be discussion on the motion after it is placed before the House.

Motion moved :

"That the Bill to validate certain State laws amending the Indian Bar Councils Act, 1926, as passed by Rajya Sabha, be taken into consideration."

**Shri U. M. Trivedi :** As the Statement of Objects and Reasons of this Bill says, this Bill has become necessary by virtue of a judgment delivered by the Allahabad High Court declaring a piece of legislation known as U.P. Act XXIV of 1950 *ultra vires* by virtue of the provisions of Entry No. 78 of the Seventh Schedule of the Constitution. There can be no two opinions about the soundness of this judgment and having accepted....

**Mr. Chairman :** Before the hon. Member proceeds may I remind the House that the time allotted is only half an hour?

**Shri U. M. Trivedi :** It will be difficult. Supposing we have to throw out this Bill, it might take a longer time, God knows.

**Mr. Chairman :** Even if it has to be thrown out, the Business Advisory Committee has been pleased to give only half an hour.

**Shri U. M. Trivedi :** We will try to be as short as possible, but you as a lawyer can understand why....

**Mr. Chairman :** I would request the hon. Member not to expatiate too much.

**Shri U. M. Trivedi :** I do not want to.

As I was saying, the law was clear, and after this clear decision of the High Court, another mistake was committed by promulgating two more laws, namely the Indian Bar Councils (Andhra Amendment) Act and the Indian Bar Councils (Madras Amendment) Act, 1954. These two Acts also were following in the wake of this decision of the Allahabad High Court. It was then found, perhaps on legal opinion being obtained, that all the three of them were invalid laws.

This Parliament is powerful enough. It can make any law. All the residuary powers exist in this Parliament, but when there is a specific provision of law, no residuary power is to be used. When article 246 read with Entry No. 78 lays down that it is within the power of this Parliament to make laws with reference to persons who can be allowed to practice in High Courts, it is a specific provision for which a law has to be made. If there is a specific provision, the residuary power is of no use. It will come into play only if there is no specific provision. Therefore, my submission is that this law which seeks to validate the existence of the so-called invalid laws is—I submit in the mildest tone—unconstitutional, firstly because, as I submitted earlier, a specific provision exists, and secondly because those laws have been declared by a High Court to be void *ab initio*; and you cannot validate a thing which is void *ab initio*.

Here, it is not a question of validating an action of an officer or of validating an action which has already been taken. Here, you want to validate a law which does not exist. This is what we find in a very old case reported by the Supreme Court of America, in *Extein Norton v. Shelby Country of the United States*, page 179.

**Shri H. G. Vaishnav (Ambad) :** Which year?

**Shri U. M. Trivedi :** In the year 1885. I shall read only the relevant portion of the judgment.

"An unconstitutional act is in legal contemplation as inoperative as though it had never passed."

Things which *de jure* do not exist, things which *de facto* do not exist, cannot be made to exist by the passing of a law of this nature. It has been laid down that a thing which does not exist cannot in legal contemplation exist. Therefore, this law does not exist. And this being a nullity, you cannot pass a law now to validate a thing which does not exist at all.

The Minister of Legal Affairs is himself a lawyer, and this is a law which emanates from the Law Ministry itself. It is not a law which has been framed by the Finance Ministry, or the Education Ministry, or the Health Ministry or the Commerce and Industry Ministry, but by the Law Ministry; it is indeed curious that the Law Ministry should make an illegal law....

**Shri Pataskar :** They have not done that.

**Shri U. M. Trivedi :** It is not something which can go down the throats of the Members of the Lok Sabha. We have to take stock of this situation. I therefore submit that this Bill must be withdrawn.

I would also like to draw the attention of the Minister to a judgment of the Patna High Court (50, *Patna*, page 392). There also, it was a case where the President was asked to certify particular provisions of law to give them validity. It was held by the court that an Act which is invalid cannot be validated by mere certification, because that invalid Act itself was a nullity.

"The conclusion therefore is that the certification by the President is meant to cure an irregularity or an illegality in a certain provision of an Act which is otherwise good law but is not meant to cure a nullity."

Here, my submission is that the judgment of the Allahabad High Court has declared this as a nullity, as something void *ab initio*, that is, as something which was done without any power whatsoever. The U.P. Legislature, or the Madras Legislature or the Andhra Legislature had no power whatsoever to enact a law which would govern the enrolment of persons who would be entitled to practise before the High Courts.

[Shri U. M. Trivedi]

Under those circumstances, my submission is that this Bill which says :

"This Act may be called the Bar Councils (Validation of State Laws) Act, 1955."

is not a valid thing. I would therefore request the Minister to take stock of the situation and withdraw this Bill, and bring forward another Bill for the consideration of the Lok Sabha to make a proper law.

**Shri Sadhan Gupta :** Before I come to the Bill itself, I must express my disappointment with the way Government are proceeding about the affairs of the Bar. Now, a committee had reported a few years ago—I think two or three years ago—on this matter. A committee presided over by the present Chief Justice of India had recommended an all-India Bar. If the Minister had considered, and acted upon, the recommendations of that committee, a bill of this kind would not have been necessary at all.

As a matter of fact, an all-India Bar is very much necessary, because the Indian Bar is in a state of chaos. We have different rules in different places, which is something absolutely unwarranted. These things should therefore be remedied. We have different classifications in the profession itself.

**Shri Kamath (Hoshangabad) :** May I point out that there is only half the quorum?

**Mr. Chairman :** The bell is being rung—Now there is quorum.

The hon. Member, Shri Sadhan Gupta may continue.

**Shri Sadhan Gupta :** I was pointing out that the Indian Bar is in a state of chaos. Just to give a few random illustrations, *mukhtiyars* who can conduct criminal cases in the original courts are not allowed to appear at the appellate stage. So, all these things are there. There is one other particularly sorry state of affairs, and that is that while we recognise barristers of England as being entitled to enrol here, the people who are so qualified here are not entitled to enrol themselves in England. Although I belong to that category myself, I have no hesitation in condemning this kind of practice.

All these anomalies should have been remedied by passing a comprehensive Bill regulating the Indian Bar, that is to say, the admission to the bar, and its practising discipline and so on, on an all-India basis. But that has not been done in spite of the recommendations of the Committee which went into this matter, and we find piecemeal legislation coming in respect of different States, while what is really needed is going by default. So it is a very disappointing state of affairs, and I want to draw the attention of the Minister particularly to that aspect.

Coming to the Bill itself, I would not stand in the way of the passing of the Bill, because apparently it has become necessary on account of certain reorganisation of High Courts—due in one case to the constitution of a new State and in the other case to the abolition of two High Courts, in accordance with constitutional provisions. But I have grave doubts about the constitutional validity of this particular Bill. We are not enacting the particular Acts in detail; we are trying to ratify them. I have my grave doubts as to whether this kind of procedure is permissible under the Constitution. Even apart from what the United States Supreme Court has said, there is this aspect of it, that what we are trying to ratify is an Act passed by a State Legislature or passed by an authority acting for the State Legislature, acting instead of the State Legislature. Normally, if this had come to Parliament in the form of a Bill, we could have considered amendments and in that way we could have considered the merits and demerits of the Bill itself. In this particular case, even if we disagree with the U.P. Act or the Madras Act or the Andhra Act, we are not in a position to move amendments. We are not in a position to amend those provisions while considering this Bill. I have my grave doubts whether this kind of ratification is permitted by the Constitution. After all, I think the Constitution does expect us, while sitting in Parliament, to legislate by considering the merits and demerits of the Acts themselves as well as of the different provisions of the Acts, and to effect such changes as we may think fit. Therefore, although I would not stand in the way of the passing of the Bill, yet I have grave doubts as to the constitutional validity of this Bill. I would ask the hon. Minister to give consideration to this aspect of the matter.

**Shri Pataskar :** So far as this Bill is concerned, the question that arose was as I said in the beginning, this, that after the abolition of the Avadh Chief Court and the establishment of one High Court for Uttar Pradesh, what was thought necessary was not to change the whole of the Bar Councils Act but to make some change providing for a Bar Council. Formerly, there were two Bar Councils, one for Allahabad and one for Avadh. After the constitution of one High Court, the Allahabad High Court, they wanted that there should be only one Bar Council because there is no second High Court. Similarly, after the separation of Andhra and Madras, where there was formerly only one Bar Council, they wanted to have two Bar Councils because there were two High Courts established. They wanted to make the provision without in any way interfering with the Bar Councils Act except for the purpose of establishing two Bar Councils. As a matter of fact, the Bar Councils do not deal only with persons who are entitled to practice in the High Court, but generally with the Bar in the whole of that State. It was from that point of view that these Councils have been established. There is nothing else done in this Bill. This has been necessitated by the actual state of things as they existed in Uttar Pradesh, Andhra and Madras.

Somewhat or other when the matter went to the Allahabad High Court, that Court declared the Act *ultra vires* of the State Legislature on the ground that it related to entry 78 of the Union List, which says :

"Constitution and organisation of the High Courts except provisions as to officers and servants of High Courts; persons entitled to practise before the High Courts."

As we all know, there is an appeal pending before the Supreme Court and we do not anticipate what the decision will be. But as a matter of fact, on account of this litigation, a considerable amount of inconvenience is being caused in a technical way. I quite appreciate the feelings of my hon. friend, Shri Sadhan Gupta. But here there is no intention to take away anybody's right or to do anything behind anybody's back. What has happened is that a certain decision is creating some difficulty of an administrative nature and we have to remedy it in the interest of the general public and of the profession in general. It is purely from that point of view

that this short Bill validating the establishment of one Bar Council instead of two in U.P., and a separate Bar Council for Andhra and Madras each, has been brought forward. Of course, I do appreciate that in the case of this Bill it might have been much better if instead of my saying something, a few copies of those Acts had been circulated.

**Shri V. G. Deshpande (Guna) :** We tried in the Library. Not one copy is available.

**Shri Pataskar :** I really sympathise with that view. I quite appreciate that it would have been better if we had procured a few copies. But I would like to appeal to hon. Members not to press that. I can assure them that nothing has been done in any way to interfere with the Bar Councils Act except to establish one Bar Council for Allahabad necessitated by their being one High Court in Allahabad, and to establish one Bar Council each in Madras and Andhra, necessitated by the establishment of separate High Courts for Andhra and Madras.

**Shri S. S. More :** May I seek a clarification?

**Shri Pataskar :** I will give whatever information I have.

It is not as if we are trying to validate something which has been done and in a matter in which there has been a finding by a High Court that what was done was not consistent with the provisions of the Constitution. On the contrary, it is in consonance with the spirit of this Government to accept the decisions of courts which are given—the Allahabad High Court, for instance. Of course, the other matters have not been decided. But apart from that, we say that so far as decisions of judicial courts are concerned, they are entitled to the highest respect, because they function under the Constitution. But it is purely with a view to accommodate the profession in general that this simple measure has been brought forward. There was no intention at any time either to keep back anything or to do anything behind anybody's back. Of course, this Bill has been passed by the Rajya Sabha and is now before the Lok Sabha. A little while ago, the President of the U.P. Lawyer's Association—I do not know whether he is here now—was with me and he was very anxious that we should try to help them by removing this technical difficulty which was coming in their way. I think we should concentrate more on doing whatever we can to remove that difficulty so that the Bar

[**Shri Pataskar**]

Councils Act functions properly. It is from that point of view that this has been brought forward. I can appreciate the fears and feelings expressed on the other side. But I would appeal to them, including my hon. friend from Rajasthan, to realise that this is a Bill which has been brought forward more in the interest of administration of justice in courts where some suffering is caused as a result of a technical difficulty.

**Shri U. M. Trivedi** : It is not that we doubt his *bona fides*. But in bringing forward a Bill to remove some difficulty, he should not bring some difficulty.

**Shri S. S. More** : May I seek some information? May I know whether the Allahabad High Court's judgment declares *ultra vires* of the State Legislature the Indian Bar Councils Uttar Pradesh (Amendment) Act 1950 *in toto* or any part of it? We have no definite idea as to how many sections are there.

There is another point I would submit for your consideration. We are validating the U.P. Act. That is perfectly correct. But the two other Acts have not been invalidated by any court. In spite of that, we are validating them. So have we that power to invalidate certain Acts of a State Legislature and then validate them, without the decision of any court?

**Shri Pataskar** : We have consulted the Governments of Andhra and Madras particularly because a Bill had to be brought here. We wanted that we should not expect a decision of the High Court. That seems to be the idea underlying the bringing forward of this measure. I think we are right. We should not wait till some High Court decides the matter. It is only from that point of view that the present Bill has been brought before the Lok Sabha.

**Mr. Chairman** : I think there was a measure contemplated for consolidating all the Bar Councils Acts and a committee was appointed by the Supreme Court also. When is the Government likely to come forward with a Bill consolidating all the Bar Councils Acts? When is it coming?

**Shri Pataskar** : There was a committee appointed some years back with respect to the creation of a unified Bar Council. The only difficulty in the way is with respect to what is to be done regarding certain High Courts like the

Bombay and Calcutta High Courts which have got original sides also. I may inform the Lok Sabha that I had gone to Bombay to discuss the matter with the parties concerned, on the appellate side and on the original side and also the Government. The Bill is ready except that before it is brought forward. I would like to go to Calcutta and discuss the matter with people there. I think that within a short time that Bill will come. It is not that they should agree but what I want is, let me go and work in a spirit of adjustment and co-operation. It is from that point of view that the Bill is now pending with us. I think that at the earliest possible opportunity it will be brought before the Lok Sabha.

**Shri S. S. More** : What time will it take before it is put before us?

**Shri Pataskar** : Next month I am going to Calcutta. Practically, half of it is complete so far as the Bombay High Court is concerned.

**Mr. Chairman** : The real purpose of the relevant entries in the Constitution is to have a uniform law for the whole of India and to have a unified Bar Council for the whole of India. As long as these Acts are being legalised here, there is no prospect of that Bill coming up.

**Shri Pataskar** : I can assure the Lok Sabha that so far as that Bill is concerned, I have finished consideration of the report. I am dealing with it. I had gone to Bombay twice or thrice and I am proposing to go to Calcutta to consult the Calcutta Bar and the High Court. On account of certain difficulties I could not go till now.

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

"That the Bill to validate certain State laws amending the Indian Bar Councils Act, 1926, as passed by the Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Clause 1.—(Short title)**

**Amendment made :**

In page 1, line 4—for "1955" substitute "1956"

[**Shri Pataskar**]

**Mr. Chairman** : Now, the question is :

"Clause 1, as amended, clause 2 and the Schedule stand part of the Bill."

*The motion was adopted.*

**Clause 1, as amended, clause 2 and the Schedule were added to the Bill.**

### Enacting Formula

*Amendment made :*

In page 1, line 1—for "Sixth Year" substitute "Seventh Year".

—[*Shri Pataskar*]

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

"That the Enacting Formula, as amended, and the Title stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, and the Title were added to the Bill.*

**Shri Pataskar:** I beg to move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

*The motion was adopted.*

• —

### VOLUNTARY SURRENDER OF SALARIES (EXEMPTION FROM TAXATION) AMENDMENT BILL

**The Minister of Revenue and Civil Expenditure (Shri M. C. Shah):** I beg to move:

"That the Bill further to amend the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950, be taken into consideration."

This is a very simple Bill. As hon. Members are aware, under the Income-tax Act a person is liable to pay income-tax and super-tax on his entire salary including the allowances and perquisites due to him notwithstanding the fact that he has chosen to surrender a part of the entire salary. Therefore, there was an Act passed in the year 1950 allowing exemption from income-tax on the part of the salary that was surrendered.

There are certain offices to which emoluments are fixed by the Constitution as well as by Acts—Central and State. We are advised that 'salary' does not include allowances and perquisites. Therefore, even if the allowances are surrendered—allowances which are there under the Constitution or under Acts of the Centre or the States—though the person who holds that office desires to surrender or surrenders a part of that allowance or perquisite or the whole of it, still because they are there under the

Act attached to the offices, they are due to those persons holding those offices. As we are advised that 'salary' will not include allowances and perquisites, we have brought forward this Bill to make provision for that. I am sure the Lok Sabha will agree to this simple measure.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950, be taken into consideration."

**Shri S. S. More (Sholapur):** May we know from the Minister concerned how many persons have surrendered a part of their salaries since the main Act was passed? That will be interesting information and will prove to us the correctness of the measure that we are to discuss.

**Shri M. C. Shah:** Today, we have just brought forward this Bill to amend the Act in order to include the surrender of allowances also. Under the Constitution and the Acts of the Centre and the States, allowances and emoluments attach to the offices of President, the Governors....

**Mr. Chairman:** As a matter of fact, the information that the hon. Member wants to elicit is: how many have voluntarily surrendered their salaries.

**Shri M. C. Shah:** The President has surrendered. And if I remember aright, when the Act was passed in 1950, some of the Ministers also surrendered their salaries by Rs. 250 or Rs. 500—that is subject to correction. Now the President has surrendered his entire allowances.

**Shri S. S. More:** It is only the President—for whom we have great respect—who has taken advantage of that particular Act and none else?

**Mr. Chairman:** The hon. Minister says, the President and some Ministers also.

**Shri S. S. More:** May I request the Minister through you, Sir, to circulate to us, if possible, a complete list of the names of persons who have surrendered their salaries, what part of their salaries they have surrendered, so that we can go about telling other people to surrender some of their salaries also?

**Mr. Chairman:** This is not applicable to other persons.

**Shri M. C. Shah :** There seems to be some misunderstanding on the part of my hon. friend, Shri More. Under the present Indian Income-tax Act, whenever a salary is attached to an office by the Constitution or by an Act of the Centre or the States, those salaries, though surrendered, are liable to income-tax. Therefore, this applies only to certain Acts passed by the Centre, that is, in regard to Ministers, Speaker and Deputy-Speaker, Chairman and Deputy Chairman in the Centre, Speaker, Deputy-Speaker and the Ministers in Part A and B States. It does not apply to others. It applies to those offices where the emoluments are attached by the Act or by the Constitution. Even if the holders of those offices do not take the entire emolument or part of it as prescribed in the Constitution or the Act, they are liable to income-tax under the Income-tax Act. That is why this Bill has been brought forward. It is not a question now of going to all officers and asking them to surrender their salaries. In that case, the salaries will be, not surrendered but brought down.

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

"That the Bill further to amend the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950, be taken into consideration."

*The motion was adopted.*

**Clause 2 was added to the Bill.**

**Clause 1.—(Short Title)**

*Amendment made :*

Page 1, and 4—for "1955" substitute "1956".

—[*Shri M. C. Shah*]

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

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

**Clause 1.—(Short Title)**  
the Bill.

**Enacting Formula**

*Amendment made :*

Page 1, line 1—for "Sixth Year" substitute "Seventh Year".

—[*Shri M. C. Shah*]

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

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended was added to the Bill.*

*The Title was added to the Bill.*

**Shri M. C. Shah :** I beg to move :

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

*The motion was adopted.*

## UNIVERSITY GRANTS COMMISSION BILL

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) :** On behalf of the hon. Minister of Education, Maulana Abul Kalam Azad, I beg to move that the following amendments made by Rajya Sabha in the Bill to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission, be taken into consideration :

### Clause 2

(1) That at page 2, lines 7-8 for "tion of" the words "in consultation with" be substituted.

### Clause 5

(2) That at page 2, line 36, for the word "number" the words "total number" be substituted."

The Lok Sabha may recollect that the Joint Committee's Report on the University Grants Commission Bill came up for consideration in this House on November 23, 1955, and the Bill was passed on the 28th November, with some important amendments. The Bill as passed by this House was transmitted to Rajya Sabha, who took up the Bill and passed it in their sitting on the 7th December 1955 with two amendments. These two amendments are as follows.

The first amendment made by Rajya Sabha is in clause 2, sub-clause (f). This sub-clause, as passed by Lok Sabha, defines the word "University" as follows :

"University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, on the

recommendation of the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.'

The main purpose of this sub-clause was to bring affiliated and constituent colleges under the purview of the University Grants Commission for giving grants whenever the funds permit. It will be obvious from the definition that an affiliated or a constituent college of a University can be recognised by the University Grants Commission as a University for giving grants if only one condition is fulfilled. This condition is that the University concerned should recommend to the University Grants Commission that the college—whether constituent or affiliated—may be recognised as a University for giving financial aid. During the discussion of this sub-clause in the Rajya Sabha, hon. Members felt that it was just and proper that the University concerned should have a say in this particular matter but it is necessary that the University Grants Commission should have the initiative and final authority to recognise any affiliated college or constituent college as a University for giving grants. Accordingly, the expression "in consultation with" was substituted for the expression "on the recommendation of" in this sub-clause.

The second amendment made by the Rajya Sabha is in the proviso to clause 5, sub-clause (2). This amendment, so far as I am aware, does not make any material change in the provisions of the clause, but it helps in understanding the meaning of the clause more clearly and in removing any ambiguity that was supposed to exist in the minds of the hon. Members of the Rajya Sabha. It was not clear from the provision as it emerged from the Lok Sabha whether this proviso applied to the whole of sub-clause (2) or only to the third item of sub-clause (2). However, it was obvious from the Report of the Joint Committee that the intention of the latter was that out of the remaining number of members of the University Grants Commission, as provided in item (c) of sub-clause (2), at least one half should be non-officials. The Rajya Sabha Members in their wisdom decided that in the total number of members of the University Grants Commission at least one half of them should be non-officials. In view of this decision, the word "total" was added before the word "number" in line 36 on page 2 of the Bill.

I have explained to this august House the nature, contents and implications of these two amendments which were made by the Rajya Sabha in passing this Bill. I hope that this House will agree to, and accept these two amendments.

**Mr. Chairman :** Motion moved :

"That the following amendments made by Rajya Sabha in the Bill to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission, be taken into consideration :

**Clause 2**

(1) That at page 2, lines 7-8 for the words "on the recommendation of" the words "in consultation with" be substituted.

**Clause 5**

(2) That at page 2, line 36, for the word "number" the words "total number" be substituted.

**Shrimati Renu Chakravarty** (Basirhat) : May I just ask for a clarification with regard to the substitution of the words "on the recommendation of" by the words "in consultation with". On the one hand, it opens up the scope of such colleges which may not have got a recommendation of the University but which, in the larger interest, it may be considered, should also get help from the University Grants Commission. By the substitution of these words, will it mean that it will be open to the Government to refuse any particular institution which the university has recommended? Will it be left to the discretion of the Government to give grants or not? It works both ways. This particular amendment on the one hand widens the scope of giving grants to institutions which may not have been directly recommended by the universities and on the other hand there is scope for it to refuse to give grants to those which have been recommended by the university.

**Dr. M. M. Das :** I appreciate the anxiety of the hon. lady Member about this question of grants to affiliated colleges. The question is one of finance and resources that are entrusted to the University Grants Commission. If funds permit, then the Commission will be glad to give the required financial aid to the affiliated and constituent colleges. But the point is that sufficient funds are not available at present. By this provision the door for inclusion of colleges, has been kept open. If the University

[Dr. M. M. Das]

Grants Commission thinks it proper that a particular institution or a constituent college should be given some financial aid, they may give some aid to that particular institution.

**Mr. Chairman :** The question is quite different. These words are capable of being interpreted in two ways : is the University Grants Commission bound to accept the recommendation or not? It is quite clear that the powers are enlarged. I think the interpretation should be that they shall have both the power to reject the recommendation or to give grants to any college in consultation with them and not on their recommendation. Even if the university does not recommend the Commission will be able to give grants according to this amendment. They shall be able to do both according to the ordinary meaning of these words. The hon. Member wants to know the hon. Minister's interpretation. That is her question. But, as a matter of fact, if this is passed it will not be possible to interpret it otherwise. The interpretation will be quite clear. Both ways the Commission would get the power. They will not be bound to accept any recommendation. They will only consult but they will come to independent conclusions whether the grant is to be given or not.

**Shrimati Renu Chakravarty :** I myself was feeling that that would be the real interpretation of this rather innocuous looking amendment because it does give the power to the Government to reject any recommendation which may have been made by the university. That, I personally think, is not a good provision because, however limited may be the scope of the funds available to the University Grants Commission, when a university recommends anything there must have been consultations also—but once a recommendation has been made by the university, no power should be given to the Commission to reject outright that recommendation. I do support the idea that there may be certain cases where though the university may not have directly recommended a certain thing, in the larger interests it may be that the Commission may have powers also to provide funds for such institutions. I also agree with that. But I am against giving any powers to the University Grants Commission for the rejection of the recommendation by the universities.

**Dr. M. M. Das :** So far as this particular amendment is concerned, the words "on the recommendation of" are being substituted by the words "in consultation with". The Commission will have to consult the university and elicit the opinion of the university for giving grants to a particular institution but they are not bound by the decision of the university or their views. They will have the fullest authority to give the grant or not.

**Mr. Chairman :** I will now put the motion to the vote of the Lok Sabha.

The question is :

"That the following amendments made by Rajya Sabha in the Bill to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission, be taken into consideration :

#### 'Clause 2

(1) That at page 2, lines 7-8 for the words "on the recommendation of" the words "in consultation with" be substituted.

#### 'Clause 5

(2) That at page 2, line 36, for the word "number" the words "total number" be substituted."

*The motion was adopted.*

**Dr. M. M. Das :** I beg to move :

"That the amendments made by Rajya Sabha in the Bill be agreed to".

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

"That the amendments made by Rajya Sabha in the Bill be agreed to."

*The motion was adopted.*

**Dr. M. M. Das :** I may draw your attention to certain minor points. The words "Sixth Year" in the Enacting Formula will have to be substituted by the words "Seventh Year".

Again on page 1, line 6, for the year 1955, 1956 has to be substituted. On behalf of the hon. Speaker, you may take it up.

**Mr. Chairman :** This is a minor matter which is in the discretion of the Chair. It is just a consequential amendment which may be taken up in the

Rajya Sabha by the Chairman and here also when this is passed, it will be taken into consideration. I am told that it is in the discretion of the Speaker under rule 130.

**Dr. M. M. Das :** I understand that it is not possible to take up these two matters here. It may be done by the Speaker. It is not necessary to bring again this Bill before Rajya Sabha or Lok Sabha on account of these two points.

**Mr. Chairman :** Has the hon. Member tabled an amendment to this effect?

**Dr. M. M. Das :** It is in your discretion.

**Mr. Chairman :** Under rule 130, this will be done by the Speaker. We proceed to the next item on the agenda.

#### INDIAN RED CROSS SOCIETY (AMENDMENT) BILL

**The Minister of Health (Rajkumari Amrit Kaur) :** I beg to move:

"That the Bill further to amend the Indian Red Cross Society Act, 1920, be taken into consideration."

My main object in having brought this Bill before this hon. Lok Sabha is because we have to apportion to Pakistan the sums in the Red Cross fund that are due to that country. As a result of the partition of India in August 1947, it has become necessary to amend the Red Cross Society Act, 1920 in order to authorise the Indian Red Cross Society to partition its corpus and allied funds with the Pakistan Red Cross Society and to transfer the share due to the latter in accordance with the terms mutually agreed between the two Societies, the Indian Red Cross Society being at the same time discharged from all obligations imposed by the Act in respect of the areas in Pakistan. That is the main purpose of this Bill.

As the Bill had to be amended to fulfil the obligations that rest on the Indian Red Cross Society in this regard, the executive of the Indian Red Cross Society also took advantage of this opportunity to make some very minor amendments to section 5 of the existing Act which would enable the parent body to have a certain amount of control over the management and procedure

adopted by branches in the States for the purpose of ensuring the harmonious development of Red Cross Services all over the country, as well as to enable the Society to affiliate to itself Societies formed in territories outside the Indian Union. I might mention that the Red Cross Society in Sikkim has asked to affiliate itself to the Indian Red Cross Society. We would like to do so but unless we put in that particular amendment it cannot be done. There is nothing controversial in this.

I have received just now an amendment sent by an hon. Member in which he has raised the question why we should not transfer the specified amount to the Government of India requesting the Government to get the said amount paid to the Pakistan Red Cross Society by the Pakistan Government from the funds which the Pakistan Government owes to the Government of India. Before I brought this Bill before this Sabha I consulted, naturally, the Finance Ministry and the Law Ministry about this procedure but we came to the conclusion that the procedure proposed to be adopted in the Bill now before the Sabha was the best. So I am unable to accept that amendment and as it has only just come in it is not really eligible.

That is all I have to say in regard to this.

**Mr. Chairman :** Motion moved:

"That the Bill further to amend the Indian Red Cross Society Act, 1920, be taken into consideration."

**Shri U. M. Trivedi (Chittor) :** Mr. Chairman, the hon. Minister has explained to us that an hon. Member has written to her raising the question as to why arrangements should not be made to transfer this money to the Government of India and thereafter to make the payment or make the necessary adjustments with the Pakistan Government. We have to get a good deal from the Pakistan Government and we are quite ill at ease about the payments which are to be received from the Pakistan Government. We have always been acting as a big brother to Pakistan and always discharging our obligations from time to time in a very honest manner. There will be nothing immoral about making an arrangement of the nature which has been suggested. By virtue of this Bill we have shown in the Third Schedule that we have to make available an amount of nearly Rs. 44 lakhs to the Pakistan Red Cross

[Shri U. M. Trivedi]

Society. It is really a charitable work which is being done; there is no doubt about it. But, at the same time contractual obligations are contractual obligations and monetary considerations are always monetary considerations. There cannot be two opinions about it. When we are putting an embargo upon the transfer of such monies from our country to Pakistan and Pakistan does not allow even the best of their own traders and merchants to come to India with more than Rs. 50, why are we so charitable enough at our own cost to transfer Rs. 44 lakhs to Pakistan?

Therefore, my suggestion is that the amendment that has been suggested by that hon. Member to the hon. Minister may be accepted and that this Rs. 44 lakhs might be given over to the Government of India to be paid over or adjusted when the accounts are to be adjusted between the two Governments.

**Dr. Rama Rao (Kakinada):** Does the amendment stand as moved?

**Mr. Chairman:** The amendment has been suggested only just now. The hon. Minister has not accepted the amendment. I cannot, therefore, allow the amendment to be moved. If he wants to speak I can allow him to do so.

**Dr. Rama Rao:** May I make a submission?

**Mr. Chairman:** I am calling Shrimati Jayashri. His submission will be made after the hon. Member has spoken.

**Shrimati Jayashri (Bombay—Suburban):** Mr. Chairman, I support the Bill moved by the hon. Minister. I take this opportunity to praise the good work that has been done by our Red Cross Society. This is one body which tries for the establishment of peace and goodwill among all the nations and it is but fair that we should take this opportunity of returning the money to Pakistan, which was once part of India.

The amendment that Rajkumari wants to suggest to clause 5 is also desirable. We know that in times of emergency, during floods and famine, the Red Cross Society has to take up emergency services and render help throughout the country. So, in order to keep up one standard of service there should be

proper control over the branches of the Society. This amendment, I think, is in the right direction and I support it.

Again I heartily congratulate the Red Cross Society for the services it has rendered. We are all aware of the good services rendered by our Society in Korea and the people have always praised the Indian Red Cross Society. I am glad that by this Bill we are going to create an atmosphere of goodwill with our neighbours.

**Dr. Rama Rao:** May I make a submission, Sir? You know, yesterday just before closing in the evening it was announced that there will be a sitting today. But, we knew that this Bill will come on the agenda only this morning.

**Mr. Chairman:** Was it not on the agenda previously?

**Dr. Rama Rao:** No, Sir. That agenda was not for today.

**Mr. Chairman:** What I am asking is whether this Bill was on the agenda before or not?

**Dr. Rama Rao:** It was on the agenda for probably six months or even one year.

**Mr. Chairman:** Was it not there during these days of this session?

**Dr. Rama Rao:** Not as far as I know.

**Mr. Chairman:** But, what is the actual position?

**Shri U. M. Trivedi:** Previously 18th was declared a holiday.

**Mr. Chairman:** Was it not there on the agenda for yesterday? I only want to know whether it was on the agenda for 16th, 17th or 18th?

**Shri U. M. Trivedi:** That agenda was only up to the 17th.

**Mr. Chairman:** I only want to know whether it was on the agenda for the 16th, 17th or 18th?

**Sardar A. S. Saigal (Bilaspur):** It was on the agenda for the 17th.

**Mr. Chairman:** Then the hon. Member could have sent in his amendment.

**Shri U. M. Trivedi :** But, that agenda was only up to the 17th.

**Sardar A. S. Saigal :** Yesterday, the Deputy-Speaker announced that the House will meet today and that other subjects on the agenda will be taken.

**Mr. Chairman :** Order, order. The only point is whether it was on the agenda on the 16th or 17th. If it was there then the hon. Member was in a position to send in his amendment. Therefore, I am sorry I cannot allow it now.

**Dr. Rama Rao :** My submission is this. We knew that this Bill will be taken up today only this morning.

**Mr. Chairman :** When it was on the agenda on the 17th the hon. Member could have tabled his amendment on that day.

**Dr. Rama Rao :** But, there were other matters for that day. Why I am saying this is this. Because the change has suddenly made this a working day the Government stands on a technical objection. Let the amendment be thrown out that is another matter. They do not want to accept the amendment on the technical objection that it was given notice of only today. I gave notice of my amendment only today because I came to know this morning only that the Bill will be coming up today.

**Mr. Chairman :** So far as the Minister is concerned she has been pleased to consider the amendment and give some grounds for rejecting it. But, so far as the rules of the Lok Sabha are concerned I am bound to say that the practice in the Sabha has been—and the hon. Member knows it fully well—that if an amendment is given notice of on the very day the Bill is taken up then, only if the amendment is going to be accepted it is allowed to be moved and not otherwise. I can quite see the importance of the amendment myself, but at the same time I am unable to allow it according to the rules. If the rule is waived here it shall have to be waived in other cases also. Therefore, he can speak on this.

**Dr. Rama Rao :** Before speaking on this Bill itself, I would request the Speaker that before changing the programme, there must be a greater consideration of such inconveniences to the Members.

Now, I come to the Bill. The amendment given notice of by me is very simple. My hon. friend Shri U. M. Trivedi has already spoken and I do not know whether his arguments in support of my amendment will be accepted or not. But still, the simple fact is, I am not objecting to the payment. I am not asking even a pie to be reduced from the payment. The only objection is about the suggestion in respect of the method of payment. I do not know why Government can raise any serious objection to it, namely, the method of payment that I have suggested. There are so many payments. The Government of India and the Pakistan Government can be treated in this case as banks. We pay an amount here and that amount is debited there. Therefore, I do not know the reason why the Government should not accept this method of payment and save this ready cash. That is all I wish to say. I fully support this Bill.

**Pandit C. N. Malviya (Raisen) :** I support the Bill. Although I appreciate the political significance of the amendment, the Red Cross Society is a non-political body and the purpose of the society is to serve the injured and the disabled people. So, we should not take into consideration the political side of it. We are not giving this money to the Government of Pakistan to utilise it for some political or economic purposes. We are transferring the money to the people of Pakistan. We may have some differences with the Government of Pakistan, but we have no differences with the people of Pakistan and I wonder why any political consideration should have occurred in the minds of some people when we believe in the unity of the people. Therefore, I submit that this political side of the amendment should not be pressed. We should wholeheartedly and unanimously support the Bill.

**सरदार ए० एस० सहगल :** सभापति महोदय, जहां तक इस विधेयक की मंशा का ताल्लुक है वह बहुत ही सराहनीय और स्वागत योग्य है। इंडियन रेड क्रॉस सोसाइटी की स्थापना एक बहुत बड़े उद्देश्य को लेकर की गई थी और मुझे यह कहते हुए बहुत प्रसन्नता होती है कि यह अपने काम में सफल रही है।

इस विल के द्वारा जनता से जो पैसा मेडिकल और दूसरी किस्म की इमदाद देने के लिये

## [सरदार ए० एस० सहगल]

इकट्ठा किया जाता है उस को ठीक तरह से रख कर इंडियन रेड क्रास सोसाइटी द्वारा समाज उपयोगी कामों में लाने की व्यवस्था करना है। फस्ट बल्ड बार के दौरान में जो पैसा मेहिकल ऐड और दूसरे सहायता कार्यों के लिए इकट्ठा किया जा रहा था उस का सारा इन्टर्जाम एक कमेटी के हाथ में था और वह कमेटी ज्वाइंट बार कमेटी के नाम से मशहूर थी और उस के साथ में और भी दूसरी रेड क्रास कमेटियां थीं। इन सब कमेटियों का यह पैसा था और हिन्दुस्तान में जो उस बक्त यहां पर कमेटी थी उस के हाथ में जब कि हिन्दुस्तान का बंटवारा नहीं हुआ था तब यह सारा पैसा था और एक कमेटी उस का इन्टर्जाम करती थी। अब चूंकि देश का बंटवारा हो चुका है इस लिये यह जरूरी हो गया है कि इंडियन रेड क्रास सोसाइटी एक १६२०, को अमेंड किया जाये ताकि इंडियन और पाकिस्तान रेड क्रास सोसाइटीज के बीच फंड्स का बंटवारा हो जाये और इसी मकसद को लेकर यह अमेंडिंग बिल लाया गया है। यह पैसा उन गरीब लोगों के लिये है जो बीमार रहते हैं और उन के बच्चों की परवरिश करने के लिये है, यह पैसा जो बीमार लोग हैं अथवा धायल लोग हैं उन लोगों को ज़रूरत के बक्त सहायता के तौर पर दिया जाता है। ऐसी हालत में मैं समझता हूँ कि हमें कोई ऐतराज नहीं होना चाहिये कि पाकिस्तान रेड क्रास सोसाइटी का जो ४४,००,२१२ रुपये ५ माने और दस पाई हमें देना है वह उन को ट्रांसफर कर दिया जाये। इस के साथ ही साथ १-७-४८ से जो भी इन्टरेस्ट बाजिब आया होगा वह भी हम को उन को देना चाहिये।

रेड क्रास सोसाइटी द्वारा बहुत महत्वपूर्ण कार्य किया जा रहा है और उस के द्वारा लड़ाई में धायल हुए शादमियों की चिकित्सा और उनकी गरहाजिरी में उन के बच्चों की परवरिश और देखभाल करने का काम भी शामिल है और

इसी तरह के अन्य और भी समाज उपयोगी सेवायें इस सोसाइटी के द्वारा की जाती हैं।

मंत्री महोदय यह जो संशोधन विधेयक सदन के सम्मुख लाये हैं, मैं उस का स्वागत करता हूँ और सदन को इसे पास करना चाहिए।

**Dr. Suresh Chandra (Aurangabad):** I have no doubt that every Member of this House will support this amending Bill and so I need not say much about it. I oppose the amendment which has been referred to, because that smells of some politics in humanitarian work. Those of us who have had the opportunity of visiting other countries and who have known something of the international Red Cross know very well what reputation the Indian Red Cross has got in the international sphere and it is a matter of pride and privilege for us to know what services our Red Cross has rendered everywhere in the past and also recently as has been pointed out.

Secondly, it is a matter of only Rs. 44 lakhs and I do not think that we should grudge this amount which will be utilised for the suffering and the poor. Therefore, I would only support this Bill and pay our homage to the Indian Red Cross which has rendered such a valuable service to the sick and the suffering.

**Sardar Hukam Singh (Kapurthala-Bhatinda):** I also join my friends in paying a tribute to the Red Cross Society for the work that it has done. When I first saw the Bill and the amendment that was tabled, the same ideas struck me as to why any such distinction could arise. But I also thought that we should not take the Pakistan Government and the Pakistan Red Cross Society as one and the same thing. When I listened to the speech of the hon. Member behind me, I again realised that these two are separate and distinct things and probably it is on that account that the Government has come to the decision that it should not press for that payment by adjustment but pay it straight off.

I would like to know this much at least: whether the Government, voluntarily by themselves, decided that this is the best course or they had any negotiation with the Pakistan Government and then after getting the reply—the sort of reply which is usually given to us—they thought that this was the

smoother course. This much information at least should be given to us. If they had done it voluntarily, it is all the more noble. We admire the spirit with which the country has been dealing with Pakistan though we have been getting one consistent and persistent refusal from that side; but that should not affect and influence our decision particularly in this matter when it concerns a society that has done so much work and has a great reputation. I also support the principles on which this Bill is based and I congratulate the society on the work that it has done.

**Rajkumari Amrit Kaur** : I would just like to say a few words in regard to the points that have been raised. I have said that I cannot accept the amendment even though I need not have mentioned it. But I do not want any Member to feel that even if an amendment has been sent in late it just would not be considered by me.

My hon. friend Sardar Hukam Singh has asked me to say whether there was any negotiation between our Government and the Pakistan Government or whether we got the usual refusal from them or whether we behaved in a generous manner, the way in which we always want to feel and do as far as Pakistan is concerned. I may say that the representatives of the Pakistan Red Cross Society have met me more than once. We have had several discussions. There were matters of dispute between us in regard to funds belonging to the Punjab Red Cross and the Bengal Red Cross—these were the two cases—and on every point we have come to very amicable settlements. Both of us held that we should not deal with this at Governmental level, because the Red Cross stands for something very very noble not only in Indian life, but in world life. The Indian Red Cross has been paid homage to by many Members and I am grateful to them for what they have said. There is such a thing as the Red Cross spirit and I am glad that the Indian Red Cross can hold its head high amongst the nations of the world and it has had representation in international committees for a number of years simply, because we do try to live up to its high ideals. An hon. Member so rightly said that this is not a question of the Indian Government coming into any decisions with the Pakistan Government, but a question of the Indian Red Cross Society fulfilling

its obligation to the Pakistan Red Cross Society, that is to say, the Indian people to the Pakistan people. I am very glad that the Bill has the support of the hon. Members.

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

"That the Bill further to amend the Indian Red Cross Society Act, 1920, be taken into consideration."

*The motion was adopted.*

*Clauses 2 to 7 were added to the Bill.*

**Clause 8**—(Insertion of new section 13).

*Amendment made :*

Page 2, line 40, for "1955" substitute "1956".

*[Rajkumari Amrit Kaur]*

**Sardar Hukam Singh** : In page 2, line 29, there is a reference to "Pakistan Red Cross Society Act, 1920". I think it must be Indian Red Cross Society Act, 1920.

**Rajkumari Amrit Kaur** : It must be "Indian Red Cross Society Act, 1920". I am thankful to the hon. Member for pointing this out. I beg to move :

Page 2, line 29, for "Pakistan" substitute "Indian".

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

Page 2, line 29, for "Pakistan" substitute "Indian".

*The motion was adopted.*

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

"That clause 8, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 8, as amended, was added to the Bill.*

**Clause 9, First Schedule, Second Schedule and Third Schedule were added to the Bill.**

**Clause 1**—(Short Title)

*Amendment made :*

Page 1, line 4, for "1955" substitute "1956".

*[Rajkumari Amrit Kaur]*

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

"That clause 1, as amended, stands part of the Bill."

*The motion was adopted.*

*Clause 1 as amended, was added to the Bill.*

**Enacting Formula**

*Amendment made : Page 1, line 1, for "Sixth Year" substitute "Seventh Year".*

—[Rajkumari Amrit Kaur]

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

"That the Enacting Formula, as amended, stands part of the Bill."

*The motion was adopted*

*The Enacting Formula, as amended, was added to the Bill.*

The Title was added to the Bill.

**Rajkumari Amrit Kaur :** I beg to move :

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

*The motion was adopted.*

**ST. JOHN AMBULANCE ASSOCIATION (INDIA) TRANSFER OF FUNDS BILL**

**The Minister of Health (Rajkumari Amrit Kaur) :** I beg to move :

"That the Bill to provide for the transfer of a portion of the funds of the St. John Ambulance Association (India) to the St. John Ambulance Association (Pakistan), be taken into consideration."

As a result of partition, it has become necessary to divide the funds of the Indian Red Cross Society between India and Pakistan. The St. John Ambulance Association (India) which is a separate unregistered body is the Ambulance division of the Indian Red Cross Society and this Bill will authorise the Indian Association to transfer the share of the funds due to the St. John Ambulance Association (Pakistan), in accordance with the decisions mutually agreed to at the two meetings between the representatives of the two Societies in April, 1948 and April, 1953.

**Mr. Chairman :** Motion moved :

"That the Bill to provide for the transfer of a portion of the funds of the St. John Ambulance Association (India) to the St. John Ambulance Association (Pakistan), be taken into consideration."

**Shri U. M. Trivedi (Chittor) :** Will it be possible for the hon. Minister to explain why it is necessary to make this law? This St. John Ambulance Association is, to the best of my knowledge, an unregistered body and it does not require any piece of legislation. At the same time, I would like her to tell the Lok Sabha whether this amount has already been transferred and given over to Pakistan and this legislation is merely a *post facto* legislation. I want to know why it has become incumbent to pass this law. Neither the Consolidated Fund of India is involved here nor is there any Trust Act which comes in the way of a portion of the money being given to the Pakistan Association. May I know why it has become necessary to burden this Parliament with the passing of a law of such a private nature?

**Rajkumari Amrit Kaur :** As I have said before, the St. John Ambulance Association is merely the Ambulance division of the Indian Red Cross Society. The St. John Ambulance Association (India) Transfer of Funds Bill, 1955 was introduced here because these funds are part and parcel of the Red Cross funds. They have always been treated as such in spite of the fact that the Ambulance division of the Red Cross is unregistered. We felt that it was better to have an Act to transfer the funds in the proper way with the consent of the Parliament.

**Sardar Hukam Singh (Kapurthala—Bhatinda) :** Is it not it that our Society wants to get a quittance of all responsibility that rests so that there may not be any litigation or any claim, or rather a release ourselves from all responsibility for the share that we have to pay?

**Mr. Chairman :** Further in clause 2 you will see there is another thing:

"...for being applied to the purposes for which they were held by St. John Ambulance Association (India)".

**Sardar Hukam Singh :** Again "... and discharged from all obligations..."

**Rajkumari Amrit Kaur :** That is the idea.

**Shri U. M. Trivedi** : Has this money been paid already ?

**Rajkumari Amrit Kaur** : No.

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

"That the Bill to provide for the transfer of a portion of the funds of the St. John Ambulance Association (India) to the St. John Ambulance Association (Pakistan), be taken into consideration."

*The motion was adopted.*

**Clause 2, and the Schedule**

**Dr. Rama Rao** (Kakinada) : May I say a word, Sir ? I support the Bill as it is. Regarding the transfer of the amount, our friend there seems to be under a misapprehension about our suggestion. The suggestion is not to deprive the St. John Ambulance Association or the Red Cross of even one pie. I repeat it, I have already said that. What we want is, we have plenty of money there. We want it to be paid to the St. John Ambulance Association and the Red Cross there from those funds.

**Sardar Hukam Singh** : But, the banker is not so honest.

**Dr. Rama Rao** : He is anticipating me. I would go one step further. The Red Cross and the St. John Ambulance Association, India are responsible to pay to the other bodies. If those organisations do not get money from the Pakistan Government, we can pay it later on. Let us at least try to ask the Pakistan Government to pay out of our huge amount. That is my point. Our friend there smells politics in this. There is no politics. Only there is a little money and if we could get the Pakistan Government pay on our behalf, that would solve our problem. I am not in favour of allowing the Red Cross or the St. John Ambulance Association to run the risk of losing one pie. Any way, I support the Bill.

**Mr. Chairman** : The question is : "That clause 2 and the Schedule stand part of the Bill."

*The motion was adopted.*

**Clause 2 and the Schedule were added to the Bill.**

**Clause 1.**

*Amendment made : Page 1, line 4, for "1955" substitute "1956".*

*—[Rajkumari Amrit Kaur]*

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

"That clause 1, as amended, stands part of the Bill."

*The motion was adopted.*

*Clause 1 as amended, was added to the Bill.*

**Enacting Formula**

*Amendment made : Page 1, line 1, for "Sixth Year" substitute "Seventh Year".*

*—[Rajkumari Amrit Kaur]*

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

"That the Enacting Formula, as amended, and the Title stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, and the Title were added to the Bill.*

**Rajkumari Amrit Kaur** : I beg to move :

"That the Bill, as amended, be passed."

**Mr. Chairman** : The question is "That the Bill, as amended, be passed."

*The motion was adopted.*

**ALL-INDIA INSTITUTE OF MEDICAL SCIENCES BILL**

**The Minister of Health (Rajkumari Amrit Kaur)** : I beg to move :

"That the Bill to provide for the establishment of an All-India Institute of Medical Sciences, be taken into consideration."

I think all the Members of the Lok Sabha are aware of the scheme to bring into being the All-India Institute of Medical Sciences. The money for this has been allocated in our budget for the last 3 or 4 years. It was actually owing to the generous donation from the New Zealand Government under the Colombo Plan of £1,250,000,000 that the Government of India was enabled to begin to bring this Institute into being. It has been one of my cherished dreams that for post-graduate study and for the maintenance of high standards of medical education in our country, we should have an institute of this nature in India which would enable our young men and women to have their post-graduate education in their own country, in their

—[Rajkumari Amrit Kaur]

background with the necessary experience that we would all like to have of work in villages and the impetus that we would like to give to them to do research in the various spheres of medical education.

Medical education, in its theory as well as in its practice, is based on the utilisation of the contributions from the other physical and biological sciences. With the continued progress that has been taking place in both these fields, modern medicine has made and is making enormous strides towards increasing efficiency in regard to diagnosis and in regard to treatment and prevention of disease, as well as promotion of positive health. Therefore, the task of medical education, by and large, is to utilise as far as possible this new knowledge in training the doctor of the future. Medical education must, above all, take into account the special needs of the country from the point of view of affording health protection to the people. For instance, in our own country, and in Asian countries in generally the continued prevalence of various forms of preventable causes of sickness and suffering necessitates special emphasis, if I may so put it, on the preventive aspect of medical care. Further, the extent to which the future doctor will contribute his share to the well being of the country also depends on the extent to which he develops a community outlook and a desire to serve the people. Medical education, moreover, is receiving considerable attention in all the progressive countries of the world. I have had the privilege recently to see what is being done in the U.S.A., in the U.S.S.R., in Scandinavia, and even in the U.K. and the various steps that are being pursued to bring it more and more into consonance with present day needs and to promote an increasing realisation of the object of equipping the future doctor to give of his best to the community. India cannot afford to keep apart from this broad and steady programme of development that is taking place in other parts of the world. The idea of the establishment of this All-India Institute is to fulfil the purposes which I have mentioned.

I need not go into the details about how the Institute will function. It is first going to start with a medical training centre which will provide under-graduate study to only a very very limited few. The major emphasis will

be on post-graduate study and specialisation, because one reason for our inability to fulfil the desire of so many States today to have medical colleges is the lack of personnel. One of the main duties of this Medical Institute will be to prepare personnel for medical colleges which it is becoming increasingly hard for us to get. I may inform the Members that when the States ask for medical colleges to be started, nearly always they have to go to retired personnel to carry on. How long we go on relying on retired personnel? It is absolutely essential that we create young men and young women of the highest calibre who will be able to man our educational institutions, in particular. This demand, as I have said, is increasing, I would now like to mention one or two special features of this Institute.

The system that prevails of private practice being permitted to doctors in medical colleges has, in my opinion,—I know I have many people differ from me, especially members of the medical profession—had a deleterious effect on the development of both sound teaching and active research in colleges. And therefore, in order to prohibit in this Institute, which is the first of its kind in our country and the first of its kind in Asia, private practice of every form and to pay the doctors reasonably high salaries to compensate them for the loss of private practice, is going to be a special feature. The doctors, if they are paid enough, will then be able to live contentedly and to devote their whole time to the promotion not only of teaching, not only of serving the patients who come to the hospitals, but also to what is very important, namely research. Then, all the staff and students are going to be housed in the campus of the Institute. The campus of the Institute is proceeding ahead fairly rapidly and I shall welcome any Members of this House who would like, to come and have a look at the campus to see for themselves how things are going on.

4 P.M.

**Dr. Suresh Chandra (Aurangabad):** Where is this?

**Rajkumari Amrit Kaur:** It is in Delhi just beyond the Safdarjang aerodrome.

Also I feel that by housing the staff and the students on the campus, we shall be reverting to and taking advantage of what I believe has been one of

the traditional good things in our country, that is the Guru-sishya relationship which has, in my opinion, not been given that attention that it should be given. Further, I want every student whether under-graduate or post-graduate to have ample opportunities to participate in both urban and rural health work, in rural centres as well as in the cities. I want the student even during his student days to participate and take some responsibility for the health of those who will later on be committed to his charge, because I feel that that will promote in him early in his career a community outlook and also promote powers of initiative and observation and of drawing conclusions from them.

When I was in America year before last, one thing struck me greatly. I was listening in to a fourth year student who was not yet qualified giving a complete history of the case which had been put in his charge. In America much more responsibility is being laid on students once they get towards the last year of their stay in a college.

Then, of course, this Institute will be given the powers and functions of a university because it will probably make revolutionary changes, as I hope, in curriculum as well as in modes of teaching, and therefore I feel that in the first instance, at any rate, the university status given to this Institute will permit it to give diplomas to all the students who pass out of its portals. Of course, they will be recognised qualifications and they will have to be put down in the Indian Medical Council Act, an amendment to which I hope very soon to introduce in this House.

Subject to such minimum control as the Government of India may exercise through its rule-making powers, the Institute will enjoy a large measure of autonomy in order that it may fulfil the objectives—I humbly claim that they are very fine objective—which I have tried to set forth in this brief survey. The Government of India will, of course, make itself responsible for providing adequate funds for the maintenance of the Institute, but I hope that philanthropy also will come to the aid, as it so often does, of such institutions because, after all, serving the cause of sick and suffering humanity is always something that appeals to those who would like to give.

The future of the Institute will lie ultimately in the hands of the Director, the Professors and other members of

the teaching staff and students, and I believe it will be their devotion to duty, their desire to promote their work and the spirit of altruism that will actuate them to subordinate personal considerations, as I believe the noble profession of medicine should do, to the fulfilment of the objectives to be achieved that will eventually create and maintain the atmosphere which is necessary for an Institute like this. I therefore do hope that in presenting this Bill for acceptance by Parliament today, the legal structure that is created may facilitate the progressive realisation of a steady development of improved methods of medical education in this Institute and that, through the influence it exerts, the standards of different forms of professional training in the field of health throughout the country will be raised.

With these few words I commend this measure to the acceptance of this House.

**Mr. Chairman :** Motion moved :

“That the Bill to provide for the establishment of an All-India Institute of Medical Sciences, be taken into consideration.”

**श्री विभाति मिश्र (सारन व चम्पारन) :** सभापति महोदय, हेल्थ मिनिस्टर महोदया ने जो भाषण दिया है, उसकी एक-एक कारी हमको मिलनी चाहिए।

**Mr. Chairman :** The hon. Member knows that only one hour has been allotted to this Bill, and he wants a copy. The copy cannot be circulated all at once. It requires time. What is the use of getting the copy?

**Sardar Hukam Singh (Kapurthala-Bhatinda) :** He wants a copy of the Bill for future use.

**Rajkumari Amrit Kaur :** May I say that I have not got a copy of what I said? I had notes certainly, but not a copy of what I said.

अगर अनरेक्सल मेम्बर चाहें तो वह किसी बक्त मेरे पास आ जायें, मैं उनको बता दूँगी कि मैंने क्या कहा है।

**डॉ. सुरेश चन्द्र :** वह तो रिकार्ड से मिल जायेगा

**Dr. Rama Rao (Kakinada) :** It may be circulated at least to the Members, that is what he wants.

**Mr. Chairman :** He really wanted to know the import of what the hon. Minister has said. That is all.

**Dr. Rama Rao :** I have great pleasure in supporting this Bill and welcoming the introduction of this Bill even at this late hour. It ought to have been done much earlier. You know, Sir, the foundation stone of this Institute was laid in Irwin Hospital several years ago. In this connection, I want to congratulate the hon. Health Minister on the future possibility of the abolition of this Part C State of Delhi, so that, apart from other things, Irwin Hospital also will come directly under the Central Government, and I hope she will be able to develop a separate medical college for under-graduate students in Irwin Hospital. She is very particular in saying that the under-graduate will be very, very few in this Institute which is mainly meant for post-graduate training so that the Institute can train teaching personnel for various institutions in the country. The intention of the Institute, I understand, is to minimise the necessity of our doctors to go abroad for post-graduate training and to give all those facilities here so that various university medical colleges can have well-qualified, well-trained personnel from the Central Institute. Of course, that is a good thing. I have no quarrel with that, and I fully support it and I am glad they are doing it now. But I would request the hon. Minister to remember that even ordinary education is very limited now. The chances for admission are very few and the graduates that are trained are quite insufficient in number. So, I hope the Health Ministry will consider this proposal, even from now, to build up a separate medical college.

As it is, there is an expression in the Bill itself that the object is to run one or more medical colleges. So, there is very great scope to develop another medical college in Irwin Hospital. It is not only for the teaching of medical students that I want a medical college here. When we have a teaching hospital the standard of medical treatment and medical attention is automatically raised. The huge population of Delhi and New Delhi will have at a very convenient place a very high standard of medical attention in the medical college hospital, if I may say so, the Irwin Medical College Hospital. I hope the Health Ministry will remember this, and build up that medical college hospital from now on. Of course, the other institute is already developing, and I

hope the pace will be quickened and the institute will start functioning very quickly.

The Health Minister expects, and I join with her when she says so, that there will be revolutionary changes brought about by this institute. We hope that there will be very efficient post-graduate technical personnel. I would suggest that one of the most important revolutionary changes should be the minimising of the medical college fees and expenses. You know very well that one of the costliest courses of education in India today is the medical college education. Since a very huge amount will have to be spent, it is only the rich people who can afford it. I would therefore suggest that while they should make the admission strict, they should not take any college fees at all, or if they want, they should take only very nominal fees. Secondly, they should subsidise the hostel and other charges, so that the medical college education will not be a bugbear and will not be the privilege of only a few.

I hope that while the education provided will be of a very high standard, it will not cost much. The Minister brought in the analogy, and a very good analogy at that, of our former *gurus* and *shishyas*. But you will recall that our former *shishyas* were not put to any expense at all. All that they had to do was to go to the *guru*, whether he was at Banaras or any other place, and then say 'I am here', and learn from him.

I hope the Minister will remember the analogy that she was brought in, and see that the institute becomes a real *gurukula* where the students will not have to get huge money orders and bank cheques.

I do not know why they want to provide for the teaching of humanities also to the under-graduates. It is not that I have any objection to that, but I feel that it is not necessary. We are going to have very experienced officers in charge of this institute, and I have no doubt that they will develop the institute in the normal way, and by experience, they will make it perfect.

I congratulate the Minister on her having brought forward this Bill. I support this Bill.

**Shri U. M. Trivedi (Chittor) :** The meaning of the word humanity may kindly be explained by the Minister.

**Mr. Chairman :** It is 'humanities' and not 'humanity'.

**Shri T. S. A. Chettiar (Tiruppur) :** At the outset, I would like to say a word on the last point that has been raised by the previous speaker. The trend of experience has been that in our technical and medical institutions, some study of humanities is necessary, in order that the students may become human. That is what has been found to be necessary by experience. In engineering colleges where the students deal only with machines all the time, and in institutions where they study sciences, they are not able to appreciate the human qualities which are embedded in the highest literature that the world has produced. It is with a view to making them more efficient men that this sort of studies has been recommended in many of these technical institutions.

I would now like to make a reference to one or two clauses. There are one or two matters on which I have a few apprehensions. Clause 4 of the Bill provides for the composition of the institute. But we do not know how many will be officials and how many will be non-officials. In the University Grants Commission Bill which we had passed recently, we had specifically provided that the majority of the members will be non-officials. I would very much like that there is a similar provision made here also. But there is no time now to table any amendment in that regard. But I do hope, however, that the Minister will give us an assurance in this regard, for we find that the whole lot is being nominated by the Government of India. There is a good number of non-officials, doctors and scientists, who will be available for being appointed to this institute. To my mind, it appears that to have a majority of non-officials is always a healthy convention, for that will ensure that the people who are there will not be persons who will act according to orders given, written or otherwise.

In clause 13, it is provided that the institute shall be located in New Delhi. But we find in clause 14(b) that one of the objects of the institute shall be:

"to bring together in one place educational facilities of the highest order for the training of personnel in all important branches of health activity;"

This is certainly a great addition. But this gives rise to an apprehension in my mind.

India is a large country. As has been said already, India is a sub-continent. And Delhi is far to the north. Therefore, it is necessary that we should provide post-graduate courses in places like Madras (where large medical experience is available), Calcutta and Bombay so that those regions also may be amply provided with the necessary facilities. I hope this provision in the Bill, namely that the institute will be located in New Delhi, will not mean that the facilities which the Central Government intend to provide will be denied to those regions. I understand that that is not the intention, but I hope the Minister will make it amply clear that this provision will not, and should not, mean that there will be no facilities provided for post-graduate courses in the colleges in those regions.

I now come to sub-clause (f) of clause 15, which contemplates the establishment of a variety of institutions devoted to the study of the medical sciences. Hospitals are absolutely necessary. Then, there is provision for establishing a dental college, a nursing college, and rural and urban health organisations. Now, it will be found very difficult to provide all these things within New Delhi. Clause 13 says that the institute shall be located in New Delhi. Institute would include any part of the institute also. Therefore, the provision in sub-clause (f) of clause 15 would mean that all these affiliated institutions also should be located in New Delhi, but it will be found very difficult to establish all these things in New Delhi. There are other places where these institutions can be located, but the provision in clause 13 may mean that we shall have to have them within in New Delhi. The Minister is shaking her head, but I hope we shall know what she has to say.

I now come to another important clause, namely sub-clause (4) of clause 19, which reads:

"The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament."

[**Shri T. S. A. Chettiar**]

This is the usual provision that obtains in other Bills also. Then, clause 20 says :

"The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules."

Accounts by themselves do not mean much, unless they come to us along with the report. But according to the provisions of this Bill, only the accounts will be placed before us, and not the report. In regard to the University Grants Commission Bill, where also we had the same provision—for after all the people who draft these Bills are the same—we thought it wise in the Select Committee to change it so that the report also will be made available to us. I have tried to amend the provision in the following form, and I hope the Minister will kindly agree to accept it :

"The annual accounts of the Institute together with the audit report thereon shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament, and shall also forward a copy of the audit report to the Institute for taking suitable action on the matters arising out of the audit report."

This provision is taken word for word from the University Grants Commission Bill which we had passed some time ago, and which will become an Act in quite a few days. What is good for the University Grants Commission is good also for this institute, and for a good reason at that Parliament should be aware not only of the accounts but also of the report of the working of the institute. We are virtually creating a new university, a Central university for medical sciences. And we should certainly know what is the work that is being done in the institute.

Under these circumstances, I hope the Minister will accept the amendment that I have suggested, as it has already been accepted in another Bill.

**Rajkumari Amrit Kaur** : May I ask for clarification ? In clause 19 (4), it is provided that the accounts of the institute together with the audit report

shall be forwarded to the Central Government, and they shall be laid before both Houses of Parliament. So, the accounts and the audit report are there already. Does the hon. Member want that the report which is submitted to the Central Government, under clause 20, should also be placed before both Houses of Parliament ?

**Shri T. S. A. Chettiar** : That is what I want.

**Rajkumari Amrit Kaur** : We can easily put it in this form in clause 20 :

"The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules, and the same shall also be laid before both Houses of Parliament."

**Shri T. S. A. Chettiar** : I will move an amendment to that effect at the time of the clause by clause discussion.

**Rajkumari Amrit Kaur** : I shall accept that the same shall also be laid before both Houses of Parliament.

**Shri T. S. A. Chettiar** : It is the same thing. Let me not go over that point again.

The next point relates to a very important matter, as to how admissions to this Institute are going to be regulated. You know we would like to regulate admissions by merit ; the best young men and women throughout the country should apply and be admitted. At the same time, I as a Minister of Education in a big State, have found this difficulty. In engineering colleges, people from certain areas which are forward get admissions according to merit, but from the Ceded Districts, which required a large number of engineers, none of them got admitted, with the result that many of the engineers did not belong to those Districts and we were having trouble in getting engineers to work in those areas. To my mind, in regard to the development of the regions of this country, while weight should be given to merit, we should also see that a certain proportion should be given according to regional basis so that every region may have the benefit of the post-graduate course. In the Finance Commission, you know how the money is divided. The money is not given only according to the source or revenue ; it is given on

two principles, the source of the revenue as well as the population basis. Even here, while merit is certainly a predominant basis for selection of students, we should also see that all the various regions should get a certain amount of representation, may be on the basis of 30 or 40 or 50 per cent. So that we will have a combination of both merit as well satisfaction of regional needs. This is not a matter which the Minister can decide immediately. It requires a very great deal of thought. I would request her to consider this matter so that later on this matter may be settled as satisfactorily as possible. That point has not been raised in this Bill, cannot be raised and should not be raised. It is a matter of detail of the working of the institution. But I would like her to consider the suggestion that has been made.

Then the hon. Minister said that as the students study, they will have practice also. That applies to all technical institutions, and that is something which we have been working for. It should not be merely theoretical training; there should be practical training in hospitals, and there should also be rural and urban setting provided for health engineering. But I am unable to understand how within the campus of the college, this can be done. This can be done only when people are deputed to those areas where that experience is available. I do not know whether it is necessary to have a provision in the Bill or it can be done by the rules, saying that wherever practical training is necessary, people can be deputed to such places as may be necessary. I suppose that is the intention of the framers of this Bill.

I have nothing more to say except that this is one of the long cherished desires we have and we look to the time when we will not only not be sending our people for higher grade training to foreign countries, but other countries will be coming to us for this training.

**Shrimati Jayashri (Bombay-Suburban):** I congratulate the Minister on bringing forward this Bill. Also on behalf of Government, I thank the New Zealand Government for the generous grant that they have made to our country for establishing this institution.

The establishment of this institution is long due and I take this opportunity to congratulate our Government on fulfilling this long felt need. As envisaged in our Second Five-Year Plan, we are going to establish many health centres in the country. For this, we require efficient staff. We have the saying, "Health is wealth". Unless we have got proper schemes for health services, it is difficult to get people for taking up such big schemes as we are going to implement in our Second Five-Year Plan. A healthy mind is possible only when there is a healthy body. So I would give first priority to looking after the health of the people in our country.

For supply of efficient personnel, it is necessary to have institutions for post-graduate and also under-graduate studies. I am glad, that this will be fulfilled by the establishment of this institution. But as some Members have suggested, I would also request the Minister to recognise other institutions also which are trying to fulfil the want that is felt in our country with regard to nursing and other professions. We are all aware that at present for 43,000 people, there is only one nurse provided here while in U.K. for every 300 of the population, there is one nurse. So there is a great demand for nursing staff, and I am glad that this institution is going to have a nursing college. But I would also request the Minister to see that this institution gives recognition to other nursing colleges established in the country. I would mention one such college which we have in Bombay for giving nursing degree, started by the Shrimati Narsibai Damodar Thackersy University. It is also trying to give nursing education to girls.

I am glad that this institution is going to serve the rural population also by providing rural health organisations which will form centres for field training connected with rural medical and health services. I hope with the establishment of this institution, that need that is felt at present in villages will be fulfilled. We know that our medical students from urban areas are not ready to go to rural areas to serve those areas but I hope that by this arrangement they will be made to work in rural areas, thereby fulfilling the long-felt need for medical services there.

## [Shri Mohanlal Sakesna]

I again congratulate the Minister on bringing forward this Bill and I hope Government will give sufficient grants to this institution.

श्री श्रीनारायण दास (दरभंगा मध्य) : सभाप-ठी जी, मुझे बहुत खुशी हो रही है कि जो विधेयक स्वास्थ्य मंत्रिणी जी ने लोक सभा के सामने रखा है, और जिसके जरिये से एक अखिल भारतीय चिकित्सा विज्ञान की संस्था का निर्माण किया जा रहा है उसका उद्देश्य बहुत अच्छा है और मैं समझता हूँ कि सभी लोग इस का स्वागत करेंगे। लेकिन यह जानकर मुझे कुछ आश्चर्य हुआ है कि इतनी बड़ी संस्था के निर्माण के लिये जो यह विधेयक लाया गया है उस के साथ साथ कोई योजना अभी तक हमारे सामने नहीं आई है। इस विधेयक पर बोलते हुए स्वास्थ्य मंत्रिणी जी ने जो कुछ कहा है उस में भी वे इस बात की कोई रूप रेखा हमारे सामने नहीं रख सकी हैं। यद्यपि मोटे तौर पर सभी बातें इस विधेयक में रखी गई हैं लेकिन इस संस्था के निर्माण में प्रथम पांच वर्षों में आधिक दृष्टि से केन्द्रीय सरकार की क्या जिम्मेदारी होने जा रही है, यह बात मेरी समझ में नहीं आती। संस्था के उद्देश्य ठीक हैं, उस के ऊपर काफी जिम्मेदारी डाली जा रही है। इस बात की आवश्यकता भी है कि अखिल भारतीय आधार पर इस संसद में निर्णय हो कि हिन्दुस्तान में चिकित्सा सम्बन्धी मान क्या हो। लेकिन जहां तक मेरा रूपाल है जितनी बड़ी संस्था का निर्माण होने जा रहा है उस के अनुसार जो बनी बनाई योजना होनी चाहिये थी कि प्रथम वर्ष में इस संस्था का क्या क्या काम होगा, कितने रूपये की आवश्यकता होगी, संसद को कितने रूपये देने की आवश्यकता पड़ेगी, उस का यहां पर अभाव है। इस विधेयक के उद्देश्य जितने अच्छे हैं उतनी गहराई के साथ उस की योजना पर विचार नहीं किया गया है। अगर हमारे मंत्रालय ने इस योजना पर अच्छी तरह से विचार किया होता और इस की रूप-रेखा हमारे सामने रखी जाती कि इस वर्ष हम

क्या कर सकेंगे और अगले पांच वर्षों में हम क्या क्या करने वाले हैं, तो अधिक अच्छा होता। जो संस्था के उद्देश्य हम ने रखे हैं उन में से किन किन उद्देश्यों को पूरा कर सकेंगे, किन किन संस्थाओं का निर्माण कर सकेंगे, अगर यह दिया गया होता तो मेरा रूपाल है कि हम इस सदन का ज्यादा अच्छी तरह से इस को समझा सकते। इतनी बड़ी संस्था का निर्माण किया जा रहा है, और मैं उस का विरोध न कर के स्वागत ही करता हूँ, समर्थन भी करता हूँ, लेकिन इस योजना पर अच्छी तरह से विचार करके लोक सभा के सामने कोई स्कीम आनी चाहिये थी।

डॉ० सुरेश चन्द्र : फाइनेन्शियल मेमोरेंडम में यह दिया हुआ है।

श्री श्रीनारायण दास : मेरे मित्र कहते हैं कि फाइनेन्शियल मेमोरेंडम में दिया हुआ है।

श्री यू० एम० त्रिवेदी : प्राप जरा अच्छी तरह से उस को पढ़िये तो।

श्री श्रीनारायण दास : मैंने फाइनेन्शियल मेमोरेंडम को बड़े गौर से पढ़ा है। उस में कुछ भी नहीं है। किसी बात का भी निर्देश नहीं है, इस संस्था का तो जिक्र भी नहीं है। १९५५-५६ का बजट है जिस प्रकार आम तौर से बजट हुआ करता है, इस संस्था का तो वहां कहीं नामोनिशान भी नहीं है कि इस तरह की संस्था के लिये रूपया खर्च किया जायेगा, इस लिये या तो रिएप्रोप्रिएशन से हो या फिर एक डिपार्टमेंट का खर्च दूसरे डिपार्टमेंट में डाल कर काम चलाया जा सकेगा। मेरा कहना यही है कि जल्द से जल्द इस संस्था का निर्माण होने जा रहा है, उस के बड़े बड़े सदस्य होंगे, लेकिन उन्हीं सदस्यों के ऊपर इस की जिम्मेदारी होगी कि इस संस्था की योजना की रूपरेखा तैयार करें और देश के सामने या संसद के सामने रखें, तब कहीं इस संसद की उस पर विचार

करने का मौका मिलेगा । मैंने जब अखबार में पढ़ा और इस की चर्चा सुनी कि केन्द्रीय सरकार इस तरह की संस्था का निर्माण करने के लिये बिल प्रस्तुत करने वाली है तो मुझे बड़ी खुशी हुई, लेकिन मैं समझता था कि बिल पेश करने के समय से पूर्व योजना पर अच्छी तरह से विचार कर लिया जायेगा । अगर ऐसा होता तो हम इस पर और अच्छी तरह से विचार कर सकते थे ।

दूसरी बात मैं यह कहना चाहूँगा कि इस संस्था का उद्देश्य बहुत अच्छा है और हो सकता है कि इस बिल में संशोधन करने की गुंजाइश अधिक न हो, किर भी मैं कहता हूँ कि इस तरह के बिल पर पहले प्रबार समिति में विचार कर लेना चाहिये क्योंकि भले ही इस में ज्यादा समय लगाने की जरूरत न हो फिर भी जिस नई संस्था का निर्माण होने जा रहा है उस का निर्माण होने के साथ साथ हम अपना लालों रुपया उस को सुपर्दं करने जा रहे हैं । उस के सम्बन्ध में जो बिल है उस को इस कारण से अवश्य ही सेलेक्ट कमेटी को अच्छी तरह से विचार करने के लिये दिया जाना चाहिये था । इतनी जल्दबाजी में विचार करने से हो सकता है कि विधेयक में कोई त्रुटि रह जाये । अगर यह सेलेक्ट कमेटी में जाता तो वहां पर हम अच्छी तरह से विचार करके उस में सुधार ला सकते थे ।

इस सम्बन्ध में मुझे दूसरा आश्चर्य यह हुआ है कि इस संसद के सदस्यों की जो बिजनेस एडवाइजरी कमेटी हम ने बनाई है उस ने भी इस विधेयक के लिये इतना थोड़ा समय दिया । इतने महत्वपूर्ण विधेयक के लिये जिस में कि हम एक नई संस्था का निर्माण करने जा रहे हैं विचार करने के लिये केवल एक घंटे का समय पर्याप्त नहीं है ।

दूसरे अफसोस की बात यह है कि हम सब लोग यह जानते थे कि शनिवार को संसद की बैठक नहीं हो रही है और जो बिल आईर पेपर

पर रखे गये हैं उन पर विचार नहीं होगा क्योंकि सोमवार से हम राष्ट्रपति के भाषण पर विचार करेंगे । उस पर विचार समाप्त होने पर ही इन बिलों पर विचार किया जायेगा ।

**Mr. Chairman :** Did the hon. Member himself object to this allotment of time; did he do it?

**Shri Shree Narayan Das :** I did not object.

**Mr. Chairman :** Then why should he raise it now?

**श्री श्रीनारायण दास :** मैंने बाईदि दि वे कहा है, इस पर विचार करना चाहिये ।

**Mr. Chairman :** The whole House including the hon. Member himself accepted this allotment.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha) :** The height of wisdom of the House is represented on the Business Advisory Committee.

**श्री श्रीनारायण दास :** ठीक है, मैं समझता हूँ कि अगर इस विधेयक पर कुछ और अधिक मौका मिलता तो अच्छा होता । मैं ऐतराज तो नहीं करता, लेकिन यह बड़ा महत्वपूर्ण बिल है और अगर इस पर कुछ और समय मिलता तो और अच्छी तरह से विचार हो सकता था । इस विधेयक के सम्बन्ध में सबसे पहली बात मैं यह कहना चाहूँगा कि इस संस्था के जो सदस्य होने जा रहे हैं उन के चुनाव की जिम्मेदारी केन्द्रीय सरकार पर ही होने वाली है । अभी जितनी शिक्षा संस्थायें चिकित्सा के सम्बन्ध में हैं, जितनी यूनिवर्सिटीज हैं, अगर उन के प्रतिनिधि इस संस्था में होते तो अच्छा होता । इसमें इंडियन साइंस कांग्रेस एसोसियेशन के प्रतिनिधि तो लिये गये हैं भगवर जहां तक मेरा स्थाल है इस में उन यूनिवर्सिटीज के प्रतिनिधियों को जिन के अन्डर की चिकित्सा की शिक्षा संस्थायें चल रही हैं, लिया जाना चाहिये था ।

**कुछ माननीय सदस्य :** वह भी हैं ।

श्री श्रीमारायण दास : अगर इस में यह दिया गया है तो यह इत्फाक करने की चीज़ है । हम सब चाहते हैं कि जितनी युनिवर्सिटियां हैं, जिन के नीचे चिकित्सा की शिक्षा दी जा रही है, उनके प्रतिनिधि इस में जरूर हों ।

मैं इस बात को कबूल करता हूँ कि मैं ने इस विधेयक को जितने गौर से पढ़ना चाहिये था उतने गौर से नहीं पढ़ा है । जितनी दिलचस्पी मुझे लेनी चाहिये थी, उतनी दिलचस्पी के साथ मैं ने उस को नहीं पढ़ा है, हालांकि मैं इस मामले में बहुत दिलचस्पी रखता था, क्योंकि मैं सोचता था कि अगर यह बिल सेलेक्ट कमेटी में जायेगा तो उस में सुधार की आशा की जा सकती है । लेकिन चूंकि जितना समय इस के लिये दिया जाना चाहिये था उतना नहीं दिया गया, इस लिये मैं इस समय कोई सुझाव का प्रस्ताव नहीं दे सकता । मुझे उम्मीद है कि दूसरे सदस्य अगर कोई सुझाव दे सकेंगे तो अवश्य देंगे । खास कर के जो रूल्स और रेगुलेशन्स बनाने का अधिकार केन्द्रीय सरकार को दिया गया है उन संशोधनों की जिम्मेदारी को निभाने के लिये सरकार पूरी तरह से विचार करेगी । संस्था के निर्माण में जिन रूल्स और रेगुलेशन्स के अरिये, डेलिगेटेड पावर्स दी जाती हैं, मैं समझता हूँ कि उन रूल्स और रेगुलेशन्स पर भी, जो संस्था द्वारा या सरकार द्वारा निर्मित किये जायेंगे, पूरी तौर से विचार किया जायेगा । इतनी बड़ी संस्था का जो निर्माण होने जा रहा है उस का भार ऐसे योग्य हाथों में दिया जाये जो उस संस्था के आदर्श को अच्छी तरह से स्थापित कर सकें और इस संस्था के प्रति जो जिम्मेदारी उन को दी जा रही है उस को वे पूरी तरह से निभा सकें ।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ ।

Shri Mohanlal Saksena (Lucknow Distt. cum Bara Banki Distt.) : At the outset I should say frankly that I can

neither welcome the measure nor congratulate the hon. Minister for her performance today. I confess I was also slack in giving notice of a motion for reference of this Bill to the Select Committee under a wrong impression. Yesterday, I did not know that the House would sit today; it was rather late in the night that I knew that we were sitting today and so I could not give notice in time.

I would remind the hon. Minister that last time she had brought a measure which was equally important and controversial—the Delhi (Control of Building Operations) Bill. Even then I had impressed upon her the need for referring such measures to a Select Committee even for a few days. I am sorry to note that even now she has brought such a measure. In this Bill itself, in clause 5, it is said :

"It is hereby declared that the Institute shall be an institution of national importance."

Again there are provisions which purport to nullify the provisions of other statutes. For instance, it is said that the person who becomes the President of this Institute will be exempted from the disqualification of holding an office of profit for becoming a Member of Parliament. Then it gives powers to the Institute to give degrees and diplomas notwithstanding whatever may have been provided in the Medical Council Act. That is an important provision and at least we should have been told what was the opinion of the Medical Council on the subject. We should have known the opinion of the Committee which was appointed by this House as to whether it will be treated as an office of profit or not.

The hon. Minister says that she has been to other countries, U.S.A., U.K. and U.S.S.R., and has been impressed by the standard of education, and therefore, she is going to start this Institute, the first of its kind in Asia. I congratulate her for her inspiration, but I would like her to tell us how long she will take to bring the results of these researches within the reach of our ordinary people. Will it be 2, 3, or 10 years? Will it be possible for her to give a period? If she can bring the results within the reach of Common people in that period, I will congratulate her. What did Gandhiji say regarding this question? If the results of the research cannot be made available within two years to the ordinary poor people,

such a research is merely a waste—these are the words of Mahatma Gandhi.

Not only that. Again this is going to be an Institute of Medical Sciences, but "Medical Sciences" will not include Ayurveda, they will not include homeopathy and other indigenous systems of medicine. But they include only what has been dubbed and designated as modern systems of medicine—allopathy. I know that those who man the Health Ministries in the Centre and the States are allopaths and do not know much about Ayurveda etc. but they feel themselves competent to declare that it is not a scientific system. It is a matter of pity and shame for us not to recognise Ayurveda as a scientific system of medicine, particularly at a time when opinion in other countries are beginning to turn towards that system.

I know of one incident. One of our ex-Ministers who had been to U.S.A. told me that one of the medical graduates of the Bombay University had gone to the U.S.A. and joined a certain institution for further studies. When he met an eminent medical authority in the city, he was put the question, "Have you finished your studies in the Indian system of medicine?". He said 'Yes'. Then the doctor had a book in his hand and asked the student "Will you be able to help me to understand this book?" —it was a book by Shushrut. He said "I have never seen the book". The eminent doctor thereupon told him, "How can you say that you have finished your study of the Indian system of medicine?"

**Mr. Chairman :** May I know what is the conclusion of the hon. Member? Does he mean to suggest that the Medical Sciences do not include Homeopathy or Ayurveda or Unani?

**Shri Mohanlal Saksena :** They do not include Ayurveda etc.

**Mr. Chairman :** Will the hon. Minister kindly state what is the correct position?

**Rajkumari Amrit Kaur :** This is an Institute for the modern system of medicine and it cannot include any other system.

**Mr. Chairman :** Even Homeopathy is not a modern medical system!

**Shri Mohanlal Saksena :** To continue my story, the doctor told the student, "Then you do not know your own

system of medicine." In the matter of diagnosis, so many things are involved. Not only the reaction of the medicine but also the reaction of the crucible should be taken into account. If you put sulphur and sodium chloride, for instance, in a copper vessel, there will be some reaction; it will be different if they are put in a silver vessel; it will be again quite different in a China vessel. The doctor told him at the end that to prescribe certain medicines for each and everybody, without any consideration of climate and without knowing what will be the reaction on their system is not scientific.

When the hon. Minister returned from her trip to China, she talked of killing flies there and all that, and she said that she was impressed by that. I thought that she might introduce that system here as well. But she had nothing to say as to what have they done about indigenous systems of medicine in China? Is it not a fact that there is perfect collaboration between indigenous systems and the allopathic system there? In every progress report they mention the number of indigenous institutions they have started and the cases that are dealt with by them.

When there was this recent epidemic of jaundice in this very city due to the negligence—culpable negligence, criminal negligence—of the authorities themselves, the Health Authorities and other statutory authorities, thousands of people were seized by this malady. Who came to the rescue? Was it this modern system of medicine? One of the specialists declared that there was no remedy for it in that system—allopathic system. I know from my personal experience that thousands were treated under Ayurveda and Homeopathic system and got cured.

If in this very Institute of Medical Sciences Ayurveda and other indigenous systems will have no place, how can you expect them to be recognised abroad?

I have another objection that I have got. Why do you have all these things set up in Delhi? After all, the hon. Minister has been saying all the time and crying from housetops that Delhi is too much overcrowded, but now she is herself setting up an Institute here. She could have taken it to some outstanding place in the rural areas like Gurgaon or Faridabad or such other

## [Shri Mohanlal Saksena]

places. Why should everything be located in Delhi particularly at a time when there is a demand that offices should move out from Delhi? Actually nobody moves out notwithstanding the decisions published in the papers. We are still having new institutions created and we shall have to make provision for housing and accommodation for them even when we are not able to make provision for those who are already in Delhi.

There is another objection that I have got. The hon. Minister has given a picture in which it is not possible to say what will be the financial commitments involved unless these institutions get started. We have got a provision here that the Government of India shall make all payments by grants. But we do not know how much will be needed. These are the days of planning, planned economy, planning for everything and so on; we want even private individuals to economise and save for the Plan. How much money is going to be spent on buildings? Are not buildings available elsewhere—in Simla, Mussoorie or other hill stations? We need not build so many buildings and spend money on them here for this purpose. But I find we are having so many buildings erected. In the financial memorandum appended to the Bill, it is said that in the year 1955-56 provision has been made for about Rs. 70,00,000, out of which Rs. 27,00,000 is obviously for construction of buildings. How much money will be needed in all, we are not told. I had some private talks and I understood that a sum of Rs. 3 crores will be required in all, and after that, a recurring grant to the tune of about Rs. 38,00,000 will be required. I would like the hon. Minister to deny that so much money will not be required.

Anyway, this House has been used to the tradition that whenever a proposal or a scheme involving much expenditure came before the House, it went through the Finance Committee or some other Committee of this House. Even if the Finance Committee was not there, she should have herself come forward with a proposal and refer to a Select Committee. Why should she rush through these things in this way? I know that the time allotted for this Bill is very short. I can say that one of the Members of the Business Advisory Committee himself did not know what the Bill was about. He thought that it

was a non-controversial bill because it had been brought on along with other non-controversial Bills relating to Red Cross etc. If this is the view of one of the Members of the Business Advisory Committee, how can we expect other Members here, who never thought that the Bill would come before us today, to know more about it?

There are many things to which I should take objection. Personally I will oppose the Bill so long as these medical sciences do not include Ayurveda, Homeopathy and other indigenous systems of medicine. Then there is another thing. In their First Five-Year Plan, the Planning Commission have recommended that the possibility of including the physical system of treatment in the medical sciences should be examined and facilities should be provided for giving training and education in that system. What has been done? May I know from the hon. Minister? It was a very important recommendation of the Planning Commission.

**Mr. Chairman :** Order, order. May I just bring to the notice of the hon. Member that only one hour was allotted today and we have to finish at 5. I would request him to close his speech.

**Shri Mohanlal Saksena :** I would close the speech but I would like to record my protest against the manner in which this is being hustled through.

**Shri U. M. Trivedi :** The time may be extended.

**Mr. Chairman :** We have already taken more than fifty minutes and several speakers have spoken. The Lok Sabha had accepted that one hour should be allotted.

**Shri Mohanlal Saksena :** I move that this Bill may be given extra time. So many speakers are there.

**Dr. Suresh Chandra :** Time must be given.

**Mr. Chairman :** What is the use of the Lok Sabha accepting the recommendations of the Business Advisory Committee if on every occasion there is a demand that the time may be extended?

**Shri Ramachandra Reddi (Nellore) :** This Lok Sabha has got every right to revise its opinion.

**Mr. Chairman :** Should it revise it so many times ? I would just like to know how many hon. Members wish to speak on this Bill.

**Shri Mohanlal Sakreya :** I have not finished yet.

**Mr. Chairman :** I find that there are eight Members more who want to speak.

**Shri Satya Narayan Sinha :** You are yourself aware of the fact that if this Bill is not put through today it will be held up till May. There is no time.

**Rajkumari Amrit Kaur :** May I suggest that we sit till half past five ?

**Mr. Chairman :** If the Lok Sabha is willing to sit, I have no objection. Is it the desire of the Lok Sabha to sit longer ?

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

**Mr. Chairman :** It does not wish to sit longer ; at the same time it wishes that the discussion should be continued. I am asking the hon. Minister of Parliamentary Affairs if he is willing to give one hour on the 20th.

**Shri Satya Narayan Sinha :** We are hardpressed for time. You know we have already allotted the time.

**Mr. Chairman :** But you are seeing the temper of the Lok Sabha. This will have to stand over.

**Shri B. D. Pande (Almora Distt.—North East) :** It is dictatorship on the part of the Government.

**Mr. Chairman :** I find that the consensus of opinion is that the discussion should be prolonged. I also find that they are not willing to sit longer today. May I know if the Report of the Business Advisory Committee has been placed before the Lok Sabha and has been accepted by it ? Has it been put before the Lok Sabha and accepted by it ?

**Shri U. M. Trivedi :** It was not put so far.

**Mr. Chairman :** Then I am not bound by the views of the Business Advisory Committee the House has not yet adopted it in a formal manner. I was under the impression that it was agreed to by the Lok Sabha. Then I would only request the hon. Minister to find time on the 20th. If he cannot, it shall have to be adjourned to some other day. I understand that there was a proposal to prolong the sitting of the Lok Sabha till 5-30 P.M.

**Some hon. Members :** No.

**Mr. Chairman :** Was it not put before the Lok Sabha ? I am asking the Minister of Parliamentary Affairs.

**Shri Satya Narayan Sinha :** My difficulty is this. I want quorum. Most of the Members have moved out and I could not stop them physically.

**Mr. Chairman :** So far as quorum is concerned, I find that in the Lok Sabha at the present moment, there are more Members than are usually to be found. If he saw the attendance for the last two hours or so, there was practically no quorum in the House. But at the same time, at this moment, there are more Members in Lok Sabha than they were at any time today. The desire of the Lok Sabha has to be met so far as the discussion is concerned. I do not want to postpone this till May. In that connection, I was asking the Minister of Parliamentary Affairs to let me know if it would be possible to allot one hour on the 20th.

**Shri Satya Narayan Sinha :** I do not know. If the Lok Sabha is prepared to sit half an hour more on that day, I have no objection. We are sitting till 5.30 on Monday. If it is the desire to sit from 5.30 to 6.30, I have no objection to prolong the discussion on the bill. There will be further discussion and the Bill will also be passed during that period.

**Mr. Chairman :** As it is agreed to, I postpone the discussion of the Bill to the 20th February from 5.30 to 6.30. The Lok Sabha stands adjourned till 11 A.M. on Monday.

4-59 P.M.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday the 20th February, 1956.*

## DAILY DIGEST

285

[Saturday, 18th February, 1956]

286

COLUMNS	COLUMNS
<b>REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED</b>	<b>AMENDMENTS MADE BY RAJYA SABHA AGREED TO</b>
Thirty-first Report was presented	242-47
<b>BILLS PASSED</b>	<b>CONSIDERATION OF BILL</b>
155-242	260-84
247-60	
(1) Representation of the People (Amendment) Bill, as reported by Select Committee	Two amendments made by Rajya Sabha in the University Grants Commission Bill, as passed by Lok Sabha, were taken into consideration and agreed to
(2) Bar Councils (Validation of State Laws, Bill, as passed by Rajya Sabha	
(3) Voluntary Surrender of Salaries (Exemption from Taxation) Amendment Bill	All-India Institute of Medical Sciences Bill was considered. Discussion on motion to consider was not concluded
(4) Indian Red Cross Society (Amendment) Bill	
(5) St. John Ambulance Association (India) Transfer of Funds Bill	AGENDA FOR MONDAY, 20TH FEBRUARY, 1956 Motion on Address by the President and consideration of the All India Institute of Medical Sciences Bill