

Friday, 22nd December, 1950

Par. B. II. V. 50 (1)

840



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

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**(Part I—Questions and Answers)**  
**OFFICIAL REPORT**

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**PARLIAMENT OF INDIA**

*Friday, 22nd December, 1950*

*The House met at Two of the  
Clock.*

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**Short Notice Question and Answer**

**EMERGENCY LANDING OF AN INDIAN  
DAKOTA PLANE IN EAST BENGAL**

**Shri Rathnaswamy:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that an Indian Dakota plane which carried passengers made an emergency landing on the 17th December, 1950 at a place near Tangail in East Bengal;

(b) if so, how many of the passengers died and how many were injured; and

(c) what steps were taken to give the injured passengers immediate medical aid?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) Yes Sir.

(b) Two passengers and two members of the crew died. The remaining 15 passengers were all in greater or less degree affected by gas fumes, but three of them suffered severely.

(c) The present information, which is subject to verification, is that those requiring medical aid were rushed to Tangail Hospital where one member of the crew and one passenger unfortunately died. Gas cylinders were flown from Dacca to Tangail by the Controller of Aviation, Dacca, for oxygen treatment of the passengers. The rest of the passengers were taken by train to Dacca where another passenger and a member of crew died. From Dacca the survivors were brought by air to Calcutta where 9 passengers were put into Hospital.

With regard to the cause of the incident I may add that, according to the information available so far, when the aircraft was flying nearabout Tangail in the Pakistan territory on the 17th December, 1950, some fumes of pungent smell were found coming from the baggage compartment. One of the members of the crew thinking that to be a fire, used a fire extinguisher containing carbon tetrachloride. As a result of this the whole cabin was full of dense gas fumes. Some of the emergency exits were forced open in order to bring in fresh air, but the passengers were semi-asphyxiated. Meanwhile the pilot made a forced landing and all the passengers and crews came out of the aircraft. At the time it was thought that all the passengers and crew were safe, but as stated above two of the crews and two of the passengers subsequently died from the effects of the gas fumes. The medical examination of the passengers indicated the presence of sulphur dioxide and chlorine stains on the clothing. From the information available it appears that there was a consignment on the plane which was recorded as "photographic and block materials". The consignment papers have been seized and the consignment has been brought to Calcutta for analysis. The aircraft was flown yesterday from Tangail to Calcutta and is undamaged except for some cabin panes which were broken to exit the fumes. The Pakistan authorities have decided to hold an investigation into the cause of this incident and an officer of the Indian Civil Aviation Department who will be associated with this enquiry has already gone from Calcutta to Dacca.

I would also like to take this opportunity of expressing the appreciation of the Government of India for the very great help given by the Pakistan authorities.

**Shri Rathnaswamy:** Is it a fact that an earlier message received by the Manager of the Airline had said that

the plane reached the destination safely?

**Shri Khurshed Lal:** I do not know of any such message.

**Shri Rathnaswamy:** May I know how many accidents took place during the course of this year?

**Mr. Speaker:** That is too wide a question.

**Shri Sidhva:** May I know what is the procedure adopted in regard to the flying of explosives? Do the authorities take proper notice or not? What are the rules?

**Shri Khurshed Lal:** Under the rules, certain classes of articles, e.g., explosives, are not allowed to be carried by air. It is obviously impossible for the Civil Aviation Authorities to check up each and every parcel that goes in an aircraft. The Air Companies are expected to abide by the rules. After this accident, we are also examining our rules to see whether there is any lacuna in them which requires correction.

**Shri Rathnaswamy:** May I know whether any device has so far been invented to give protection to planes which meet with tragic accidents of the type that happened recently in Madras?

**Shri Khurshed Lal:** This is an extraordinary accident. Hundreds of planes fly all over the country every day and this is a very exceptional case.

**Shri Rathnaswamy:** May I know how the accident rate in India compares with that in other countries?

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

**Shri J. N. Hazarika:** To what nationality do the passengers belong?

**Shri Khurshed Lal:** I am afraid I have not got that information.

**Shri Dwivedi:** Have you got the names of the passengers?

**Mr. Speaker:** Order, order. The hon. Member should address the Chair.

I am going to the next business.

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**Part. B. S. VI. 1. 50.**  
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# PARLIAMENTARY DEBATES

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**PARLIAMENT OF INDIA**

**OFFICIAL REPORT**

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**Part II—Proceedings other than Questions and Answers.**

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**PARLIAMENT OF INDIA**

Friday, 22nd December, 1950

*The House met at Two of the Clock.*

[MR. SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(See Part I)

2.7 P.M.

**LEAVE OF ABSENCE FROM THE  
HOUSE**

**Mr. Speaker:** Before the House proceeds with any other business, I would like to inform hon. Members that Shri Yudhishthir Mishra has requested for leave of absence under Article 101(4) of the Constitution on account of indifferant health.

Is it the pleasure of the House to grant him leave?

The leave was granted.

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**PAPERS LAID ON THE TABLE**

**REVIEW AND HALF-YEARLY REPORT OF  
REHABILITATION FINANCE ADMINIS-  
TRATION**

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to lay on the Table a copy of each of the following papers in accordance with sub-section (2) of Section 18 of the Rehabilitation Finance Administration Act, 1948:

(i) Review of the Rehabilitation Finance Administration for the period ended the 31st August, 1950;

[Placed in Library. See No. IV 0.4(35)—(1)].

(ii) Report of the Rehabilitation Finance Administration for the half-year ended the 30th June, 1950.

[Placed in Library. See No. IV 0.4(35)—(2)]

**INDIA STORE DEPARTMENT, LONDON**

**The Minister of Industry and Supply (Shri Mahtab):** I beg to lay on the Table a copy of the half-yearly statement of cases in which the lowest tenders have not been accepted by the India Store Department, London.

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## HIGH COMMISSIONER FOR INDIA

### INDIA STORE DEPARTMENT

**ABSTRACT OF CASES** in which tenders for stores demanded by the Central Government, other than the lowest, complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

HALF-YEAR ENDING 30TH JUNE, 1950.

Cases in which the discrimination is between British Firms only

Stores ordered	Quantity	Contract Number	Name of Contractor	Amount of Contract	Lowest tender not accepted	Reason for Acceptance
Lathes	2	J3981/3178/ 21-1-50	Morrison, Marshall & Hill	£.   s.   d. 2,716   9   8 (British)	£.   s.   d. 2,705   13   2 (British)	The stores were required in India by March, 1950, in satisfaction of Defence demand. The higher tender was accepted on account of quicker delivery, i.e., 6 months against 18 months.



ADMINISTRATION OF EVACUEE  
PROPERTY (SECOND AMEND-  
MENT) BILL.

The Minister of State for Parliament-  
ary Affairs (Shri Satya Narayan  
Sinha): I beg to move for leave to in-  
troduce a Bill further to amend the  
Administration of Evacuee Property  
Act, 1950.

Mr. Speaker: The question is :

"That leave be granted to intro-  
duce a Bill further to amend the  
Administration of Evacuee Pro-  
perty Act, 1950."

The motion was adopted.

Shri Satya Narayan Sinha: I intro-  
duce the Bill.

Mr. Speaker: Before I proceed with  
the other business, I would like to know  
why the hon. Minister of Rehabilita-  
tion is not present in his seat when the  
motion to be moved by him is there.  
Ordinarily, he is either expected to be  
present himself or to make some  
arrangement so that somebody else  
may introduce the Bill. I do not know  
what the cause is.

Shri Satya Narayan Sinha: I shall  
enquire and let you know, Sir.

APPROPRIATION (RAILWAYS) No. 2  
BILL.

The Minister of Transport and Rail-  
ways (Shri Gopalaswami): I beg to  
move:

"That the Bill to authorise pay-  
ment and appropriation of certain  
further sums from and out of the  
Consolidated Fund of India for the  
service of the year ending on the  
31st day of March, 1951, for the  
purpose of railways, be taken into  
consideration."

Mr. Speaker: The question is:

"That the Bill to authorise pay-  
ment and appropriation of certain  
further sums from and out of the  
Consolidated Fund of India for the  
service of the year ending on the  
31st day of March, 1951, for the  
purpose of railways, be taken into  
consideration."

The motion was adopted.

Clauses 1, 2 and 3 were added to the  
Bill.

The Schedule was added to the Bill.  
The Title and the Enacting Formula  
were added to the Bill.

Shri Gopalaswami: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

APPROPRIATION (No. 4) BILL

The Minister of Finance (Shri C. D.  
Deshmukh): I beg to move:

"That the Bill to authorise pay-  
ment and appropriation of certain  
further sums from and out of the  
Consolidated Fund of India for the  
service of the year ending on the  
31st day of March, 1951, be taken  
into consideration."

Mr. Speaker: The question is :

"That the Bill to authorise pay-  
ment and appropriation of certain  
further sums from and out of the  
Consolidated Fund of India for the  
service of the year ending on the  
31st day of March, 1951, be taken  
into consideration."

The motion was adopted.

Clauses 1 to 3 were added to the Bill.

The Schedule was added to the Bill.

The Title and the Enacting For-  
mula were added to the Bill.

Shri C. D. Deshmukh: I beg to move:

"That the Bill be passed."

Mr. Speaker: Motion moved:

"That the Bill be passed."

Shri M. A. Ayyangar (Madras): Sir,  
I wish to say a few words. Yesterday  
at four o'clock the "Guillotine" was  
applied and the various Grants were  
treated as passed. There is a com-  
plaint—as against all the Demands  
placed by the hon. the Finance Minister  
—from almost all the Members of the  
House that the time that was allowed  
was extremely short. I am not making  
a complaint. But you will kindly ad-  
mit what these Demands mean.

After the Budget is passed, it is the  
Standing Finance Committee that ap-  
proves the various new schemes and the  
Supplementary Demands include pro-  
vision for these new schemes. If these  
Demands are passed by the applica-  
tion of the "Guillotine", then where is  
the chance for the House to express  
its opinion on any new schemes for  
which provision is made in those De-  
mands? Therefore this is a very im-  
portant matter and Government must,  
in consultation with you, allot a larger  
number of days for the discussion of  
these Grants. If the Grant is for  
an item which was approved during the  
Budget discussions, but in regard to  
which excess expenditure had to be

[Shri M. A. Ayyangar] incurred, no principle is involved. But there are many items of new expenditure sanctioned by the Standing Finance Committee. If we accept them in such haste, there is absolutely no guarantee that the House has brought to bear its considered opinion on that particular matter. More time is necessary for the House to consider these new items and I am sure the hon. the Finance Minister will bear this point in mind when he brings such Supplementary Demands later on.

Another matter that has been repeatedly brought to your notice and which has my earnest support is that in relation to Supplementary Demands fuller and more complete information ought to be given to us. As a matter of fact, even the Reports of the Standing Finance Committee were not made available to us, except that of the Railway Standing Committee. I would therefore suggest that sufficiently in advance full particulars must be circulated to hon. Members so that they may read and consider the various Demands before they are brought to the House.

Lastly, I would say that having regard to the large sums for which Grants are asked, the hon. the Finance Minister must, to begin with, give the House an idea as to what the main items are with respect to which he is coming to the House. He must divide those into groups: those items which were approved in principle during the previous Budget Session and in regard to which excess expenditure had to be incurred and those new items which were approved by the Standing Finance Committee. It is no use merely printing and placing them before the House. Even with the greatest alacrity, it may not be possible for hon. Members to find out what is important and what is not important. This procedure might be followed by the hon. the Finance Minister as also the hon. the Railway Minister when they come forward with their Supplementary Demands next time.

**Mr. Speaker:** I am not inclined now to admit any further discussion. These very points were made by several hon. Members when the Supplementary Demands for Grants were taken up. It is no use taking the time of the House any more. I am now calling upon the hon. the Finance Minister.

**Shri Tyagi (Uttar Pradesh):** Can there be a discussion on the merits?

**Mr. Speaker:** No. The Demands have already been passed by the House.

**Shri Tyagi:** Cannot the Members speak on the Third Reading?

**Mr. Speaker:** There are rules which really do not strictly permit many things, but then, when we meet in a democratic House, our main idea is to give as much opportunity as possible to hon. Members. But if constant speaking interferes with the business of the House, then certainly one would have to rigidly enforce the rules, just as I have been doing in this case.

**Shri Sidhva (Madhya Pradesh):** We do not want to waste the time of the House at all.

**Mr. Speaker:** Order, order. Will the hon. Member please resume his seat? I now call upon the hon. the Finance Minister.

**Shri C. D. Deshmukh:** I am gratified by the evidence of interest which hon. Members are taking in the scrutiny of the Supplementary Demands, and it is surely in the interest of Government to make it easy for the House to exercise its influence in the matter.

I do not know whether the hon. Member was present the other day when I mentioned the fortuitous circumstances in which it happened that the meeting of the Standing Finance Committee which considered the Supplementary Demands was postponed. I said then that I was trying to arrange for a meeting from the 25th of November, but because that date would not suit very many Members I had to postpone it. I also admitted that had I foreseen the time element I might have put the Supplementary Demands first before the Standing Finance Committee and the various schemes that they considered afterwards. If I had done that then we would have got through the Supplementary Demands on the 7th and there might perhaps have been time to circulate the Standing Finance Committee proceedings possibly in a printed form, although I am not quite sure whether the Press would have been able to cope with the printing of this large volume. But in any case, in future I shall see that I place the Supplementary Demands before the Standing Finance Committee in time to allow for all these processes and to leave sufficient time to Members to study the papers, including the details given in the Report of the Standing Finance Committee.

I also take note of the suggestion made by the hon. Member that we should try and indicate the important portions, the new items and items that merely represent excess Grants. In general I am entirely in favour of making the working of hon. Members easy in scrutinising these and the main estimates.

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

"That the Bill be passed."

The motion was adopted.

**REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL.—contd.**

**New Clauses 10A and 10B**

**Mr. Speaker:** We will now proceed with the further consideration of the Bill to amend the Representation of the People Act. We were discussing yesterday clauses 10A and 10B and certain amendments moved by hon. Members.

**The Minister of Law (Dr. Ambedkar):** Sir, I drew your attention to the fact that there was an amendment standing in my name. It is amendment No. 2 in Supplementary List No. 7. I should like to move it at this stage. The first amendment was moved by my friend Mr. Gupta. The second has remained undisposed of. May I move it?

**Mr. Speaker:** Yes. Will he move the other amendment also?

**Dr. Ambedkar:** This was an independent amendment—addition of a clause. My other amendment would include Mr. Gupta's amendment.

**The Minister of State for Transport and Railways (Shri Santhanam):** I think all the amendments have been placed before the House. This has only to be adopted.

**Mr. Speaker:** Those that came subsequently have not been placed by me before the House.

**Dr. Ambedkar:** I shall formally move the amendment. I beg to move:

In the amendment proposed by me, in the proposed new clause 10B, after the proposed new section 27I of the Representation of the People Act, 1950, insert the following new section 27J and re-number the subsequent section as section 27K:

"27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council, as the case may be."

It is just to remove any difficulty or doubt that might exist.

**Mr. Speaker:** Amendment moved:

In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, after the proposed new section 27I of the Representation of the People Act, 1950, insert the following new section 27J and re-number the subsequent section as section 27K:

"27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council, as the case may be."

There are other amendments also.

**Dr. Ambedkar:** Yes, in supplementary list No. 8. I thought if this was disposed of I could move the others.

**Mr. Speaker:** I take it that this is an agreed amendment, that hon. Members are agreeable to it. Shall I put it to the House?

**The Minister of Transport and Railways (Shri Gopalaswami):** May I draw your attention to one point? Would this amendment not need some modification if you are accepting the other kind of electorate that is proposed for Delhi?

**Dr. Ambedkar:** That also is described as an electoral college.

**Shri Gopalaswami:** Is it?

**Dr. Ambedkar:** Yes.

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

In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, after the proposed new section 27I of the Representation of the People Act, 1950, insert the following new section 27J and re-number the subsequent section as section 27K:

"27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council, as the case may be."

The motion was adopted.

**Mr. Speaker:** I believe the amendment to incorporate sections 27A to

[Mr. Speaker]

27J have already been moved. I would now take the amendments in supplementary list No. 8.

**Dr. Ambedkar:** I think it would be better if I move them *seriatim*.

**Mr. Speaker:** The amendments in supplementary list No. 8, which are amendments to that amendment, have to be moved. My idea is to have all the amendments once before the House and then we will proceed, for purposes of discussion and voting, in parts rather than put the whole clause immediately.

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

(i) In the amendment proposed by me, in the proposed new clause 10B, in sub-section (3) of the proposed new section 27A of the Representation of the People Act, 1950, after the words "for any State or group of States" occurring in line two, insert the words "so specified".

(ii) In the amendment proposed by me, in the proposed new clause 10B, in sub-section (4) of the proposed new section 27A of the Representation of the People Act, 1950, after the words "electoral college" insert the words, brackets and figure "for any such State or group of States as is referred to in sub-section (2)".

(iii) In the amendment proposed by me, in the proposed new clause 10B, after sub-section (4) of the proposed new section 27A of the Representation of the People Act, 1950, add the following new sub-section:

"(5) The electoral college for the State of Delhi shall consist of—

- (a) the members of the House of the People representing that State;
- (b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi; and
- (c) the non-official members of every Cantonment Board, District Board, Municipal Committee and Notified Area Committee within that State."

(iv) In the amendment proposed by me, in the proposed new clause 10B, in the proposed new section 27B of the Representation of the People Act, 1950, after the words "any State or group of States" insert the words "specified in the first column of the Fifth Schedule".

(v) In the amendment proposed by me, in the proposed new clause 10B, in sub-section (1) of the proposed new section 27F of the Representation of

the People Act, 1950, after the words "for any State or group of States" insert the words "specified in the first column of the Fifth Schedule".

(vi) "That the necessary corrections for the numbering and lettering of the clauses in the Bill and of the sections inserted by the Bill be carried out together with consequential corrections of cross references."

**Mr. Speaker:** Amendments moved:

(i) In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, in sub-section (3) of the proposed new section 27A of the Representation of the People Act, 1950, after the words "for any State or group of States" occurring in line two, insert the words "so specified."

(ii) In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, in sub-section (4) of the proposed new section 27A of the Representation of the People Act, 1950, after the words "electoral college" insert the words, brackets and figure "for any such State or group of States as is referred to in sub-section (2)."

(iii) In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, after sub-section (4) of the proposed new section 27A of the Representation of the People Act, 1950, add the following new sub-section:

"(5) The electoral college for the State of Delhi shall consist of—

- (a) the members of the House of the People representing that State;
- (b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi; and
- (c) the non-official members of every Cantonment Board, District Board, Municipal Committee and Notified Area Committee within that State."

(iv) In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, in the proposed new section 27B of the Representation of the People Act, 1950, after the words "any State or group of States" insert the words "specified in the first column of the Fifth Schedule."

(v) In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, in sub-section (1) of the proposed new section 27F of the Representation of the People Act, 1950, after the words "for any State

or group of States" insert the words "specified in the first column of the Fifth Schedule".

(vi) "That the necessary corrections for the numbering and lettering of the clauses in the Bill and of the sections inserted by the Bill be carried out together with consequential corrections of cross references."

There are some other amendments.

Dr. Parmar.

**Dr. Parmar** (Himachal Pradesh): I beg to move:

In the amendment by Dr. Ambedkar, in the proposed new clause 10B, in clause (b) of the proposed new section 27J of the Representation of the People Act, 1950,—

(i) after the words "so created" occurring in line one, insert the words "jointly or";

(ii) after the words "then after" occurring in line three, insert the words "such body has or"; and

(iii) after the words "constitution of" occurring in line six, insert the words "such body or."

I hope, Sir, the hon. Dr. Ambedkar will not have much difficulty in accepting this amendment. It has arisen because the amendment proposed in section 27J (b) lays down:

"If any such body as aforesaid is so created for each of the States of Bilaspur and Himachal Pradesh, then after both such bodies have been constituted, it shall not be necessary to constitute or reconstitute any electoral college for those States and on the constitution of both such bodies any electoral college for the time being functioning for those States shall be deemed to be dissolved..."

My object in bringing this amendment is that this sub-clause contemplates two separate houses for the States of Bilaspur and Himachal Pradesh and I have only proposed that in case before that time the two States join together, it may not be necessary to bring in another amendment or another amending Bill. It may be done by this very Bill, as it stands, if any amendment is incorporated. This naturally brings me to the matter of Himachal Pradesh and Bilaspur which has been before this House, Sir.

I want to bring to the notice of this House that the State of Bilaspur has been an integral part of the Simla Hill States since times immemorial. Out of the 28 Simla Hill States, Bilaspur was one of them as you will find in the Gazetteer of the Simla Hill States,

1910. All those States were kept together and they were under the political control of the District Magistrate, Simla. Thereafter they came under the Political Agent of the Punjab and thus these states received a slightly different and better status.

Finally when a movement for the integration of all these States was carried on by us, the 27 Simla Hill States excluding Bilaspur plus the States of Sirmur, Mandi, Chamba and Suket were all integrated into one Centrally administered unit which is known to-day as Himachal Pradesh. The hon. Dr. Ambedkar expressed surprise when he made his opening speech and said that he did not understand why Bilaspur has been kept as a separate entity. This has puzzled quite a number of people even in this House, and that is why I want to bring it before you, Sir, that though in the agreement which was drawn between the State of Himachal Pradesh, as it is, and the Government of India, it is clearly laid down that all these East Punjab Hill States will be integrated into one State to be known as Himachal Pradesh, Bilaspur which is one of these East Punjab Hill States, has been kept apart because of the Bhakra Dam, which is of all India importance. On the face of it it will be evident to anybody that simply because a project of all India importance is at hand or is being started in one State or in a section of the State that State cannot become Centrally administered for that reason. Otherwise, all those areas where the big projects are carried on in this country, should be under the Central Government. But that is not all. The reason has been that the Ruler of Bilaspur did not want to be integrated with any other area and he was carrying on activities which were troublesome and the Central Government in its magnanimity did not want to give them very great importance nor take stern action. But all the same things have been going on in this fashion—it was more a matter of appeasement—and Bilaspur was kept apart in spite of the record of repression that has been going on in that place.

We, who got the State merged, Sir, know how we had to deal with the Ruler of Bilaspur. We knew how he had turned out practically every young man with any political ideas or political affinities from the State. Not only that. After these young men had been hounded out one could not say *Jai Hind* in that area. They had to say *Jai Kah-Lur* and even today in Bilaspur you will find these words written in bold black letters on the buildings. The Ruler of 452 square miles area had wanted to remain independent; wanted to align

[Dr. Parmar]

with 'Pakistan'; wanted to raise his own flag, which he did and it was only after very great difficulty that we launched a regular movement in that place, so that the young men could get back to their homes and again it was with great difficulty that we persuaded the Ruler of Bilaspur to sign the Instrument of merger. But then something interesting happened and that was that this very Ruler who, of course, opposed all political reform, was posted as the Chief Commissioner. We have been demanding that in all the Centrally Administered Areas the first thing that should be done is to give the idea of a change in those areas and to at least appoint non-official Chief Commissioners, so that he can understand the current and under-currents that are going on; but that could not happen there. It was only in this State of 452 square miles that the very Ruler from whom we could get away with difficulty was posted as the Chief Commissioner for Bilaspur and there he remained for some time. There was agitation. There were telegrams sent and many deputations were coming up here. But the Ruler-cum-Chief Commissioner was fully using his position. The Ruler himself persuaded 200 people to come here and they went to the States Ministry pleading for his retention. All this has been going on Anyway all that was undone and the State is under the States Ministry.

My whole object in moving this amendment is that this State has been kept apart because the Ruler wanted it. It is high time that it is realized that the wishes of one individual should not be allowed to predominate over the wishes of the public. The Ruler of Bilaspur wanted to remain separate through with it now wants to stand for Parliament and wants to get into the Upper manoeuvres. The Ruler not satisfied House somehow. All these things are there and that is why it has not been possible to get the State as a part of Himachal Pradesh. The hon. Dr. Ambedkar has stated that now there is an intention and that before the elections this may happen that Bilaspur goes back to its proper place. It is something on which I wish to thank him. All that I want to suggest is that there should be a provision in these three clauses as they stand, so that if it is done, there may be only one House and this will avoid any further difficulty which may arise in this connection. This is a very simple amendment that I have moved. In fact it has been said in this House and I was surprised to learn it that Bilaspur is as far away from Himachal Pradesh and that there

is as much difference in language, customs and manners between them as between Ajmer and Coorg. I beg to say that Bilaspur is one of the East Punjab Hill States and one of the areas of the Himachal Pradesh and it is one of the Western Pahadi speaking areas from Chamba to Sirmur. This will be evident from a perusal of the census of India 1931. Not only that, I would like to bring it to the notice of this House as to whether it would be difficult for one representative to represent this area. I represent Himachal Pradesh and Bilaspur here. I come from Nahan, a corner of Himachal Pradesh. The other constituency which I represent, a part of Himachal Pradesh, is Chamba 500 miles away from my place while Bilaspur is less than 200 miles from my place. I leave it to the House to see whether it is at all difficult for one Member to represent these areas. That has always been an integral part of these Hills; from the point of view of culture, language and manners, the people are not different. I do not want to take more of the time of the House. I hope that Dr. Ambedkar will be able to accept this small amendment which will clear the road for further development in the country.

**Mr. Speaker:** Amendment moved:

In the amendment by Dr. Ambedkar, in the proposed new clause 10B, in clause (b) of the proposed new section 27J of the Representation of the People Act, 1950,—

(i) after the words "so created" occurring in line one, insert the words "jointly or";

(ii) after the words "then after" occurring in line three, insert the words "such body has or"; and

(iii) after the words "constitution of" occurring in line six, insert the words "such body or".

I should like the hon. Law Minister to clarify the point.

**Dr. Ambedkar:** There are two objections to this amendment. The first is a constitutional objection which arises out of the provisions contained in article 240 of the Constitution. I think it is quite clear from the amendment of my hon. friend Dr. Parmar that he supposes that it would be possible for Parliament to create one single legislature for these two areas, namely Himachal Pradesh and Bilaspur. I submit that it would not be open to Parliament to do any such thing because article 240 says:

"Parliament may by law create or continue for any State specified in Part C of the First Schedule..." which means that if Parliament wants

to create legislative bodies for the States mentioned in Part C, it shall have to create for each Part C State a separate legislative body. There is no authority given by article 240 to create a joint legislature. On that ground, this amendment is not in order.

My second submission is this. I believe my hon. friend suggested that it might be possible for Bilaspur to be merged in Himachal Pradesh, and in that event, that would constitute a single State. That possibility, I do not deny; but the consequence of that would be that we shall have to amend this Bill and make Bilaspur a merged State, which stands on a quite different footing, and would not come within the four corners of the Bill as presented to Parliament.

Therefore, my submission is that it is not possible for me to accept the amendment in view of the objections that I have stated.

**Shri J. N. Hazarika (Assam):** Sir, Section 27J which has now been re-numbered as 27K is absolutely unnecessary, because this clause is likely to create.....

**Mr. Speaker:** To which clause is the hon. Member referring?

**Shri J. N. Hazarika:** Section 27J. It is likely to create some delusion in the minds of the people in Part C States.

**Mr. Speaker:** Hon. Member may please see that section 27J has just been replaced by an amendment which has been carried by this House. Would he refer to the new section 27J as just adopted by the House?

**Shri J. N. Hazarika:** It has become 27K now.

**Dr. Ambedkar:** After my amendment, section 27J would become 27K.

**Shri J. N. Hazarika:** This section is absolutely unnecessary. It is likely to create a delusion in the minds of the people of the Part C States. The population in Part C States is very small. For example, in Manipur State the population is 5,40,000; in Tripura the population is 5,80,000. In many other States also, the population is small. It is now promised, more or less, to create new legislatures. I think it is not wise for this Parliament to create a delusion in the minds of the people because legislatures will not be created in these States. It will involve a large expenditure. You know how democracy is costly to the people. Therefore, this clause is absolutely unnecessary. Moreover, I think it is with this end in view that Dr. Ambedkar has made provision for two representatives

in the House of the People from Manipur and Tripura, each because, in the future there would be no legislature in these States.

**Some Hon. Members:** No, no.

**Shri J. N. Hazarika:** These States are in the process of being integrated or merged in the neighbouring States. I do not think that Government will be creating legislatures in these States in the future. It would only make the administration costly to the people. I submit that this clause is unnecessary.

**Shri Tyagi (Uttar Pradesh):** May I know, Sir, if this sub-amendment is under discussion or the main amendment?

**Mr. Speaker:** The sub-amendment. I shall take the amendments one by one.

**Shri Tyagi:** If one were to comment on the main amendment proposed by Dr. Ambedkar, when will he get a chance?

**Mr. Speaker:** My idea is this, and it facilitates discussion, because the amendments involve different points. Instead of putting the whole amendment as one, let us take it in parts. These are different sections practically. It is better for a quick and clear disposal to take each of sub-sections separately.

**Shri Tyagi:** That is perfectly true. If one were to oppose Dr. Ambedkar's main amendment, when will such a Member get a chance?

**Mr. Speaker:** That point is this. I shall illustrate the point. By his one amendment he wishes to put in Part IV. I propose to put before the House Part IV in parts. I shall say, that part of the amendment which proposes to have section 27A, as amended, be voted upon. That is how it will be put. If any hon. Member has to say anything about the contents of Section 27A, as amended, he will have an opportunity. Then, similarly, I shall go to section 27B, 27C right up to J or K so that on each point specifically involved in each of these clauses, hon. Members may have a chance to say. What is the hon. Member's point?

**Shri Tyagi:** I only wanted to make one suggestion and I wanted to be sure that it was relevant to the discussion.

**Mr. Speaker:** What is the point he is suggesting?

**Shri Tyagi:** I wanted to suggest to Dr. Ambedkar, that in the amendment which he has proposed about the electoral college for Delhi.....

**Mr. Speaker:** That means that he wants to restrict himself to one particular amendment. When that clause comes he can discuss that. I believe that clause is in the new amendment which he moved today, Supplementary List No. 8 and that is an amendment to section 27A. When I put section 27A, it will be perfectly competent for him to say whatever he has to say. Just now I am trying to clear the ground of all the amendments. I am disposing of the amendments, one by one, and when this particular amendment comes up, the hon. Member can oppose it, if he likes.

**The Minister of Labour (Shri Jagjivan Ram):** But Mr. Tyagi has missed the bus; that amendment has already been passed.

**Mr. Speaker:** No, I have only put them to the House.

**Shri Tyagi:** And votes have not been taken, I believe?

**Mr. Speaker:** The hon. Member need not discuss it now. I shall get it ascertained from the Secretary, if I am mistaken. Our records will show what amendments have been passed and what have not been passed.

**Shri Tyagi:** I am referring to the amendment that was moved to-day, Sir.

**Mr. Speaker:** Exactly. Because a large number of clauses are proposed to be added by one amendment, there is likely to be confusion in the minds of Members. Therefore, I am adopting the procedure that I have described.

The only amendment that has been passed is about the addition of section 27-J as a new section, and the re-numbering of the present section 27-J as 27-K. That is the only amendment passed. The whole section is open. Let there be no confusion about it. I am specifically mentioning it here.

The hon. Members must attend to the proceedings, otherwise there will again be confusion in their minds.

Now, I come to Dr. Parmar's amendment. Does he want me to put it to the House?

**Dr. Parmar:** No, Sir. I request leave of the House to withdraw it.

The amendment was, by leave, withdrawn.

**Mr. Speaker:** Now, before coming to the amendment of Dr. Ambedkar, I find there is an amendment tabled in the names of a large number of hon.

Members. There are—Prof. Shah, Deshbandhu Gupta, Pandit Balkrishna Sharma, Shri Tyagi, Shri G. S. Guha and others, proposing an amendment to Section 27-J which will now be 27-K. Is that amendment proposed to be moved?

**Shri Tyagi:** In this case there are so many names under which this amendment has been proposed. Is it necessary that every one of them should ask for leave of the House to withdraw it? Or is it enough if one of them asks permission to withdraw it?

**Mr. Speaker:** It need not be moved at all, and then the question of withdrawing will not arise. If it is not moved, then there is no withdrawal. So do I take it that it is not to be moved?

**Shri Deshbandhu Gupta (Delhi):** It is not proposed to be moved.

**Mr. Speaker:** Well, it is not sought to be moved then.

Then we come to the first amendment of Dr. Ambedkar to his own amendment. After disposing of it, we shall come to the main amendment. The first amendment which Dr. Ambedkar has moved to his own amendment is in Supplementary List No. 8.

**Dr. Ambedkar:** The one about the addition of the words "so specified".

**Mr. Speaker:** The amendment is, more or less, a formal one. The question is:

In the amendment by Dr. Ambedkar, in the proposed new clause 10B, in sub-section (3) of the proposed new section 27A of the Representation of the People Act, 1950, after the words "for any State or group of States" occurring in line two, insert the words "so specified".

The motion was adopted.

**Mr. Speaker:** Then we come to the second amendment. That is also, more or less, a formal amendment. The question is:

In the amendment by Dr. Ambedkar, in the proposed new clause 10B, in sub-section (4) of the proposed new section 27A of the Representation of the People Act, 1950, after the words "electoral college" insert the words, brackets and figure "for any such State or group of States as is referred to in sub-section (2)".

The motion was adopted.

**Mr. Speaker:** Now we come to the amendment regarding the Electoral



College for the State of Delhi, and which is proposed to be added as subsection (5) of section 27A. What does Mr. Tyagi want to say?

**Shri Tyagi:** Sir, I only want to enquire what will be the meaning of the word "non-official".

**Dr. Ambedkar:** Other than official, that is all.

**Shri Tyagi:** Sir, I request that in the fulsome of his legal knowledge, Dr. Ambedkar may kindly inform the House whether the word "non-official" has been defined anywhere. The general practice is, when a new word is used, it is defined. But my difficulty arises in this manner. If I think of the Chairman of a Municipal Board who was first elected as a member by adult franchise and then chosen as the Chairman, when he becomes the Chairman of the Municipal Board, he becomes an official because he holds an office. He may be elected as the Senior Chairman or the Senior Vice-Chairman, but in any case he becomes an official and he gets all the protection of an official or public servant. They are all officials. When referring to these bodies, in our ordinary parlance, we say they are officials and the others are non-officials, those who are elected and are not occupying the positions of Chairman or Vice-Chairman or some such office. So also when speaking about the Ministers, we say...

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** They are called non-official Chairmen.

**Shri Tyagi:** No, they are called officials and the rest of the board are non-officials because they do not hold any office. Or do we mean by officials only those who draw pay from the Government? If that is so, that will be a queer meaning to be given to the word "official". That would mean that everyone who draws permanent pay is an official and not the others. Many people may understand the word in that manner, but I do not think it is the legal meaning. The literal meaning is those who do not occupy an office, they are non-official. But the Chairman of a Municipal Board holds an office and so he is not a non-official. Those who have no office, they are non-official, persons like me, Sir. But persons like Shri Jawaharlal Nehru and Dr. Ambedkar they hold offices, and they are not non-officials. I hold no office and therefore, I am a non-official. Therefore, I request that a clear definition of the word "non-official" may be given, unless it be that it is given in

some other Act. Otherwise this will lead to difficulties.

**Dr. Ambedkar:** The word "non-official" is so elemental that I should have thought that it would be very, very difficult to find a simpler phraseology; and I suggest to my friend Mr. Tyagi that if he was involved in any legal dispute about this word, if he engages even a third-class lawyer, he will be able to get sufficient advice.

श्री मद्रु . माननीय अध्यक्ष महोदय,  
मैं इस संशोधन पर एक दो बातें रखना चाहता हूँ। दिल्ली भारत का पाटनगर होने से दिल्ली के लिए मतदाताओं की सूची विशेष रीर पर बनाई जा रही है और वह एक दूसरे के समझौते से हुआ है इस से मैं उस पर आपत्ति नहीं उठा रहा हूँ। लेकिन अच्छी बात तो यह होती कि अगर दिल्ली सब के साथ रहता तो सब को सहारा मिळता और सब चाहते हैं कि दिल्ली को वजह से वह भी आगे बढ़ सकते हैं। अब दिल्ली अलग पड़ जाता है तो दूसरे कमजोर हो गये हैं। दिल्ली आगे बढ़ रहा है या पीछे जा रहा है यह तो मैं नहीं कहता हूँ, लेकिन अगर माननीय देशबन्धु जी सब के साथ ही रहते और उस में तसल्ली पाते तो ज्यादा अच्छा रहता। मैं इस विषय पर ज्यादा बहस नहीं करना चाहता हूँ। लेकिन जो मतदाताओं की सूची बनाने का इरादा है उस में कल की बातचीत और कल की बहस से मालूम होता है कि जो नई कमेटियाँ, लोकल बोर्ड्स, नई म्यूनिसिपल कमेटियाँ या नोटीफाइड एरिया कमेटियाँ और सलाहकार कमेटियाँ बनेंगी उन के सदस्यों के बारे में ही यह जिक्र है। लेकिन इस संशोधन में वह चीज साफ नहीं होती है कि वह नयी कमेटियाँ होंगी या जो कमेटियाँ आज हैं वह की वही कमेटियाँ चालू रहेंगी और नये चुनाव एडल्ट फ्रैंचाइज (Adult Franchise) पर

[ श्री० भट्ट ]

नहीं हुए तो क्या होगा। उस के बारे में कोई मसला इस में साफ़ नहीं हुआ है।

एक दूसरी बात की तरफ़ भी में ध्यान दिलाना चाहता हूँ वह यह है जहाँ नान आफिशियल मेम्बर (non-official member) लिखा है तो नान आफिशियल के मानी तो जो समझ में आते हैं वह यह है कि जो गैर सरकारी नावमी हों, जो सरकारी नौकर न हों। लेकिन एक चीज़, अगर मेरी जानकारी ग़लत नहीं है, तो मैं बता देना चाहता हूँ कि सरकारी नौकर भी सरकार की परवानगी से लोकल आथोरिटी (local authority) के मेम्बर बन सकते हैं, इलेक्टेड मेम्बर (elected member) भी बन सकते हैं। तो क्या वह लोग जो चुनाव में सड़े हो कर आये हैं, सरकार के नौकर होते हुए भी, क्या उन को हम मतदान का अधिकार नहीं देंगे। वह लोग किस रीति से इस में से अलग हो सकते हैं, इस बात की तरफ़ भी आप का ध्यान जाना चाहिये।

एक बात मैं और ज़रूरी चाहता हूँ। श्री देशबन्धुजी ने १५० की संख्या बताई थी, सब मिला कर १५० मतदाता होंगे। तो दिल्ली के हमारे भाई सरकारी सदस्यों से क्यों घबराते हैं, वह तो ज्यादा से ज्यादा २५ होंगे। और अब तो नामिनेशन बगैरह का सवाल कम होता ही जाता है और सरकारी सदस्यों का सवाल भी कम हो जायेगा, उस का अनुपात भी कम हो जायेगा।

श्री जे० ब्रा० कपूर : क्या मैं माननीय सदस्य से एक बात पूछ सकता हूँ ?

Mr. Speaker: Order, order. This is a very irregular procedure. The hon. Member must address the Chair and must not interfere with the speech.

Shri J. R. Kapoor (Uttar Pradesh): I had addressed in third person. You were busy.

Mr. Speaker: The hon. Member Shri Bhatt will be short in his remarks as the time is very short and the time at our disposal is not only for this Bill but for other Bills also.

श्री भट्ट : तो मैं सिर्फ़ यही चाहता था कि दिल्ली के सदस्य मंजूर करें तो सब सदस्यों को अधिकार दिया जाना चाहिये। यही दो तीन खास बातें थीं जिन की तरफ़ मैं आप का ध्यान दिलाना चाहता था और यह बातें तो मैं ने खास कर डाक्टर अम्बेडकर का ध्यान दिलाने के लिये कही हैं कि अगर एक आफिशियल (official) सरकार की परवानगी लेकर उन संस्थाओं में जाता है तो मतदान का अधिकार उस से क्यों छीन लिया जाता है ?

(English translation of the above speech.)

Shri Bhatt (Bombay): Sir, I want to submit one or two things on this amendment. Voters' lists in Delhi are being prepared with special care because Delhi is the metropolis of India. Moreover this has been done with each others agreement and as such I do not raise any objection to it. But it would have been better had Delhi remained along with the rest. It would have been a source of strength to them, as all of them cherish that they too might be able to go ahead along with Delhi. Now Delhi comes under a separate category and others feel that they have become less strong. Whether Delhi is going onwards or backwards, that is not my point. But it would have been better had Shri Deshbhandhuji remained with all others and thus had satisfaction. I did not want to discuss this issue any more, but from yesterday's debate and conversation it seemed that only the Members of the new committees, the local boards, the new municipal committees or of the notified area committees and the advisory committees, which would be formed, have been mentioned in connection with the preparation of the voters' lists. It is not clear from this amendment whether the existing ones will continue to function or new ones will be formed, and in case their new elections do not take place on adult franchise, what is going to happen. None of the problems in this connection has been cleared.

I would like to draw your attention toward another thing also. It is about the term 'non-official member'. So far as we can understand it, it means one who does not belong to the Government or in other words who is not a Government servant. But, if I am not wrong, I would like to submit that the Government servants too can become the members of any local authority and can also become elected members with the permission of the Government. Will then these persons who are elected while they continue to be Government servants be deprived of their right to vote? Under what rule can they be deprived of this right. This fact also should be taken into consideration.

One important thing more. Shri Deshbandhu Gupta has revealed that there would be 150 voters in all. Why then are our brethren from Delhi afraid of the official members. Their number would come to 25 at the most. Moreover the question of nomination etc. is becoming less and less, the question of official members too will become less, their proportion will also fall.

**Shri J. R. Kapoor (Uttar Pradesh):** Can I ask one thing from the hon. Member?

**Mr. Speaker:** Order order. This is very irregular procedure. The hon. Member must address the Chair and must not interfere in the speech.

**Shri J. R. Kapoor:** I had addressed in third person. You were busy.

**Mr. Speaker:** The hon. Member Shri Bhatt will be short in his remarks as the time is very short and the time at our disposal is not only for this Bill but for other Bills also.

**Shri Bhatt:** So I wanted only this much that if the Members from Delhi agree all the members should be given the aforesaid right. These were the only two or three particular points towards which I wanted to draw your attention. I would especially invite the attention of Dr. Ambedkar to my contention that if an official participates in those institutions with the permission of the Government, why is he being deprived of his right to vote.

**Mr. Speaker:** I shall put amendment to the House.

**Shri Deshbandhu Gupta:** Sir, I want to speak.

**Mr. Speaker:** The hon. Member has already spoken. This represents only the agreement.

**Shri Deshbandhu Gupta:** I only want to point out that there is no official Member of the Advisory Council. Here in (b) it is said that the non-official members of the Advisory Council of the Chief Commissioner etc. There is no official at all. Therefore, if it is not necessary, this word 'non-official' may be dropped. I am suggesting it to the Mover.

**Dr. Ambedkar:** It cannot do any harm.

**Shri M. A. Ayyangar (Madras):** So far as non-official and official is concerned, I find the definition in the old Government of India Act 1919 but why has it been dropped out here. It was defined in the Government of India Act 1919 that "the expressions 'official' and 'non-official', where used in relation to any person, mean respectively a person who is or is not in the civil or military service of the Crown in India:

Provided that rules under this Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of this Act, or any of them, as officials."

Then under Section 134 rules were framed. When the Government of India Act was repealed an Ordinance was issued defining who were 'officials' and who were 'non-officials'. This Ordinance has lapsed. What is the present position? If in 1919 they were defined and later on under the Ordinance also it was found necessary to define the words, why should we not define it here also? That lacuna must be made up. It is not such a simple term that it can be found in a dictionary. It will depend upon the interpretation that is put on it. It is a very valid objection.

**Dr. Ambedkar:** I am sure the matter is covered. If it is not covered it is not difficult to cover it.

**Mr. Speaker:** I am now putting the amendment to the House.

**Shri Sondhi (Punjab):** All may be put together.

**Mr. Speaker:** Not all.

**Shri Tyagi:** May I take it that he is going to cover it, Sir?

**Mr. Speaker:** He said so. The question is:

In the amendment by Dr. Ambedkar, in the proposed new clause 10B, after sub-section (4) of the proposed new section 27A of the Representation

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of the People Act, 1950, add the following new sub-section:

"(5) The electoral college for the State of Delhi shall consist of—

(a) the members of the House of the People representing that State;

(b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi; and

(c) the non-official members of every Cantonment Board, District Board, Municipal Committee and Notified Area Committee within that State."

The motion was adopted.

**Mr. Speaker:** There is a further amendment to new Section 27B which is merely verbal. I will put it to vote. The question is:

In the amendment by Dr. Ambedkar, in the proposed new clause 10B, in the proposed new section 27B of the Representation of the People Act, 1950, after the words "any State or group of States" insert the words "specified in the first column of the Fifth Schedule".

The motion was adopted.

**Mr. Speaker:** Then there is a further amendment proposed 27F. The question is:

In the amendment by Dr. Ambedkar, in the proposed new clause 10B, in sub-section (1) of the proposed new section 27F of the Representation of the People Act, 1950, after the words "for any State or group of States" insert the words "specified in the first column of the Fifth Schedule".

The motion was adopted.

**Mr. Speaker:** Now it brings me to the main amendment and as I said I am putting it to vote in compartments. The hon. Members will refer to the Order Paper before them, so that there may not be any difficulty and I need not repeat all the amendments in extenso. The question is:

After clause 10, insert the following new clause:

"10A. Amendment of section 27, Act XLIII of 1950.—In sub-section (4) of section 27 of the said Act, after the figures '23' the brackets and words '(excluding the proviso)' shall be inserted.

The motion was adopted.

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

"That the new clause 10A stand part of the Bill".

The motion was adopted.

New Clause 10A was added to the Bill.

**Mr. Speaker:** Then comes addition of Part IV. 27A is proposed to be added.

**Dr. Ambedkar:** I would like to move an amendment to 10B. I beg to move:

In the proposed new clause 10B of the Bill, in the proposed section 27A of the Representation of the People Act, 1950, for the words "Tripura and Manipur" substitute the words "Manipur and Tripura."

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

In the proposed new clause 10B of the Bill, in the proposed section 27A of the Representation of the People Act, 1950, for the words "Tripura and Manipur" substitute the words "Manipur and Tripura."

The motion was adopted.

**Mr. Speaker:** The hon. Members will remember that out of the five amendments moved this morning by Dr. Ambedkar, three related to 27A which have been carried by this House.

I find that nobody wishes to move any of the amendments or make any speech further. So I shall come to all the clauses together, because I find that other amendments are only verbal.

Does any hon. Member wish to address himself to any particular clause now? No. Then I will put all the clauses—27—D, E, F, G, H, I,.....

**Dr. Ambedkar:** With regard to 27-I, Sir, with your permission I would like to move a small amendment to sub-clause (2), like the one I had moved earlier, namely, instead of Tripura and Manipur, it should be Manipur and Tripura.

**Mr. Speaker:** I think it is only a consequential amendment. We shall drop it at this stage. I will move it when I come to the next stage.

Now, 27-J will become 27-K in view of the amendment adopted by the House.

**Shri J. N. Hazarika:** I would request that 27-K may be taken separately.

**Mr. Speaker:** The difficulty is that an amendment has already been accepted saying that such-and-such a clause be put in in place of the present

clause J and that J be re-lettered as K. The question is:

After clause 10A insert the following new clause 10B:

10B. *Insertion of new Part IV-A*

*in Act XLIII of 1950.*—After Part IV of the said Act, the following Part shall be inserted, namely:

#### PART IV-A

Manner of filling seats in the Council of States to be filled by representatives of Part C States.

27A. *Constitution of electoral colleges for the filling of seats in the Council of States allotted to Part C States.*—(1) For the purpose of filling any seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the Constitution there shall be an electoral college for each such State or group of States:

Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg there shall be an electoral college only for the State of Ajmer:

Provided further that for the purpose of filling the seat allotted to the States of Manipur and Tripura there shall be an electoral college for each of the said States.

(2) The electoral college for each State or group of States specified in the first column of the Fifth Schedule shall consist of the number of members specified in the second column thereof opposite to that State or group of States to be chosen by direct election.

(3) The electoral college first constituted under this Act for any State or group of States so specified shall be reconstituted by a fresh election every time when there is a general election held in that State or group of States for the purpose of election of members to the House of the People, and on every such reconstitution the electoral college for that State or group of States functioning immediately before such reconstitution shall be deemed to be dissolved and the electoral college so reconstituted shall be the electoral college for such State or group of States, as the case may be, for the purposes of this Act.

(4) Any casual vacancy in the seat of a member of an electoral college for any such State or group of States as is referred to in subsection (2) shall be filled by elec-

tion held in the constituency concerned in the manner in which the election of that member to such seat was held.

“(5) The electoral college for the State of Delhi shall consist of—

(a) the members of the House of the People representing that State;

(b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi; and

(c) the non-official members of every Cantonment Board, District Board, Municipal Committee and Notified Area Committee within that State.”

27B. *Council of States constituencies.*—For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be the constituencies provided by order under section 27C and no other constituencies.

27C. *Delimitation of Council of States constituencies.*—As soon as may be after the commencement of this Act, the President shall by order determine—

(a) the constituencies into which each State or group of States specified in the first column of the Fifth Schedule shall be divided for the purpose of election of members to the electoral college for such State or group of States;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency.

“27D. *Power to alter or amend orders.*—The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under section 27C.

“27E. *Procedure as to orders delimiting constituencies.*—(1) The Election Commission shall,—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the First column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, formulate proposals as to the delimitation of constituencies in that State under section 27C, and

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(b) in consultation with the Advisory Committee set up under the said sub-section in respect of Himachal Pradesh, formulate proposals as to the delimitation of constituencies in the State of Bilaspur and Himachal Pradesh under section 27C, and submit the proposals to the President for making the order under the said section 27C.

(2) Every order made under section 27C shall be laid before Parliament as soon as may be after it is made and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid."

"27F. *Electoral rolls for Council of States constituencies.*—(1) For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be an electoral roll for every Council of States constituency in that State or group of States.

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III as relate to the areas comprised within a Council of States constituency shall be deemed to be the electoral roll for that Council of States constituency."

27G. *Termination of membership of electoral college for certain disqualifications.*—If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of electoral college."

"27H. *Manner of filling of seats in the Council of States allotted to Part C States.*—Save as otherwise provided in section 27I the seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the constitution shall be filled by a person or persons elected by the members of the electoral college for such State or group of States in accordance with the system of proportional representation by means of the single transferable vote."

"27I. *Special provisions for the filling of the seats in the Council*

*of States allotted to the States of Ajmer and Coorg and the States of Tripura and Manipur.*—(1) The seat in the Council of States allotted to the States of Ajmer and Coorg in the Fourth Schedule to the Constitution shall be filled by a person elected by the members of the electoral college for the State of Ajmer and by the elected members of the Coorg Legislative Council in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Ajmer and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the elected members of the Coorg Legislative Council.

(2) The seat in the Council of States allotted to the States of Tripura and Manipur in the said Schedule shall be filled by a person elected by the members of the electoral college for the State of Tripura and by the members of the electoral college for the State of Manipur in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Tripura and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Manipur.

(3) The casual vacancy in the seat allotted to the States of Ajmer and Coorg or to the States of Tripura and Manipur shall be filled by election in the State in which the election to fill the seat was held at the last preceding general or biennial election, as the case may be.

(4) Every election held under sub-section (1), sub-section (2) or sub-section (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote."

"27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of

such college or Council, as the case may be."

"27K. Replacement of electoral colleges by bodies created under article 240 to function as legislatures.—Notwithstanding anything contained in the foregoing provisions of this Part—

(a) if a body is created by Parliament by law under article 240 for any of the States specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, to function as a legislature for that State, then after such body has been constituted it shall not be necessary to constitute or reconstitute any electoral college for that State and on the constitution of such body any electoral college for the time being functioning for such State shall be deemed to be dissolved, and section 27H or section 27I, as the case may be, shall in its application to that State, have effect as if for any reference to the electoral college for such State in that section there were substituted a reference to the body so created for such State;

(b) if any such body as aforesaid is so created for each of the States of Bilaspur and Himachal Pradesh, then after both such bodies have been constituted, it shall not be necessary to constitute or reconstitute any electoral college for those States and on the constitution of both such bodies any electoral college for the time being functioning for those States shall be deemed to be dissolved, and section 27H shall, in its application to that group of States, have effect as if for the reference to the electoral college for the said group of States in that section there were substituted a reference to the bodies so created for those States; and

(c) if any such body as aforesaid is so created for the State of Coorg, then on the constitution of such body section 27I shall, in its application to that State, have effect as if for any reference to the Coorg Legislative Council in that section there were substituted a reference to the body so created for such State."

The motion was adopted.  
New clause 10B was added to the Bill.

**Mr. Speaker:** Then there is a further amendment proposed by Dr. Ambedkar. The question is:

"That the necessary corrections

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for the numbering and lettering of the clauses in the Bill and of the sections inserted by the Bill be carried out together with consequential corrections of cross references."

The motion was adopted.

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

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

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

**Mr. Speaker:** Motion moved:

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

**Dr. E. U. Singh (Uttar Pradesh):** I have one or two observations to make in connection with the Bill as also about what has been said in the House so far, and I shall try to be very brief. I think it was a great mistake to have called Part C States as States at all. They are really Centrally Administered areas, Statehood implies autonomy. These Centrally administered areas do not have autonomy, or perhaps it was not intended that they should have. If they should have autonomy, the question is what kind of autonomy they are going to have. In order, in fact, that we may be able to understand the position correctly, it is necessary to see what kind of States there are in Part C. As far as I am able to see, there are two kinds of States in Part C: those which were formerly known as Chief Commissioners' Provinces, for example, Ajmer, Coorg and Delhi, and those which have become Centrally administered areas since the advent of independence, namely, Bhopal, Bilaspur, Himachal Pradesh, Cutch, Manipur and Tripura. These two categories and in such units in the same category even cannot be treated on the same level. Delhi was created a Province in the year 1912 with the sole object of providing the Government of India with a seat free from the dominant influence of any Provincial Government. I do not think it is at all advisable to have a democratic set-up for this place. In fact it ought to be administered as a Federal City just as the District of Columbia, or Canberra are administered in the U.S.A. and Australia respectively.

**Mr. Speaker:** Order, order. The hon. Member must note the limitations of the scope of discussion on the third reading. Discussion will now be limited only to the amendments carried during the clause-by-clause

[Mr. Speaker] stage. If he intends to move for the rejection of this particular Bill, he is perfectly competent to do so. He can then touch on the important aspects for which the Bill should be rejected. But it is not permissible for him now to go into the constitutional or legal aspects.

**Dr. R. U. Singh:** I am not going into those aspects, Sir. If I remember right, a suggestion was made, and the hon. Law Minister himself said, that the question of the democratic set-up in these States is going to be taken up. I think it will be good for the Government if they know the views of the House before they take up the question. If the hon. Dr. Ambedkar also would not have referred to this question, I would not have referred to it. But if you think that I ought not to, then I would not do so.

**Mr. Speaker:** Nothing on that question can be discussed at this stage or on this Bill. He may do so on other occasions; when that Bill comes and when they make such an attempt, the hon. Member will be perfectly competent to discuss that question at full length.

**Dr. R. U. Singh:** The Bill as it has emerged after the amendments, is, I am sorry to say, not quite satisfactory. My grounds for that statement are these. We find that in some States electoral colleges are sought to be set up. In the State of Coorg, however, it will be the non-official members of the Legislative Council that will elect the representatives. In the State of Delhi, it will not be the non-official members of the Advisory Committee but also the non-official members of certain local authorities that will do it. In this connection, I have worked out the population figures and I find certain peculiar things about this. For instance, for Vindhya Pradesh we find that for every 64,000 of the population there will be one person sent to the electoral college. In other States, however, like Manipur, Cutch and Tripura, for every 20,000 persons there will be one representative sent to the electoral college. The figures for other States vary; I will not refer to them, but this variation is, so far as I can see, certainly peculiar. Then, as regards the number of persons constituting the electoral college; that also appears to me rather funny. It is 30 for Coorg and Ajmer which States will send one Member to the Upper House. Bhopal with 30 will elect one Member while Bilaspur and Himachal Pradesh together will have 42 electors and elect one Member. Kutch, Manipur and Tripura each with 30 electors will elect one Member each, and Vindhya Pra-

desh with 60 electors will elect four Members, while Delhi with 150 electors will elect one Member. I do not know why this kind of an arrangement has been made. I should have thought that some sort of uniformity and consistency was desirable in this.

My other point in this connection is this. I am not happy at the two kinds of arrangements that are sought to be made. In certain States electoral colleges elected on the basis of adult franchise are going to be set up. For Delhi a different kind of arrangement is envisaged while for Coorg yet another arrangement is going to be made. We do not know what the arrangements for Coorg are going to be—whether the Members of the Legislative Council, 15 or 18 as the case may be, will be elected on the basis of adult suffrage and they will elect the representative to the Council of States or whether the present Members will elect the representative. I should like to be informed on this question. In Coorg the position can be improved and I do suggest that there should be election on the basis of adult suffrage so that these 15 or 18 Members who form the Coorg Legislative Council would be able to send one representative.

**बाबू रामनारायण सिंह :** सभापति महोदय, मैं बहुत समय नहीं लूंगा। जैसी इस देश की परिस्थिति है और जैसी इस संसद् की रचना है कोई बिल पेश होना और पास होना कोई बड़ी बात नहीं है। लेकिन एक बात सदा याद रखना चाहिये और वह यह कि जब जब हम कुछ कानून पास करते हैं, उस कानून के जरिये देश और संसद् का चरित्र प्रतिबिम्बित होता रहता है। सभापतिजी, इस बिल को पास कर के हम यह घोषणा करते हैं कि हमारे देश में अमुक अमुक स्थान ऐसे हैं जो रिसपान्सिबल गवर्नमेन्ट (Responsible Government) या पंचायती राज्य या स्वराज्य के लायक नहीं हैं। इस प्रकार की इस से घोषणा होती है। दूसरी घोषणा यह होती है कि इस देश में कोई व्यक्ति या कोई समाज ऐसा बन गया है जिस की मर्जी मुतमबिक



काम होना चाहिये। सभापतिजी, इस की जरूरत है और न्याय का तकाजा है कि पार्ट सी स्टेट (Part 'C' States) के लोग जिस प्रकार का शासन वहां चाहते हैं वह होना चाहिये। उस के प्रतिकूल जो कुछ हो रहा है वह हम अन्याय कर रहे हैं। नामिनेशन (nomination) के प्रतिकूल हम लोगों ने जीवन भर बातों की और आज वही नामिनेशन हम इस बिल में भी मंजूर करते हैं। सभापतिजी, मुझे बहुत अधिक नहीं कहना है। मैं कहता हूँ कि पार्ट सी स्टेट के लोगों को चाहिये कि ऐसे ऐसे बिलों को न मानें। ऐसी ऐसी व्यवस्थाओं को न मानें और उन को पूरा अधिकार है कि कानून के जरिये जैसा शासन वह चाहते हों वैसा ही लें, और देने वाला यहां कौन है। उन को अपना समाज और पंचायती राज्य बना लेना चाहिये और हम लोगों को चाहिये कि हम उसे मान लें। यही हमारा धर्म है। मुझे इस पर और अधिक नहीं कहना है।

(English translation of the above speech)

**Babu Ramnarayan Singh (Bihar):** Sir, I will not take much time. Considering the general situation in the country and the composition of the present Parliament, it is not very difficult to move and get this Bill passed. But one thing we should always bear in mind, that whenever we enact a certain law, that reflects the traits of the Members of the Parliament and of the nation as well. Sir, by passing this Bill, we declare that there are certain places in our country which are not fit for the responsible Government, or *Panchayat Raj* or *Swarajy*. Such is the purport of the declaration embodied in the Bill. It further declares that there exists in our country such an individual or organisation according to whose wishes the work has to be done. It is necessary and justice demands that it should be left to the people of the Part 'C' States as to what type of Government they want for themselves. We will be doing injustice to them if

we do not act according to those provisions. All through we have been opposing the system of nomination, but the same system of nomination we are accepting today in this Bill. I am of the opinion that the people in the Part 'C' States should not accept such Bills. They should not accept any such proposals and they have the right through the legislation to choose the form of Government they wish. Who else can grant them that? They should establish a *Panchayat Raj* for themselves and we, the members, should accept that order. This is our duty. I have nothing to say more on it.

**The Prime Minister (Shri Jawaharlal Nehru):** I really have nothing much to say and I do not want to take up the time of the House now, but some hon. Members are evidently full of suspicion about Government's attitude in regard to some of these States and they wish me to say something which might possibly, in some degree, lessen their suspicions.

First of all, there is, I take it, nobody in this House who does not desire that these States or any part of India should not be put on a level, in so far as it is possible, with other States in regard to self-governing institutions and the sooner it is done the better. We propose to consider each case separately and as soon as possible to give effect to this policy. But there are obvious difficulties—I am sure the House will realise—in grouping all these States together. Although they are all Part C States, really each one stands on a different footing and is completely different from many points of view.

For instance, the States of Manipur and Tripura are different, not from the point of being forward or backward—I do not attach much importance to any such classification in regard to any part of India—but they are important from the point of view of being on our border and frontier and also because—unfortunately—they have not been developed in regard to communications and other things which are essential from our point of view. Therefore, one has to take them into consideration separately.

Then, there are cases like that of Ajmer or Coorg which, from no point of view, are—if I may say so—backward in regard to anything compared to any other Province or State. The problems there are not of backwardness, but rather of geographical size and other things which have to be taken into consideration. Coorg has a Legislative Assembly. It is possible to have some such thing elsewhere too. Anyhow, it does require careful adjustment.

[Shri Jawaharlal Nehru]

Then there are the cases of Vindhya Pradesh and Himachal Pradesh—fairly large areas which, normally speaking, should be treated as large areas are treated.

Finally, there is the case of Delhi which stands by itself, chiefly because it has both the honour and the disability of housing or having the capital here. It has an honour and it has a privilege, but privileges also carry disabilities and obligations and one cannot easily forget them.

So, all these matters have to be considered separately. But I wish to assure the House that it goes against the grain for us in Government to have these large and populous areas being treated in a very special way and being deprived, if I may say so, of the normal ways of carrying on their government themselves. We want to remedy that as soon as possible and to the best extent possible. It is Government's intention to go into this question very soon. We shall first go into it ourselves *de novo* and then, if it is necessary, we shall appoint a Committee for the purpose. In any event, hon. Members who are directly concerned and others who are indirectly concerned will be consulted, because any decision that we may arrive at can only be a proper decision if it is taken after full consultation.

**Mr. Speaker:** Before I put the motion to the House, I shall put that formal amendment about "Tripura and Manipur" from the Chair. The question is:

"In the proposed new clause 10B of the Bill, in the proposed Section 271 of the Representation of the People Act, 1950, for the words "Tripura and Manipur" substitute the words "Manipur and Tripura."

The motion was adopted.

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

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

The motion was adopted.

#### BUSINESS OF THE HOUSE

**Mr. Speaker:** The House will now proceed with the further consideration of the Bill further to amend the Employers' Liability Act, 1938.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): This may be put off for the next session. We may take the other Bill of Dr. Ambedkar.

**Mr. Speaker:** If that is the desire of the House, we shall take the other Bill.

**Shri Kamath (Madhya Pradesh):** Mr. Speaker, before the debate commences on the other Bill, may I draw your attention to your decision that the guillotine would be applied at six o'clock? Under the rules of procedure of Parliament, Rule No. . . . (*Interruption*).

**Mr. Speaker:** He need not quote the rule. I concede that under the rules there could be no guillotine on any legislative programme, but I had stated that decision as representing the general will of the House. It was a matter of agreement and I have been reminding hon. Members every now and then that, they may please remember that the guillotine would be applied at six o'clock, which means that we shall abide by our agreement to conclude at six o'clock. If the hon. Member is very particular about stating the rule, I may tell him that, I am going to accept closure at six o'clock.

**Shri Kamath:** That is a different matter.

**Mr. Speaker:** Let us not be technical over this matter, but let us understand the substance.

**Shri Kamath:** That is hustling the House.

**Prof. Ranga (Madras):** If the House wants to hustle itself?

**Mr. Speaker:** There is no hustling, as the Bill is going to Select Committee.

#### REPRESENTATION OF THE PEOPLE (No. 2) BILL

**The Minister of Law (Dr. Ambedkar):** I beg to move:

"That the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Thakur Das Bhargava, Shri Frank Anthony, Pandit Hirday Nath Kunzru, Shri M. A. Haque, Shri Mahavir Tyagi, Shri Biswanath Das, Shri Sarangadhar Das, Sardar Bhopinder Singh Man,

Srijut Rohini Kumar Chaudhuri, Shri Grija Sankar Guha, Shri Khandubhai K. Desai, Shri S. Sivan Pillay, Shri Chandrika Ram, Shri T. R. Deogirikar, Shri P. Basi Reddi, Dr. Syama Prasad Mookerjee, Shri Hussain Imam, Shri M. V. Rama Rao, Shri Gokulbhai Daulatram Bhatt, Shri Raj Bahadur, Kumari Padmaja Naidu, Shri S. Nijalingappa, Shri Ramnath Goenka, Shri Hari Vishnu Kamath, Shri S. N. Mishra, Shri L. Krishna-swami Bharathi, Shri Surendra Mohan Ghose, Shri Krishna Kant Vyas, Shri M. L. Dwivedi and the Mover, with instructions to report by the end of the third week after the commencement of the next session of Parliament."

**Pandit Maitra** (West Bengal): What will be the quorum?

**Dr. Ambedkar**: The quorum, I understand, is provided by rules, namely, one-third.

Sir, this Bill, as members must have noticed, is a very long Bill and contains 163 clauses. It would take me much beyond the time that is available now for the consideration of the motion, if I were to enter upon a full and complete description of the various provisions contained in these 163 clauses. This Bill has already been in the hands of Members of Parliament for at least three or four days and I am sure that they must have found time to go over the clauses of the Bill and to understand the main purport of the clauses incorporated therein. I do not think, therefore, I am called upon to give an exhaustive expose of the matters included in this Bill. I, therefore, propose to be very brief.

The House will recall that at an earlier Session of the Parliament a Bill for the Peoples Representation Act, 1950, was passed by this House. That Bill dealt with the following matters: (1) allocation of seats between the different States for their representation in the lower Chamber and the upper Chamber; (2) delimitation of constituencies for the purpose of the election to the House of the People and to the Legislative Assembly of the various States; (3) qualifications of voters at such elections and (4) preparation of the electoral roll and constituencies.

The following matters were left out, namely, (1) qualifications and disqualifications for candidates to and for the members of the legislature; (2) the actual conduct of elections; (3) corrupt and illegal practices; (4) the definition of election offences and (5) the constitution of the Election Tribunal for the purpose of deciding election disputes.

I should have been very happy myself if the provisions of the last Bill and the provisions contained in this Bill had been incorporated in a single statute, so that hon. Members would have had the facility of carrying one single Statute covering all matters affecting the representation of the people in the Central Legislature as well as in the State Legislatures. But, unfortunately, it was not possible to do so, because it would have taken a very long time, it was felt better to cut up the matter into two parts, that is to say, to provide for the constituencies, for the voters' qualifications and so on, in an earlier measure, so that the Election Commission would have been in a position to start work with a view to putting through the elections by April or May. That was the reason why a certain part of the matter which was, so to say, integral with matters contained in this Bill were severed and put into an earlier piece of legislation.

Now, Sir, as I have said, the present Bill deals with five matters. I am sure the House will not expect me to go over the whole gamut of the provisions relating to each of these five parts. I will take up certain important provisions which I am sure the House will be interested to know at this stage.

Now, first of all, I will take up the question of the qualifications and disqualifications for candidates. So far as the elections for candidates is concerned, we do not impose any additional qualification except that he must be a voter, that is to say, he must be a citizen, he must be of 21 years' age and must have resided in a particular constituency for the qualifying period. Every voter will, therefore be entitled to stand as a candidate without requiring to fulfil any additional qualification. One other matter to which I would like to draw attention in this connection is this, that in the present Bill we have removed all residential qualifications. At one time, hon. Members will remember, that a candidate was not only required to be a voter, but was also required to be a resident in that particular constituency. Otherwise, he could not stand. It was felt that in view of the fact that we are now a united people under one single Constitution, recognising no barriers of caste, creed, community or provincial barriers, it was desirable to provide that any person who is entitled to be a candidate may stand anywhere in India, notwithstanding the fact that he does not belong to that province or to that constituency.

[MR. DEPUTY-SPEAKER in the Chair]

So that under the provisions of the

[Dr. Ambedkar]

Bill a person may not only stand as a candidate in his own constituency but he may stand as a candidate in any other constituency in his State, nay, he may stand as a candidate in any other State where he has not resided, provided he is a qualified voter in some particular constituency. That is with regard to qualifications.

With regard to disqualifications what we have done is this. Hitherto the law relating to disqualification was scattered in different statutes. Part of it was laid down in the Government of India (Provincial Elections Corrupt Practices and Election Petitions) Order of 1936 issued by the Secretary of State after the passing of the Government of India Act, 1935. Other provisions were to be found in the Indian Elections Offences Enquiry Act, 1920. It was felt that it would be much better to have a consolidated list of disqualifications in this very Act. And that is what has been done.

I may here mention that it was my proposal that the holding of a contract with the Government should also be a matter for disqualification. Such a provision exists in the U.K. Act. But I thought that it might be better to consult the Select Committee on this particular provision whether the disqualification should be for standing as a candidate or whether the disqualification should be limited to continuing to be a Member of Parliament. As I myself was not certain which course to adopt I have left the question open to be decided by the Select Committee.

Now I come to another matter, namely, the conduct of elections. In this connection I would like to draw the attention of the House to certain new features that are contained in the Bill with regard to nomination. As the House will remember, under the existing law the question of the validity of the nomination of a candidate can be canvassed, discussed and decided upon on an election petition. I have always felt that that is a very harsh procedure. The question of nomination is so to say a preliminary issue and there is no reason why this preliminary issue should be kept hanging, allowing the whole election to take place, forcing people to spend their time and their energy in contesting the election, and subsequently somebody comes up and says that the elected candidate has not been validly nominated. So that, without getting into the merits of the election the practice is followed and the whole thing is disposed of on a preliminary issue. I think it is right that in the matter of election petitions it is desirable to separate this preliminary issue from

the other issue as to whether the election is valid on other grounds or not. I have therefore proposed in this Bill that this issue shall be treated as a preliminary issue and the Election Commission shall make some provision for the purpose of constituting some tribunal to which any dispute as regards the validity of nomination will be referred and disposed of finally: so that when the election takes place no such issue could be raised before the tribunal. I am sure this is a very salutary provision. I am sorry, on the advice of the Election Commissioner, it would not be possible to give effect to this provision at the time of the first election, because he thinks that he has not got sufficient time to think about forming an *ad hoc* tribunal which may be set up to come and give relief to the contestants. But, as I say, if the Select Committee thinks that this should also be applied then I would have no objection.

Under the conduct of elections I should also like to draw attention to another important matter, namely, method of voting. This Bill provides that some constituencies shall be two-member constituencies. That is inevitable in view of the fact that the Constitution provides for the reservation of seats for the Scheduled Castes and the Scheduled Tribes. The fact that you have reserved constituencies presupposes at least two-member constituencies.

**Pandit Thakur Das Bhargava** (Punjab): Why? It is not inevitable.

**Dr. Ambedkar:** That is a matter which you may discuss but that is how the Bill proceeds upon. There will therefore be some two-member constituencies. The other constituencies will be single-member constituencies. In the two-member constituencies the voting will be by distributive vote.

Now I come to the Election Tribunal.

**Pandit Maitra:** May I know whether in no case there will be three-member constituencies?

**Dr. Ambedkar:** I am going to say at the end that these are not matters which can be taken as concluded.

With regard to the Election Tribunal the position is this. There are of course a variety of ways in which an election tribunal could be constituted. Either you can constitute an election tribunal whose authority will be final, without any right of appeal, or you can have a tribunal whose decision will be subject to an appeal. As I said, on this there cannot be any dogma. One has to decide in the light of public opinion. But the Bill proceeds upon the assumption that there

should be some sort of a right of appeal to the High Court. It is also assumed that the public has a greater confidence in the official machinery for the disposal of election disputes. Non-officials, it is said, may have a bias which may prejudice the ultimate judgment in the case of an election dispute. Consequently what the Bill proposes to do is to have a two-member tribunal. The Chairman will be the District Judge and the other member will be a judicial officer. He may not be a District Judge. He may be some other judicial officer, but an official. The point is this that it is difficult to imagine at this stage what would be the number of election petitions. In view of the fact that the people of this country are so enamoured of politics so far as I see—having almost a passion for politics—I surmise that there might be a very large number of election petitions. If that happens and if you wish that the machinery to decide appeals should be official, the number of District Judges that may be available today would be found to be considerably insufficient to cope with the task. It is therefore that the second Member is described as a judicial officer. He may not be of the rank of the District Judge. In addition to that, it has been provided that the High Courts in the different provinces may prepare a list of advocates, who in the opinion of the High Court, may be deemed to be sufficiently qualified and reliable to be employed as Members of this Tribunal. That is again on the supposition that the petitions may be so large that even the judicial Members may not suffice. (*Interruption.*) I think it is good that we should give some employment to advocates because notwithstanding the many remarks that I have been hearing I am firm enough to say civilization cannot exist without advocates. Law is the very foundation of civilization.

As I said, the Bill provides that in the case of difference of opinion in the Tribunal a reference may be made to the High Court. Another, I think, very important feature of the Bill is this. I am not very much versed in the law relating to election petitions; I have not dealt with them on a very large scale. With what little experience I have, I have come to the conclusion that the law is in the most indefinite state that one can find. You can never definitely say what are the manners in which an election petition may be disposed of. You can never be certain on what grounds the election as a whole may be declared to be void. You can never be certain what are the grounds on which the election of a particular candidate may be dec-

lared. You are never certain under the existing law what are the cases in which the Courts may entertain what is called a plea of recrimination. I have therefore devoted considerable time and attention to the clarification of this position and I would invite the attention of hon. Members to clauses 93, 95 and 96 in which they will find that the position is made as clear as one can possibly do, and I hope that this will be a great advantage both to the Tribunal as well as to the contesting candidates themselves.

Then, I come to the law of corrupt and illegal practices. Here again, the law has been scattered in various places. I endeavoured to bring all the provisions relating to corrupt practices and illegal practices under this one Bill and you will find them codified from sections 122 onwards. Our law in a sense was defective so far as corrupt intention was concerned. The law has not made it clear that in the case of a corrupt practice what was essential was not a practice which is declared to be corrupt but the corrupt intention. With regard to the illegal practice, there is no question of intention at all; the practice is declared to be bad, but with regard to the corrupt practice in order to give a finding of guilty, it is necessary to have a finding that the intention was corrupt. You might call your friend to a dinner or lunch during the period when your election is going on. Your opponent may say that you have corrupted him. I do not know whether such a plea could be sustained but under the existing law this proviso was not there and I have tried to square up the thing, because I find that is also the provision in the English law that in a corrupt practice there must be a corrupt intention.

I know that the House is more interested in finding out what provisions are made in this Bill for a free and fair election. That, I think, is the desire of everybody and I therefore will now give to the House the provisions which relate and which are intended to bring about a free and fair election.

(1) All election meetings on the election day and the day preceding such a day have been banned. We have thought that it would be desirable to have two peaceful nights to the voters as well as to the candidates before they go to the polling-booths.

(2) Penalty has been provided for disturbance at election meetings, which I think is very desirable.

(3) Officers performing any duty in connection with an election and police officers have been prohibited from

[Dr. Ambedkar]  
acting for candidates or to influence voters. That you will find in clause 124.

(4) Canvassing in and near polling stations has been prohibited.

(5) Penalty has been provided for disorderly conduct in or near polling stations such as the use of a magaphone or loud speaker or shouting in or near the polling station.

(6) This is an important thing. The hiring or procuring of conveyances for bringing voters to or from the polling station has been made punishable.

(7) Breaches of official duty in connection with the elections have been made punishable.

(8) Removal of ballot papers from the polling station has also been made an offence.

(9) Personation has been made a cognizable offence throughout India, and as you will see, there are other provisions of the Bill. There is a provision which says that every voter shall have to give his thumb impression in an indelible ink. I hope the ink will be indelible so that there will be no case of a second vote in the name of another person. We have got an enormous electorate and it would be quite difficult to find out that there is no impersonation. The only method of safeguarding it is to have some kind of mark by which when a voter comes to give a vote, it will be possible for a polling station to ascertain that he has already not voted.

These are the general provisions which are contained in this Bill. Sir, I quite see that the time at the disposal of the House is very short, having regard to the length of the Bill, but I think the House can take comfort in the fact that we have had a very large Select Committee. I do not think that any Bill has had such a big Select Committee.

**An Hon. Member:** Except the Hindu Code.

**Dr. Ambedkar:** It was also a very small Select Committee, if I remember aright but here there are about 31 Members.

**An Hon. Member:** Adult franchise?

**Dr. Ambedkar:** I have given almost adult franchise. Secondly, as I said, this does not involve any question of policy. These are mere questions of methods of bringing about a fair deal in the election and consequently, I do not propose when the Select Committee meets to raise any kind of objection to any suggestion that might be made.

It will be an open forum. I should also like to say that if those Members who have not had the luck to be included in the Select Committee also care to send any suggestions either personally to me or to the Select Committee, I shall place them before the Select Committee and see that they are given due consideration. Sir, I move.

4 P.M.

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

"That the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Thakur Das Bhargava, Shri Frank Anthony, Pandit Hirday Nath Kunzru, Shri M. A. Haque, Shri Mahavir Tyagi, Shri Biswanath Das, Shri Sarangadhar Das, Sardar Bhopinder Singh Man, Srijit Rohini Kumar Chaudhuri, Shri Girija Sankar Guha, Shri Khandubhai K. Desai, Shri S. Sivan Pillay, Shri Chandrika Ram, Shri T. R. Deogirikar, Shri P. Basi Reddi, Dr. Syama Prasad Mookerjee, Shri Hussain Imam, Shri M. V. Rama Rao, Shri Gokulbhai Daulatram Bhatt, Shri Raj Bahadur, Kumari Padmaja Naidu, Shri S. Nijalingappa, Shri Ramnath Goenka, Shri Hari Vishnu Kamath, Shri S. N. Mishra, Shri L. Krishna-swami Bharathi, Shri Surendra Mohan Ghose, Shri Krishna Kant Vyas, Shri M. L. Dwivedi and the Mover, with instructions to report by the end of the third week after the commencement of the next session of Parliament."

I may also state at the outset that as many as 31 hon. Members are included in this list; those hon. Members who are not included in this list may alone speak now and even they may kindly be as brief as possible.

**Prof. Ranga (Madras):** At the very outset, I wish to congratulate my hon. friend Dr. Ambedkar upon having brought this Bill and introduced it, even though at this late hour. I do not propose to refer to those clauses of the Bill with which I am in agreement because I would like to spare as much time as possible for my other friends in this House who are also anxious to speak. I shall refer to a few

points in regard to which I want my hon. friend Dr. Ambedkar as well as the Select Committee to pay special attention to.

My hon. friend Dr. Ambedkar has already referred to the advice given by the Election Commission that it might not be possible for it to appoint these tribunals even for the first general elections. I am extremely sorry that the Election Commission . .

**Dr. Ambedkar:** With regard to nominations only.

**Prof. Ranga:** I am extremely sorry that the Election Commission has taken this view. I want the Election Commission to review its own view and see to it that an opportunity is given to candidates whose nomination may possibly come to be rejected, to appeal to a tribunal. It shall not be really impossible even from the administrative point of view to take the necessary steps in this regard and I hope the Select Committee will bear the suggestion in mind.

Secondly, Sir, it was suggested by some friends belonging to some other parties, that at the time of the next general elections, the present Ministries in the provinces should resign and make it possible for an impartial election to take place, without any prejudice especially to parties who do not happen to be in power. This is not a practice obtaining anywhere else in the world and I am not able to agree with the suggestion. At the same time, I would like the Election Commission as well as the Select Committee to consider the possibility of obtaining returning officers from some other province. As we know, Sir, the provincial officers if they are to be appointed as returning officers, are generally likely to be under the influence of the Provincial Governments. I do not mean to say that in any democracy where the Ministers as well as the public have got used to these elections under adult franchise, this sort of thing would be necessary. In view of the fact that we are going to have the first general elections on the basis of adult franchise and democracy of this sort is going to have the first innings at the next general elections, I would like the State Governments also to see the advisability of inviting officers engaged by the States other than their own to come and serve as returning officers. Then alone it would be possible for us to assure impartial elections not only to the various candidates belonging to one political party, but also other political parties and groups.

In regard to the date for the first general elections, it is stated that it

should be fixed at least four months before the actual date. I am glad this provision is made. I sincerely hope that even long before the actual date, it would be possible for the Government to fix the date, or at least the month in which the first general election is going to be held so that all political parties would come really well prepared for that.

Then, Sir, imprisonment is treated as one of the disqualifications. In the former dispensation, there used to be doubts as to how this is to be interpreted. I know of some of my own comrades in this House who were unfortunately brought under the mischief of a similar provision and their membership of this House was declared void. Therefore, I wanted it to be clearly understood that it is only where any voter comes to be imprisoned for offences involving moral turpitude, it could be treated as a disqualification.

It is also stated, Sir, in regard to the appointment of polling agents, that a candidate can appoint one polling agent and one assistant and no more. In another instance, it is equally stated that he could appoint only one representative in the same clause. I want to know why this phrase 'no more' is specifically mentioned. I would like the Select Committee to look into it more carefully and see if it is not possible to drop this phrase so that it would be possible for a candidate, if and when found necessary to appoint more than two polling agents in certain places.

**Mr. Deputy-Speaker:** Polling agent or election agent?

**Prof. Ranga:** It is put as polling agent. If it is in connection with election agent, I would like that also to be reconsidered.

**Pandit Thakur Das Bhargava:** That is election agent; polling agents are many.

**Prof. Ranga:** In any one particular polling station, I would like . . .

**Pandit Maitra:** In every polling booth, you have a polling agent.

**Prof. Ranga:** If and when it is necessary, he should be empowered to appoint his deputy. In some places it would become necessary.

I am glad to find that in sections 50 and 51, opportunity is given to members of the Scheduled Castes and Scheduled Tribes to get themselves elected not only for seats that are reserved for them, but also other seats if the general electorate were to favour their candidature. I am also glad that cumulative voting is not favoured and

[Prof. Ranga] that distributive voting is being favoured. In this connection, I wish to add my support to Dr. Ambedkar's suggestion that there should be single member constituencies all over India except in those places where we have to reserve seats for Scheduled Castes and Scheduled Tribes. My hon. friend Pandit Thakur Das Bhargava asks why we should not have single member constituencies even for Scheduled Castes and Scheduled Tribes. My objection, to put it briefly, is this. Already these people have been castigated as somebody different from other communities.

**Pandit Thakur Das Bhargava:** I have been misunderstood. My proposal is not that for a reserved constituency there should be a single member constituency. My proposal is that from the same constituency, a single constituency, two members may be returned, one for the general seat and one for the reserved seat.

**Prof. Ranga:** That is exactly what is being suggested. I am very glad that my hon. friend does not disagree with me. My point is that I do not want any constituency to be stamped as a Harijan constituency.

**Pandit Thakur Das Bhargava:** That is correct.

**Prof. Ranga:** There is no disagreement over that. In regard to plural constituencies where a Scheduled Caste or Scheduled Tribe candidate is to be elected, I am sure Dr. Ambedkar's idea is that in addition to a Scheduled Caste or Scheduled Tribe candidate, there should be a general candidate also elected.

**Pandit Thakur Das Bhargava:** Yes.

**Prof. Ranga:** That is his idea also; so there is no disagreement over that matter.

**Pandit Maitra:** There may be three member constituencies also. Then have three constituencies.

**Prof. Ranga:** No, I am certainly very much opposed to any constituency which carried more than two members, because it will only create unnecessary confusion and the constituency will become altogether too big and too unwieldy; and with adult franchise we can expect the poorest of the poor to take part in the elections, and with such candidates as well as their supporters, we should have the constituencies as small as possible and bring down the election expenses as much as possible.

**Pandit Maitra:** But there may be cases where in the constituency there

may be large concentrations of Scheduled Caste people and Scheduled Tribes people and therefore, I say, it may be necessary to have three constituencies in those cases.

**Prof. Ranga:** Some of us, Sir, have had some experience of working in the delimitation committees of the provinces and I find it quite possible, indeed, to find constituencies where it would be possible to have one reserved seat for every Scheduled Caste or Scheduled Tribes member. Therefore, it will not be necessary to think of any constituency where you will have to provide two seats for the Scheduled Castes or Scheduled Tribes.

Sir, then I come to clause 66 and I would like to invite the attention of Dr. Ambedkar to the part where it is stated:

"If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats, all the seats shall become vacant."

I feel, Sir, that the member should be given the opportunity to say which seat he wants to keep, and even if he fails to declare, the result of that election which was declared first, that seat should be treated to be the one for which he was elected.

**Dr. Ambedkar:** It is there, he has only to resign within the prescribed period.

**Prof. Ranga:** But I suggest that even if he does not resign, the seat for which the results have become declared first, that should be treated as his own. With regard to all the other seats, he should be deemed to have resigned them.

Then I come to my last point, and that is about the disturbances near polling stations and about the cognizable offences. Sir, I have had some experience of elections to district boards, and also to the legislatures, provincial and Central in my own province and I know how the police can be brought in support of anyone who wants to do so. As we all know, Sir, our police are not entirely above being influenced in that manner, neither our officials; they too are not above partisan interests. Therefore, I would like the Select Committee to go into this matter of cognizable offences very carefully and it should be seen that not too much trust is placed in the police and also in the election officers, or the election agents and other such



people. It is a very large order—and I do not know how Dr. Ambedkar agreed to this clause—which says that shouting will be an offence. In that case the police can easily clear many of the polling stations of all the people belonging to one candidate and make it easy for the other one to be elected, if they so desire. Therefore, I suggest the Select Committee cannot be too careful about this provision.

**Mr. Deputy-Speaker:** Is the hon. Member for or against shouting?

**Prof. Ranga:** I am glad Dr. Ambedkar has provided that there should not be any meetings on the date of the election or the previous date. That is a good provision. As we all know, with the temper of our people and with the climate of our people, it would be safe to have the people as calm-minded as possible on the previous day and on the day of election so that at the time of voting they may be able to come to the polling stations and give their votes.

And then I come to my last point. Sir, you may have this law, you may have even more stringent laws, but after all the manner in which the elections are conducted will depend upon our people, the candidates, their supporters and the leaders. Fortunately for us today we have one political party which has the confidence of more than 75 per cent. of the populace, and so for the next general elections, we may not expect too much trouble. But the moment a strong enough opposition or political party comes up, we should be prepared to expect a lot of trouble. And indeed, in a country like ours where we have not been able to build up deep enough and old enough traditions of democratic elections, it will be easy for people with plenty of money and influence to influence our elections. Even in old democratic countries like England and America, moneyed people have come to have much more than their proportionate share of political power, both at the time of the elections and also thereafter. And I am afraid in a country like ours, with so many illiterate people and poverty-ridden masses, people with money may be able to influence the elections to a great extent. Therefore, we cannot be too careful about this. The Select Committee and the Members of the House should see—I do not clearly know how it can be done—that even the poorest candidate from the poorest sections of the masses should have financial support so that it would be possible for him to stand for the election. In England, for instance, the Labour party has the political levy to depend upon. If it had not been for

that, I am sure the Labour party would not have been able to obtain the small majority that it has obtained in that country. How it can be done in our country and at this stage before the general elections, it is difficult for me to say at this moment, but I do hope the Select Committee will apply its mind to this particular point also.

**Mr. Deputy-Speaker:** Pandit Sharma.

**Some Hon. Member:** I rose in my seat, Sir.

**Mr. Deputy-Speaker:** Hon. Members cannot go on asking me to call them. Pandit Sharma caught my eye and the others have not. The other hon. Members will have their turn also.

**Pandit Krishna Chandra Sharma** (Uttar Pradesh): Sir, I congratulate the hon. the Law Minister on bringing in a measure which is such a consolidated and comprehensive one. He has brought in provisions from all the various Acts and consolidated them, improved them and also made them much more workable. I would only point out one or two things and make a few suggestions which may be considered by the Select Committee.

The first suggestion is about the manner of holding the elections. It should be prohibited that the votes of illiterate voters should be taken in the presence either of the candidate or his agent. I say this, Sir, because poor peasants or labourers and even ordinary citizens who are ryots, when they come to vote, if they have to vote in the presence of the candidate who may happen to be their own zamindar or lawyer or some officer exercising some power, they will not be able to vote against such a candidate or his agent, for that will be a source of victimisation later on. So, my first submission is that this should be put down in the rules framed under this article that the voting of illiterate people should not be done in the presence of the candidate or his agent.

If there is victimisation, then the election ceases to be a free and fair one. But the candidate or his agent should not even be present, for even the presence will influence the voting, however imperceptible it may be.

My second point is with regard to Article 81. I suggest that the number of judges on the Tribunal should be three and one of the members of this Tribunal should be from the other State. I see that my friend the Law Minister said that they should be judicial officers. Of course it is to the credit of the judiciary that despite all this turmoil and trouble we have been passing through the judi-

[Pandit Krishna Chandra Sharma] ciary—there is no gainsaying the fact has been above board. It has been independent, efficient and honourable and much better than in many of the civilised countries. But despite all this, it would add to the confidence of the people—not that the two Judges would lack anything to create confidence—but situated as we are after this 'Great War, it would be adding more to the confidence in the Tribunal if one of the three suggested members would be from the other State. That is, two from the same State and one from the other State.

Now I come to 95. In 95(C) the words are:

"that in the case of the first election under this Act, the result of the election has been materially affected by the improper acceptance or rejection of any nomination",

I think the first 'election' is redundant and should be deleted because it could hold good for the future also.

Then Clause 113 empowers the Election Tribunal to ask the petitioner to deposit costs. There is a provision in the Civil Procedure Code in which under certain circumstances the Court is empowered to ask the defendant to deposit costs or give security for the costs when *prima facie* the case is likely to go against him. So I submit that here too that provision as in the Civil Code should be made and in certain cases in which *prima facie* the case is likely to go against the defendant or against the respondent, the Tribunal may be empowered to ask him to deposit the cost or give security.

Then I come to 118 dealing with corrupt practices. It says:

"(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:"

Now it is a negative aspect of the question. I submit that the provision should also be made that if anybody says for instance that 'if you vote for the Congress candidate, it will please the spirit of Gandhiji or if you vote for the Sikh candidate that it will please the spirit of the Guru'—that is, even positive slogans should be prohibited. It is one thing to say that 'if you do not vote for this fellow, you will go to hell'. It is another thing to say if you vote for this man,

you will go there. There is great difference of opinion among the English Judges on this matter. Some have held that this positive aspect too is not authorised under the law whereas others have held that it is permissible. My submission is that it should also be prohibited to say that 'he should vote for a Sikh candidate and if he does that it will please the spirit of the Guru' etc.

My experience is that in elections large numbers of people come in formations as if in military parade with bands, flags etc. This sort of formations in a disciplined way as if the military is passing affect the mind of the people. This is a source of terrorising people. So while you are prohibiting so many other things, you might prohibit this also. It results in terrorising them and free election is not possible under the circumstances.

**Mr. Deputy-Speaker:** Near the Polling Stations?

**Pandit Krishna Chandra Sharma:** Yes. I hope some of my suggestions will be accepted.

**Prof. K. K. Bhattacharya** (Uttar Pradesh): I must avail myself of the opportunity to congratulate the hon. Law Minister on bringing out this comprehensive note on free and fair elections but I am not so optimistic as he is about the practicability of the suggestions that have been given. It seems from this note that the elections that will be conducted even if they are conducted in the spirit in which they have been conceived, will afford meat and bread to the lawyers and there will be interminable election tribunals sitting for days, months and perhaps years. Therefore the impracticability of the matter has not perhaps been yet comprehended by the learned Law Minister and I am sorry to say that he does not perhaps know of the tone, temper and tenor of the people and therefore he wants to hold the elections in heaven or Utopia and guided by the spirit and idealism as we have and he has got out suggestions which may be perhaps unrealistic and incapable of being translated into reality. Sir, with these observations I would proceed to some other matters.

First of all I want the attention of the Select Committee to be directed to the disqualifications of Membership of Parliament or State Legislatures. What I am saying is this that unless a man is convicted of an offence involving moral turpitude, he should not be disqualified on account of imprisonment for any term of years because as you know under the

British regime many patriots went to jail and therefore we do not want that for any honest expression of opinion anybody should be debarred from Membership of the House or any Legislature and therefore in my judgment the Select Committee would do well to devote its best attention to clause 7 and try to remove as far as practicable the disqualifications enumerated in section 7. I am sorry to tell you, Sir, and the House that the corrupt practices enumerated herein are so broad, indefinite and comprehensive that they may possibly comprehend a multitude of practices or malpractices. I want that the least number of corrupt practices should be mentioned. There should not be a complete catalogue, a big catalogue, of corrupt practices for, any one who is elected to the legislature may run the risk of being challenged by an opponent who might drag him to the Election Tribunal. And in that connection I may say that these Election Tribunals should be as few in number as possible.

Sir, the elections should be conducted as fairly as possible. Of course, that does not mean the elimination of everything which will influence the voter. For example, voters may be canvassed through the newspapers, through the wireless. Why do you not prohibit the newspaper appeals of candidates? Why do you not prohibit the appeals from the wireless—and from foreign wireless? Well, if all these are to be fair, then one must be practical and there must be a practical approach to the solution of all these things.

Therefore, I should seriously invite the attention of the Select Committee to the corrupt and illegal practices mentioned herein. They should undergo a radical change. I may add here that I strongly advocate the idea that contractors to the Government should not be eligible for membership of the legislatures, as also holders of office—of course these latter are automatically barred. I may be misunderstood in saying this, but I want to suggest that police officers should not be allowed to canvass. Government officers generally, also should be prohibited from canvassing; it should be deemed a serious offence if they did so and they should be cautioned against such action. I could not understand another thing also. Why should there be two members for constituting an Election Tribunal? Supposing, there is disagreement between them, then the matter would have to be referred to a High Court. I would say that there should be three-member Tribunals so that their majority opinion may be accepted.

The proceedings of the Tribunals should not be unduly lengthened; they should be over within as short a compass of time as possible.

In conclusion, I would say that a realistic approach, not an idealistic approach, should be made with regard to these elections. Otherwise we will be carried away by the wave of idealism without having our foundation strongly on the solid earth, *terra firma*. That is the reason why I urge that the Select Committee led by the Law Minister, should give us a report with such amendments as would be capable of being translated into reality. We do not want a Bible of election—we want a real election manual.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

चौधरी रत्नबीर सिंह : सभापति महोदय, मैं सब से पहले मन्दी मेम्बर कान्स्टीटुएन्सीज (Multi-member Constituencies) के बारे में अपने विचार प्रकट करूंगा। इस में शेड्यूल्ड कास्ट (Scheduled Castes) को या शेड्यूल्ड ट्राइब (Scheduled Tribes) को जो संरक्षण दिया गया है, वह मैं तो ऐसा समझता हूँ कि यह तो उन्हें सजा दी गई है। अभी मेरे लायक दोस्त प्रो० रंगा ने कहा कि हल्का छोटे से छोटा हो, लेकिन आप अन्बाजा लगायें, पार्लियामेंट के हल्के का और शेड्यूल्ड ट्राइब के जो मेम्बर इलेक्टेड (elected) होने हैं, उसे कम से कम आठ लाख, या साठे सात लाख वोटर्स को फेस (face) करना होगा जिस के मानी यह हुए कि पन्द्रह लाख या चौदह लाख की आबादी को कम से कम उसे फेस (face) करना होगा। चौदह लाख आबादी की तो मेरे ख्याल में शायद हमारे देश के अन्दर कई एक स्टेट्स (States) ही होंगी। और दूसरे मानी इस के यह होंगे कि शेड्यूल्ड ट्राइब या शेड्यूल्ड कास्ट के आदमी हैं, जिन्हें हम कहते तो हैं कि उन्हें हमारे संविधान में संरक्षण दिया है, लेकिन मैं

[श्रीधरी रनबीर सिंह]

तो यह कहूंगा कि उन्हें हम ने सजा दी है : अगर हम उसे संरक्षण देना चाहते हैं तो उस का ढंग या तो यह है कि आप को संविधान में कुछ तबदीली करनी होगी और अगर संविधान में आप तबदीली, नहीं करना चाहते, तो बिल्कुल एक आसान तरीका है, और उसे आप कर सकते हैं और वह यह है कि जितने हल्के हैं, मान लीजिये किसी एक स्टेट में १२० या १२१ हल्के हैं, उस में से आप २० या २१ हल्के शोड्यूल्ड कास्ट और शोड्यूल्ड ट्राईब के लिये रिजर्व (Reserve) कर दें।

उनके लिये इन को रिजर्व कर दीजिये। इसके अन्दर सिर्फ एक आपत्ति हो सकती है और वह यह है कि रिजर्व के अन्दर जो जनरल वोटर्स (General Voters) आते हैं, वह यह आपत्ति करें कि हमारे कोई रिप्रेजेंटेटिव्स (Representatives) नहीं हैं तो इसके जवाब में मैं यह कहना चाहता हूँ कि शोड्यूल्ड कास्ट के या शोड्यूल्ड ट्राईब के जो लोग हैं, उनके भी रिप्रेजेंटेटिव्स हर एक कान्स्टीटुएन्सी (Constituency) के अन्दर नहीं होंगे।

श्री जे० प्रार० कपूर : सब के होंगे।

श्रीधरी रनबीर सिंह : तो उसी शकल में नान शोड्यूल्ड ट्राईब का शोड्यूल्ड कास्ट का भी रिप्रेजेंटेटिव हो सकता है। अगर आप यह समझें कि एक शोड्यूल्ड कास्ट या शोड्यूल्ड ट्राईब का शोड्यूल्ड कास्ट या ट्राईब का ही आदमी रिप्रेजेंटेटिव हो सकता है, या एक नान शोड्यूल्ड ट्राईब का, या नान शोड्यूल्ड कास्ट का आदमी ही नान शोड्यूल्ड कास्ट का रिप्रेजेंटेटिव हो सकता है, तो मैं समझता हूँ कि जो मैंने पहले कहा है, वही ठीक है और हर

एक हल्के का शोड्यूल्ड कास्ट के लिये कोई रिप्रेजेंटेटिव नहीं है। जिस तरीके से एक नान शोड्यूल्ड कास्ट का आदमी शोड्यूल्ड कास्ट का रिप्रेजेंटेटिव बन सकता है, तो उसी तरीके से शोड्यूल्ड कास्ट का आदमी क्यों नहीं नान शोड्यूल्ड कास्ट का रिप्रेजेंटेटिव बन सके। अगर ऐसा हो सके तो मुझे इस में कोई आपत्ति नहीं है। दूसरे यह कि अगर आप उस में आपत्ति महसूस करते हैं तो मैं समझता हूँ कि यह तो हमारी खुशकिस्मती है कि हमें कुछ टाइम (Time) और मिल गया है, हम संविधान में कुछ ऐसी तबदीलियां कर दें जैसे १२० सीट जो हों, उन में से २० सीट हम शोड्यूल्ड कास्ट और शोड्यूल्ड ट्राईब के लिये रिजर्व कर दें और स्टेट को आप १०० हल्कों में तक्सीम कर दें और उन में से किसी २० हल्कों में जहां पर शोड्यूल्ड कास्ट या शोड्यूल्ड ट्राईब की ज्यादा से ज्यादा आबादी हो, वहां से एक के बजाय दो रिप्रेजेंटेटिव्स चुन कर आयें, एक जनरल कास्ट के और एक शोड्यूल्ड कास्ट के। मैं मानता हूँ कि अगर हम ऐसा करेंगे, तो संविधान में तबदीली करने की आवश्यकता होगी। मैं समझता हूँ कि यह शोड्यूल्ड कास्ट या शोड्यूल्ड ट्राईब के लोग जिनके पास फाईनेन्स (Finances) सब से कम है और जिन की तालीम भी कम है और जिन का नाम भी बहुत कम मशहूर है उन के लिये ऐसा करना आवश्यकिय है इस लिये मैं आप से यही कहना चाहता हूँ कि या तो उस में जिस तरह से मैंने पहले सुझाव किया, उस में किया जाय या दूसरा माना जाय और अगर यह दोनों न किये जायें, तो फिर तीसरा मेरा एक सुझाव यह है कि जिन शहरों के अन्दर २५,२५ लाख, और पांच लाख, दो, दो लाख और तीन, चार लाख की आबादी उसको लिया जाय

जहां हो सके शेड्यूल्ड कास्ट्स का जितना रिजर्वेशन हो वह शहरों में कर दिया जाय क्योंकि उस कान्स्टिट्यूएन्सी के अन्दर जिस की आबादी तीन लाख होगी तीन आदमी स्टेट ऐसेम्बली (State Assembly) में भेजे जायेंगे । तीन लाख की आबादी वाली कान्स्टिट्यूएन्सी का जो आदमी होगा उसके हल्के का रेडियस (Radius) तीन, चार या पांच मील का होगा उस का खर्च मामूली सा होगा, लेकिन अगर वह देहात का हल्का है जो कि चालीस-चालीस और अस्सी-अस्सी मील तक के हल्के हैं और अगर उन्हें दूसरे हल्के से जोड़ दिया जायेगा तो उस में ज्यादा खर्च होगा । इसलिए मैं समझता हूँ कि यह दोनों चीजें न मानी जायें तो कम से कम यह खयाल रखा जाये कि जिन सीट्स (Seats) का रिजर्वेशन किया जाये उन्हें ज्यादा से ज्यादा शहरों में रखा जाये ।

इस के बाद मैं समझता हूँ कि जैसा कि आनरेबिल मिनिस्टर (hon. Minister) साहब ने भी बिल (Bill) को पेश करते हुए डिलिमिटेशन (Delimitation) का जिक्र किया तो मैं भी उस का रिफरेंस (Reference) देना चाहता हूँ और वह इसलिये भी कि डिलिमिटेशन के बारे में जो कुछ आर्डर इश्यू (Order issue) हुआ है उस से पंजाब के अन्दर जो आपत्ति हो रही है उस का जिक्र मैं दो मिनट में करना चाहता हूँ । हर एक स्टेट के अन्दर हर एक कान्स्टिट्यूएन्सी की क्या पापुलेशन (Population) हो, यानी किस पापुलेशन बेसिस (basis) पर वह हल्का बन्दी करेगा, उस का इस तरह से फार्मूला (Formula) है

cular area or class of areas the President otherwise directs, be determined by multiplying the number of voters entered in the provisional electoral roll of that area by the total population of that State as determined under paragraph 4, and then by dividing the product by the total number of voters entered in the provisional electoral rolls for the whole State."

इस फार्मूले के तहत पंजाब में जो आपत्ति आई है वह मैं आप को बताना चाहता हूँ । जब एलेक्टोरल रोल (Electoral Rolls) बने और जो पहले और दूसरे एलेक्टोरल रोल बने उन के अन्दर इतना फर्क आया कि तीन डिस्ट्रिक्ट्स (Districts) में एक एक हल्का कम हो गया । और तीन डिस्ट्रिक्ट्स में एक एक हल्का बढ़ गया । जहां तक गवर्नमेंट (Government) की पोजीशन (Position) का ताल्लुक है मैं ज्यादा तो नहीं कहना चाहता लेकिन यह कि पंजाब गवर्नमेंट की तरफ से भी इस किस्म का नोट आया कि जो वोटर्स का इन्द्राज हुआ है वह किसी हद तक ठीक नहीं माना जा सकता । इस फार्मूले के कारण पंजाब के अन्दर यह हालत पैदा हो गई है भले ही और सूबों के अन्दर यह फार्मूला कामयाब हो गया हो । वह पंजाब के लिये ठीक नहीं है और वह इसलिये कि आप वहां के एलेक्टोरल रोल्स पर भरोसा नहीं कर सकते हैं । कोई आदमी यह भी कह सकता है कि कुछ खिले फाइनलाइज्ड (Finalise) होंगे । लेकिन आप अन्दाजा लगा सकते हैं कि डबल एन्ट्री (Double entry) जो हो गई है, गवर्नमेंट का नोट आया कि ८०-९० फी सदी आदमी जो उधर से आये हैं उन की डबल एन्ट्री का इमकान हो सकता है । मेरा कहना है कि इस का चेक (Check) करना आसान काम नहीं है और मैं समझता हूँ कि अगर

"For the purposes of the election referred to in paragraph 3 and the delimitation of constituencies therefor, the population of any area within a State to be included in a constituency shall, unless in the case of any parti-

[चीखरी रनबीर सिंह]

दरअस्त वह फाईनेलाइज भी हो जाय तो भी वह चेक नहीं होंगे, लेकिन जहां तक वोटिंग का सवाल है वह असर करने वाली चीज नहीं है मगर चूँकि डिस्ट्रिक्टवाइज कान्स्टिट्यून्सी (Districtwise Constituencies) के कोटे (quota) का है उस पर जरूर असर पड़ेगा। आइंर के अन्दर यह लिखा हुआ है कि:

"Unless the President otherwise directs".

तो पंजाब के अन्दर यह जरूरत पैदा हो गई है कि मंत्री महोदय प्रधान साहब से यह दख्ता करें कि वह पंजाब के लिए हल्काबन्दी करने में वही फामूला लगायें जो स्टेटों की आबादी के लिये लगाया गया है और वह बहुत ज्यादा मुश्किल नहीं है वह इससे ज्यादा ठीक ढंग का होगा। उसमें भी मैं आपको बता देना चाहता हूँ कि पंजाब को दो डिवीजनों (Divisions) में तकसीम किया जा सकता है। एक अम्बाला डिवीजन और एक जालन्धर डिवीजन। और इससे यह होगा कि अम्बाला डिवीजन को कम से कम ४,५ सीट्स ज्यादा मिलेगी मगर गलत अन्दाजा होने की वजह से उसको ४,५ सीट्स कम मिलेगी। मैं समझता हूँ कि ४,५ सीट्स का एक इलाके से निकलना, या कहीं ज्यादा बढ़ना साधारण सी बात नहीं है। इसलिए मैं आनरेबिल मिनिस्टर साहब की तबज्जह इस तरफ दिलाना चाहता हूँ कि वह इस पर कार्रवाई करें और जैसा ठीक सयझें उसकी सिफारिश राष्ट्रपति को करें।

इसके कास्ट (costs) का जो तरीका है उसके अन्दर एक्स्पन्सेज (Expenses) का जो जिक्र आता है उसके बारे में भी मैं समझता हूँ कि एक वह हल्के

हैं जिनके पॉलिंग बूथ (polling booth) का एरिया (area) जैसे दिल्ली है, कलकत्ता है, बम्बई वगैरह है उनका एक मील या पांच मील होगा दूसरी तरफ वह हल्के हैं जिनकी आबादी बहुत थोड़ी है जैसे हिमाचल प्रदेश वगैरह। उनके लिए भी वही अन्दाजा खर्च का रखा गया है जो शहरी वोटर्स का है। यह ठीक है कि अगर वहां पर खर्च की तादाद ज्यादा बढ़ाते हैं तो गरीब आदमियों के एलेक्शन (election) में कामयाब होने की आशा को आप कम करते हैं लेकिन एक बात जरूर है कि यह फेक्ट (fact) है कि जिस हल्के में पन्द्रह लाख की आबादी के देहात रक्खेंगे तो उसके अन्दर हजारों देहात आ जायेंगे और उनके अन्दर जो आदमी खर्च करेगा उसको दूसरों के मुकाबले में ज्यादा खर्च करना होगा। मैं समझता हूँ कि जितना आप ज्यादा खर्च की तादाद बढ़ायेंगे उतना ही गरीबों के हुकूम कम हो जायेंगे लेकिन यह देखना जरूरी है कि एक्स्पेन्सेज के बारे में सब के साथ बराबरी का वर्ताव हो।

इस के आगे आप ने जो वजूहात लिखे हैं जिस\* से एलेक्शन को वायड (void) डिक्लेअर (declare) कर सकते हैं उस के बारे में मैं एक मजाकिया मिसाल देना चाहता हूँ। आप चाहते हैं कि फ्री एंड फेअर एलेक्शन (free and fair election) हों। लेकिन आप मान लीजिये कि फ्री एंड फेअर एलेक्शन हुए और एक आदमी जो हारा वह काफी होशियार था, उस ने आप के क्रायदे कानून को अच्छी तरह से समझा। वह अपने किसी आदमी की मदद से १०० या २०० झूटे वोट्स अपने मुखालिफ उम्मीदवार को दिलवा देता है और चूँकि वह उस के अपने आदमी

हैं उन से किसी कोर्ट (court) के अन्दर यह बयान दिलवा देता है कि फलां उम्मीदवार ने या फलां उम्मीदवार के फलां एजेंट ने फलां आदमी को वोट दिलाये। हालांकि एलेक्शन में जहाँ तक कामयाब होने वाले उम्मीदवार का सवाल है वह दयानतदार है, लेकिन उस के मुखालिफ़ की बददयानती की वजह से कोई ट्रिबूनल (Tribunal) उस के एलेक्शन को वायड करार दे सकता है। तो मैं यह चाहूंगा कि जहाँ आप और चीजों पर विचार करें, इस के बारे में भी कोई चीज सोचें कि इस को आप रोक सकते हैं या नहीं, करना जो आदमी हारने वाला है वह अगर होशियार है तो उस के लिये कोई मुश्किल नहीं होगा कि वह एलेक्शन में जीतने वाले उम्मीदवार को ट्रिबूनल में हरा दे।

सीक्रेसी आफ पोलिंग (Secrecy of polling) के बारे में मैं आप से इतना कहना चाहता हूँ कि जैसे पंडितजी ने दूसरी तरह का ब्याल रखा कि पोलिंग एजेन्ट या दूसरे किसी आदमी को पता नहीं होना चाहिये, या पोलिंग एजेन्ट के वहाँ हाजिर रहने के खिलाफ़ आवाज उठाई, मैं उस के बिल्कुल विरुद्ध हूँ। या तो आप एलेक्शन के लिये रंगीन ढोल रखें या आप पोलिंग एजेन्ट्स को इजाजत दें कि वह वहाँ जायें, वरना एलेक्शन जो है वह अफसरों की मेहरबानी का नतीजा होगा। अगर आप चाहते हैं कि चुनाव की सच्चाई को मार दें, अगर आप चाहते हैं कि चुनाव अफसरों की राय का हो, वही उस के मालिक हों और अफसर ही सब कुछ हों तो बात दूसरी है। और अगर आप यही चाहते हैं कि पोलिंग एजेन्ट अफसर के पास न रहें तो कम से कम आप ढोल रंग दें जिस में अनपढ़ आदमी भी समझें और उन को पता हो कि किस को वोट देना है।

प्रोफेसर रंगा की तरह से मैं भी इस बात पर जोर देना चाहता हूँ कि यह ब्याल ठीक नहीं है कि एक पोलिंग स्टेशन के लिए एक ही एजेंट रखा जाये। कई दूफा ऐसी मजबूरी हो जाती है कि पोलिंग एजेंट बदलना पड़ता है।

इस के अलावा मैं एक यह बात कहना चाहता हूँ कि आप ज्यादा से ज्यादा पोलिंग स्टेशन बनाइये। ऐसी कोशिश कीजिये कि अगर किसी देहात में कम से कम ढाई सौ वोट हों तो वहाँ एक पोलिंग स्टेशन जरूर होना चाहिये। मुझे तो बड़ी खुशी हो कि हर एक गांव में जहाँ दस झोंपड़ियां हों वहाँ भी एक पोलिंग स्टेशन बनाया जाये, और अगर ऐसा हो तो मुझे से ज्यादा खुशी और किसी को नहीं होगी, मगर मैं जानता हूँ कि यह प्रैक्टिकल एप्रोच (practical approach) नहीं होगी। शायद यह कह कर कि ढाई सौ तो बहुत छोटी त.दाद है, शायद वहाँ पोलिंग स्टेशन बनाये जायेंगे जहाँ एक हजार वोट हों। लेकिन मैं चाहता हूँ कि आप ढाई सौ या इस से कम की कोई हद मुकर्र करें कि जहाँ इतने वोट हों वहाँ एक पोलिंग स्टेशन जरूर होना चाहिये या कोई एक मील या डेढ़ मील की हद रख दीजिये कि इतनी हद में हर एक आदमी के लिए पोलिंग स्टेशन होगा। वोट को वोट देने के लिए बहुत दूर न जाना पड़े यह मैं चाहता हूँ।

आप ने जो सवारी की मुमानियत रक्खी है उस के बारे में भी एक बात कहना चाहता हूँ। आप ने यह रहने दिया है कि अगर राय दहन्दा अपनी सवारी में आ सकता है तो इस तरह से जो चीज आप ने एक हाथ से दी वह दूसरे हाथ से छीन ली। क्योंकि अगर यह चीज

[चीधरी रनबीर सिंह]

रहेगी तो कोई भी उम्मीदवार जो खुद सवारी का इन्तजाम करेगा वोटर से कहलवा सकता है कि फलां फलां वोटर जो सवारी में आये हैं वह अपने पैसे से आये हैं :

**Shri Sonavane:** On a point of Order, Sir. Now that we are going to apply closure at 6 o'clock if one member is given more than ten minutes, that would mean denying other hon. Members who are anxious to participate of an opportunity to speak.

**Ch. Ranbir Singh:** No time-limit has been prescribed, Sir.

**Mr. Chairman:** It is true that no time-limit has been prescribed, but all the same I would request hon. Members to be brief, so that as many hon. Members as may be anxious to speak, may take part in the debate.

**चीधरी रनबीर सिंह :** I shall try to be as brief as possible, Sir.

इलेक्शन मीटिंग के बारे में माननीय मंत्री साहब ने कहा है कि जिस रोज इलेक्शन हो उस से पहली रात को मीटिंग नहीं होने देनी चाहिये। मैं यह समझता हूँ कि यह प्रेक्टिकल एप्रोच नहीं है। बहुत से ऐसे इलाके हैं जहाँ आप इलेक्शन से चार रोज पहले नहीं पहुँच सकते हैं। अक्सर इलेक्शन से पहली रात ही को मीटिंग आम तौर पर होती है। फर्ज कीजिये कि आज एलेक्शन होने वाला है तो उस से पहली रात ही को मीटिंग हो सकती है। क्योंकि इलाके बहुत बड़े होंगे इसलिये ऐसी मीटिंग जरूरी होगी। तो इसलिये जो यह रात को पाबन्दी लगाई है यह ठीक नहीं है। यह हटा देनी चाहिये।

मैं हाउस का ज्यादा समय नहीं लेना चाहता। मैं आखिर में सिर्फ एक बात और कहना चाहता हूँ कि सर्विसेज (services) की तरह से कंट्रैक्टरस (contractors) को भी उसी दरजे में रखना

चाहिये। जो लोग सरकार से कंट्रैक्टस लेते हैं उनको सर्विसेज के साथसाथ जरूर रखिये लेकिन ऐसा न हो कि यह चीज पेचीदा हो जाये। इस में कहीं वह लोग भी न आ जायें जो रेडियो पर बोलते हैं क्योंकि उन को भी कंट्रैक्ट लिखना पड़ता है। कहीं ऐसा न हो कि रेडियो पर बोलने की वजह से आप मेम्बरी से भी हाथ धो बैठें।

(English translation of the above speech)

**Ch. Ranbir Singh (Punjab):** Sir, I will first speak about the multi-member constituencies. I think the safeguards, which have been provided for the scheduled castes or the scheduled tribes, are a kind of punishment to them. Just now, my friend Prof. Ranga has stated that the area of the constituency should be small. But think of the area to be represented in the Parliament and the Members to be elected from the scheduled tribes. It comes to this that he will have to face some 8 or 7½ lakhs voters which means that he will have to face some 15 or 14 lakhs of population. I think there might be many States in our country with a population of 14 lakhs. In other words it means that we have provided safeguards for the scheduled castes or the scheduled tribes in our Constitution but I say that they are a kind of punishment to them. If we want to provide safeguards to them we will have to make certain changes in the Constitution and if we do not want to make any changes there is one easy way out of this. Suppose, in a state there are 120 or 121 constituencies, then reserve 20 or 21 constituencies for the scheduled castes and the scheduled tribes. There can be only one objection to it. The general voters in the reserved constituencies may object that they have not got any representative to present them. But in answer to this I would like to say that there will be no representatives of the scheduled castes or the scheduled tribes in every constituency.

**Shri J. R. Kapoor (Uttar Pradesh):** There will be representatives of all.

**Ch. Ranbir Singh:** In that sense even a person of the non-scheduled tribes can represent the scheduled castes. If it is thought that only a person of the scheduled castes or the scheduled tribes can represent the



scheduled castes or scheduled tribes or a person of the non-scheduled castes or non-scheduled tribes can only represent the non-scheduled castes then I think that what I have stated before is correct. Thus there is no representative of the scheduled castes in every constituency. If a person of the non-scheduled castes can represent the scheduled castes then why a person of the scheduled castes cannot represent the non-scheduled castes. I will have no objection if it is possible to do so. But if it is objected to, I say that we are fortunate in getting some more time to make certain changes in the Constitution. If there are 120 constituencies, reserve 20 out of them for the scheduled castes and the scheduled tribes. Divide a State into 100 constituencies and out of those reserve 20 constituencies for the scheduled castes or the scheduled tribes where their population is in greater number. A provision can be made for the election of two representatives from those constituencies, one from the general castes and the other from the scheduled castes. I admit that if we do like that we will have to make certain amendments in the constitution. I think, it is necessary to make certain amendments in the Constitution because these scheduled castes or the scheduled tribes have the most poor finances and education and their names are least known to the outside world. Therefore I want to submit that either the first suggestion should be accepted or else the second one and if neither of them is acceptable then I would suggest a third one. Take the case of those cities which have a population of 25, 5, 2, 3 or 4 lakhs. Reserve as many seats as possible for the scheduled castes in the urban areas as only three persons will be elected to the State Assembly from that constituency which has a population of 3 lakhs. The expenses of the person who represents a constituency with a population of 3 lakhs will be less as the radius of his constituency will be 3, 4 or 5 miles. But the expenses will increase if we add to these the rural constituencies which have a radius of 40 to 80 miles. Therefore, I submit that if these two suggestions are not accepted then at least while making reservation of seats it should be taken into consideration that most of them should be reserved in the cities.

Now I make a reference to the delimitation as has already been mentioned by the hon. Minister while presenting the Bill. I will state the objection which is being raised in Punjab against the order which has been issued regarding the delimitation. What should be the population of

every constituency in every State *i.e.* the population basis on which the constituencies should be formed is given in the form of a formula. The formula is like this:

"For the purposes of the election referred to in paragraph 3 and the delimitation of constituencies therefor, the population of any area within a State to be included in a constituency shall, unless in the case of any particular area or class of areas the President otherwise directs, be determined by multiplying the number of voters entered in the provisional electoral roll of that area by the total population of that State as determined under paragraph 4, and then by dividing the product by the total number of voters entered in the provisional electoral rolls for the whole State."

I want to submit about the objection that has been raised against this formula. There was such a vast difference between the first and the second electoral rolls that one constituency each was dropped from the three districts. While there was an increase of one constituency each in the other three districts. As far as the position of Government is concerned, I do not want to say much but even the Punjab Government issued a note that the entries about the voters cannot be relied upon to some extent.

The formula might have succeeded in other provinces but as far as Punjab is concerned it has created new difficulties. It is not suitable for Punjab as we cannot rely upon the electoral rolls of Punjab. Somebody may say that some districts will be finalised. But about the double entries that have been made the Government have issued a note that there is a possibility of double entries being made as 80 to 90 per cent. of people have come from the other side. I submit that it is not easy to check them up and I think if they are really finalised even then they cannot be checked. As far as voting is concerned it has no importance at all but so far as the question regarding the quotas of districtwise constituencies is concerned, it is likely to be effected. The order reads as follows:

"Unless the President otherwise directs".

Therefore, necessity has arisen in Punjab that the hon. Minister should represent to the President that the same formula should be applied regarding the formation of constituencies as has been done in the case of the

[Ch. Ranbir Singh]

population of other States. That is not very difficult and will be far better than this. Punjab can be divided into two divisions according to that. One will be Ambala division and the other Jullunder division. The result will be that Ambala will get 4 or 5 seats more and if the calculations prove to be inaccurate it may lose the same numbers. I think the increase or decrease of 4 or 5 seats in a division is not a small matter. Therefore I want to draw the attention of the hon. Minister to this fact so that he may take suitable action on it and may make proper recommendations to the President.

Reference has been made about expenses in calculating the costs. I think there are two types of constituencies—one with an area of its polling booth from one to five miles like Delhi, Calcutta, Bombay etc., and on the other there are constituencies with lesser population like Himachal Pradesh etc. The same amount of expenses have been fixed for them as have been done in the case of urban voters. It is true that if the amount of expenses is increased there, the chances of success for poor persons in the elections will be lessened. But this is a fact that if thousands of villages with a population of 15 lakhs are put under one constituency, the expenses of the person standing from that constituency is likely to be more than that of the others. I think the more the expenses are increased, the more the rights of the poor people are curtailed. But it is essential that everybody should be treated equally as regards expenses.

I want to give a funny example regarding the reasons which have been mentioned about declaring the elections void. We want free and fair elections. Suppose that free and fair elections were held and the person who was defeated in the elections made a careful study of the law. With the help of one of his agents he manages to get 100 or 200 false votes cast in the favour of his opponent. As they are his own persons he can make them give a statement in the court that such and such candidate or his agent got the votes cast. In the elections as far as the successful candidate is concerned he is honest but due to the dishonesty of his opponent his election may be declared void by any tribunal. Therefore while considering other things, I would like the Government to make some provision for putting an end to this, otherwise it will not be difficult for the defeated candidate, if he is a bit clever, to defeat his victorious opponent before the tribunal.

Regarding secrecy of polling, I would like to say that I am opposed to the views expressed by Panditji that no polling agents or any other persons should have the knowledge of it or the polling agents should not be present there. Either coloured ballot boxes should be used or the polling agents be allowed to be there, otherwise the election will depend entirely upon the mercy of the officers. If it is desired to tamper with the fairness of the elections, if it is desired that elections should be held according to the whims of the officers and they should be all in all, then I have nothing to say. If it is desired that polling agents should not remain near the officers then at least the ballot boxes should be coloured so that even the illiterate persons may also know whom they are voting for. Like Prof. Ranga I also want to stress upon the fact that the idea of appointing only one polling Agent for one Polling Station is not right. On certain occasions circumstances compel that the Polling Agent should be changed.

Besides this I also want to submit that we should have as many polling stations as possible. Efforts should be made to open a polling station in every village where there are at least two hundred and fifty voters. It will be a matter of great joy for me if a polling station is opened in every village which consists of even ten houses, and if this is done, no one will be happier than I. It is possible that two hundred and fifty votes may be considered comparatively a small number, and as such the polling stations should be opened where the number of voters is at least one thousand. But I want that we should fix a limit to the number of voters may it be two hundred and fifty or less than that. We should have a territorial limit wherein every man may have the facility of the polling station.

I have also to make one submission regarding the restrictions imposed on the use of conveyances. The provision, that a voter should he so wish, can make arrangements for his own conveyance, has been allowed to remain; thereby the privilege that was granted to the voter has been taken away. Because if this provision remains, then the candidate can easily make the voter say that such and such voters have spent their own money for their conveyance.

Shri Sonavane (Bombay): On a point of Order, Sir. Now that we are going to apply closure at 6 o'clock if one member is given more than ten minutes, that would mean denying other hon. Members who are anxious

to participate of an opportunity to speak.

**Ch. Ranbir Singh:** No time-limit has been prescribed, Sir.

**Mr. Chairman:** It is true that no time-limit has been prescribed, but all the same I would request hon. Members to be brief, so that as many hon. Members as may be anxious to speak, may take part in the debate.

**Ch. Ranbir Singh:** I shall try to be as brief as possible, Sir, about the election meetings, the hon. Minister has stated that no meetings should be allowed to be held on the night preceding the election. I think this is not a practical approach. There are many such constituencies, where due to long distances we can not reach before four days from the day of the elections. Generally the meetings are held on the night preceding the election. Suppose the election is to be held today, the meeting can only be held on the preceding night. As the constituencies will be sufficiently large, therefore it would be necessary to hold such meetings. Therefore the placing of restriction on the meetings held on that night, is not proper. This should be removed.

I do not want to take any more time of the House. In the end I want to submit that the contractors also should be placed in the category of the services. The people who enter in contract with the Government should be treated at par with the services, but care should be taken to see that the issue does not get complicated. Those who broadcast their talks from Radio Stations should not be included in this category, as they also have to enter into contract, lest we also may be disqualified for membership.

**Shri P. Y. Deshpande (Madhya Pradesh):** That such an important Bill like this should come at the fag end of the Session, with such a short time for discussion at our disposal, is very regrettable and I may even say, tragic. We are having for the first time in the history of India an election by adult franchise. It is a big experiment—it is almost a revolution. When we are going to have such a democratic revolutionary experiment, if we are going to be hustled up to dispose of this Bill by sending it, as early as possible, to a Select Committee, with as few and as short speeches as possible, I should protest very strongly against that procedure.

I would like to bring to the notice of this House, Sir, certain important matters, although I must confess I

have not had enough time to study all the provisions of this Bill. Some of the points that struck me are these.

Firstly, Sir, in an election by adult franchise, where millions are going to participate, and thousands of rupees are going to be spent, it should be possible for Government to finalise each process of the election. For instance, Sir, you file a nomination paper. I appreciate very much the provision that has been made in Section 35 for finalising this process, so that it may not be called into question in an election dispute later on. Under this section the nominations have to be filed and the returning officer gives his finding on it. If anybody wants to challenge it, he can go in appeal and the verdict of the Appellate Tribunal is made final. Therefore, when such finality has been established nobody can later on call into question the election on the basis of wrong nomination papers having been filed. That is a very good thing. But sub-clause (7) of this clause says: "Nothing in this section shall apply in relation to the first elections held under this Act." I presume, Sir, this provision was put in because elections were expected to be held in April-May. If that is so—and even if that is not so—I would plead with the hon. the Law Minister and the members of the Select Committee to delete this provision, because finality of nomination is absolutely necessary so as to avoid many election disputes arising later on.

Then, Sir, there is another very important matter. Elections on adult franchise being a very big experiment, legal as well as illegal disputes should be reduced to as few a number as possible. The principles which apply to nominations should be made applicable to the various stages of the election. I have some experience of the law courts, although not as wide an experience or as thorough an experience as many of my senior friends here. But I should like to point out that if all the provisions with regard to corrupt and illegal practices are allowed to stand as they are, as was pointed out by some previous speakers, these elections will be a paradise for lawyers. The hon. the Law Minister said that advocates and lawyers are a corollary to civilisation. It may be true; but it is possible to utilise the experience we have had in previous elections to minimise disputes as far as possible. Personally, I would have really liked if a simpler procedure had been devised as in Switzerland. Now, we are sitting in this hall. Five hundred Members can come here. If an

[Shri P. Y. Deshpande]

election takes place in the presence of all these people, it should have a complete finality about it. It is a democratic election. Why go to the law courts for interpreting a section here and a section there? That is absolutely a wrong process and will nullify the democracy which we are having under the Constitution.

5 P.M.

**Shri Tyagi (Uttar Pradesh):** Then how will the lawyers eat?

**Shri P. Y. Deshpande:** I was referring to the clauses relating to corrupt and illegal practices—clauses 118 to 120. I will read one of the provisions:

“Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right”.

That is also put in as a corrupt practice. There are so many other things. The provision in these clauses is so flexible that every word of it can be taken to the law court, and one does not know what the law courts will do about it. You are on the one hand trying to make it a very democratic election on the basis of adult franchise and on the other giving a handle to the enemies of democracy and self-seekers to go to the law courts. A poor man may get elected by a thumping majority. But the mischief maker may harass him to such an extent by taking advantage of this provision that he can nullify the whole effect of democracy. That seems to be a very mischievous use to which these three clauses can be put to. I would therefore appeal to the Select Committee to go into these things very carefully and minimise as far as possible the possibilities of mischief-makers taking advantage of these provisions and nullifying the democratic verdict of the people.

**Pandit Maitra:** Are you suggesting that the jurisdiction of law courts should be ousted?

**Shri P. Y. Deshpande:** I do not suggest that. If you have for instance, as some hon. Members have suggested, a polling station confined to a thousand or two thousand voters all of them coming together and voting, that verdict should be final. It is a democratic verdict. Make it as simple, as fair and as straight as possible. But having had that verdict it should not be possible for lawyers and mischief-mongers to upset such a democratic verdict.

**Pandit M. B. Bhargava (Ajmer):** You cannot place them in one category, please. You cannot bracket them together.

**Shri P. Y. Deshpande:** Under clause 95 the following is one of the grounds for declaring an election to be void:

“If the Tribunal is of opinion that the election has not been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election”.

Look at this. “Corrupt practice” and “illegal practice” has been defined, and defined flexibly and loosely in a manner capable of an infinite number of interpretations. That is one thing. Secondly, having done that, you go further in this clause 95 and say that one of the grounds for declaring the election to be void is that the election has not been a free election by reason of the fact that the corrupt practice of bribery or undue influence has extensively prevailed at the election. What is the meaning of this “extensively”? Who is going to decide that? It is a word which is capable of any number of meanings. In the opinion of one man a certain quantum of a thing would be not extensive, in the opinion of the other it may be extensive, and so on it goes. So the expressions used are very flexible and are capable of no definite interpretation. (*Interruption*). They are not only inaccurate, but it is something more than that.

The second ground is “that coercion or intimidation has been exercised or resorted to by any particular community, group or section, on another community, group or section, to vote or not to vote in any particular way at the election.” I am afraid, Sir, no amount of human ingenuity will be able to go into such questions and come to any final decision. In India as conditions stand let us admit facts as they are. We are a caste-ridden nation to a very large extent, although we want to be one nation irrespective of all castes, creeds and all that. It is a very fine ideal. I appreciate it. I belong to that ideal. I do not regard caste as of any importance in my life. But what happens in elections? When the canvassing goes on it does happen that the voters are grouped into castes and caste-wise the canvassing goes on. It is a fact and you must recognize that fact. Then, because a certain group of people or people of a certain caste have decided between themselves, as a result of canvassing or fine speeches made by this or that candidate or for any other reason which I need not tell, and a certain person is elected, they will

say "Here is some caste complex operating, therefore the whole election is void". These expressions will lend themselves to infinite number of election disputes which will have no end.

The term that the election has not been a free election by reason of "coercion" is also a very flexible term capable of a number of interpretations. "Intimidation" is a similar term. Then the words which follow are "has been exercised or resorted to by any particular community, group or section"—although here the word "caste" is not used, probably "community" would mean caste also—"on another community, group or section, to vote or not to vote in any particular way at the election". As one of my hon. friends who spoke from there said, we must frame an electoral law by taking into consideration the realities of our social life as they are. They are not absolutely bad. It may be that we are grouped caste-wise. May be in some other societies people are grouped in some other way. But it is not a bad or a wrong thing at all. If people of a certain caste or community or certain people form into certain groups and come to a decision that they would vote group or caste-wise, who are we to prevent them?

**An Hon. Member:** Also sex-wise.

**Shri P. Y. Deshpande:** Sex-wise it might happen. On the one hand you have the Fundamental Rights and there is the right of free association. Here it is true that it may be called reactionary—you can call these groups by all kinds of names. But they are there and they are a fact and you have to recognize the facts. If you want to recognize them, then these provisions, namely, the grounds for declaring an election to be void would have to be entirely re-framed so as to recognize facts in our country and in our society.

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

Then, Sir, a reference has been made about disqualification. As one of the hon. Members has already said, it should be enough that so long as a man is not guilty of any moral turpitude or is convicted for purely political convictions, without involving moral turpitude, if he is convicted or even if he is jailed, that should be no bar for his offering himself as a candidate and even for voting. This is a matter on which we have fought all along the line and we will be accused by our opponents, if we do otherwise. They will say, "After having won your battle, you are preventing your enemies or even friends and people in this land

who differ from you from voting. Your Government is using the Detention Act and all other repressive measures to put our leaders into the jail and you are, therefore, coming in the way of our elections and therefore the elections are not fair, free or democratic." I am sure that charge will be levelled against us. Normally the people's verdict may not be in their favour, and I am sure if such a provision is made, this will not give our political opponents and the enemies of democracy a handle against us. They may not then say that we are taking all these repressive measures and therefore promoting a restricted democracy. These are some of the salient points that I wanted to place before the House. One last appeal I want to make. This is a very revolutionary experiment we are making. This experiment if it must succeed, can succeed only if we recognize facts and if we frame our electoral law on the recognition of these facts. If we do not do this, and try to retain all these provisions which I find in this Act, about corrupt and illegal practices and so many other things that I have mentioned, then, Sir, I can tell you, that the democratic verdict of the people at elections would be challenged and the result of this law will be institution of hundreds and thousands of cases in the law courts and there will be no finality to democratic election at all in the country.

**Shri R. Velayudhan** (Travancore-Cochin): I am grateful to you, Sir . . .

**Shri J. R. Kapoor:** May I suggest that though a time limit may not be fixed, it might be suggested?

**Mr. Deputy-Speaker:** I submit for the consideration of hon. Members that whatever points have been referred to by other Members need not be referred to. For instance, one of our friends suggested that no person who underwent imprisonment should be disqualified except where the imprisonment was for moral turpitude. This need not be repeated. Only points may be set out so that all view points may be taken into consideration in the Select Committee.

**Shri R. Velayudhan:** I am grateful to you, Sir, for giving me the chance . . .

**Mr. Deputy-Speaker:** You need not say that.

**Shri R. Velayudhan:** Then, Sir, I am grateful to the hon. Dr. Ambedkar, the Law Minister for introducing this Bill in this House . . .

**Mr. Deputy-Speaker:** Even that may be omitted.

**Shri R. Velayudhan:** The hon. Minister has described to us certain salient features of the Bill, but I shall point out one or two points which I think are fundamentally against the democratic practices of election. For the last one or two years people in this country were anxiously waiting for the new election. I think, not only Members of this House, but also Members of the Provincial Legislatures as well as the public as a whole were anxiously thinking that the new election will come at least after six months of the termination of the Constituent Assembly but our country has taken a long time and our election is coming only by the end of next year. But even now, Sir, there are speculations here and there whether this election can be conducted during that time or not. I submit to you, Sir, that I am of opinion that the election in the country should be conducted as soon as possible, as otherwise. I think, the country as a whole will have an adverse psychological effect about the Government as well as about the administration in the States. Of course, it is true that the confidence in the Government, both in the Centre as well as in the States is being shaken like anything and the by-elections that have taken place in some of the States will show that the people are not behind the Government altogether. I must say from personal knowledge, Sir, that seven by-elections took place in my State and I think the people have shown their will and desire which Government they want and which Government they do not want. One of the salient features that this Bill has shown is that a voter can have a fair and free election from any part of India, but at the same time there are certain clauses which, I think, are fundamentally opposed to the principle of democracy. I think even the principles of fundamental rights have been interfered with.

In page 3 of this Bill, it is said about disqualification for membership to the legislatures:

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

**Mr. Deputy-Speaker:** Has this not been referred to before?

**Shri R. Velayudhan:** Of course, this particular point has already been made,

but I wish here to emphasize that there is an Act prevailing in the country by which the executive can put in prison any member of this House or anybody outside the House, who wants to contest the elections. Of course, I want to express my views freely and frankly. I think that the House should also adopt such an attitude of democracy in hearing the views of a particular person who holds a different view altogether. We are living in a democratic country and I want also that democracy should prevail in the country. I do not want a Fascist state in the country and I do not want a Congress Government even under the Fascist regime here.

Therefore, let me tell my hon. friends that in the coming elections there are about 18 crores of people who are becoming voters in the country and about 4,000 Members will also be elected in the various legislatures, both in the Parliament as well as in the State Legislatures and therefore we must have a fair and free election. For that the first thing, I think that the Law Minister should do is that he must immediately order the repeal of the Preventive Detention Act and all Acts under the Criminal Procedure Code against political prisoners. Unless and until this thing is done, I think, we cannot have a fair and free election in the country. I must submit that even during the British regime our political opponents were given the right to come out as candidates in the election. Take the case of Subhash Chandra Bose, who was elected while he was in prison in Bengal. Then, Sir, in our own place when a candidate was in jail or underground he was returned in the election to the legislature. Of course, he belonged to the Communist Party. We had a member of the Communist party also elected in our own State Legislature. I am not in favour of Communism. I stand for a particular ideology. I have all respect for the political ideologies of others; I am of opinion that we should not use a particular Act against our political opponents. This is my firm view. If we must have a fair and free election in the country, we must immediately repeal all the Acts which are derogatory to the principles of democracy as well as fundamental rights.

**Shri Sidhva (Madhya Pradesh):** Sir, I rise to support the principle of this Bill. I shall, as you have stated, only touch those points which have not been referred to by other hon. Members.

Under clause 118, there is reference to corrupt practices and the hon. Minister has explained what he means by corrupt practices. Gratification has also been explained. I want that to be

clarified more. If you will kindly read the definition of 'gratification' on page 31, it is stated thus:

"For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses . . ."

The point is this. I am very glad that this clause and the Explanation are there. It has been the practice now, during the election period, when canvassing is going on, party groups are meeting and in that meeting tea is served. I want to know whether serving of tea is also gratification. I do not think that that should come under gratification. If that is so, it should be stated clearly. I do not necessarily mean to say that tea should be provided. If it is not to be provided, let there not be any ambiguity about the matter. It should be clearly stated.

Then, Sir, regarding vehicles, clause 118(6) is a very good provision. But, this is nullified by the proviso. The clause says:

"The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the connivance of a candidate or his agent for the conveyance of any voter to or from any place for the purpose of recording his vote:"

This is a very good provision because a large amount is spent on this hiring of vehicles. But, what is the proviso? The proviso says:

"Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint costs for the purpose of conveying him or them to or from the polling station shall not be deemed to be a corrupt practice under this clause."

Anybody can circumvent this provision. They would bring any kind of private conveyance and they will say that this is at our joint cost. If hiring of any kind of vehicle is to be stopped, it should be definitely stopped. I am in favour of that.

**Pandit M. B. Bhargava:** Every voter must come on foot.

**Shri Sidhva:** Yes.

**Shri Sondhi (Punjab):** Or on cycle.

**Shri Sidhva:** Yes; if it is the idea here that every voter must come on foot. If a voter is not able to come on foot and a vehicle is necessary, it should be clearly stated here. What is the meaning of saying that somebody should combine, and pay jointly and that would not be a corrupt practice. I can assure you, Sir, that there are many ways of circumventing this provision and the good object underlying this provision will be frustrated.

**Shri Tyagi:** How would lady voters come?

**Shri Sidhva:** On foot. Let us be honest about this and say that vehicles will be provided. Let us not proclaim to the public and to the people that hiring of any vehicle or motor car or any other kind, is prohibited, and at the same time provide other devices to take them in a vehicle.

Then, secrecy of voting is defined in section 123. This is also a good provision. I am also very glad that under democracy and adult franchise, instead of making rules, exhaustive provisions have been made in this Act itself. But, there is no mention about the ballot box, which is very important. I know there is a provision which says that rules will be made as regards method of voting and polling. I feel that for the purpose of ballot boxes, there should have been a similar provision. Section 123 makes the following provision. Counting of votes will be secret when the votes are being counted by the polling officer. It is stated that even after that, it will be kept a secret. I do feel, Sir, that when a candidate or his agent who is allowed to be present at the time of voting, wants to challenge or inspect the voting, he should have the right of inspection at that time. That is another lacuna in this clause and I think suitable provision should be made for that.

There are too many clauses for the requisition of premises: clauses 153 to 160. These requisition clauses relate to polling stations for elections to the State legislatures. We know there has been the practice even now of erecting tents for polling stations; mandaps are also put up. I do not see any reason why the same procedure should not be adopted, instead of going to requisition private houses. We have 8 or 9 sections and several houses will have to be requisitioned. I am afraid all sorts of complications will arise. I would therefore straightaway say that for the purpose of polling,—here it is mentioned, only for polling—the present practice of putting up tents or mandaps will be followed. Of course, a large number of tents will be

[Shri Sidhva]

required. There are sufficient numbers of tents available and where tents are not available *mandaps* may be put up. This requisitioning of houses will create a lot of difficulties. I do not know if vacant houses alone will be requisitioned. If the houses are occupied, the tenants will be asked to vacate and the houses will be requisitioned for the purpose of polling. I therefore hope that the hon. Dr. Ambedkar and the Select Committee will consider this point.

Clause 71 and clause 72 relate to Election expenses. This is a very healthy provision and it exists even today. There is nothing new about that. But, the maximum amount is not mentioned. At present, under the rules, the maximum election expenses that a candidate could incur is mentioned.

**Mr. Deputy-Speaker:** Three thousand rupees, I think.

**Shri Sidhva:** It is not provided here. Clause 71 says that within a certain period, a return of election expenses shall be filed; but the maximum amount is not prescribed there. I would request that this point should be considered by the Select Committee.

I have nothing more to say, Sir, because I support many of the principles, and they are very desirable ones. As I have stated, some of the points require clarification. I hope the Select Committee will bear these points in mind and consider this Bill. With these remarks, I support this measure.

**Some Hon. Members:** Closure, Sir.

**Some Hon. Members:** No closure.

**Mr. Deputy-Speaker:** Order, order. It is true that we may not be able to call all hon. Members who are anxious to speak. This is a very important subject indeed. I would like new points to be put forward. Ever since elections started, all these practices have been there; there are also rules and regulations.

**Shri D. D. Pant (Uttar Pradesh):** I have got a new point.

**Mr. Deputy-Speaker:** I will call one hon. Member after another. As the hon. Law Minister said, any hon. Member who is not able to get an opportunity now, may make a note of those points and send it either to the hon. Law Minister or to the Select Committee. In the meanwhile, we will give an opportunity to as many hon. Members as possible.

**Shri Meeran (Madras):** I have got only one or two points . . .

**Pandit M. B. Bhargava:** May I ask whether on the later occasion, there is any guarantee that the Bill will not be rushed through as it is being done?

**Mr. Deputy-Speaker:** I hope so.

**Shri Meeran:** I have got only one or two points to submit to the House and I shall do so as briefly as I can.

I do not think there can be two opinions on this subject, that there should be a free, fair and impartial election. At the same time, with reference to the views expressed by some hon. Members, I would like to make one observation, especially with reference to the observations of Prof. Ranga. He was saying that there is a feeling in the country that to ensure free, fair and impartial elections, the ministry or the Government in power should resign, and though he said that he himself did not subscribe to that view wholly, he suggested that at least the returning officers should be imported from other States, and thereby he practically lent his support to the argument of those who feel that the Government of the day will not be fair or impartial at the time of the elections. Sir, I must take strong exception to that attitude, as in my opinion, it is doubting the sincerity of the Government—if I may say so. If we are members of a Government, I do not think we can say that that Government will not allow free elections, or that the elections will be tampered with. Prof. Ranga himself may be filling a seat at the Centre or in a State, and would he like to see returning officers being imported from other States? Should they be brought from States other than the one in which the election is taking place? After all, what do these returning officers do? They have to accept the nominations and the worst they can do for the candidate they do not like or the best that they can do for the candidate that they favour is this, they can declare that the nomination is valid or void. But under the provisions in this Bill that can be set right soon by the tribunal for going into the nominations. Even otherwise, I do not think that the duties of returning officers are such that we should import a number of them from other States. I can understand polling officers at least being referred to and it being felt that they may be able to influence the voting, that they may try to tamper with the secrecy of the voting and other matters within the polling booth. But this cannot be said of returning officers. They are after all some of them revenue officers who receive the nomination papers long before the date of election and I do not see any reason why these returning officers should be imported



from outside the State in which the election is being held. If we are not going to depend upon our officers, where will this lead to? How can we then depend upon the tribunals who are to decide other matters also? After all, there should be a limit to such things also. If we had a unitary constitution instead of a federal one, where were we to get our returning officers from? Are we to get them from countries outside India? I think it is because of some obsession in his mind, about some local conditions in particular States or some personal obsession that Prof. Ranga inadvertently made these remarks—that is what I will say, if I am to be charitable to him. Therefore, I hope the Select Committee will not give any support to this suggestion though it has emanated from Prof. Ranga.

Then I have a few words to say about corrupt practices and illegal practices. Shri Deshpande was waxing eloquent and saying that the definition of these practices should be less flexible, as otherwise it would be creating a lawyers' paradise, though he might not have used those very words.

**Shri Rathnaswamy (Madras):** Yes, he did use those words.

**Shri Meeran:** Well, I did not hear them, at least. But when he was confronted with the question as to what he would suggest or prescribe to minimise these offences, he was not in a position to suggest anything. That is because he was espousing an impossible cause. Of course there will be illegal practices and there will be this flexibility. But it is in the court that these matters will be set right, and in the tribunals also. The fact is the definition is elastic enough to avoid abuses. That is the greatest safeguard to see that corrupt practices are not there, that they are reduced to the minimum. As it is, it will not affect even the poor man from standing for elections. There is no chance of his being harassed by people.

Then a few words about methods of propaganda. There are certain provisions in the Bill with regard to the holding of meetings the day of the election and the day previous to it. These are very necessary and salutary. After all, we must see that the elections are conducted not only in a fair and impartial manner, but even in a calm manner.

[MR. SPEAKER in the Chair]

It should be seen that the elections, irrespective of the parties contesting the seats, are conducted in a high level. That can be ensured by—if I

may suggest so—the political parties and the particular candidates also may bring forth their own manifestoes. And these manifestoes should be printed and circulated by the Government itself, to the voters or must be broadcast by the Government. And when this is done, care should be taken to see that no untrue statement or falsehood is circulated. If so happens that at the last moment of the election, some false charge is levelled against some one and about something connected with a candidate's past attitude or past ideas about particular matters or questions and that might turn the election against that candidate. That may be the turning point. Of course, he may have the right to question the election later on, but that will take time, and then it may be too late. Therefore, I suggest that these manifestoes should be scrutinised or checked by the Government. If manifestoes are circulated well ahead, that will be better still, because if they are all hurled at the voters at the last moment and if innumerable speeches are inflicted on them at the last moment, the voters will be bewildered and in their utter state of confusion they will not be able to decide properly. They should be given all this information and then left some time to decide about the merits and demerits of respective candidates and political parties.

That is my only submission. With these words, I commend the Bill. Of course, it is a very welcome Bill and it contains very many salutary provisions for which we are very much indebted to hon. Dr. Ambedkar.

**Mr. Speaker:** Mr. Alagesan. Hon. Members will be very short as there are only 20 minutes left.

**Shri Alagesan (Madras):** It is a pity that this important Bill that the hon. Law Minister is placing before the House has the fate of being rushed through the House in the last hours of the last day of the sittings of this House. He should, I think, fight to get more time for this Bill and see that this Bill is considered in all its aspects by this House and verdict given by the House. With regard to the elections, political parties outside that are not very much represented in this House have been saying that the chances of having a fair and free election are very remote under the present Government. Sir, I should like to say that this Bill which the hon. Law Minister has placed before this House gives the lie direct to such a complaint or to such a grievance. Sir, I should say that the hon. Law Minister has been carried away by his

[Shri Alagesan]

enthusiasm and has given handle to those who may not win in the elections. This code—he called it an election code, but I am afraid it is more a penal code than an election code—it helps those who may not win the elections. Those who do not win the elections are enabled by the provisions in this Bill to upset the results of elections. I would like to cite a few examples. Clause 118 describes the various corrupt practices. One is this:

“threatens any candidate, his agent, or any elector, or any person in whom a candidate, his agent or an elector is interested, with any injury of any kind;”

Again sub-clause (5) says:

“The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false etc.”

Again sub-clause (6) refers to the hiring of vehicles. All these things have been put together under this clause and if it is proved before an Election Tribunal that anyone of these things have taken place, the election will be set aside and will be declared void by the Election Tribunal. If anybody loses the elections for whatever reason it may be, then he can go to the Election Tribunal and with the help of lawyers establish that a voter was threatened with some injuries, and that is enough to set aside an election.

The hon. Mover has observed, that lawyers are very important for civilization. I do not deny that, but this seems to give a handle to lawyers to set aside all elections and even upset democracy. It has to be proved before the Election Tribunal that a single voter has been threatened with some injury and the whole election will be set aside. I would like to ask the hon. Mover whether such a handle can be given to those who may lose the elections because they could not get the verdict of the people in their favour.

Again taking clause 128, if any person is guilty of any such corrupt practice as is specified in clause 6, that is, hiring of vehicles, then he will be punishable with a fine which may extend to Rs. 250. Then with regard to hiring of vehicles, it is good that these vehicles are not hired to bring in voters but then there are other considerations. Of course it may be said that the polling stations will be

situated in such a manner that people within a radius of two miles will be enabled to go there even walking to vote in the polling stations, but even so, there may be some who are sick, who are too old to walk and they may have to go to the polling station. In such cases if a vehicle is hired or even if a bullock cart is hired, then it becomes an offence. The election can be declared void and the man can be punished with Rs. 250 as fine. Not only that. Under clause 135 he will be debarred for six years from being a Member of any Legislature. All these things will happen if a vehicle is hired to bring sick voters or old voters to the polling booth. I would like the hon. Minister to consider whether such a harsh and severe provision can be introduced in a measure of this kind.

With regard to clause 57,—marking with indelible ink on the thumb of every elector—I should say it is a welcome provision and I see great possibilities if such an ink can only be discovered in our country. Sir, the cost of preparing electoral rolls runs into crores now. To prepare a roll which will bring in about 180 million voters is a task which has not been undertaken by any other country. It is such a big task that only if all the presses in this country could be put on this work, the printing can be done and then there is the revision of the rolls etc. and finally the publication of final rolls. I am afraid some candidates at least will not be able to purchase the requisite number of rolls because the cost will be prohibitive. If this ink can be discovered, I can make bold to say that the preparation of the electoral rolls itself can be done away with. Anybody in a constituency can come and have his thumb marked and then he will not be able to return again and vote. So, I hope such an ink will be discovered and the country will be able to avoid incurring the cost that it is now incurring in printing these electoral rolls.

Again Sir, one word with regard to the constituencies and the method of voting. Sir, we have provided for single member and double-member constituencies. It cannot be otherwise. We cannot reserve constituencies and bring a community for which seats are reserved. So these double-member constituencies have been provided and also the distributive system of vote. Regarding cumulative system, we saw the effect of such a system in Madras and it was found that it was another way of bringing in separate electorates. So it is meet that provision has been made for single-member constituencies and double-member constituencies

only in the case of reserved seats and also for the distributive system of vote.

**पंडित मुनीश्वर दत्त उपाध्याय :** अध्यक्ष

महोदय, माननीय मंत्री जी ने एक विस्तृत विधेयक उपस्थित किया है और उन्होंने यह भी बताया है कि उस में उन्होंने बहुत सी पाबन्दियाँ, बहुत से प्रतिबन्ध जो थे, उन को हटा दिया है और इस में कोई सन्देह नहीं है कि अब किसी व्यक्ति के उम्मीदवार होने के लिये सिवा इस के कि वह वोटर (voter) हो, और किसी भी योग्यता की आवश्यकता नहीं है। जैसा उन्होंने बतलाया कि वह कहीं के भी रहने वाले हों, कहीं भी उम्मीदवार हो सकते हैं, परन्तु तो भी एक आघ ऐसी चीजें रह गई हैं, जिन पर कि उन को ध्यान देना चाहिये और जिनके यह मसला सिलेक्ट कमेटी (Select Committee) के सामने जा रहा है, मैं उम्मीद करता हूँ कि इस पर भी ध्यान दिया जायेगा। जैसा उन्होंने स्वयं कहा था कि कंट्रैक्टर्स (contractors) यानी ठेकेदारों को हटाना चाहते हैं, उन को अयोग्य करार देना चाहते हैं। मैं चाहता हूँ कि सिलेक्ट कमेटी इस पर विला सोच विचार किये इस को स्वीकार करे और वह ठेकेदार अयोग्य करार दिये जायें।

फिर नामजदगी के सम्बन्ध में जो नियम अभी तक रहे हैं, वह यह रहे हैं कि इस समय कुछ ज्यादा विचार करने का प्रबंध वानून में नहीं था लेकिन अब की मर्तबा इन्होंने अपील के लिये भी एक ट्रिब्यूनल (tribunal) एक योजना बनाई है, लेकिन इस में कमी जो उन्होंने बतलाई, वह यह है कि इस मर्तबा उस को लागू नहीं करना चाहते। मेरा निवेदन यह है कि वह इसी साल से लागू होना चाहिये, वरन् कब उसी दूसरा चुनाव आयेंगा, कितने

वर्षों के बाद। और अब की तो हम एक बहुत बड़ा चुनाव करने जा रहे हैं जिस में यह आवश्यक है कि वह इस कानून को लागू कर दें कि नामजदगी के बारे में अन्तिम निर्णय नामजदगी के समय ही हो जाये ताकि इलेक्शन पिटीशनस् (Election Petitions) में इस को देखने की हमें बाद में आवश्यकता न रह जाय। इस नामजदगी में एक आघ चीजें और हैं जिन पर अगर ध्यान दिया जाय तो जैसा उन्होंने कहा है वाकई ज्यादा स्वतंत्रता नामजदगी के सम्बन्ध में है। एक बात तो यह है कि हरिजन उम्मीदवार जो होंगे उन के सम्बन्ध में जो सिक्योरिटी डिपोजिट (Security deposit) जमानत का रुपया जमा करने को कहा गया है, उस में कमी कर देनी चाहिये, क्योंकि हरिजनों में तो जो वोटर हैं या तो उम्मीदवार लोग हैं, वह तो मामूली से मामूली आदमी होने वाले हैं, जिन के पास कोई प्रबन्ध पैसे का नहीं हो सकता है। इस वास्ते मेरा निवेदन है कि वह जितना सम्भव हो कम कर दिया जाये, तो मैं समझता हूँ कि इस से अधिक लाभ होगा।

दूसरी बात रिटर्निंग आफिसर (Returning Officer) की नियुक्ति की है, वह भी इलेक्शन कमीशन (Election Commission) के जरिये से हो और उनकी नियुक्ति के लिये उसकी स्वीकृति की आवश्यकता है। और वह सलाह ले कर के प्रान्तीय सरकारों से बनायेगे यह मेरी राय में उचित नहीं है। यह प्रान्तीय सरकारों के ऊपर छोड़ देना चाहिये कि जिस तरह से चाहें वह रिटर्निंग आफिसर की नियुक्ति करें। उसी तरह से जो इलेक्शन ऐजेन्ट्स

[ संदित मुनिश्वर दत्त उपाध्याय ]

(Election Agents), काउन्टिंग एजेंट्स (Counting Agents), पोलिंग एजेंट्स (Polling Agents), अलग अलग नियुक्त करने के जो नियम बनाये गये हैं, वह उचित नहीं हैं। जो इलेक्शन एजेंट्स होते हैं, वह काउन्टिंग (Counting) के समय रह सकते हैं। फिर एक सब से बड़ा ऐतराज जो हो सकता है वह यह है कि इस कानून में मुकदमेबाजी के लिये बड़ी गुंजायश हो गई है इनो गुंजायश हो गई है, एक तो करप्ट प्रैक्टिसेज (Corrupt practices) और इल्लेगल प्रैक्टिसेज (Illegal practices) की वजह से। और दूसरी बात यह है कि अगर इलेक्शन पिटीशन कोई देना चाहे, तो उस के लिये यह जरूरी नहीं है कि वह उस को खुद दाखिल करे, या तो उसकी तरफ से कोई अधिकारी उस को दाखिल कर सकता है, या तो कोई वकील भी दाखिल कर सकता है। बल्कि वह रजिस्टर्ड (Registered) करके डाक से भी भेज सकता है और तब भी वह मान ली जायेगी कि वह ठीक ठीक पेश की गई। यह अधिकार दे देना मेरी समझ में इन इलेक्शन पिटीशनस् की ताबाद को बढ़ावा है, उनकी संख्या को बढ़ाना है और इस अधिकार के दे देने से मुकदमेबाजी बहुत बढ़ जायेगी। इस लिये मैं निवेदन करूंगा कि या तो स्वयं जिस को पिटीशन दाखिल करना है, वह खुद दाखिल करे, या उस की तरफ से कोई वकील हो या अधिकारी हो वह दाखिल करे, तभी वह ली जाये और मंजूर की जाये। इस तरीके से इलेक्शन पिटीशनस् की ताबाद में कमी हो जायेगी और हमें जहां तक सम्भव

हो सके इस मुकदमेबाजी को जो इलेक्शन पिटीशनस् से होंगी, उन की ताबाद को कम करने की कोशिश करना चाहिये और रोकना चाहिये।

ट्रिब्यूनल (Tribunal) की नियुक्ति के सम्बन्ध में एक बात मुझे अर्ज करनी है। ट्रिब्यूनल की नियुक्ति करने की जो योजना है, उस में यह रखा गया है कि उसके लिये या तो दस वर्ष का कोई एडवोकेट (Advocate) हो या दस वर्ष का उसको जुडीशल अफसर का तजुर्बा होना चाहिये, मेरी समझ में यह मुनासिब नहीं है। ऐसे ट्रिब्यूनल पर मुनासिब यह होगा कि कम से कम १५ या २० वर्ष की स्टैंडिंग (standing) का कोई एडवोकेट हो, या जुडीशल अफसर (Judicial officer) हो उसे रखा जाये।

इसके अलावा हाथ में जो स्याही लगा देने का कलर (Colour) कर देने का जो यह नियम रखा गया है, तो उसके बारे में मुझे यही कहना है कि अगर किसी तरीके से यह स्याही न मिट सकती हो ऐसी रखी जाये और ऐसा मसाला लोगों के पास इलेक्शन के समय तक न हो सके जिससे स्याही मिट जाये तब तो यह स्कीम (Scheme) ठीक है। तब तो यह स्याही की स्कीम किसी हद तक सहायक हो सकती है। नहीं तो आप तो इस भरोसे में रहेंगे कि आपने जो निशान वोटर के हाथ में एक मर्तबा लगा दिया वह मिटेगा नहीं, लेकिन होगा यह कि लोग जो आयेंगे वह दुबारा हाथ धो धो कर आते जायेंगे और कितने लोग फरेब करेंगे और फिर दुबारा वोट करेंगे। इस वास्ते में नहीं समझता कि वह बड़ी काबिल इतमीनान चीज हो सकती है।

फी और फ़ेयर इलेक्शन (free and fair election) के बारे में माननीय

मन्त्री जी ने विशेष रूप से बतलाया और इसमें कोई सन्देह नहीं है कि जितना प्रबन्ध हमारे यहां हो रहा है, वह इसी तौर पर हो रहा है कि हमारे यहां फ्री और फ़ेयर इलेक्शन सम्भव हो सकें। पर यहां जो हमारे विरोधी भाई हैं और जो सारे देश में इधर उधर छिटके द्रुए हैं और जिधर देखिये वह यह आशंका प्रकट कर रहे हैं कि फ्री और फ़ेयर इलेक्शन शायद सम्भव न हो सकें, हलांकि उनकी यह आशंका और भ्रम बिल्कुल गलत और निर्मूल है और मैं आपको इतमीनान दिलाना चाहता हूँ कि जैसी प्रवृत्ति वाले वह लोग हैं, कभी भी वह यह तस्लीम करें कि अब वाकई इलेक्शन फ्री और फ़ेयर होंगे। यह असम्भव है। इस बात पर परैशान होना और सोचना छोड़ दीजिये। क्योंकि आपके सामने एक बड़ी मिसाल मौजूद है। जब हमारे यहां पहले इलेक्शन की तारीख नहीं रखी गयी थी, तो यही हमारे विरोधी भाई कहते सुने जाते थे कि यह लोग इलेक्शन नहीं करना चाहते हैं, और उसको टाल रहे हैं। लेकिन जब हमारे माननीय प्रधान मंत्री ने गिरिचित्त कर दिया कि इलेक्शन अप्रैल और मई में हो जायेंगे और यह करीब करीब तय हो गया था तो विरोधियों ने हल्ला मचाना शुरू कर दिया कि अप्रैल और मई में चुनाव करना ठीक नहीं है, या तो फ़रवरी के इस तरफ़ कर दीजिये, या नवम्बर में करिये, क्योंकि फ़रवरी के इधर तो सम्भव था नहीं, इसलिये यही उनका कहना था कि नवम्बर में चुनाव किये जायें, और अब जब चुनाव नवम्बर में रख दिये हैं, तब भी इसके बिषय वह अखबारों में शोर मचाते रहते हैं। तो इसलिये उनका विरोध और शोर तो होता ही रहेगा और उससे हमें विचलित नहीं होना चाहिये और मैं समझता हूँ कि जो हमारे माननीय मंत्री जी ने विस्तृत विधेयक

हमारे सामने रखा है, उसमें सारी ऐसी बातें हैं जिनसे फ्री और फ़ेयर इलेक्शन इस देश में सम्भव हो सके और उसमें ऐसी सारी आवश्यक बातों का प्रबन्ध है। जो सुझाव मैंने दिये हैं अगर उनका भी प्रबन्ध इसमें हो जाये तो मैं समझता हूँ कि इस हमारे विधेयक से सभी दलों और व्यक्तियों को संतोष हो जाना चाहिये कि वास्तव में इसके द्वारा यहां बिल्कुल स्वतंत्र और निष्पक्ष चुनाव सम्भव हो सकेंगे। जहां तक विरोधियों का सम्बन्ध है वह तो हमेशा विरोध करते ही रहेंगे और उनको संतुष्ट करना तो असम्भव है।

(English translation of the above)

**Pandit Munishwar Datt Upadhyay** (Uttar Pradesh): The hon. Minister has moved a comprehensive Bill and has stated that under this Bill many disqualifications for election have been removed. Of course, there is now no qualification for a person to be a candidate for election other than one that he must be a voter. As the hon. Minister has stated any person who is entitled to be a candidate may seek election from anywhere, notwithstanding the fact that he does not belong to that constituency. Still there are a few points which require consideration, and now that this Bill is being referred to a Select Committee, I hope that due consideration would be given to these points. The hon. Minister has himself said that the holding of contract should also be a matter of disqualification. I wish the Select Committee to accept this view without any hitch and to declare the contractors disqualified.

So far, according to the rules regarding the nominations, there was no provision in the law to consider their validity etc., but now it has been proposed to constitute a tribunal for purpose of appeals. But there is an imperfection in this scheme and it is that the hon. Minister does not want to enforce it now. I would submit that it should be enforced with effect from this very year for it will be after several years that the second general elections will take place. This time we are going to hold a pretty big election which requires the immediate enforcement of this law so that the final decisions with regard to the nominations be made at that very time and we may not have to bother with

[Pandit Munishwar Datt Upadhyay] election petitions later on. There are a few more observations regarding the nominations which, if due consideration be given to them, may ensure really more free and fair election. Firstly the amount of the security deposit from Harijan candidates should be lessened, because the voters or the candidates among the Harijans generally belong to most ordinary class of persons and they do not have any provision of money. I therefore submit that if it is reduced to a minimum possible amount, it would be more useful.

Secondly, the Returning Officers should be appointed through the Election Commission and their acceptance should be sought for their appointment. The Election Commission shall appoint the Returning Officers in consultation with the States' Governments. To my mind it is not a proper way. Their appointment should be left entirely to the Governments of the States so that they may make such appointments as they like. In the same way, the rules framed for appointing the Election Agents, Counting Agents and Polling Agents are also not justifiable. The Election Agents may remain there at the time of counting. The biggest objection that can be made against this law is that there has been much scope in it for litigations. Corrupt practices and illegal practices lead to such litigations. One more objectionable point is that it is not necessary for a person to file election petition personally, but he may get it filed through an agent or a lawyer or he may even despatch it by registered post and the petitions so submitted will be considered valid. In my opinion these conditions would only tend to increase the number of such petitions and thus there will be more of litigation. I will therefore like such a provision to be made that if one has to submit any petition, he should submit it personally or it should be submitted through any lawyer or agent on his behalf. Only those petitions should be treated as valid that are so submitted. It will also lessen the number of the election petitions. As far as possible we should try to keep down such litigation as may arise out of these election petitions and should check it.

I have to submit one thing about the constitution of the tribunal. It has been laid down in the scheme formulated for the purpose of constituting this tribunal that only such person shall be appointed there who has been an advocate or a judicial officer of ten years' standing. In my opinion these qualifications are not

enough. As a matter of fact, an advocate or a judicial officer of at least 15 to 20 years' standing should be appointed on a tribunal like this.

Now about the proposed method of applying ink or colour to one's hand. I have to submit that such a method can be successful only if the ink be really indelible or the people be not in a position to discover till the elections any such chemical as may blot out the ink. This scheme can be helpful to a certain extent only under these circumstances, otherwise we will be under the impression that the ink marks are indelible and the people will come to vote again after washing out the ink marks, and thus many persons will deceive us and will cast their votes more than once. That is why I do not consider this to be a satisfactory measure.

The hon. Minister particularly dealt with the question of free and fair election and there is no doubt in the fact that all arrangements are being made to ensure it. But our political opponents who are spreading all over the country often express the doubt that probably free and fair election may not be possible. This doubt is quite baseless and unnecessary. I wish to assure the House that the men of such tendencies cannot possibly admit the fact that free and fair election can ever be held. Let us not bother ourselves by going deep into this issue for we have a big instance before us that clarifies the whole situation. When no date for election was fixed these political opponents used to say that as the Government did not wish to hold elections so they were delaying it. But when the hon. Prime Minister decided that the election would be held in April or May and when the dates were almost settled, they began to propagate that it was not proper to hold elections in April or May but they should be held either before February or in November instead. As it was not possible to hold elections before February, they demanded that they should be held in November. And now when it has been decided to hold them in November, they still criticise it through press. Therefore, we should not be moved with their opposition and criticism. I believe that this comprehensive Bill moved by the hon. Minister deals with such arrangements as may ensure free and fair election in this country and it provides for all these necessary arrangements. I think that if suggestions put by me are also incorporated in this Bill, it may go a long way to satisfy all persons and parties of this country to the effect that it would be possible to hold free and fair elections. So far

as the opponents are concerned, they will go on opposing everything, it is impossible to satisfy them.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** Sir, the question be now put.

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

"That the question be put."

The motion was adopted.

**Dr. Ambedkar:** I am very grateful to the House for the very sympathetic manner in which they have received this measure, and I am also very grateful to those who have made suggestions for the improvement of the various clauses which are contained in the Bill. I have no doubt that the Select Committee will take account of all the suggestions that have been made.

I do not think that it is necessary for me to reply to the many points of criticism that have been levelled against certain parts of the Bill.

6 P.M.

In the first place, there is hardly any time to give any adequate reply to these points. Secondly, as I have said, I do not propose to raise any question of principle when the Select Committee meets. The Select Committee will meet as an open forum and consequently the members of the Select Committee—and they are quite a large number—who care to raise any of these points may do so and I would certainly give my reply in support of the measure as it now stands, or, if they convince me, I may accept their suggestions.

**Mr. Speaker:** Before I put the motion to the House for vote, I wish to say something. There is a large number of Members in the Select Committee—thirty-one to be precise. I can quite appreciate the grievance—though not a very strong one—on the part of some Members that they have had a sort of hurry-burry in respect of this measure. Although a large number of Members have been desiring to speak, we could not obviously sit longer than today. Therefore, I have accepted closure. But I want to make it clear that if such hon. Members as are desirous of participating in the discussions at the time of the Select Committee would intimate their names to the Secretary of the Parliament Secretariat, due intimation will be given to them about the time and place of the Select Committee meeting, so that they may have their say on this subject at that time.

**Shri B. L. Sondhi:** Will those Members be paid their allowances?

**Mr. Speaker:** I am sure Members come here with a desire to serve the country. If they are keen, I expect them to come even without allowances. However, that is a minor matter. The chief matter is that whatever hon. Members have got to say, they will have ample opportunity to do so in the Select Committee. That is a procedure we have been following during the last two Bills also. The whole House was taken as an informal Committee. This will save our time during the next Session also and the Bill will emerge from the Select Committee in a form acceptable to the whole House. Of course, it is not possible to satisfy each and every one.

The question is:

"That the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Thakur Das Bhargava, Shri Frank Anthony, Pandit Hriday Nath Kunzru, Shri M. A. Haque, Shri Mahavir Tyagi, Shri Biswanath Das, Shri Sarangadhar Das, Sardar Bhopinder Singh Man, Srijut Rohini Kumar Chaudhuri, Shri Girija Sankar Guha, Shri Khandubhai K. Desai, Shri S. Sivan Pillay, Shri Chandrika Ram, Shri T. R. Deogirikar, Shri P. Basi Reddi, Dr. Syama Prasad Mookerjee, Shri Hussain Imam, Shri M. V. Rama Rao, Shri Gokulbhai Daulatram Bhatt, Shri Raj Bahadur, Kumari Padmaja Naidu, Shri S. Nijalingappa, Shri Ramnath Goenka, Shri Hari Vishnu Kamath, Shri S. N. Mishra, Shri L. Krishnaswami Bharathi, Shri Surendra Mohan Ghose, Shri Krishna Kant Vyas, Shri M. L. Dwivedi, and the Mover, with instructions to report by the end of February 1951."

Here I am making a slight amendment, namely, that instead of "by the end of the third week after the commencement of the next Session of Parliament" I say "by the end of February 1951."

The motion was adopted.

**Mr. Speaker:** That brings us to the conclusion of our labours during this Session. Before I announce the adjournment of the House, I should like to invite the attention of hon. Members to the fact that they will be able to send notices of questions, after receipt of the intimation about the allotment of days for particular Ministries and not before. In case, they send them before that, they will not be counted for precedence on those particular days. The intimation will be sent in the course of a week. This will be necessary for regularising the whole business.

**Shri Dwivedi (Vindhya Pradesh):** But there is one difficulty. When the intimation will be sent, some persons

who are present in Delhi will give their questions first.

**Mr. Speaker:** That difficulty will always remain. If I were to allow notices of questions to be received now, a larger number would be able to give questions while a smaller number of Members who are not present here today will be denied that opportunity. Therefore, this notice will be sent by post and if those who are staying in Delhi get it first, it cannot be helped.

I now adjourn the House till 10-45 A.M. on Monday the 5th February 1951.

The House then adjourned till 10-45 A.M. on Monday, the 5th February, 1951.