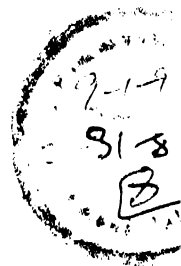


Thursday, 10th May, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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

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PARLIAMENT OF INDIA

Thursday, 10th May, 1951

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

**DISPLACED PERSONS LEAVING INDIA AFTER
REHABILITATION**

***4005. Shri Amolakh Chand:** Will the Minister of Rehabilitation be pleased to state the number of displaced persons who after rehabilitation in India left India for Pakistan?

The Minister of State for Rehabilitation (Shri A. P. Jain): No displaced persons from West Pakistan have gone back to Pakistan after receiving rehabilitation benefits. About 1,700 East Pakistan displaced persons have, however, gone back to East Pakistan from Rehabilitation Centres in Orissa and Manipur.

Shri Amolakh Chand: May I know how much money has been spent by the Government of India and by any State Governments on the displaced persons described above who have left India for Pakistan?

Shri A. P. Jain: I believe the hon. Member has Orissa and Manipur in mind?

Shri Amolakh Chand: Yes, please.

Shri A. P. Jain: It is not possible for me to give those figures because various amounts of loans were advanced to various persons and the collection of those figures will require a great amount of labour which will perhaps not be commensurate with the purpose that is likely to be served.

Shri Amolakh Chand: Has the attention of the hon. Minister been drawn to a news item published today that 83 P.S.D.

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many Hindu families who had migrated to India are returning to Sind in large numbers?

Shri A. P. Jain: Generally I don't get time in the morning to see the papers because I have visitors before I come here. I don't know about the news item, but we are receiving a number of applications from Hindus who want to return to Pakistan.

Pandit Munishwar Datt Upadhyay: May I know the number of Indians who came back to India as they did not find rehabilitation facilities in Pakistan?

Shri A. P. Jain: I am unable to understand that question because Pakistan is not there to give rehabilitation to the Hindus but perhaps to drive them out—that is the policy of Pakistan.

MANDI SALT WORKS

***4006. Shri Sidhva:** (a) Will the Minister of Works, Production and Supply be pleased to state whether any expert has been appointed to report on the Mandi Salt Works?

(b) If so, what is the name of the expert, the terms of reference and the terms under which he was appointed?

(c) Has his report been received and if so, what are the main recommendations?

(d) What will be the total capacity of rock salt to be produced under the proposed scheme?

(e) What will be the realization in value?

(f) What will be the capital required to implement the scheme and what will be the profit?

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

(b) The experts were Mr. P. A. Stoffel, technical representative of Messrs. Escher Wyss and Company Limited of Zurich (Switzerland), who

were engaged as consultants by Government, and Mr. Leschanowsky, an expert of the Austrian Government Salt Mines, who was engaged direct by the Swiss firm themselves for this purpose. The terms of reference were to report on:

- (1) The best method of exploiting the existing salt deposits;
- (2) General layout and plans for a suitable plant;
- (3) A detailed study of the economics of the proposed plant and comparative cost of production by other processes;
- (4) Transport and power requirements;
- (5) Labour and other miscellaneous matters.

The terms of appointment were payment of a fee of Rs. 12,000 plus all personal and travelling expenses incurred in connection with the survey. In case an order for erection of plant is placed with this firm, the sum of Rs. 12,000 will be deducted from the total contract value.

(c) The report was received a few days ago. A statement showing the main recommendations is laid on the Table of the House. [See Appendix XXIV, annexure No. 37.]

(d) 66,000 tons per annum.

(e) About 36 lakhs of rupees per annum.

(f) According to the report, the required investment is about 88 lakhs of rupees and the estimated profit will be Rs. 15 lakhs per annum.

Shri Sidhva: May I know whether Government have considered the recommendations contained in the report and, if so, with what results, Sir?

Shri Buragohain: I have already stated that the report was received only a few days ago—and it is a voluminous report.

Shri Sidhva: In the event of this scheme being taken up, will this firm which has made a report be entitled to any profit? What are the terms?

Shri Buragohain: No, they will not be entitled to any profits as far as I have been able to find out. But they will be given a fee of Rs. 12,000 plus all personal and travelling expenses incurred, and in case of an order of erection of plant, (not of purchase but of erection of plant only), being placed with this firm the sum of Rs. 12,000 which is now being given as fees will be deducted from the total contract value.

Shri Sidhva: The statement laid on the Table says, "In the interest of public health, the salt may, if necessary, be iodised." May I know whether the capital cost of Rs. 88 lakhs will include the cost of the iodisation plant also or it will be separate?

Shri Buragohain: The question of iodisation is a very small part of the work. It has been found that people in that locality have been suffering from goitre; that is why the experts have suggested that if the salt is made available for human consumption it should be iodised.

Shri Hussain Imam: May I know whether the proposal is for the supply to the indigenous population, of rock salt or brine salt?

Shri Buragohain: At present the method adopted is of mining or quarrying and this is not considered to be satisfactory. The proposal is that salt should be manufactured by evaporation of brine by thermo-compression and this particular firm is supposed to be an expert in this process of thermo-compression.

Shri Sidhva: If this firm gets the order for construction, may I know whether there is in the agreement a proviso that Indians will also be trained?

Shri Buragohain: So far as I am aware there is no such condition.

CULTURED PEARLS

*4007. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of cultured pearls imported during the year 1948-49, 1949-50 and 1950-51; and

(b) how much of these were re-exported during the period?

The Minister of Commerce and Industry (Shri Mahtab): (a) The information required by the hon. Member is not available as import of cultured pearls is not recorded separately in the Sea-Borne Trade Returns. The total value of imports of pearls both real or cultured made in the three years is given below:

1948-49	Rs. 37,28,000.
1949-50	Rs. 31,72,000.
1950-51	Rs. 56,23,000

(b) Separate figures for re-exports of pearls are not available.

Shri S. N. Das: May I know whether these pearls are imported for any industrial purposes?

Shri Mahtab: So far as I know these pearls, both cultured and real, are brought into India and made into necklaces and then exported.

Shri S. N. Das: May I know in what forms are these pearls re-exported?

Shri Mahtab: The hon. Member will be interested to know that during January-June, 1949, cultured pearls to the tune of about Rs. 1 lakh were imported from Japan. They were drilled and made in the form of necklaces and re-exported to the Dollar area.

Shri Amolakh Chand: May I know the countries from which cultured pearls are imported?

Shri Mahtab: Japan.

ALLOTMENT OF CLOTH TO NEPAL

*4008. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state what is the basis of the present annual allotment of cloth to Nepal?

(b) What was the basis previous to the present fixation of quota?

(c) Is it a fact that while there is acute scarcity of cloth on the border districts of Bihar, the people of Nepal on the other side are getting sufficient cloth at a comparatively lower rate of prices?

The Minister of Commerce and Industry (Shri Mahtab): (a) The present monthly cloth quota for Nepal has been fixed on the basis of the export quota for that territory from July, 1948 to June, 1949.

(b) Up to June, 1949, half-yearly quotas of cloth for export to Nepal were fixed by the Government of India out of the overall export quota earmarked for all permissible destinations.

(c) For most of the year 1950 exports of cloth to all destinations were permitted without any restrictions and exports of cloth to Nepal were therefore substantially larger during this period than what the country would have been entitled to on the basis of cloth distribution to States in India. This might have caused the impression as stated by the hon. Member as per part (c) of the question. As, however, there is no price control on export of cloth, prices paid by consumers in Nepal could not have been lower than for internal consumption in India.

Shri S. N. Das: Besides the quantity of cloth allowed to Nepal, are the mills allowed to export cloth to that country out of their own quota?

Shri Mahtab: Since November, 1950, cloth is being distributed to Nepal.

Nepal has been included in our internal distribution system, that is to say a quota has been fixed and accordingly that quota is being exported to Nepal. There is no free export to Nepal now.

Shri S. N. Das: Has the quota been fixed on population basis or some other basis?

Shri Mahtab: It is not on population basis. According to population basis the quota would be 3,720 bales, but we are allowing only about 1,500 bales.

Shri Jhunjhunwala: What is the quantity of cloth exported from Nepal during 1950 to India?

Shri Mahtab: That must be smuggling; otherwise, there is no real export from Nepal to India.

Shri Sarangdhar Das: May I know if cloth that is exported to Nepal includes also printed cloth from Fyzabad district?

Shri Mahtab: That is a fact.

Shri Hussain Imam: What was the total quantity of cloth exported to Nepal last year?

Shri Mahtab: From July to October, 1950, as I have already said, there was no quantitative limit. I can give you the figures from 1948 to 1950.

Period	Quotas in terms of standard bales
January to June, 1946	7,400 bales.
July to December, 1946	6,933 bales.
January to June, 1947	6,933 bales.
July to December, 1947	6,933 bales.
January to June, 1948	8,600 bales.
July to December, 1948	8,666 bales.
January to June, 1949	8,666 bales.
July to October, 1950	Exports without quantitative limit.

From the above figures, it would appear that much larger quantities of cloth have been exported to Nepal than are necessary for that country, and the presumption is that some portion of the exported cloth must have been smuggled into India.

Shri J. N. Hazarika: Are we to understand that it is the Government of India's responsibility to supply cloth to Nepal also?

Shri Mahtab: It is not our responsibility, but as a neighbouring country, we have to export something to Nepal.

Shri S. N. Sinha: In view of the fact that a much larger quantity has been exported to Nepal than the actual demand, will Government take up the matter with the Nepal Government to re-import this cloth to Bihar or any other province of India?

Mr. Speaker: Order, order. He is making a suggestion for action.

Shri Sidhya: In view of the announcement in today's papers that a large quantity of cloth will be exported during the current year, may I know whether the consideration of the consumption in India has been borne in mind and if so, to what extent are the indigenous requirements maintained?

Shri Mahtab: We have fixed a target for export and the announcement which has been made today is according to that target. The local consumption has been fully taken into consideration and the export will begin after June.

Shri S. N. Das: Are Government aware of any connection between the nominees of the Nepal Government and the nominees of the Bihar Government as regards exports to Nepal?

Shri Mahtab: That has been brought to our notice. As I have said, the matter has been taken up since November, 1950. Now, exports to Nepal have been restricted to the minimum.

DEVELOPMENT COMMITTEE ON INDUSTRIES

*4009. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of meetings of the Development Committee on Industries so far held;

(b) the total expenditure so far incurred by Government on account of the Committee; and

(c) the measures which the Committee has suggested for (i) reduction of costs of production, (ii) future development of industries; and (iii) full and efficient utilisation of installed capacity?

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

(b) Rs. 3.945.

(c) On the recommendation of the Committee, Government have appointed Panels to investigate and report on these and other matters with reference to the Heavy Engineering, Light Engineering, Pharmaceutical, Chemicals, Ferrous Metals and Non-ferrous Metals industries.

Shri S. N. Das: May I know whether the Committee has suggested to the Government not to proceed with the labour legislations such as Labour Relations Bill and Trade Relations Bill on the ground that these legislations

will retard the production in the various industries?

Shri Mahtab: The Committee has not made any such suggestion, but the representatives of the industries and the representatives of labour have come to some agreed conclusions and the Planning Commission has taken up the matter and they are again going to meet to finalise their proposals.

Shri S. N. Das: What are the suggestions made by this Committee regarding regionalisation of these industries?

Shri Mahtab: They have not made any suggestion with regard to that.

Dr. Deshmukh: Out of the members of this Committee, how many are M.P.s?

Shri Mahtab: So far as I remember, the only M.P.s. are Shri Harihar Nath Shastri and Shri Khandubhai Desai representing labour.

Shri Venkataraman: May I know whether it is a fact that this Committee considered only the question of retrenchment and no other relationship between labour and management?

Shri Mahtab: No. They considered all aspects of the relation between labour and the industries, and they have come to some agreed conclusions. Their report has not yet been finalised and as soon as it is finalised, I shall inform the House of it.

INDIANS IN MALAYA SPECIAL CONSTABULARY

*4011. **Dr. Ram Subhag Singh:** (a) Will the Prime Minister be pleased to refer to the answer given to a supplementary to my Starred Question No. 3138 on the 16th April, 1951 regarding recruitment of Indians in Malayan Police Force and state whether Indians are recruited to the Special Constabulary of Malaya?

(b) If so, what is the approximate number of Indians in Malaya Special Constabulary?

(c) Were they used to suppress the insurgents over there?

(d) If so, has there been any casualty among them?

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

(b) 1,408.

(c) Yes, Sir.

(d) Yes, Sir, there have been a few casualties.

Dr. Ram Subhag Singh: May I know whether any member of this Malayan Constabulary has been prosecuted for indiscipline?

Dr. Keskar: It is not possible for us to keep track of the doings of the members of the Malayan Constabulary, even Indians. I would remind my hon. friend that Indians who are recruited in the Malayan Constabulary are recruited from Indians in Malaya and not in India.

INDO-SOVIET TRADE PACT

*4012. **Shri Krishnanand Rai:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any attempt has been made recently to negotiate an Indo-Soviet Trade Pact between the Governments of India and U.S.S.R.; and

(b) if so, the result and outcome so far?

The Minister of Commerce and Industry (Shri Mahtab): (a) There were some discussions for a general Trade Pact in 1949.

(b) The discussions proved to be inconclusive on the issue of prices. But discussion for a deal for the supply of Russian wheat against a barter of certain Indian commodities is going on.

Shri Krishnanand Rai: Is it a fact that recently the Government of the U.S.S.R. has intimated to the Government of India that Russia is now in a position to supply many essential commodities to India?

Shri Mahtab: As a matter of fact, in 1949 the U.S.S.R. Government sent us a list of commodities which they can supply. Similarly, from our side also a list went to them and some negotiations started, but on the question of prices the negotiations did not come to any definite result. But now on barter system negotiation is going on to secure some Russian wheat.

The Prime Minister (Shri Jawaharlal Nehru): May I add to my colleague's answer? Not only are discussions going on, but actually some Russian ships with wheat have started for India.

Shri Krishnanand Rai: May I know whether any exchange ratio between Indian and Russian currency exists at present or the trade will be on barter system?

Shri Mahtab: The exchange question has been left free at the present moment, and with regard to prices this barter system has been arrived at on mutual agreement.

BORDER RAIDS

*4013. **Shri Krishnanand Rai:** (a) Will the Prime Minister be pleased to state in how many border raids and clashes have Police and Army personnel of Pakistan taken part?

(b) Has any agreement been reached or are any negotiation being carried on at present with the Pakistan Government to stop such border raids and scuffles in future?

The Deputy Minister of External Affairs (Dr. Keskar): (a) 63 during the period October, 1950 to March, 1951.

(b) Agreements were reached in 1948 and 1949 for the prevention of border raids on the East-West Punjab border and on the East Bengal-West Bengal/Assam/Tripura borders. The procedure outlined in these Agreements has also been extended to the Rajasthan and Kutch borders. In accordance with this procedure joint enquiries are held into the border incidents by the Civil and Police authorities of the adjoining States of India and Pakistan.

Shri Krishnanand Rai: May I know what has been the human and material losses in these scuffles that have taken place?

Dr. Keskar: I will not be able to give the total losses, but they include quite a number of sheep and goats, a considerable quantity of jute, a few bullock carts and a few heads of cattle.

Shri Krishnanand Rai: What is the length of the Indo-Pakistan boundary that is still disputable between the two countries and whether it is a fact that most of these raids are on these disputable boundaries?

Dr. Keskar: No, Sir. There are raids along the border that is disputed. But there are also raids along the borders which are also not disputed.

Shri Krishnanand Rai: The first portion of my question has not been answered—what is the length of the disputable boundary between India and Pakistan at present?

Dr. Keskar: It will require a very long answer. This point was answered in reply to two questions which were put about the Indo-Pakistan boundary dispute. If my hon. friend wants a more detailed answer, I would require notice.

The Prime Minister (Shri Jawaharlal Nehru): May I point out, Sir, that although actually disputed areas are very limited, at the present moment

attempts are being made, as a consequence of a recent award especially in East Bengal and West Bengal, to demarcate them. Actually, where there is no dispute, even so, it is difficult to say the exact spot, because it has not been marked. So, within a few yards, or a hundred yards this way or that way, the people round about cannot say. Now steps are being taken to demarcate them, so that there may be no dispute.

Shri Sondhi: Is it not a fact that most of the raids are occurring on the West Pakistan side?

Dr. Keskar: The majority of raids are on the West Pakistan borders and not on the East Pakistan borders.

Shri A. C. Guha: May I know the number of raids that have taken place on the East Pakistan border in which the people of East Pakistan have been involved. The hon. Minister has given the figure of raids by the police. I want to know if there were raids by the people to carry away paddy, other crops and cattle.

Dr. Keskar: There have been a few such raids on both the borders.

Sardar Hukam Singh: May I know the number of cases where a joint enquiry has been held and decisions arrived at?

Dr. Keskar: Enquiries have been held in most of the disputes about which I mentioned now, because automatically we inform the people on the other side. The arrangement is that the authorities of both sides come together and try to find out the facts of the case and do justice. I will not be able to give the decisions with regard to the various cases. I will require notice.

INDUSTRIAL COMMITTEE ON COAL MINES

*4014. **Shri Jnani Ram:** Will the Minister of Labour be pleased to state:

(a) the personnel of the Industrial Committee on Coal Mines;

(b) the number of meetings held in 1949, 1950 and 1951;

(c) whether it is a fact that in a recent meeting of the Committee, it decided to start a Training Scheme for Miners; and

(d) if so, whether Government have taken any steps in the matter?

The Minister of Labour (Shri Jagjivan Ram): (a) The personnel of the first three sessions of the Industrial Committee on Coal Mining, which have so far been held, is given in

the statement laid on the Table of the House. [See Appendix XXIV, annex-No. 38.]

(b) No meeting of the Committee was held in the years 1949 and 1950. The third session of the Committee was held at Dhanbad on the 28th and 29th March, 1951.

(c) Yes, the Committee at its first meeting agreed in principle to a proposal for the setting up of a mechanisation school to train electrical and mechanical fitters as a first stage and for operating underground machinery as a second stage.

(d) The Chief Inspector of Mines has recently prepared a detailed scheme for setting up of a mechanisation centre on the model of the Sheffield Mechanisation centre in the United Kingdom. This scheme is at present under examination.

Shri Jnani Ram: May I know where the centre will be opened?

Shri Jagjivan Ram: It will be in the important coal fields.

Shri Jnani Ram: From the statement it appears that two meetings were held in 1948 and one in 1951. May I know why no meetings were held during 1949 and 1950?

Shri Jagjivan Ram: There were no urgent matters to be considered by the Committee during those years. The decisions taken at the first meeting were being implemented.

Shri Jnani Ram: May I know if the Committee observes any rules of business and if so is there any time-limit fixed between the holding of two meetings?

Shri Jagjivan Ram: I do not think there is any hard and fast rule of business of the Committee.

TRADE BARRIERS WITH JAPAN

*4015. **Shri Jnani Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether in a recent meeting of the E.C.A.F.E. it was desired by India that all trade barriers with Japan should be removed;

(b) if so, with what result; and

(c) how India would be benefitted by it?

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

(b) and (c). Do not arise. I should add further that the E.C.A.F.E. is an organisation of the United Nations dealing particularly with economic

development and not international trade.

Shri Jnani Ram: May I know the volume of trade between India and Japan during the year 1950-51.

Shri Karmarkar: If my hon. friend tables a definite question I shall answer it.

Shri Hussain Imam: May I know whether the trade between India and Japan is on Sterling basis or on Dollar basis?

Shri Karmarkar: If my hon. friend puts a specific question I will answer it. This question does not concern itself with it.

SINDRI FERTILIZER FACTORY

*4016. **Shri Jnani Ram:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it has been decided to hand over the control and management of Sindri Fertilizer factory to a corporate body;

(b) if so, the reasons for the same;

(c) the share of Government in the corporate body; and

(d) the details of the programme?

The Deputy Minister of Works, Production and Supply (Shri Buragohain):

(a) and (b). Yes, Sir. I have already covered these points in reply to Dr. Ram Subhag Singh's Starred Question No. 3508 on the 26th April, 1951.

(c) It will be a wholly Government-owned company.

(d) The Articles of Association and Memorandum of Association are being finalised and as soon as this is done it is proposed to form the company.

Prof. S. N. Mishra: May I know whether the managerial Board of which Mr. K. C. Neogy was to be the Chairman was fully constituted and whether after the refusal of Mr. Neogy to accept the Chairmanship of the Board, other members followed suit?

Shri Buragohain: The Chairmanship of the Board was offered to Mr. Neogy. He was the only non-official who was offered.

Prof. S. N. Mishra: May I know, Sir, whether Mr. Ghandi and Mr. S. N. Mehta were not appointed on the Board?

Shri Buragohain: These things, Sir, have not yet been finalised. Offers might have been made to the gentlemen mentioned by the hon. Member.

But, as I stated in my reply, the Articles of Association are yet to be finalised, in consultation with the Ministry of Law and the Auditor-General.

LOANS TO DISPLACED PERSONS

*4017. **Shri Amolakh Chand:** (a) Will the Minister of Rehabilitation be pleased to state the amount set apart by the Government of India for loans to displaced persons in States in the current financial year?

(b) Is the allocation of loans made on territorial basis or on the basis of different works and projects and the number of displaced persons in the State?

(c) What is the population of displaced persons in Uttar Pradesh and PEPSU?

(d) What is the amount so far advanced to the displaced persons of these two States for rehabilitation?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) A sum of Rs. 20.15 crores has been set apart for grant of loans to various States in 1951-52 for rehabilitation of displaced persons.

(b) The allocation of loans is made to the States on the basis of schemes approved by Government.

(c) The population of displaced persons in Uttar Pradesh and PEPSU is as follows:

Uttar Pradesh.....	4,75,800
PEPSU.....	3,80,200

(d) Attention is invited to the statement placed on the Table of the House in reply to part (d) of Starred Question No. 3391 by Dr. Deshmukh on 23rd April, 1951. It may be mentioned that in P.E.P.S.U. considerable evacuee property has been utilised for the rehabilitation of displaced persons, and a comparison based purely upon the basis of loans will be highly fallacious for obvious reasons.

Shri Amolakh Chand: May I know, Sir, whether the States also advanced some loans from their budgets?

Shri A. P. Jain: No States have advanced loans from their budgets; all the loans are advanced by us.

Shri Amolakh Chand: May I know, Sir, the loans so far advanced to displaced persons up to 31st March, 1951?

Shri A. P. Jain: Uttar Pradesh—
Rs. 1,06,03,000; P.E.P.S.U.....

Shri Amolakh Chand: I would like to know the total for all the States.

Shri A. P. Jain: I have not got figures for all the States. I have got only figures for Uttar Pradesh and P.E.P.S.U. The amount advanced in P.E.P.S.U. is Rs. 43,27,000.

Shri Amolakh Chand: What are the terms of these loans and have any loans been repaid up to now?

Shri A. P. Jain: The terms of the loans are, broadly speaking, that the States have to pay us interest at the rate of 3 per cent. or $3\frac{1}{2}$ per cent. and if any losses are incurred they are to be shared 50 : 50 between the State Governments and the Central Government. There might be certain minor and unimportant terms which perhaps it is not necessary to state here.

Mr. Speaker: Have any loans been returned? That is the latter part of the question.

Shri A. P. Jain: The stage for the return of the loans has not arrived so far. Uttar Pradesh has recovered some, but they have not repaid us so far.

Shri Hussain Imam: Would the hon. Minister enlighten the House as to whether the number of displaced persons in P.E.P.S.U. is larger than the number of Muslims who have gone over or lesser than that number?

Shri A. P. Jain: May I with all respect enquire whether a comparison between the number of Muslims who have gone over and the number of Hindus who have come arises out of this question which relates to the loans advanced to Uttar Pradesh and P.E.P.S.U.? Why should the Mussalman be brought in everywhere?

Mr. Speaker: Order, order. AH I can say is that the question is vague enough to be answered. We will go to the next question.

WORLD'S MATERIALS GROUP

*4018. **Shri Amolakh Chand:** (a) Will the Minister of Commerce and Industry be pleased to state the names of the countries who are members of the World's Materials Group?

(b) What are the objectives of this Group?

(c) What are the materials so far on the list to be dealt with as amongst these countries?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (c). A statement is laid on the Table of the House. [See Appendix XXIV, annexure No. 39.]

(b) The hon. Member is requested to refer to the reply given to part (c)

of Starred Question No. 2000 on the 8th March, 1951.

Shri Amolakh Chand: May I know when India entered into this agreement?

Shri Mahtab: Sometime in 1950.

Shri Amolakh Chand: May I know how far India has been benefited by entering into this agreement?

Shri Mahtab: The Commodities Group have not yet started functioning. They are now collecting data. After they collect the data and start functioning it will be known whether India will be benefited or not.

Shri R. Velayudhan: May I know whether the Government of India had sent an official to this Commodities Group meeting in New York and whether that official has got any materials from the Commodities Group?

Shri Mahtab: The special officer who was sent was not meant for attending this Commodities Group meetings. These bodies are perpetual bodies and our Trade Representatives are attending them. The special officer who was sent went to various countries to find out the availability of raw materials required by India.

Shri R. Velayudhan: My question has not been answered. I wanted to know what was the success of that mission.

Mr. Speaker: He says that the official was sent for the collection of statistics.

Shri R. Velayudhan: I want to know whether he has succeeded or not.

Mr. Speaker: It was not in connection with the meeting. He says it was a general measure.

MATHEMATICAL INSTRUMENT OFFICE

*4019. **Shri S. C. Samanta:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether the two German experts engaged to assist in the development and modernisation of the Mathematical Instrument Office at Calcutta have completed their survey of the work and submitted any report; and

(b) whether the five members of the staff of the Mathematical Instrument Office, sent abroad for higher technical training in design and manufacture of scientific instruments have come back?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) No, Sir, but no formal report is

expected of these officers, who have been employed to assist in reorganisation and modernisation.

(b) No, Sir.

Shri S. C. Samanta: May I know what were the appreciable improvements made in the organisation in 1950?

Shri Buragohain: To cast into workable pattern the various recommendations of the Mathematical Instruments Office Expert Committee these two German experts were recruited through the Indian Military Mission, Berlin in 1949. One of them joined in August, 1949, the other joined in October of that year. Both of them have studied this office and have submitted schemes for improvement of the existing methods of production and better utilisation of production capacity.

Shri S. C. Samanta: May I know whether Government contemplate to reorganise the factory and shift it to another place?

Shri Buragohain: The question of its reorganisation is now under the consideration of Government.

Shri S. C. Samanta: May I know when the German experts were engaged and how long they will continue?

Shri Buragohain: With regard to that I have no information at the moment.

Shri S. C. Samanta: Is it a fact that they were engaged for a short time only?

Shri Buragohain: I had already said that I have not got the information with me at the moment, with regard to the terms of their appointment.

Shri S. C. Samanta: May I know the percentage of recoveries in the years 1949 and 1950?

Shri Buragohain: Those figures also are not with me. I should like to have notice.

Shri Raj Bahadur: May I know whether any survey has been made of the requirements of the country with regard to mathematical instruments, the foreign exchange spent on the import of such instruments, and the extent to which our factory meets the requirements?

Shri Buragohain: I would like to have notice of that question.

Shri A. C. Guha: May I know if the factory is manufacturing these instruments only on order or does it manu-

facture and put the articles on sale on a free market?

Shri Buragohain: They are manufactured as and when found necessary and for the requirements of the country.

PROPERTY OF INDIANS IN INDO-CHINA

*4020. **Pandit Munishwar Datt Upadhyay:** (a) Will the Prime Minister be pleased to state what is the amount of property left by Indians in Indo-China on their death?

(b) Have negotiations succeeded in getting those assets transferred to their heirs in India?

(c) How are the assets of those who have no heirs to be treated?

The Deputy Minister of External Affairs (Dr. Keskar): (a) According to information so far received, there were 17 Indians who died in Indo-China leaving their assets etc. worth about twenty two lakhs and fifteen thousand piastres.

(b) Yes, Sir. The French Indo-China authorities have agreed to the transfer of these assets to the legal heirs of the deceased persons. Steps are now being taken to verify the legal heirs of the deceased persons.

(c) No such case has so far been brought to the notice of the Government of India.

Pandit Munishwar Datt Upadhyay: May I know the nature of the property left by the Indians there and whether there has been any dispute in respect of any such property?

Dr. Keskar: Government generally does not go into the details of the properties left by Indians—I mean our Consul-General there is aware with regard to the details of the property that the Indians have left—but unless it is otherwise necessary we do not keep a record of the details of the properties of Indians who have died abroad.

Pandit Munishwar Datt Upadhyay: May I know whether it is landed property or other than landed property?

Dr. Keskar: I am unable to give the details.

Pandit Munishwar Datt Upadhyay: What is the population of Indians in Indo-China?

Dr. Keskar: I am not able to give the exact number of Indians in Indo-China. It was not related to this question. But I think the number is about 25,000.

Dr. Ram Subhag Singh: May I know whether the properties of any of these dead Indians lie in the Viet-Minh area (of Ho-Chi-Minh)?

Dr. Keskar: In regard to the seven-teen Indians that are mentioned I think all the properties are near Saigon.

REQUISITIONING OF INDIAN FIRMS IN PAKISTAN

*4022. **Shri Rathnaswamy:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that several Indian Firms in Pakistan have been requisitioned by Pakistan and if so, on what grounds?

(b) What are the companies so requisitioned and what are their total assets and liabilities?

(c) Was any compensation paid to these companies and if so, how much?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The Government of Pakistan have taken over the property of several Indian Companies and firms. The property is being treated either as acquired, or requisitioned, or as evacuee property vesting in the Custodian. The latter is despite the fact that under the Pakistan law, and under the Indo-Pakistan Agreements, Companies which had their registered offices in India since prior to 15th August, 1947, cannot be treated as evacuee property.

(b) Government do not have an accurate record of the Companies whose property has been taken over. Neither do Government have any record of assets and liabilities of such Companies. It is, however, well-known that today very few Indian Companies are functioning in Pakistan whose property has not been taken over by the Government of Pakistan.

(c) To the knowledge of the Government of India, no compensation has been paid by the Government of Pakistan for the property of Companies taken over. According to the Movable Property Agreement of June, 1950, the Government of Pakistan had undertaken to restore the property of all Companies which had their Head Offices in India prior to 15th August, 1947. They also had undertaken to pay compensation for property of Companies which had been acquired by Government. Despite repeated requests of the Government of India, the Government of Pakistan have not yet restored the property of a single Company and have not paid compensation in a single case.

Shri Rathnaswamy: May I know if any representation has been made by our Government in regard to the requisitioning of these firms in Pakistan?

Shri A. P. Jain: More than one. In fact, not only representations but protests have been made.

Shri Rathnaswamy: Was any advance notice given to these affected firms in Pakistan by the Pakistan Government?

Shri A. P. Jain: That is a question which the Pakistan Government can answer and not I.

Shri Rathnaswamy: May I know if the capital sunk in these enterprises is purely Indian or foreign capital is also sunk in these firms, which have been requisitioned by the Pakistan Government?

Shri A. P. Jain: I am not in a position to answer the question because I do not have the constitution of the capital structure of those Companies.

Shri Rathnaswamy: May I know if the Government of India have any shares in this capital sunk in these foreign/Indian firms?

Shri A. P. Jain: Not to my knowledge.

Shri Kamath: Is there any proposal to refer this issue to an independent tribunal along with the general question of evacuee property, as was suggested by the Prime Minister in the last session?

Shri A. P. Jain: The whole correspondence that has passed between the Prime Minister of India and Pakistan were placed before this House and the hon. Member is at liberty to draw his own inferences.

Shri Kamath: Has there been any further development since?

Shri A. P. Jain: None in particular.

Shri A. C. Guha: May I know the number of Companies taken over in East Bengal?

Shri A. P. Jain: The Evacuee property law of Pakistan does not apply to East Bengal and I do not think that any Company has been taken over there because the law is not applicable.

Shri Deshbandhu Gupta: With regard to Companies that have now been taken over by Pakistan may I know whether it is a fact that limitations are imposed on the recruitment of staff and that non-Muslims are practically not allowed to work.

Shri A. P. Jain: I won't go to that length. But we are agreeing to some rules and regulations in accordance with the administrative practice followed there. The Hindus do not find employment there as freely as the Muslims do.

Mr. Speaker: We will go to the next question.

FOREIGN PUBLICITY

*4023. **Shri V. K. Reddy:** (a) Will the Prime Minister be pleased to state what is the amount spent for Foreign Publicity during the year 1950-51?

(b) What is the number of pamphlets and journals published by the Foreign Publicity department?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The total expenditure on external publicity including the pay of the staff employed at Headquarters and Missions abroad for the year 1950-51 is expected to be Rs. 31,88,500. I may add that the actuals for this year will not be available for some time more.

(b) The issue of pamphlets and journals depends to a large extent on the requirements of different areas and on the importance and number of various problems which confront us from time to time. Until the present, 50 pamphlets and 7 journals have been issued. In addition to these, 43 bulletins, daily, weekly, bi-weekly and monthly, have also been put out by our Missions.

Shri V. K. Reddy: May I know how many of our Embassies have Publicity Departments attached to them?

Dr. Keskar: I am afraid, I won't be able to reply that question offhand as the number is sufficiently large, but we have been forced to reduce the number of our publicity centres due to economic stringency.

Prof. S. N. Mishra: May I know whether Government are sure that the demands made by Legations and Embassies in foreign countries with regard to journals and pamphlets would not remain unfulfilled because of the drastic economy resorted to this year?

Dr. Keskar: Yes, Sir.

Shri Sondhi: Is it not a fact that the expenditure on foreign publicity has risen up during the last four years from Rs. 4 lakhs to Rs. 31 lakhs?

Dr. Keskar: The expenditure on publicity has risen considerably and

we would have liked to spend much more in view of the fact that the case of India ought to be represented before world opinion but for the fact that at present money is not available.

Shri Rathnaswamy: Is it a fact that due to lack of publicity in America and Pakistan's publicity on the conditions here, it has created the impression among the American circles that Pakistan was willing to give foodgrains to India but India was reluctant to take them?

Dr. Keskar: Some publicity of the sort that India would have no need for American foodgrains if it had accepted foodgrains from Pakistan was put out by some Pakistan sources. I am not aware of any other consistent Pakistan propaganda regarding this matter.

The Prime Minister (Shri Jawaharlal Nehru): As an hon. Member pointed out there has been a considerable increase in expenditure on publicity. Actually those figures do not indicate much more than the fact that we have a large number of Missions which we did not have four years ago. Then we did not have any Missions at all and our publicity was practically in London or, may be, in Washington. Now we have a large number of Missions and small sums spread out total to a considerable figure. As a matter of fact, taken singly, it is not very much.

Shri V. K. Reddy: Is there any Publicity Branch attached to the Government of India to train the officers who are deputed to these foreign Embassies?

Dr. Keskar: The publicity officers of the Government of India are trained. Quite a number of them are from the Information Department here and they are experienced officers in the matter of publicity. The others who are taken are recruited from experienced journalists. It is one of the qualifications for their appearance before the Public Service Commission.

INDUSTRIAL TARGETS

*4024. **Shri Kesava Rao:** (a) Will the Minister of Commerce and Industry be pleased to state to what extent it has been possible to achieve the industrial targets of production in the year 1950?

(b) In such cases where targets have not been achieved, what are the principal reasons for the inability to do so?

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

would invite the hon. Member's attention to the answers given by me to Starred Questions No. 2345 on the 20th March, 1951, and No. 897 on the 14th December, 1950. The statements laid on the Table of the House in connection with these questions contain the information now asked for.

FERRO-MANGANESE

*4025. **Shri Sidhva:** (a) Will the Minister of Commerce and Industry be pleased to state whether a factory is to be started in Orissa by a foreign firm to smelt ferro-manganese?

(b) If so, what is the name of the firm, composition of directors and the paid-up capital?

(c) Have they approached Government for help?

(d) Has the scheme been examined and if so, with what result?

(e) What quantity does the firm intend to produce?

(f) How much of it will be exported and how much will remain in India for local consumption?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Negotiations have been successfully completed between the Government of India and the Brainard International Company of U.S.A. for setting up a ferro-manganese plant in India. The location of the plant, the composition of the directors and the capital have yet to be finalised.

(c) Yes, Sir.

(d) Details of the scheme are being worked out by the Technical Advisers of the Company.

(e) 25,000 tons per annum.

(f) These are yet to be determined.

Shri Sidhva: May I know whether this firm the Brainard International Company of U.S.A. has got any agent in India? If so, what is his name?

Shri Mahtab: They have no agent here.

Shri Sidhva: May I know whether the Government will make full inquiries about the status and financial position of this firm?

Shri Mahtab: All inquiries were made and an agreement has been arrived at.

Shri Sidhva: May I know the terms of the agreement whether the capital will be invested by the concern wholly or partly by them and partly by Government?

Shri Mahtab: At present the Company is prepared to meet the full amount of the capital of one million dollars but according to the agreement the Government of India have reserved to themselves to invest 10 per cent. of the capital and also a certain percentage will be allowed to the Indian investors to invest.

Shri Sidhva: May I know whether the entire capital will be invested by this concern or is it correct that an Indian firm volunteered to invest the capital but was refused?

Shri Mahtab: That is not correct. As I have said, they are prepared to provide the entire capital required for the plant but a provision has been made for participation of Indian capital, if forthcoming up to the extent of 49 per cent. and the Government of India will be allowed free of charge 10 per cent. of the subscribed capital and they will be represented in the Board of Directors.

Shri Sidhva: May I know when the agreement will be finalised?

Shri Mahtab: A few months back, it has been finalised and the details are now being worked out.

Shri Sidhva: May I know when the factory will be started and when completed?

Shri Mahtab: In September this year, and completed some time next year.

Shri M. L. Gupta: In answer to part (f) of the question, the hon. Minister stated that these are yet to be determined. Will it be the choice of the Company or will it be the choice of the Government. Will the exports be allowed after meeting the demands of the country, if at all exported?

Shri Mahtab: The firm will be subject to the law as any other firm here. Therefore, imports and export will depend upon the licences they receive from the Government. This entirely rests with the Government.

Dr. Deshmukh: Is Madhya Pradesh being considered for location of a factory simultaneously with Orissa?

Shri Mahtab: There is no question of any Province. All areas where manganese ore is found will be considered for this purpose.

Dr. Deshmukh: I said for the establishment of the factory.

Mr. Speaker: Next question.

PAPER MILL IN THE HIMALAYAS

*4026. **Shri M. Naik:** (a) Will the Minister of Commerce and Industry be pleased to state whether the Government of India have requested the U.N. Food and Agriculture Organization to lend them experts to advise them on setting up a paper mill in the Himalayas for manufacture of news-prints in particular and if so, with what results?

(b) When is the preliminary work expected to start?

The Minister of Commerce and Industry (Shri Mahtab): (a) The Government of India have asked the Food and Agriculture Organisation to send them an expert to advise on the manufacture of newsprint from Himalayan spruce and fir.

(b) The expert is expected to come to India in August, 1951.

Shri M. Naik: May I know what is the exact nature of the advice that these experts are supposed to impart?

Shri Mahtab: They will select the site, and also they will advise the Forest Department here as to how to make logging, as they say, of this kind of wood.

Shri Kamath: In addition to this news-print project which is under consideration, is there any other plan or proposal before Government to start other Himalayan industries?

Shri Mahtab: That is not known to me; perhaps that is known better to the hon. Member.

Shri Kamath: Had I known, I wouldn't have asked the Minister.

Shri M. Naik: May I know whether in this connection other existing paper mills have not been considered as capable of starting such news-print manufacture?

Shri Mahtab: First of all, the difficulty here, according to our forest officers is this;—although what they call Himalayan firs are suitable for the manufacture of news-print, the difficulty of extraction of timber from the steep hills stood in their way in the past. Therefore, they have asked the advice of this organisation in this particular matter. As soon as this is done, the manufacturing part will be left to the Indian firms or some others. The technical advice is needed on this particular point only.

TECHNICAL ASSISTANCE

*4027. **Shri M. Naik:** Will the Prime Minister be pleased to lay on the Table of the House a statement showing in what shape and form India has up-to-date been in receipt of help from the U.N.O. or other countries under the

Point Four Programme for providing technical assistance to under-developed countries?

The Deputy Minister of External Affairs (Dr. Keskar): Technical assistance under the Point Four Programme is received only from the Government of the United States and not from any other country or agency. The essential purpose of that Programme is to provide such elements of American technical "know-how" and experience as may be available and useful in contributing to the general economic development of the country. The technical assistance that is to be made available under this Programme would normally be in the nature of experts for particular projects and for training facilities in the United States for similar purposes. We have forwarded our list of requirements to the Government of the United States. Five experts have already joined and a few others are expected to arrive shortly. So far no trainees have been sent. Since the Government of the United States are considering each demand separately, it will take some time before the final availabilities to India are known.

Shri M. Naik: May I know whether in return for the receipt of this technical assistance, India has to discharge any obligations?

Dr. Keskar: No, Sir.

Shri R. Velayudhan: May I know whether, before getting these foreign experts, Government usually enquire whether such experts are available in India?

Dr. Keskar: My hon. friend has forgotten that we are not paying for these experts. The Agreement is that the U.S.A. arranges for their coming here and going back. We only pay the local expenses for them.

Dr. Ram Subhag Singh: May I know the nature of the work which is being done by these five experts who have come to India under Point Four Programme, from the U.S.A.?

Dr. Keskar: I am unable to give the names and the work of the five experts who have come. I have not got the information.

Shri R. Velayudhan: From the answer given by the hon. Minister, may I know whether we have not got the option to select those experts from any country as we like?

Mr. Speaker: I think that was replied to before.

The Prime Minister (Shri Jawaharlal Nehru): May I point out to the House, Sir, that only such persons as are asked for by us are sent and only

such persons are asked for as are needed and cannot be found here. The difficulty here is, the subjects are so large. The general subjects for which specialists have been asked for have been Irrigation, Multi-purpose Development schemes, Geological Survey, Agriculture, and allied subjects, Communications, Public Health, Transport, some in regard to industry and labour; it is not the whole branch, but special parts of these subjects. There are two parts: there is the Ex-perts part; there are trainees who may go from India and then come back.

DISPLACED PERSONS FROM EAST-BENGAL

*4028. **Shri A. C. Guha:** Will the Prime Minister be pleased to state:

(a) whether there have been reports of new displaced persons having come East Bengal, during the months of March and April, 1951; and

(b) if so, the average or approximate daily or weekly number of such displaced persons and the reasons for this influx?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Government have received no reports of new displaced persons having come out of East Bengal during the months of March and April, 1951, nor do the figures of movement of Hindu passengers, by train from East Bengal to West Bengal show any increase during the period mentioned by the hon. Member. A statement showing the weekly figures of arrival in West Bengal of Hindu passengers from East Bengal during the months of February, March, and April is laid on the Table of the House.

STATEMENT

The number of Hindus who came from East Bengal to West Bengal by train during the months of February, March and April, 1951.

For the week ending	Number
4.2.51	39,659.
11.2.51.	39,455.
18.2.51.	36,925.
25.2.51.	37,633.
4.3.51.	37,090.
11.3.51.	35,325.
18.3.51.	36,961.
25.3.51.	32,723.
15.4.51.	34,229.
8.4.51.	29,081.
1.4.51.	24,942.
22.4.51.	29,340.
29.4.51.	30,668.
Total:	4,44,031.

(During the same period 4,96,922 Hindus went from West Bengal to East Bengal.)

Shri A. C. Guha: May I know if the Government has any knowledge whether out of the 4,40,000 arrivals there were any refugees, and if so how many?

Dr. Keskar: We have made what we call test checks sometimes to find out the percentage of refugees. We do not gather figures of all the passengers who come and say that they are refugees. But, these percentages vary considerably. It will not be possible to give a fair average by three or four test checks. For example, on one day it is 26 per cent.; on another day, it is only 9 per cent.

Shri A. C. Guha: May I know if the attention of the Government has been drawn to reports published in some Calcutta papers that during the last three or four weeks there was a rush of refugees and there was an accumulation of refugees at Sealdah?

Dr. Keskar: Government's attention has been drawn to this report. As I said, our verification of facts shows that the reports are a little exaggerated.

Shri Kamath: Is it a fact that all the Muslims who migrated from West Bengal to East Bengal during the disturbances last year have by now returned to West Bengal?

Dr. Keskar: I won't be able to give the percentage; a large majority of them have returned.

Shri Deshbandhu Gupta: May I know whether the figures given by the hon. Minister also tally with the figures of the Pakistan authorities, because, in the past, there has been great disparity between their figures and our figures?

Dr. Keskar: The figures that we have placed on the Table of the House are first of all figures of Railway travellers. I have not got comparative figures of Pakistan; I will try to find out.

Shri B. K. Das: May I know whether the hon. Minister is aware that during the last three or four weeks, several hundreds of refugees who arrived at Sealdah have been taken to the transit camp at Ranaghat as displaced persons?

Dr. Keskar: It may be; I will have to make enquiries about it.

Mr. Speaker: The Question-hour is over. Now Mr. Alva's request for a statement from the Prime Minister.

Short Notice Question and Answer**EMERGENCY FOOD ASSISTANCE FROM THE UNITED STATES**

Shri Joachim Alva: Will the Prime Minister be pleased to state what the present situation is in respect of the emergency food assistance from the United States and the Government of India's position in regard to it?

The Prime Minister (Shri Jawaharlal Nehru): Sir, there are two United States Bills to give emergency assistance in the shape of foodgrains to India; one was introduced in the Senate and the other in the House of Representatives. Both Bills have undergone considerable changes since they were originally introduced. One of these revised Bills has been proposed by the Senate Committee on Foreign Relations, and the other by the Foreign Affairs Committee of the House of Representatives.

The Senate Bill allots 95 million dollars for grain purchases in the current year, that is the year ending June 30, 1951, and authorises the appropriation of an additional sum of 95 million dollars for the fiscal year ending 30th June, 1952. This second part of the aid, however, shall not be made available until after further action by the Congress.

Both parts are divided on a fifty-fifty basis, half being a grant and half on credit terms as provided in Section iii(c)(2) of the Economic Co-operation Act of 1948, as amended.

Assistance in terms of the Bill will be available only after an agreement is entered into between India and the United States. It proposes that this agreement should contain certain undertakings ensuring distribution of food without discrimination, publicity to the assistance furnished by the United States, and permission for persons designated by the United States Government to observe the distribution of supplies in India.

The House Committee Bill provides for emergency food relief on credit terms only in accordance with the provisions of Section iii(c)(2) of the Economic Co-operation Act of 1948, as amended. It authorises provision of a sum not exceeding \$190 million for the fiscal years 1951 and 1952. Repayment of this loan includes payment in goods under such terms and in such quantities as may be agreed to between the E.C.A. Administrator and the Government of India. E.C.A. loans are generally for a period of 33 to 35 years at an interest rate of 2½ per cent. on unpaid principal with semi-annual interest payment. In the present case,

it is proposed that the interest payment will begin on June 30, 1952, and the payments on principal some years later, which may be from five to eight years.

Such conditions as are attached to either of these Bills are the usual terms embodied in the U.S.A. legislation providing for economic assistance to foreign countries. In the Senate Bill there are certain conditions, which do not find a place in the House Bill, and much would depend upon the manner of implementation of these conditions.

There is a reference to our supplying various kinds of materials to the U.S.A. in part payment for the grain supplied. We shall gladly supply such materials as are available in India and can be spared by us. But I should like to make it clear that it is a fundamental part of our foreign policy that such material as is particularly related to the production of atomic or like weapons should not be supplied by us to foreign countries.

In our view, there are no political or discriminatory conditions attached to these two Bills and, therefore, there can be no objection on this ground to our acceptance of either of them. While the form in which assistance is given to India is a matter for the U.S.A. to decide, we would prefer the terms embodied in the House Bill, which are simpler.

I should like to express our gratitude to the Government of the United States for the efforts they have made to send foodgrains to India. I should also like to express our deep appreciation of the many messages as well as offers of material help unofficially received from many citizens of the United States.

Shri Kamath: Sir, was it a short-notice question? Can we put any questions?

Mr. Speaker: No. It was a request for a statement from the Prime Minister, in the form of a short-notice question. In the case of such long statements or replies, the practice is by now, I believe very well crystallised that, the hon. Members will first study the statement and then table questions.

WRITTEN ANSWERS TO QUESTIONS
CLOTH ALLOTMENT

*4010. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) the allotments of cloth made to different States in the first four months of the year 1951;

(b) the production of cloth in the first four months of the year 1951; and

(c) the export of cloth in the first four months of the year 1951?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). Attention is invited to my reply to hon. Member's Starred Question No. 3764 answered on the 3rd May, 1951.

नियंत्रण के फलस्वरूप दुकानों का बन्द हो जाना

* ४०२९. श्री ओराब : क्या श्रम मंत्री यह बतलाने का कृपा करेंगे कि :

(क) क्या सरकार को यह विदित है कि नियंत्रणों के कारण अनेकों दुकानदारों को अपनी अपनी दुकानें बन्द कर देनी पड़ी हैं जिस के फलस्वरूप लाखों व्यक्ति बेकार हो गये हैं :

(ख) यदि यह सत्य है तो क्या सरकार में ऐसे बेकार व्यक्तियों के लिए किसी बैकालपक व्यवसाय की व्यवस्था करने के लिए कोई योजना बनाई है ; तथा

(ग) यदि ऐसी कोई योजना नहीं बनाई गई है तो क्या सरकार ऐसी कोई योजना बनाने का विचार रखती है अथवा नहीं ?

CLOSING DOWN OF SHOPS ON ACCOUNT OF CONTROLS

[*4029. Shri Oraon: Will the Minister of Labour be pleased to state:

(a) whether Government are aware of the fact that on account of controls, a number of shop-keepers have had to close down their shops with the result that lakhs of people have been thrown out of employment;

(b) if so, whether Government have formulated any scheme to provide alternative employment to such unemployed persons; and

(c) if no such scheme has been formulated, whether Government propose to formulate one or not?]

The Minister of Labour (Shri Jagjivan Ram): (a) to (c). No cases where the shop-keepers had to close down their shops due to controls have been brought to the notice of Government.

INSTALLATION OF SPINNING PLANS

*4030. Shri Kumbhar: (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that he made a statement at the Textile Conference held at Ahmedabad some days ago, regarding the region-wise installation of small spinning plants and if so, have Government prepared any plan for installing such spinning plants?

(b) Do Government propose to give details of that plan?

(c) Is there any possibility of getting help from Government for such newly installed spinning plants organised on co-operative lines and if so, what help will it be?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (c). What I said was that if some parties come forth for installing spinning plants on co-operative basis for supplying yarn to handlooms such requests will be considered on merits. There is no definite plan for this.

(b) Does not arise.

U. N. MILITARY OBSERVERS IN KASHMIR

*4031. Shri Sidhva: (a) Will the Prime Minister be pleased to state who maintains and pays the cost incurred by the headquarters of the U. N. Military Observers Team in Jammu and Kashmir?

(b) Is the entire cost including rent and other incidental charges borne exclusively by the U.N.O. or by other Governments also?

(c) How many cases of violation of the cease-fire order were referred to this Military Observers Team?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). As far as is known the expenditure is met by the United Nations Organisation. The expenditure on the board and lodging of the Observers while they are in Jammu and Kashmir is borne by the Observers themselves. When, however, they visit forward areas they are housed and fed by the units or formations concerned and transport is provided free by the Army.

(c) 493. Most of these breaches were of a minor character and were subsequently rectified. Two of them

are still under investigation by the United Nations Observers.

DELEGATION TO BURMA

*4033. **Shri Sanjivayya:** Will the Prime Minister be pleased to state whether the Indian Delegation to Burma has been entrusted with the question of the landed property owned by Indians in Burma in addition to negotiations for the purchase of food grains?

The Deputy Minister of External Affairs (Dr. Keskar): No, Sir.

COTTAGE INDUSTRIES BOARD

*4034. **Babu Gopinath Singh:** Will the Minister of Commerce and Industry be pleased to refer to the answer given to my Starred Question No. 3563 asked on the 26th April, 1951 regarding cottage industries and state:

(a) the duties and functions of the Cottage Industries Board;

(b) why the advice of the Board is not taken in making grants to States and organizations for development of cottage industries;

(c) the various schemes for which grants were given to States and organizations during the years 1949-50 and 1950-51; and

(d) whether the schemes referred to in part (c) above were approved by the Government of India without reference to the Cottage Industries Board or whether the advice of the Board was obtained before the Government accorded their approval to the schemes?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The functions of the Cottage Industries Board are:

- (i) To advise and assist Government on the organization and development of cottage and small-scale industries, and function as an executive body exercising executive functions through the Executive Committee.
- (ii) To examine and advise how cottage and small-scale industries can be co-ordinated with large-scale industries.
- (iii) To examine the scheme of the State Governments for the promotion of cottage and small-scale industries and to assist in co-ordinating them.
- (iv) To advise the Government on the marketing of the products of cottage and small-scale industries in India and abroad.

(b) The advice of the Board could not be taken as it meets only once in a year and the schemes for financial assistance came at different times from different States and the grants had to be made before the expiry of the financial year.

(c) A Statement is laid on the Table of the House. [See Appendix XXIV, annexure No. 40.]

(d) The schemes were approved by the Government of India without reference to the Cottage Industries Board.

LIGHT SODA ASH (PRICES)

*4035. **Shri S. N. Sinha:** (a) Will the Minister of Commerce and Industry be pleased to state whether the Government of India have recently revised the price of Light soda ash imported by the I.C.I. and if so, what are the present prices sanctioned by Government, ex-godown, or F.O.R., Bombay, Calcutta and Madras?

(b) What is the price sanctioned by Government for Magadi soda ash?

(c) What is the price allowed to the two Indian factories at Dharan, Dhara and Mithapur?

(d) What distribution charges are allowed to the Indian factories and the I.C.I. under the revised prices?

(e) Is any subsidy given to the Indian manufacturers by Government?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). Yes. Revised maximum prices were notified on 19th April, 1951 for Light and Magadi soda ash imported by the I.C.I. A copy of the notification is laid on the Table of the House. [See Appendix XXIV, annexure No. 41.]

(c) The maximum prices allowed for Indian soda ash with effect from 15th January, 1951 are also included in the notification referred to against parts (a) and (b) of the question. The question of revising these prices is now under consideration.

(d) These are given in the notification mentioned against parts (a) and (b) of the question.

(e) A subsidy of rupee one per cwt. is payable to indigenous producers on sales made by them at the fair selling price recommended by the Tariff Board viz. Rs. 16/13/- per cwt. ex-works. The actual subsidy will therefore depend on actual sales prices before control, and the level of controlled prices thereafter.

कपड़े के मिलों में श्रमिकों के लिए
सुविधायें

२८९. श्री खापडे : (क) : क्या श्रम मंत्री यह बतलाने की कृपा करेंगे कि क्या सरकार कपड़े के मिलों में कार्य करने वाले श्रमिकों के लिए कोई ऐसा विधान पारित करने का विचार कर रही है जिस के अनुसार उन्हें भविष्य निधि, जीवन बीमा इत्यादि की सुविधायें प्राप्त हो सकें ?

(ख) क्या ऐसी अथवा इसी प्रकार की अन्य सुविधायें किसी सरकारी अथवा सरकारी फ़ैक्टरी में कार्य करने वाले श्रमिकों को आज कल उपलब्ध हैं ?

(ग) यदि है तो वह फ़ैक्टरियों कौन सी हैं, कहाँ स्थित हैं तथा इस प्रकार की सुविधाओं का लाभ उठाने वाले श्रमिकों की संख्या क्या है ?

FACILITIES FOR WORKERS IN TEXTILE MILLS

[289. Shri Khaparde: (a) Will the Minister of Labour be pleased to state whether Government propose to frame legislation whereby workers of cloth mills might be able to enjoy such facilities as provident fund, life insurance etc.?

(b) Are these and similar other facilities available at present to the workers of any privately owned or Government owned factory?

(c) If so, which are those factories, where are they situated and what is the number of workers thus benefited.]

The Minister of Labour (Shri Jagjivan Ram): (a) and (b). The attention of the hon. Member is invited to the answers given to parts (a) and (b) of Starred Question No. 2882 on the 6th April, 1951. No scheme for providing life insurance for industrial workers is under consideration. Welfare facilities at present available to workers are summarised in Chapter VIII of the Indian Labour Year Book, 1948-49.

(c) A statement giving the available information so far as Provident Fund Schemes are concerned is attached. [See Appendix XXIV, annexure No. 42.] Information regarding other welfare facilities may be

found in Chapter VIII of the Indian Labour Year Book 1948-49.

विस्थापित हरिजन पुनर्वास पर्वद

२९०. श्री खापडे : क्या पुनर्वास मंत्री यह बतलाने की कृपा करेंगे कि :

(क) पाकिस्तान से आये हुए विस्थापित हरिजनों के लिए जो विस्थापित हरिजन पुनर्वास पर्वद स्थापित किया गया था उसने अब तक क्या कार्य किया है ;

(ख) उन विस्थापित हरिजनों की संख्या जिन के लिए घरों की व्यवस्था कर दी गई है तथा वर्ष १९५१ में कितने हरिजनों को पुनर्वासित किया जा सकेगा ;

(ग) इस पर्वद द्वारा हरिजन परिवारों को ऋण के रूप में दी गई धन राशि कितनी है और भविष्य में कितनी दिखाने का विचार है ;

(घ) उन हरिजनों की संख्या जिन्हें अब तक काम दिला दिया गया है ;

(ङ) उन की संख्या जो अब तक बेकार हैं ;

(च) क्या उन्हें किसी हस्तशिल्प में भी प्रशिक्षण दिया जाता है अथवा उन्हें केवल काम दिलाया जाता है ?

DISPLACED HARIJANS REHABILITATION BOARD

[290. Shri Khaparde: Will the Minister of Rehabilitation be pleased to state:

(a) what work has been done by the Displaced Harijans' Rehabilitation Board that was set up for the rehabilitation of those displaced Harijans who have migrated from Pakistan;

(b) the number of displaced Harijans who have been provided with houses and the scope of rehabilitation for the year 1951;

(c) the amount of money which has been given as loans by this Board to Harijan families and the amount intended to be given in future:

(d) the number of Harijans who have so far been provided with work;

(e) the number of those who are still without any work; and

(f) whether they are given any training in some handicraft or they are provided with work only?]

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The Displaced Harijans' Rehabilitation Board, which was set up in June, 1949, has been assisting displaced Harijans in securing housing accommodation, allotment of agricultural land, rural and urban loans and employment. The Board also organised a number of co-operative societies and co-operative groups of displaced Harijans.

(b) Separate figures regarding houses allotted to displaced Harijans are not available. However, the Displaced Harijans' Rehabilitation Board assisted about 3986 displaced Harijan families in securing housing accommodation including mud huts and tents. As regards the programme for 1951 for provision of housing accommodation, schemes have already been sanctioned for the construction of about 996 houses for displaced Harijans in Bombay, Ahmedabad, Ajmer and Beawar and the work of construction has already been started by the Board. A scheme for the construction of 352 houses in Delhi is also under consideration.

(c) Loans are granted by State Governments and not by the Displaced Harijans' Rehabilitation Board. The total amount of loans which the Board has helped displaced Harijans in securing is Rs. 42,62,700. Of this rural loans amounted to Rs. 37,50,100 and urban loans to Rs. 5,12,600. No amount has been specifically earmarked for being given as loan to displaced Harijans as they are entitled to get loans like any other displaced persons under the general schemes sanctioned by the Ministry of Rehabilitation.

(d) The total number of displaced Harijans who have secured employment with the assistance of the Board is 2,177.

(e) Information is not available as the number of displaced Harijans who have been able to find work through their own efforts is not known.

(f) No training-cum-work centres have been started exclusively for displaced Harijans. They also receive training and are provided with work where possible along with other displaced persons in such centres.

GATES OF SOMNATH TEMPLE

291. Shri A. C. Guha: Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to the report published in news-papers that the Afghan Government have expressed their desire to return the gates of the Somnath Temple taken by Mahmud of Ghazni;

(b) if so, how far it is true; and

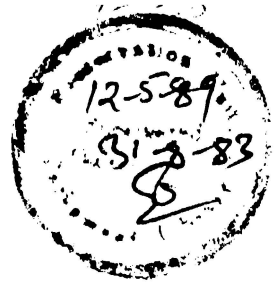
(c) whether there has been any correspondence between the Government of India and the Government of Afghanistan?

The Prime Minister (Shri Jawaharlal Nehru): (a) Government have seen many press reports to this effect mostly originating from Pakistan. It was also quoted by the Pakistan Radio.

(b) There is absolutely no truth in the report. It was contradicted by the Afghan Ambassador in Delhi. The contradiction was broadcast by the Afghan radio, the All India Radio and circulated by P.T.I. The whole story about the gates of Somnath Temple is without foundation.

(c) There has been no correspondence between the Government of India and the Government of Afghanistan on this subject.

Thursday, 10th May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

**THE
PARLIAMENTARY DEBATES**

(Part II—Proceedings other than Questions and Answers.)
OFFICIAL REPORT

8430

8431

PARLIAMENT OF INDIA

Thursday, 10th May, 1951.

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*The House met at Half Past
Eight of the Clock.*

[*MR. SPEAKER in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

9-36 A.M.

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

Mr. Speaker: The House will now continue the consideration of the following motion moved by Dr. Ambedkar yesterday:

“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, as reported by the Select Committee, be taken into consideration.”

Prof. K. T. Shah (Bihar): When the House adjourned yesterday, I was referring to the desirability of having this legislation, when passed, published in the national language of India, Hindi, and in the principal languages of this country as mentioned in the Constitution. If the purpose of a legislation like this is—and I am sure no one will question that—the presentation to the mass of the people, to the electorate, to the sovereign people of this country and enabling them to exercise properly

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their right as citizens of this country and to choose properly their representatives in the legislatures, then it cannot be emphasised too strongly that they should at least know what machinery they are working, how it operates, for whom they are voting, what are the rules and regulations which guide them in this matter, what are the functions assigned to the several officers concerned, what are the offences, if any, they should guard themselves against, and so on.

One of the last interruptions that took place yesterday while I was speaking on this point was with regard to the question of time. It was urged that there is now no time to do this sort of thing. I am afraid, these difficulties are raised by people who do not fully appreciate the value of preparing the electorate, and explaining to the voters the problems that are placed before them and the great responsibility they shoulder of sending proper representatives to Parliament or to the legislatures of the States. Speaking for myself—and I hope the House will agree with me—we should not grudge the time required to do this work, if we are to do it properly.

I hope no one would raise the other difficulty of expense. I say this because no expense can be too great, if you wish to educate the people properly in the matter of properly exercising their right of voting. Their judgment must be formed and that I venture to submit, is the purpose of such elections. The point was made in this connection, and I entirely agree with it, that the elections should be as cheaply conducted as possible. They should not be a burden to the nation disproportionate to the advantage gained. Later on, in my remarks, I will come to this point again. Just now I am referring to this possible argument that there will be expenditure involved in accepting the suggestion that I have made, namely, that the legislation should be printed in Hindi and in the principal languages

[Prof. K. T. Shah]

mentioned in the Constitution. I for my part do not think that the expenditure would be too great, in proportion to the supreme importance of this election. Not only is it necessary to print and publish in all the languages of India, as the Constitution requires, the text of the Bill, but also add such explanations as may be necessary and which are sometimes considered necessary even by experienced canvassers, agents and the candidates themselves. Lest this Bill should become a pitfall, or the legislation should become a source of confusion, it would be the duty of the Ministry of Information and Broadcasting, or other such agencies of publicity, to see in good time before the elections take place and the legislation is put into operation, that the electorate is made fully aware of the complexity of the legislation and the method, manner and machinery by which they are to exercise their choice.

The purity and the simplicity of the elections would be assured only if the electors themselves understand the gravity of the responsibility they are shouldering. I hope that this suggestion of mine will not be turned down, but that some effort will be made to implement it. As usual, following the saying that fools rush in where angels fear to tread, I have submitted an amendment, knowing in advance the fate of it. (*Interruption*). Nevertheless, at the time when it comes up, I hope some assurance will be given in that regard, which might make it unnecessary for me to press it to its usual end.

The point I would urge is whether you do in accordance with the mandate of the law, or on your own by executive authority, my purpose would be equally served, so long as the largest possible number of the electorate is involved in the elections. It is not merely the written word that will carry the information to the masses. In this age of varied means of mass communications, we have the machinery of the radio, broadcasting, the mobile vans, which can go from village to village and town to town to carry the message properly, and make the electorate fully aware of the task before them. If we use these suitably, even the fact of mass illiteracy in our country today will not stand in the way.

Another point was made in the course of the debate by the hon. Member himself, when he was speaking on the disqualifications introduced in this measure. I will speak on the

qualifications and disqualifications later on. But the one particular remark of his which struck me was this. We do not wish Parliament to be representative of only some sections of the people; it should be representative of all the shades of opinion or the people as a whole. Speaking for myself, I would suggest that the method we have adopted in our Constitution and the Bill does not guarantee that this House will be a real mirror or reflection of the various shades of opinion prevailing in the country, provided each of them is in a sufficient quantity. That can be achieved only if you had adopted the device of proportional representation and not the methods of single member constituencies with distributive and cumulative voting, which I think would not cater for a really fair and proper election, so long as you have single member constituencies and distributive voting. Unless and until you give a chance even to a substantial majority by means of larger multi-member constituencies, with cumulative voting, you will always enable a bare majority to secure a disproportionate representation in the House. Even if you would not accept the proportional vote by single transferable vote, you would be giving a better chance. I have submitted an amendment on this matter. Of course, I do know its fate (or perhaps I do) and, therefore, it is not necessary for me to speak at greater length at this stage.

People do speak of their desire and willingness to hold these elections as freely and fairly as possible. If you from the beginning or *ab initio* start in such a manner that the prevailing majority opinion will get a disproportionate advantage in the actual process, this desire that all shades of opinion will be represented would become somewhat hollow.

I come now to the question of the specific provisions regarding qualifications and disqualifications. So far as the qualifications are concerned, I am afraid no positive qualifications are laid down in the manner I would desire. A few months ago I had the honour to move a resolution in this House, demanding that some qualifications be laid down. At that time those in authority observed a somewhat sphinx-like attitude, and did not commit themselves in any way as regards the provision of positive qualifications for membership to this House.

A distinction has been drawn, and I think rightly, between the right to

offer oneself as a candidate, and the right to continue to be a member in the House. At the point where one offers himself as a candidate I personally hold the view, very definitely, that there must be certain positive qualifications which are necessary to ensure that the business of the legislature—which, under the theory of the Constitution, as also the responsibilities entrusted to it, is sovereign—is done by people who possess some guarantee of suitability for the task they are called upon to discharge.

It is in this context that I would desire certain definite qualifications to be laid down and I am quite prepared to suggest now those qualifications. At the time I moved the resolution, it was not my purpose to lay down any definite qualifications. I was inviting the Government only to accept the principle that it was desirable to have some qualifications, and left it to the authorities concerned to suggest them; and if they were acceptable to the House, the House might give them legislative form or other authoritative form which they thought proper. That, unfortunately, was not accepted. At this time, it is necessary to introduce these definite qualifications, because there is no later opportunity possible wherein we might be able to introduce those qualifications.

One of the qualifications I would like to lay down in regard to this is that those who have served in some capacity in public bodies should, of course, be qualified. The Constitution lays down certain definite, positive qualifications, like citizenship of India, age of discretion qualifying a person for voting, etc. The others are left to Parliament to enact. Here is an opportunity when we can do so. I submit that those who have been at any time in the past members of public bodies, like the legislature in the Centre or in the States, and even public bodies like municipal corporations, district boards, town councils, village panchayats, should be regarded as qualified for this purpose: That very experience has some guarantee or assurance that the person who has passed through that stage would be competent to handle matters of this character, in fitness and propriety. It is, therefore, but right and proper that they should be qualified to take up these responsibilities. It was not merely a humorous hit when somebody, criticising privately my motion of last time, pointed out to me that the grave mistake committed by me at that time was to leave out present

Members of Parliament, and, therefore, they voted against me. I am not cynical enough to believe it; but, at the same time, lest that should be really a mistake, I am quite ready to repair the fault, and to assure that those at any rate who are or have been members of a legislature will not be disqualified, however much they may show themselves now to be not quite qualified for the purpose. Their past experience would, to me, be a good guarantee that in future, at any rate, they would be responsible Members knowing the responsibilities and discharging them to the best of their ability.

I have included not merely membership of a legislature as qualifying for this purpose, but I have included also membership of other public bodies, like municipalities, universities, and others of that kind which also give them this experience of public business, and therefore give an assurance of their ability to handle their responsibilities properly.

There is another reason why I include this membership as some even greater qualification—without any disrespect to this House—which I think ought to be valued very fully, and that is that most of these, I am speaking subject to correction but in my opinion most of these, are voluntary public servants. The idea, the doctrine of voluntary public service, social service, is so important, in my mind, and the very mentality of an obligation to render public service free of charge is so valuable in a democratic set-up that I think we cannot value it too highly and therefore we cannot give it too great an importance.

Here is one way by which we show our appreciation of such public service. The other day I think it was the Prime Minister himself, who, speaking in some connection—I think it was in regard to the scarcity of food at present—insisted that students in schools and colleges, and others of that kind, should be required, even before they got their degrees, even before they are allowed to take their degrees, to do some public service which is accepted as a real qualification to make them social animals, to make them fit for the service of the country.

Shri Kamath (Madhya Pradesh): Animals?

Prof K. T. Shah: Human beings are also animals.

Shri Kamath: Higher animals.

Prof. K. T. Shah: I have insisted upon this doctrine, I have recommended this doctrine wherever and whenever I had an opportunity to do so, whether in educational institutions like universities or in public committees like, for instance, the Bihar Educational Reorganisation Committee where I had the honour to preside and where I have recommended officially that no degrees, no certificates, no diplomas should be awarded until at varying stages in their educational career individuals have rendered, to the satisfaction of the authorities appointed in that behalf, social service of some kind free of charge. Whether that social service is in the matter of removing illiteracy from the country, or in regard to public health, or in regard to any other part that the present society requires it does not matter, provided that in accordance with one's talents and aptitudes one is able to and one is made to render such public service.

I think that ought, by itself, to be a good qualification for work in a place like this, or in legislatures in the States. The attitude—I am sorry to have to mention it—therefore, which looks upon status of this character as opportunities of aggrandizement, or somewhat of a mercenary nature, should be discouraged and minimised if not avoided altogether, and the old English practice of parliamentary duties being perfectly honorary be restored. It is said, and with very good reason, that a good deal of the real democracy or government of the English people by themselves was done through those Justices of the Peace, who were honorary officers, and remained in charge of the real local government of the country for something like 400 years or more. I am asking you here, in this House, formally and officially and statutorily to recognise the value of social service rendered free of charge. And that need not be confined, in my opinion, only to students or in the student stage; it should be expected of us all, that at some time or other, we have been willing to render and we have actually rendered honorary public service, which, under the rules, or laws laid down for the purpose, is recognised to be public service for which we have no material gain for ourselves. I cannot repeat this too often that, in the age in which we are living, materialism is taking so great a hold on our minds—on the minds of the youth and the minds of the aged—that we forget that this is not an opportunity to aggrandize ourselves; but that it is—and the electors as much as the candidates must realise

it—that it is a very grave and serious responsibility that we are taking up, taking up with eyes open, which we should take up only after giving some proofs, after giving some assurances, that we are capable of treating these responsibilities truly as a privilege, which we have chosen to take upon ourselves because we have some fitness in the matter as our past record shows. I therefore suggest that amongst the positive qualifications you should lay down.....

Mr. Speaker: Order, order. I find Members are consulting each other more audibly than they should. Let them hear the speeches, or allow at least those who are anxious to hear them to do so. Consultations may take place outside in the lobby, not here.

Prof. K. T. Shah: As I was just saying, I cannot emphasise too much the necessity of public social service being rendered free of charge, as a positive qualification for this matter.

If this is not enough, another suggestion, which is perhaps not on the same level in my opinion, but which also would be some sort of a guarantee in the same direction, is having been a public servant—even a paid public servant—in any Central or State Government or in a local government, or in semi-public bodies or corporations, like our universities. The very fact that you have been a public servant does make you see, first-hand as it were, the needs, difficulties or the requirements, of the administration. Well, we must be all aware that when we were agitating for our freedom, in opposition to the then prevailing regime, there was not that sense of responsibility upon us that we must have now. We were, therefore, prepared to indulge in slogans, to indulge in demands, which we have now found ourselves, when we have come to power, to be difficult to implement. We are not able to give effect to them in the fullness and quickness with which we used to press them in those days of somewhat scant responsibility.

I would say, now, however, that that time is passed, that because we are no longer living in a regime under which the Indians had no chance of coming to effective power and making good their words, now is the time when no one should miss the responsibility that is involved in the actual task of the Government of a country of this size, of this population, and even its day to day administration. The Opposition of today may be the

Government of tomorrow; and, therefore, those who are inclined to be critical, those who are inclined to be very searching should also understand that maybe they may themselves be called upon to make good their words." And if they have no knowledge, no experience, no understanding of the difficulties with which the official world has to tackle, the real administrator has to tackle, then I am afraid their criticism would also run the risk of being unreal and perhaps unhelpful. Being myself a critic very often, I utter these words with all the sense of responsibility and understanding that I can command of the difficulties of those people who have the task of administration in their hands, and whom we are very easily led to criticise. They have, perhaps, their own difficulties which we do not understand. I, therefore, suggest that those who have been, and not are, servants of any public authority, Government or otherwise, should be also called for for this purpose.

10 A.M.

Lastly, in addition to these, there must be required of each candidate for the Central Legislature, and each candidate also for the State Legislature, some knowledge of the official national language or the regional language as the case may be. I think it is but fair that those who come here should understand each other. They should speak in a language and in an idiom with which their fellow-members are also conversant, and should not utter things which are absolutely un-understood by them. A knowledge, therefore, of the national language, sufficient to read and write simply in that language and also, so far as the Centre is concerned, for the coming ten or twelve years, a knowledge of English, I would regard as necessary. Correspondingly in the States Legislatures, for any candidate I would regard the knowledge of the national language as necessary, as also the knowledge of at least one of the prevailing regional languages in States where there are more than one language.

[MR. DEPUTY-SPEAKER in the Chair]

These States are *ad hoc* creations without any logical thread running through them. They have been created by administrative necessity by a foreign regime, which no longer compels us to maintain those *ad hoc* units, illogical, unsuitable and utterly unsympathetic to the sections of the population which perhaps only mere accidents of history have made them join up with these units. I therefore

suggest that for the Central Legislature, a knowledge sufficient to understand, speak and write in the official national language as also of English should be required as a qualification, and in the State Legislatures the qualification should be a knowledge in regard to the local regional language, at least one if not more, besides knowledge of the official national language of the country being essential.

Lest I should be misunderstood, I am not in this case making any plea for reorganisation of the Provinces on a linguistic basis. This is not the time nor the place for that idea to be brought in. I am, however, making a plea for this: it is important, essential and indispensable, in my opinion, that the legislators should talk in a language which their fellow-legislators understand, and, as sometimes happens in this exalted place, let not people talk in a language which quite a considerable section of their fellow-members do not understand at all. This sort of thing is an anomaly of the past history which I hope will be avoided and ought to be avoided at the earliest stage.

The fact that we have got fifteen years in which to build up the Indian national language, namely, Hindi, to a stage at which it would be the medium of intercourse and the medium of expression and the medium of official conduct of business should not be regarded as a latitude, a long rope so to say, during which we may utterly neglect the possibility of building it up. If you are earnest and sincere in the desire to replace English by Hindi, if you are sincere in your provision in the Constitution that Hindi shall be your national language, if you are sincere in that, and if you mean hereafter to conduct your business, whether legislative, executive or judicial, in that language, then you cannot begin too early. Here is a case in which I ask you, I invite you and the House, to agree with me that an amendment should be accepted by which the qualifications should include a knowledge of the national language in the case of a candidate, both at the Centre and in the States. I hope this appeal will not fall on deaf ears, and I trust that the amendment I have suggested.....

Mr. Deputy-Speaker: Was not a resolution stating that some qualifications ought to be put in rejected by the House as being impracticable and impossible?

Prof. K. T. Shah: I have already referred to that, and I submit that

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it is not too late—and it is not in my opinion irrelevant—at this stage to make that suggestion. It is for Government to accept it or not. I am only offering my suggestions and I am also aware of the fate of those suggestions.

The Minister of State for Finance (Shri Tyagi): Does my hon. friend want to enforce some educational qualification?

Mr. Deputy-Speaker: He wants linguistic qualification.

Prof. K. T. Shah: The hon. Minister of State will not be too much in a hurry to misunderstand. I am only saying that a knowledge of the national language is essential in addition to a knowledge of English. If the hon. Mr. Tyagi speaks so beautifully, because I have heard him speak so many times in this House, either in Hindustani or Hindi or even English, then he can rest assured that he will be qualified whether he has passed any test or not.

Shri Rathnaswamy (Madras): On a point of information, I should like to know from the hon. Member as to what yardstick he would suggest by which knowledge can be measured.

Prof. K. T. Shah: I have given that yardstick. You will find it in the census regulations regarding literacy. There are various ways and means by which you can measure it, if you only have the will. Anyhow, I know that my suggestion can be implemented. I do not want to take any more time of the House. I know that my amendment will be rejected.

The next point is with regard to disqualifications. Here I would like to state some particular things which have not been mentioned in this Bill and also not referred to in the Constitution. There is one thing which I would like the House to consider very seriously in regard to membership, not candidature, and that is in connection with the infliction on anybody of a communicable and contagious disease. While you are suffering, let us say, from leprosy or itch, which by mere contact is transmitted to your fellow-members, that is a matter in which both for safety and for public health it should be regarded as a disqualification.

When we were considering the articles in the Constitution which spoke of untouchability being abolished in all its forms, I had the hardihood to give this illustration, and also

suggest the necessity of quarantine regulations for infectious or communicable diseases. At that time also, my suggestion was rejected. But the fact remains that the danger of contagious and communicable disease spreading by contact is sufficiently serious even today for us to take warning and say that at least while such a disease is there it should not entitle a member to sit in the House.

Shri Kamath: What about moral lepers?

Prof. K. T. Shah: The moral lepers are impossible to deal with. I will not sit in judgment over the morals of other people; nor can I take it upon myself to do so, but I trust that perhaps, if my hon. friend will live much longer than I hope to do, he will raise the country to a level at which he may be able to introduce a code of morals where these very intangible factors can be discussed.

Shri Hussain Imam (Bihar): There are Morarjis to do that today.

Prof. K. T. Shah: We are not discussing Morarjis here. The point I was trying to establish was the danger to the health of the members of the House from contagious disease. The disqualification should be confined to those who are suffering at the time of election from such diseases. It can easily be certified. It is not a question of mere suspicion, as would be the position in the case of "moral lepers". It is not even a question of rumours, but it is a question of fact. Therefore, on certification that so and so is suffering from a disease of this character, it should be open to the authorities concerned to exclude him from membership at least for the time being. I repeat that I regard this disqualification as very necessary for membership rather than for candidature.

In this connection, let me give an illustration. A case has been brought to my notice of an air company refusing air transport to a multi-millionaire who was suffering from leprosy.

Shri J. R. Kapoor (Uttar Pradesh): But there are rules by which you are governed.

Prof. K. T. Shah: Maybe you are governed by rules; but let us at least make it clear what points the rules may deal with. Let us at least mention the points on which the rules will have to be made.

Mr. Deputy-Speaker: Are there any precedents for this suggestion anywhere in any Constitution?

Prof. K. T. Shah: My hon. friend, Babu Ramnarayan Singh, yesterday made a point as to why we should always hunt for and follow the precedents in other countries. Can we not make our own precedents? Are we not competent to make our own history at least?

Pandit Krishna Chandra Sharma (Uttar Pradesh): There should be a time sense.

Prof. K. T. Shah: In my speech? You say I must stop now? (*Some Hon. Members: Go on.*) What is the time-sense? I am sorry I do not understand.

The point I was making was why we should hunt for foreign precedents in this matter when our provisions of the Constitution are much more drastic than in any other written constitution. When you have abolished such an evil as untouchability by the Constitution—I agree, very rightly—then certain aspects of it, like the one I am speaking about, should also not be ignored. The dangers of communicable disease by all those who come necessarily into contact with their fellows, and certainly in a place like the legislature, should be guarded against.

I was trying to give the case of a multi-millionaire who wanted to be carried by air. The air company knowing that he was suffering from leprosy, refused to convey him. He, of course, was rich enough to charter his own plane. Everybody cannot be so rich. And, if everybody is entitled, irrespective of health and safety of his fellows to be carried in public conveyance, without regard to the safety of the others, then I suggest that some such provision as this is necessary for continuing to be member of a crowded House of a Legislature.

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): In the Madras Local Boards Rules there is a provision that a leper is disqualified from standing for the local board elections.

Prof. K. T. Shah: I am glad that here we have got a native, indigenous and our own precedent. I am very much obliged to the hon. Minister for pointing it out.

Shri Alagesan (Madras): I may here point out that provision can always be got over by producing a certificate from some medical authority.

Prof. K. T. Shah: I am speaking just now only about membership, I repeat,

not of candidature; and here is a suggestion which I hope will not be thrown out summarily.

Now I come to the category of what we call 'moral lepers'—there are others—who ought to be very similarly disqualified from even candidature of legislatures. The kind of people that I regard as "moral lepers" are those who have been convicted of crimes or offences involving moral turpitude. It is unnecessary for me to give illustrations of those crimes and offences which will be regarded as involving moral turpitude. On some we are all agreed like murder, rape, robbery with violence, or theft, burglary, and so on.

Dr. Deshmukh (Madhya Pradesh): Rape does not involve moral turpitude.

Prof. K. T. Shah: Rape does not? Well, you are welcome to have your idea—I do not share it. It may be a particular form of aberration, but I hope a large number of people do not share it. I trust this may not deflect the judgment of any hon. Member on the suggestion of a very learned, hon. and respectable Member of this body.

Dr. Deshmukh: It is an uncontrollable temporary impulse.

Prof. K. T. Shah: At any rate I do not accept impulse to be a justification.

With regard to the question of adultery, there is always a sense of proprietorship, the violation of which seems to cause the offence, or civil wrong. As such, I would like to leave it aside. But I am talking of others—"moral lepers" who are not convicted so easily, who are not found out so simply, who are, in fact, known to be such "lepers" and yet so honoured publicly, that they are the greatest danger and menace to society. Let me make no bones about it. I am referring to black-marketeers, profiteers, and tax-evaders in what are called "socially important" cases. They must be socially ostracized to that extent that I would see that none of them is even qualified to be a candidate or member. I would even go to the extent of depriving them of all their civil rights including the right to vote.

Shri Sonavane (Bombay): Will the hon. Member prepare a list of those people?

Prof. K. T. Shah: The list is not for me to prepare. I am speaking only in generic terms. I do not know how. You may be a tax-evader—for all I know. Therefore, it is impossible for me to make a list of individuals. I

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am speaking of those who are known to be, even if not convicted of being, anti-social and unsocial; and they must be penalised. The very mild dose of penalty that is incorporated in the list of disqualifications given in this Bill is about people who have contracts.

Shri A. C. Guha (West Bengal): They may evade.

Prof. K. T. Shah: I am quite aware that these people may evade. I am therefore suggesting that your list should be so stiff, and your procedural arrangement so severe, that these people cannot possibly escape. It is, after all, a responsibility for you and me. We should have the courage to point out such lepers. I for one feel that we are all suffering from a dose of moral cowardice. We know that a particular person is guilty of this practice; yet, for one reason or another, we do not make any denunciation of that person. We are afraid of consequences. We do suffer from that lack of public conscience which allow all these exalted criminals to go free. I, therefore, wish that at least a gesture should be made here in this Bill, by which these enemies of society, these enemies of humanity, should be punished, and punished heavily.

A year ago I had brought in this House a Bill demanding capital punishment for those who were found guilty of these offences. I was told by the then Finance Minister that Government was contemplating to bring forward a measure of their own by which very severe punishment would be dealt out to them. He added, he believed in the value of socio-ostracism against these people, and hoped that those in power or authority would be alive to their responsibility in this regard, and show them no consideration. I am, however, sorry to say that those who are popularly known and believed to be guilty of such things, are, when they have a marriage festival, visited by the great and the mighty; when they have a hill-station they are visited by the exalted in the land. They are honoured, exalted, praised publicly even when it is known that they are the worst offenders in this matter. I therefore, trust in this legislation some gesture will be included; I trust in this legislation some amendment will be included to see that these people are treated with that horror by the people and this legislature, which would deny them the right of candidature, or the right of membership of this House.

I have said a mild dose of this principle is included in the present disqualification; and I have found many worthy Members of this House protesting against the inclusion of this dose which will exclude managers or directors or managing agents of those who have contracts with Government from being candidates or members.

These are all the engines, sources, directions or channels of corruption. Even if any particular source may be free from that stain I should like to guard the House and therefore the people against the very possibility of this contagion, this infection spreading. I should, therefore, like to say that all those who are engaged in Government contracts, or hold any public contracts under Government, should be excluded, and excluded completely, from the right to stand as candidates. In regard to ordinary criminals we provide a definite limit during which the disqualification should operate, and they may be excluded. But in regard to these persons I would like to give them a 'life-sentence', so that they may be excluded completely and for ever.

The root cure is indeed different. I believe—and I do not want to inflict this belief of mine—that private enterprise should be abolished, and the profit motive abrogated altogether. But even while you have this existing social structure and its motive spring those who have been found guilty of such corruption should be excluded for life. After all, how many would there be of this category? It is all very well to say that by making this stringent you will disfranchise or disqualify a very large section of the population. I do not think so. It is not the small shop-keeper, the small middle-class man, who would be excluded by a provision like this. Their number would not run into even thousands, in my opinion, and certainly not into lakhs. (An Hon. Member: Under the existing clause?). Yes. I would make it much more stringent. Even under the existing clause the point is that they would not number so many; and for the safety of the entire nation if a few thousands have to suffer I certainly will not weep over it. I would certainly say, let them suffer.

Since you are so keen on finding foreign precedents for every act we oppose, may I quote to you the Russian Constitution of 1936, whereby all employers of labour who exploited labour were disqualified from being candidates or members. I know we are not in Russia. I know we are in India, and perhaps the majority of us

is not entirely sympathetic to that philosophy of life. But I certainly would say this that the ultimate source of all value is labour, human labour; and those who exploit and sweat and take their profit out of the surplus value created by labour ought to be disqualified. This is, of course, my personal opinion. I am afraid it would be, as usual, a cry in the wilderness, not likely to meet with any echo here and now. But I hope that at least in the moderate degree in which the disqualification has been introduced in this Bill, as it stands today, and as reported by the Select Committee, it will not be modified or removed even though there may be protests against it or amendments about it.

There is another class whom also I should like to disqualify. In my opinion there is very good reason for their disqualification. And that is those who have been Ruling Princes a few years ago, those who are in receipt of civil list from the public exchequer, and certain other privileges guaranteed to them. These former "Rulers" are and have always been historical anachronisms and economic absurdities—more particularly now. They should be kept out of this machine for their own sake. I say here is a class in which my consideration for them is greater than might seem on the surface. I think it would be very little loss to them if they are debarred from being candidates or members of a Legislative Assembly or a Parliament which is admittedly, *ex hypothesi*, going to be a partisan body—it is parties admittedly—and it will work only on a party basis. Why should these people be involved in parties? Therefore, if they prize their own privileges, if they prize their own civil list, which is guaranteed to them free of income-tax, for perpetuity I think, they may as well not at least share in those responsibilities. Here is a class numbering only a few hundreds, not more than six or seven hundred at the most, who are put in a special category by their own act, by their covenants and agreements. They should not whimper against that kind of thing, and demand equality of citizenship in regard to parliamentary voting and standing as candidates for Legislatures, when they do not want equality in regard, let us say, to income-tax. Their civil list is free of income-tax. If they do not share the responsibilities of citizenship, why should they have the privileges of citizenship? That is a reason about which I do not find any answer from any champion of the dispossessed or abdicated or other-

wise resigned Princes. They had always been an eye-sore, in my opinion. They never did a day's work, not a stroke of labour for their own people, and, therefore, rightly the nemesis came, and their people disavowed them. They were not worthy standing by. Now that they are gone—and there has been a good riddance of that rubbish—I hope it will not in any case be restored in any form, shape, or manner whatsoever. I would therefore insist upon a positive disqualification being added in this Bill, so that these people, the dispossessed Princes, should be debarred from candidature or from membership of this House. I would personally debar also any relation of theirs, anyone who is dependent on them for his maintenance out of their civil list. But perhaps that might be difficult legally to distinguish, and, therefore, I would not go for the moment so far.

Purity of reason and logic might require that even the so many dispossessed, expropriated *zamindars* should be treated on the same footing. They should also be put in the same category, on the ground that they have been past exploiters, past receivers of unearned income, and, therefore, being in the same kettle of fish. I have not compassion for that class, but discrimination for them, namely, that they would—for a time only—receive a certain compensation, if that is awarded. It would be a fixed amount, not variable by their vote. Their presence, therefore, may not be so mischievous as the presence of those other parties. I think, therefore that, at least at this stage of our political evolution, we may not go so far as to disqualify from candidature or membership those dispossessed or expropriated *zamindars*.

I do not think the same logic should apply to those private shareholders or debenture-holders of industrial or commercial concerns who are expropriated, their concerns taken over by the State, that is to say, nationalised, socialised, and made public property. These people should not be treated with the same leniency. Perhaps, at this time, even that suggestion may not meet with equal sympathy from this House, and I may not press it. At any rate I may assure those interested that I have not put forward any amendment in that regard, nor in regard to the *zamindars*. Let these people have an immunity for the time being, let them realise that they have an opportunity to prove themselves to be good citizens, if not today, of the same level as others; that this is

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a country of equality, and that the sooner they adjust themselves to an equal, democratic regime the better for them and for all of us.

I trust that the indication I have given of the positive qualifications and disqualifications would be accepted, and the legislation redrafted or amended in such a manner that at least the social pests, the enemies of society should be disqualified and excluded from the country's legislatures. I cannot repeat this too often. I cannot conceal my chagrin, my great unhappiness at the spectacle of their high-priced advocates coming and claiming from us privileges and concessions for them, which I am afraid, if only the truth were properly known, will not be allowed to them for one moment. We have not come to this position by a bloody revolution. So much the better for us. But because we have come to this place by peaceful methods, by constitutional agitation, by non-violence, it is all the more important that by peaceful reasoning, by persuasion, and by an attempt intellectually to convert the other side, we should put forward all these things in a reasonable manner, by logic supported by precedents, if you so like, and by broad reasoning on individual cases, if necessary, so that the open sores in our social system be cured, so that these scales should be removed, and the body should be whole and smooth as it ought to be.

I am coming, next, to that great point made yesterday about election expenses, about the purity of these elections, about Ministers and others who also may be candidates. Last there should be any apprehension I would at once state that I am not going to disqualify those who have been Ministers from being candidates hereafter, both for Parliamentary seats and for Ministerial Benches. But I would like to say this that election expenses are a most dangerous and most effective prohibition to many otherwise deserving people from attempting the task. I do not know what has been the experience of individual Members about the size of expenditure they went into at the time of the last General Elections. If you want examples of other countries, I have known in other countries election expenses going into several thousands of pounds each time. Obviously no poor man can afford it. If you want your Parliament or your Legislative Assemblies not to be a happy hunting ground only for the

rich, for those who can afford to spend Rs. 7,000 or Rs. 10,000 or Rs. 20,000 at every five years, or two years or one year as the case may be, I feel that you will have to put down not only definite limits, but make a provision whereby election expenses ought not to be a deterrent as they now operate.

And for that reason, I am making concrete suggestions. The main sources of election expenses are in regard to publicity, and that includes propaganda, including meetings, lectures, etc. and secondly, transport. These are the two main things in regard to which election expenses amount to the biggest figure. (An Hon. Member: Feeding and feasting?) Feeding and feasting are malpractices. If you indulge in them you will run the risk of being disqualified or being unseated. That is one of the normal exceptions legitimately incurred, at least in secret.

Here is a concrete suggestion. At the time when the Constitution-making was going through in the Constituent Assembly I had suggested, by an amendment, that all these public expenses should be borne by the public. This happens once in five years or once whatever the period may be; and rarely or occasionally at shorter intervals. So far as publicity is concerned, the Press should be required to publish, free of charge, or the public exchequer should pay as it does pay now all charges for, notifications and advertisements in the Press. You must see to it that these notifications appear in the ordinary Press and Government must pay for all these insertions. In this connection, may I mention that I have put down a series of questions on this subject of advertising expenses that are now incurred by Government. Quite a considerable sum of money is being spent. On a matter like this the figure will run into eight digits or more in respect of all the Ministries put together. One day perhaps, if I am given an opportunity, I will be able to astound the House with figures not my own, but from the unvarnished official lips. Here you are already incurring these charges. If you conduct this thing economically, if you see to it that even-handed justice to all parties is assured all your existing means of publicity and propaganda, such as the All India Radio, the various newspapers, periodicals and other means of publication and information could be fully utilized, without any expense to the individual candidate.

This will be only during the period of election and free of charge to the candidates. The charge will be met from the public exchequer. After all it is in the service of the sovereign people who are supposed to be the masters of the country. I see no reason, therefore, why, for the service of the people for electing their representatives to their sovereign legislatures, we should grudge this expense. I have no means of estimating what the expenses would come to. Supposing you have 4,000 or 5,000 candidates; and you have 4,000 or 5,000 places where you have to advertise, or you have to use the radio or to provide mobile vans and go on spreading propaganda, or you use public places, like schools, theatres or public parks which are to be found in almost every centre or provide open ground for this purpose, what will be the expense? I do not think it will run to more than Rs. five crores. Five crores in five years is one crore a year and in how many directions Rs. five crores are nowadays being spent without even turning a hair?

Here is a case of spending money for the service of the people; you are enabling them to choose the right candidates. You are saving the poorer men from having the nightmare of heavy election expenses; and you are thereby, helping those candidates who would otherwise be unable to stand for election by meeting these expenses. Only the rich individuals under the present set-up can afford the heavy expenditure of elections periodically. If you do not accept my suggestion, you would be allowing rich parties with heavy purses to come into existence. Here again I should like to take new ground and prevent the overwhelming might of organized parties which can command the largest purse and which may have other indirect sources of obtaining funds, that a poor non-party man cannot have. The country would be the poorer for lack of the service such as he may be able to render.

Similarly I would suggest that all transport facilities should be commandeered, socialized for the time being, and placed at the disposal of the electors, only for the period of the elections. That also cannot amount to such an expenditure as to be prohibitive. I entirely agree that you must prohibit the use of motor cars. No voter should be brought into motor cars. But supposing if anybody is brought in a car on the plea of illness or old age or being an invalid, I suggest let facilities be given, but this expenditure should not fall on the in-

dividual. There should be no ground for corruption or for a false statement in election expenses because of this item.

An hon. Member pointed out yesterday that these expenses are incurred but not stated. These expenses will not be stated; these expenses will be concealed or perverted or somehow camouflaged so that you will not get a true picture, so long as you leave them to be a burden on the private purse. I want to make it a public service at the disposal of all voters for the benefit of the public at the time of the general election. I do not know if there is a provision to that effect but I take it that at the time of the General Elections there will be a holiday in the country, so that every body would at least be able to vote without any impediment in the way. Wherever the election is held, it must be held on a public holiday; and if they are held on a public holiday or the day is declared to be a public holiday, these public services of communication, of information and transportation should be available to everybody free of charge.

I mentioned just now 'communication'. I should like the post office to give their services free. In America they allow free postage to members of Congress. Why not extend the facility to the candidates also? I should like to extend it for a definite period of four or six weeks, as the case may be, from the date of the notification to the date of polling. I should like to have free postal communication for presenting election manifestoes, for presenting appeals to the electors. This service would give information with regard to elections, such as hours of polling, voting booths, transport available etc. (*An Hon. Member*: That will increase the number of candidates). Let them. In multitude of numbers lies wisdom. Do not, therefore, be afraid of the multiplicity of candidates. If you want the multiplicity of candidates to be restricted, permit me to tell that it would not be in consonance with the true democratic outlook of getting proper representatives.

The idea in restricting the number is because they want only candidates who are their followers or their friends or hangers on. If you want the widest possible choice, the freest possible choice, for the electors do not be afraid of the number of candidates. It is only then you will realize that people also have common sense and they will see that only those who are fit will be voted for. Keep, if you like, a penalty as under the present election rules, I mean a

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deposit. The deposit will be forfeited if you do not get ten per cent. of the votes, or whatever the figure may be. That would be deterrent enough. After all, this is a country in which the average income is not more than Rs. 250 or 260 per year for the large mass of our people. Therefore, you need not have this fear of too many candidates presenting themselves unless you distrust your fellowman. I think you should not have this dread in your mind: at any rate, you must not pass legislation so as to have a deterrent effect on possible candidates. That, at any rate, in my view, would be wrong, and I make no apology in presenting it to the House. Transport, communications, publicity and information are the main occasions for expenses. I suggest in all sincerity, in all practicability, not as a mere slogan to become popular, that it is time that we should demand these public services for the benefit of the public, for whom they are. It is not for me, or you or X, Y or Z, for their private jollification. It is for public service.

We can devise some means, some form of certificate, some form of assurance by which we can see that the public utility services are used only for this particular purpose and nothing else. You cannot take out your friend to a picnic in that car or lorry or bus. It must be available only for this purpose. You have provided that booths will be opened for every thousand voters and not more than three miles distant from any place, that is, within a radius of three miles.

Shri Raj Bahadur (Rajasthan):
That is not provided.

Mr. Deputy-Speaker: "Three miles" is there.

An Hon. Member: It is only a suggestion.

Prof. K. T. Shah: At any rate, the suggestion is there. I hope that that suggestion is not merely a scrap of paper and I trust that that suggestion would be implemented. In some places the distance may be more, I agree. There, you have a greater need for transport facilities. If you have a three mile radius, the area covered would be about 20 square miles. If you have an eight-hour voting day—I think you should at least have an eight-hour voting day—for one or two modern buses, they would not require more than 20 journeys. You will not have to spend on petrol, wages of workers and so on, so much as you fear.

Even if you have to pay any compensation to the private people whose cars you have to commandeer, the expenses to the State under all these heads will not be very much, while to the individuals it would be almost prohibitive in many cases. I plead, therefore, I urge, I beg that the nightmare of election expenses, the terror of these election expenses should be minimised as much as we can. Here is a very salutary principle, in my opinion, whereby you should have, you must have, a public arrangement for providing all these things so that the opportunities of illegal practices, malpractices, misstatements, false affirmations on oath, are all avoided or at least minimised. Then only will you ensure the purity of elections about which some friends have been speaking in this House.

I referred to the possibility of those people who are in an advantageous situation like the Ministers who may tour at public expense, as an hon. Member said here yesterday, and never tell us the private business they do in canvassing and so on. I hope some kind of salutary rule or convention will be adopted, so that it would be the duty of honour, obligation of honour, that when the Ministers or public servants go on public business, they will not do private work for themselves. A story has been told—I am not prepared to vouchsafe for its accuracy or truthfulness—that when a public official wanted to go and celebrate the marriage of his daughter, several hundred miles away, and asked for leave, his superior officer, who was to grant him leave, told him: "Why are you such a fool? Why do you not find some public business? You can go at public expense and incidentally celebrate the marriage or your daughter; if you like we would give you leave for two or three days which will be covered by casual leave?" I repeat, I am not vouchsafing for the truthfulness of this story. Such stories are common. If even the topmost people, the Ministers, would indulge in any practice of this kind, your chances of having purity in this country will be nil. Let these people impose on themselves a sort of self-denying ordinance, whereby they will, during a certain period, observe this rule of honour. After all, their whole life is a life of canvassing. All their work is so much certificate for them to offer themselves as candidates. Why should they have the additional facility of travelling at public expense for canvassing on the approach of the elections? Let them have a self-denying whereby during say, six months or three months or six weeks before

the elections, even if they go on public business, as they must, they should honourably refrain from—we call them honourable Ministers and I hope they will deserve that epithet—refrain from doing any private work of this character for themselves. We will put them on their honour, so to say.

It cannot be, I realise, a legislative provision. It will have to be something like a convention or un-written obligation, a *noblesse oblige*. I hope this is also not impracticable, not beyond the bounds of practicability for those who desire real purity of elections in this country.

May I, in this connection, give you an illustration of how we have made it actually practicable. I am speaking of the University of Bombay. There, we have frequently to send out small parties of two or three members of the Syndicate to inspect colleges in the outlying areas. We have made a rule, after a very bitter experience in this regard, whereby anybody—of course, there, the period is fixed—whose term is expiring in any year and who is due for re-election or who could offer himself for re-election, shall not be sent out at the expense of the University on any such delegation, deputation, inspection or whatever it is, so that at least the University funds may be spared. I do not say that by this means we ensure effectively and completely and absolutely against the misuse of University funds, or, for the matter of that, public funds. I only want to say this is a gesture, a mere symbol.

Shri J. R. Kapoor: Is there such a rule in Bombay?

Prof. K. T. Shah: Yes, unless it has been relaxed after I left it.

Mr. Deputy-Speaker: Is not this inconsistent with the hon. Member's suggestion that all the expenses must be borne by the State? To some extent, the Ministers' expenses are borne by the State.

Prof. K. T. Shah: I am not in a position to state how much of the Ministers' expenses are borne by the State. It is for the Auditor General to find out. Whatever is openly known to be borne by the State should be stopped for the period of the elections only. I am not saying for ever, for eternity. I hope the day will come when every one of us may be travelling free in the cause of public service, when public transport facilities will be available to every one of us and every one will be a public servant in one capacity or another.

Shri Thirumala Rao: What does the hon. Member mean by 'us'? Does he mean Members of Parliament or every citizen in the country?

Prof. K. T. Shah: Every citizen, including Members of Parliament. All of us may be able to use the public transport services free for public purposes, not private purposes. There are concrete ways in which others have done it in their limited sphere. We may also do that and minimise the chances of complaint.

A few words with regard to the election arrangements. I hope to make some suggestions of a definite and concrete character. I have mentioned that people suffering from contagious or communicable diseases should be disqualified from candidature or membership. They should not be allowed to vote with others during the period that they suffer from the disease. I do not want to deny them their fundamental right. But may I suggest that some separate voting arrangement should be made for them also. They should not be denied their right to vote. After all, such a handicap is an infliction, or, as my hon. friend would say, an act of God. Whether it is an act of God or of the devil, the fact remains that it is a disability. Therefore, I suggest that separate arrangements should be made for any who may, by their contact, endanger the safety or health of their fellows. Other arrangements may be provided, say a separate tent, or a separate booth where they can go and record their vote. It has been brought to my notice that.....

Shri R. Velayudhan (Travancore-Cochin): While coming to Parliament they should have separate arrangements. Is that the suggestion?

Prof. K. T. Shah: No, I mean at the time of voting. The hon. Member has not understood me.

The next is a much more delicate and difficult point, but I may mention that, without violating the spirit of equality of sexes guaranteed in the Constitution, some separate arrangements may also be made for women at the voting places. I am not speaking of either ladies or females; I am speaking only of women. Women voters in many parts of the country are still, whether we like it or not, hesitant for this kind of publicity. They have got their own sense of privacy or decency or whatever it may be. They have been brought up like that. And if you want nearly half of our population to vote effectively, and if you want that they should at least

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learn to exercise their right as it is, we would be doing no violence to the spirit of equality of the sexes, if we make separate arrangements, where such arrangements are found necessary...

Shri J. R. Kapoor: But the women themselves resent it.

Prof. K. T. Shah: My hon. friend will kindly listen to me fully before interrupting me. I have been told that ladies may resent it.

An Hon. Member: Yes, ladies do resent it.

Prof. K. T. Shah: Well, ladies, do; but women are far more reasonable. We are not saying that women as such should go separately. All I say is that for those who desire it, those who feel the necessity for it, those who otherwise would not vote, for them we should provide this facility of having a separate shed or some such thing at the place of voting. It is no violation of the Constitution.

Shri Kamath: Like separate railway carriages for women.

Prof. K. T. Shah: My friend here gives the analogy of separate carriages for women on the railways. It is not a disqualification on the ground of sex. It is just a facility in certain parts of the country where the need for such is felt. We are not talking of capital cities where there may be no such demand. But elsewhere where such a necessity exists, and where women want it, if we want that nearly half of the population should properly vote, this facility should be provided. You provide transport, you provide communication, you provide literature and I do not see why you should not provide or set apart one tent out of the four or five at the place of voting.

Shrimati Durgabai (Madras): May I inform the hon. Member that wherever inconvenience is felt by women, and where there is need for such arrangements, they are being made even now. We need not have a specific provision to that effect here.

Prof. K. T. Shah: It may be there and all I ask is to recognise it.

Shrimati Durgabai: No statutory provision is necessary.

Prof. K. T. Shah: It may not be necessary to have any such statutory provision if it is understood to that extent. I am just placing this suggestion before the House for what it is worth. Here is again a case where I have not ventured to bring forward an amendment. Therefore, no one need worry about that. I would be quite content if my hon. friend would see that this matter deserves consideration. Nothing more than that.

I think I have covered most of the points on which I wanted to address the House. I have been all along claiming that all the points that I have urged are based on my desire that the elections should be as fair and free as possible, that no one should be prevented from exercising either the right to vote or even the right to stand as a candidate, and be deterred for want of funds or for want of facilities, that those who are proved to be unsocial elements should be precluded, and that those who are under some disability or hardship for no fault of theirs, they should be given some special facilities. I hope that these suggestions will be acceptable, and trust that they will be implemented.

Pandit Krishna Chandra Sharma: This measure certainly is an improvement over the election law as it exists to-day. The fundamental thing about the election law is—and it is recognised by our Constitution and all the Constitutions of the nineteenth century—that a Government by the people is envisaged. How to set up such a Government by the people? A fundamental obligation is laid on the citizen to vote. Every citizen has to vote. In our Constitution the right to vote is given to every adult citizen, with certain qualifications, of course, in exceptional cases. Now, taking a moderate view, about 18 crores of our people will be enjoying this right to vote. At no time and in no other country in history has so large a number gone to the polls. Now we should see that all the persons who have the right to vote also go to the booths and exercise their right. But taking a complete picture of the history of elections, we find that not more than some ten per cent. of the voters have ever gone to the polls and so the Government so elected has not been either by the majority of the people, nor by the majority of the people who enjoy this right to vote, but by only a very small minority of the people.

What can be done now to see that the great majority of the persons having the right to vote do come and vote?

One of the suggestions made by political scholars is to make voting compulsory. This has been done in three countries—Australia, Belgium and Switzerland. In Australia, if a voter does not vote in two elections, it is punished as misdemeanour. In Belgium and Switzerland fines are imposed if a voter fails to go to the polls and vote. One advantage of this compulsory voting is that so much conflict and so much partisan anxiety to bring the voters to the polling stations are eliminated and much of the corruption is eliminated. The duty is cast on the voter himself to come and vote. It is not left to the parties to drag the voters to the polls and indulge in so many things which are illegal and sometimes even indecent.

In this Bill, of course, I do not think the hon. Law Minister will accept the suggestion to make voting compulsory. He has however promised to have as many polling booths as may be necessary and no one would have to go beyond three miles. So there will not be much scope for people to provide carriages or other vehicles. The first point is that there should be such polling booths within reach of the villages. Secondly, the elections should be done at a time when the general people have a little leisure from other occupations like sowing or reaping and also when there are no rains or such disturbances, so that the people could go to the polls and register their votes. The next point is that the elections should be completely free. This is important because it is the first big experiment of our Republic to have a Government elected by as many as 18 crores of people.

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It is of great importance that altars of democracy in our land should be kept pure and unblemished. Of outstanding importance in the preservation of the principles of democratic Government is the observance of precautionary requirements designed to ensure the sanctity of the ballot. It is imperative consequently that our elections be undefiled and untainted with fraud. To meet this objective the Bill has provided sufficient safeguards in the form of disqualifications for candidature in Part II, Chapter III. There are some disqualifications to ensure that the candidate should be a man with the minimum qualifications required to stand for election. He should have those minimum qualifications to claim the responsibility of being entrusted with the task of legislating for the people. These qualifications are necessary and adequate.

Mr. Deputy-Speaker: There are no qualifications but only disqualifications set out.

Pandit Krishna Chandra Sharma: I mean negatively the people are qualified, because they do not have those disqualifications. These disqualifications *prima facie* provide that the candidate elected would not be given a chance of doing any trickery to get people's votes and thus get into the Parliament or the State Assemblies.

I think the Law Minister said that the House should not be a body of chorus girls. I think there is something misconceived in this reference to chorus girls. The Constitution presupposes a party Government and for that there should be a leader with a following. In order to have a party Government the leader must have a following. I made bold to say that to make any progress in human affairs there must be a leader and a following. This has been the course of evolution in human history. To have all people so wise and individualistic as not to agree on any point is to have a set of wise fools, which will not carry the Government very far. In this connection I may quote a very learned author, Arnold J. Toynbee from his book *A study of History*:

"Growth is the work of creative personalities and creative minorities; they cannot go on moving forward themselves unless they can contrive to carry their fellows with them in their advance; and the uncreative rank and file of mankind, which is always the overwhelming majority, cannot be transfigured *en masse* and raised to the stature of their leaders in the twinkling of an eye."

Further on he says:

"In fact, a natural organism is made up, like a human society, or a creative minority and an uncreative majority of 'members'; and in a growing and healthy organism, as in a growing and healthy society, the majority is drilled into following the minority's lead mechanically."

I would with all the emphasis at my command repudiate the suggestion that the mere drilling of people would lead them into blind following. When the Constitution was being discussed in the Constituent Assembly I raised the point of a dangerous situation which might be created by a body of wise fools. A Delhi daily with some half-educated man on the editorial board

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put it as a "democracy of mediocres" without understanding the point. The danger is not in having a great leader with a following behind him but the danger is in having a set of wise fools incapable of conceiving an agreed measure to meet a situation and agreeing on principles. 'A Government manned by the ablest statesman would be of little value if no two members of the executive agreed to any measure'. It is therefore necessary that there should be a leader and a following and of course there should be an opposition. In the coming elections there is no fear of not having an opposition. You will have quite a strong and capable opposition.

The provisions regarding certain powers in the hands of the Election Commission should be deleted. Chapter III, clause 7(1)(b) should be deleted. The period of five years since the man's release can be curtailed by the Election Commission. This power should not be given to the Election Commission. Once a man is convicted for any offence for two years, he should not be eligible to stand as a candidate and there the story should end. No power should be given to the Election Commission to remit any period.

As regards part (c) of clause 7(1), that should also be deleted. This question should be dealt with in a straight way. Once a man is disqualified by law there should be no arbitrary power in the hands of the Election Commission to remove the disqualification. In the last part (f) the same power is given as also in sub-clause (3) of clause 7. My submission is that this power of doing away with the disqualification should not vest in the Commission.

Then I come to the question of election expenses. As Prof. Shah said, most of the expenses will be incurred either in propaganda and publicity or in carrying the voters to the booths. So far as propaganda and publicity are concerned they would be done by the party to which the candidate belongs. Situated as we are it is very difficult for an individual to stand on his own account; a candidate, I suppose, must belong to one party or another and that party will in course of time evolve its own method of working. We might make mistakes in the beginning but just as other people have evolved precise methods of working we too are not likely to fail in devising proper methods of propaganda and publicity. But I do not agree with the hon. Law Minister that expenses

incurred on propaganda on a party basis would be a part of the election expenses incurred by the candidate...

The Minister of Law (Dr. Ambedkar): I did not say that—I said just the opposite.

Pandit Krishna Chandra Sharma: Then it is all right. The election expenses of a candidate must be confined to expenses incurred with regard to that candidate, which would be incurred mostly by himself, his agent or on his behalf by his friends. So, the question of the expenses coming to large sums, as Prof. Shah fears, will not arise because, among other things, the polling booths will be easy of access to all the voters which will eliminate heavy expenses.

Coming to the question of corrupt and illegal practices and electoral offences, I respectfully submit that I find in the Bill more safeguards than are to be found in any existing election laws. It is a long list of offences the major ones among which are bribery, undue influence and malpractices with regard to ballot papers. This long list providing for such offences is bound to ensure fair elections, without any undue influence and any undue inducement. If these precautions are taken carefully and executed in the spirit in which they are expected to be executed, then I repeat fair elections will be fully ensured.

A point was made with regard to sub-clause (8) of clause 122 which restrains a Government servant from canvassing for or helping a candidate. I entirely agree with the hon. Minister that it is one thing to have the right to vote but it is entirely a different matter to have the right to move the administration in favour of a particular candidate. The administration as such must remain neutral and independent in the matter of elections; it should be incorruptible. It is a different matter if, as my friend Prof. Shah fears—and I think his fears are unfounded—Ministers run here and there for their party. A Minister by himself does not make a Government. It is the sub-inspector of police or the *tehsildar* or the *patwari* who will move the voter—not the Minister. The Minister can say simply, "My party has done such-and-such a thing, therefore I claim the right to return again on the basis of the measures my Government has taken", but he cannot ask X, Y or Z to go to the polls and vote for his candidate—such a thing is impossible. The fear is that the *patwari* may go to the house of the voter and drag him to the polling booths, or the *tehsildar*

will issue a note to the *patwari* or the *kanungo* to do such-and-such a thing or the superintendent of police may issue an order to his sub-inspector of police and get it executed through the *chowkidar* or constable to drag the voter to the booth. However hard it may look, for having a fair election and for having a better Parliament or better legislatures it is necessary that no part of the machinery of Government, however small, however insignificant, should have any part so far as influencing voters in their freedom of voting is concerned. My friend, Mr. Khandubhai Desai says that workers and this class of insignificant Government employees and that class of insignificant employees should not in any way be bound by law in canvassing etc. I respectfully submit that in that case there would be no line of demarcation. One set after another will come forward and say, "We are insignificant. What influence do we enjoy? We are poor people". They themselves cannot enjoy any influence but a superintendent of police or a district magistrate does and the order or wish of these officers will be carried out by this minor and "insignificant" men. It will not be the *tehsildar* who will tell a citizen to go and vote for X, it would be done in the name of the superintendent of police by the *chowkidar*. So it is necessary that no part of the machinery of Government should have any influence to exercise pressure in voting. Therefore I consider that provision for all these illegal and corrupt practices is very essential.

With regard to clause 124(1), "incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting", I submit it is too hard as well as impracticable. Because every voter, rather every citizen is expected to be interested in the fate of his people and therefore in the formation of the Government. It is open to everybody to hold a meeting, to issue a pamphlet, to make propaganda that such-and-such a party must come into power. That such and such a party must come into power means that such and such a candidate must be returned. Therefore, it is open to no objection that everybody and anybody should be free to incur expenditure in issuing pamphlets, doing publicity or making propaganda in favour of a candidate. If every citizen is entitled to take interest in the matter of having a good Government, then every citizen is entitled to make propaganda for it. The question is whether it is to be done at the instance of the candidate or not. If it is done at the instance of the candidate, certainly the money will go

to the election expenses. If anybody wishes to do it without the consent, then he is free to do it. There should be no bar in his way.

With regard to election offences, you are prohibiting the holding of meetings one day before the election. I think this is uncalled for, objectionable. There should be nothing of this kind. Why should you prevent the meeting one day previous to the election? In order to have fair elections, you can prevent any trouble whatsoever from taking place in the area of the election booth. That is all right, but provided the meeting is not illegal, it should be open to a party or a candidate to hold meetings one day previous to the election. Nothing should stand in the way. Those who are experienced in this election business will agree that in quite a number of cases it is the last moment that decides the fate of the election.

The Minister of Home Affairs (Shri Rajagopalachari): That is what they want to prevent!

Pandit Krishna Chandra Sharma: I know of an election in 1924 in Bulandshahr where two hours before the election the candidate who was likely to win said something which was not agreeable to the people and people who came to vote for him turned to the other side and voted against him and he lost the election.

Shri Sondhi (Punjab): Things have changed now.

Pandit Krishna Chandra Sharma: What I say is this. If it is open to a man to change his opinion at any time before he casts his vote, it is open to the party or the candidate to influence him to change his opinion at any time before the vote is cast. I suggest therefore that there should be no restriction in this matter.

In regard to marking of the box etc., and the arrangements at the polling booth, the practice has been that when a voter comes the candidate's agent accompanies the voter to the polling booth. This has resulted in interference with the right of free vote in many cases. This should be kept in mind and the rules framed should be clear that the voter should go alone to the polling booth and nobody should be allowed to accompany him. In regard to the ballot box also, there should be colour boxes with the markings of the candidates. Only this will eliminate unnecessary trouble on the part of the voter.

Then a large number of election offences have been mentioned and punishments have been provided for them.

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I suppose all this is more than enough and actually more than what is found anywhere else in an election law. On the whole, therefore, this electoral Bill takes greater precautions than have been taken hitherto.

The only thing is that while the Bill lays down procedure, while it gives facilities, makes penal provisions and ensures free elections, the question remains whether the people as they are today would take the election business seriously and take interest and go to the polling booth and cast their vote.

The Deputy Minister of External Affairs (Dr. Keskar): They are free to take interest.

Pandit Krishna Chandra Sharma: Yes, but it is not only that they are free to take interest but they are entitled to know what the election business is. They are entitled to know why elections are held. They are entitled to know what would be the consequence of their voting. While therefore it is the duty of Government to give them the electoral law and ensure a free vote, it is also the duty of Government to enlighten the people with regard to their right; the consequences of the exercise of that right and their duty to exercise that right. I say this with all the emphasis at my command. The atmosphere should be so created by doing all these things that the people would be enthusiastic in going to the polls and taking full advantage of the rights given to them.

Dr. C. D. Pande (Uttar Pradesh): Before I take up the provisions of this Bill, I should like to make a reference to the compliment that has been paid by Dr. Ambedkar to the Members of this House. He referred to them as chorus girls.

Dr. Ambedkar: I am sorry. I think it is quite wrong to say that I referred to the House. My observations were of a general character; they had nothing to do with the House at all.

Shri R. Velayudhan: It was not about the House.

Dr. C. D. Pande: If he did not mean that.....

Mr. Deputy-Speaker: He did not want Members of the House to be mere chorus girls when they are elected.

Dr. C. D. Pande: It comes nearly to the same thing.

Dr. Ambedkar: Not at all. It refers to future Members.

Dr. C. D. Pande: Anyhow, when I heard that remark.....

Dr. Deshmukh: He has not discovered any of such characters here so far.

Dr. C. D. Pande: I felt with some Members of the House at least that that remark was not a happy one, and the remark if it was appropriate, let me extend the simile further. What he said was that the Members were chorus girls. If we are all chorus girls, then he is the matron of that establishment.

Shri Syamnandan Sahaya (Bihar): You may be one; we are not.

Dr. C. D. Pande: He is the matron of that establishment.

Shri R. Velayudhan: Is it not an insinuation Sir?

Shri Rajagopalachari: If we talk again and again about chorus girls perhaps they may object too!

Mr. Deputy-Speaker: As a matter of fact, some of the lady Members of this House expressed to me that I ought to have intervened and said that a reference ought not to be made to chorus girls. They are very touchy about these matters now-a-days.

Dr. Ambedkar: I apologise if they have taken it in offence. This is what I said: if we did not do certain things, then what might follow will be like that. I had not the slightest idea to refer to the Members of this House. I was referring to the result that will follow if certain precautions are not taken.

Babu Ramnarayan Singh (Bihar): You were right.

Dr. C. D. Pande: If he did not mean it, I leave it at that.

The main provisions of this Bill have been thoroughly discussed by previous speakers and I would touch only a few main points. To me, the most vital point is the use of the national flag in the election campaign. I cannot imagine any election campaign in this country in which the Congress takes part wherein the use of the national flag could be avoided or should be avoided. The distinction between the national flag as accepted by Government and as used by the organisation is very slight and people are really confused. It will be very difficult for the officers concerned to make a distinction whether a particular flag has got the Ashoka Chakra or the Charkka on it.

Dr. Ambedkar: I think the two are perfectly distinguishable.

Dr. C. D. Pande: People are often confused. And then, I ask: why not use the national flag? Why not use the national flag as accepted by the Government? The Congress has for the last thirty years been fighting for the liberty of this country and why should we be denied the use of the flag which has brought victory to us and sustained us so long?

Mr. Deputy-Speaker: Now it has become the flag of all the parties.

Dr. C. D. Pande: All the parties are welcome to accept it. I do not want to restrict the use of the national flag to the Congress party alone. If the Communist party wishes to have it, let them have it; if the Socialist party wishes to have it let them have it. What I wish to say is that we must have the national flag in the Congress election campaign and to make a distinction between the national flag as accepted by the Government and as used by the Congress organisation is not an advisable course. It is likely to create confusion in the public mind. Even today there is a privileged class who can use this flag. But there are others who use it with a *Charkka* on it: with the result that the man in the street is completely bewildered.

The use of the national flag should be allowed not only to the Congress party but to all the parties, if they want. I do not wish to say that the Communist party should not have the sickle and hammer flag. They will insist on having it—you cannot prohibit it. The Socialist party will have its own flag and the Hindu Mahasabha will have its saffron flag. The Scheduled Caste Federation will have its own flag—though I have not seen it so far. Why should you, therefore prohibit the use of the national flag which has been used by the largest party in the country and which has won the freedom of this country? All hon. Members who have taken part in elections know the importance of the flag in the campaign. Can you ever imagine of a meeting being held under the Congress auspices in which the national flag is not used? Can you go to the polls with a retinue behind you without a flag? Then the opponent will say: "Look here, you are influencing the large number of voters by using this national flag." Therefore, let there be no confusion in the mind of the people that this flag can also be used in election campaigns and meetings by the party which wishes to do so.

Then there is the question of bribery. Other points have been exhaustively dealt with by various speakers, but not the point about bribery. It is one

of the major corrupt practices. Bribery when it is defined in this manner does not relate to bribery as ordinarily understood by the people. It says:

"With the object directly or indirectly of inducing a person to stand or not to stand, or to withdraw from being a candidate at an election or an elector to vote or refrain from voting at an election...."

Now this is a very wide provision. Those who have knowledge of running a party machine, know the difficulty involved in this. The candidates of a party are selected by a committee and then they are asked to put in their nomination. Not only that, they are asked to give along with it, their withdrawal. The leader of the party says to a member to put in his nomination as well as give his form of withdrawal. The man who asks for it will be a victim of illegal practice or bribery. If you allow this provision to remain, then there will be a lot of litigation and every election will be questioned.

There are people who can say and who say why I should attach so much importance to this phraseology of law, this jargon of law, because it contains so many phrases which have no meaning. We have fought elections in the past under this very clause. But in the past the situation was different. Recently you would have seen the amount of passion generated in the country during the course of Congress elections, and the manipulation and manoeuvring indulged in. Membership of the future Parliament definitely means some prestige in the eyes of the public with the result that a good amount of influence is bound to be brought to bear. If that is so, why should not there be a provision for meeting that corruption. I feel if you make the law too complicated, then those who will be defeated will take to such remedies which are provided in this Bill, but which otherwise was just a formal clause of the Act. In those days nobody objected. But today one must be very careful in putting in such phrases which are likely to be misconstrued at the time of the election petition. Can a man be charged with bribery, because he has asked a friend of his, or a follower of his, or a colleague of his, to withdraw from the contest? I put it to you—do you call it bribery? Is it punishable? Will you give a man of the opposite party the right to file an election petition on this basis? You know these days there are courts and courts and lawyers and lawyers, the crafty interpreters of law when they are approached.

Dr. Doshmukh: Clever, not crafty.

Dr. C. D. Pande: 'Crafty' is not an unparliamentary word, I suppose.

Mr. Deputy-Speaker: Why should the hon. Member make such a remark about a learned profession.

Dr. C. D. Pande: What I mean to say is that when a candidate is defeated, he goes to a lawyer with a big fee in his pocket and asks him to suggest ways and means of unseating his opponent. "I may sell my property, I may sell my house, but I must see this man out." With this aim, with this fury in his mind and with this spirit of revenge he goes to the lawyer—and I tell you a lawyer never fails his client. The lawyer replies: "Look here, there are so many points." Then he opens this book and finds that there is such a big loophole that every election can be set aside if this letter of the law is followed. Every election can be challenged successfully under it, if there are lawyers and moneyed people to contest the elections. You have to guard against this situation particularly when there is so much malice, so much discontent and disgruntled spirit in the country. One should be careful and should not allow many loopholes in the law for people to take advantage of.

Then there is the definition of illegal practices in clause 124, sub-clause (1) of which reads:

"The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate."

Now, as my hon. friend Mr. Gautam pointed out yesterday a party which runs a large number of candidates will find it difficult to fulfil the letter of this law, because it is generally the party which spends the major amounts. Then to make an allocation between candidates in one area or one constituency one has to divide it. Suppose Pandit Jawaharlal Nehru or Pandit Pant goes to a constituency in Uttar Pradesh, say Banaras, and addresses a public meeting with an influence over an area in which there are about twenty candidates. Then you have to allocate the expenses of that meeting among the various candidates. For that Dr. Ambedkar gave a remedy. He said that there is a distinction between

a meeting for the purpose of politically educating people and for the purpose of canvassing for a particular candidate. The distinction is a very fine one and I think it will never be observed. It is very difficult to observe this distinction. If you go to a meeting for the purpose of educating the masses or the voters without naming any candidate such meetings will never take place. Then by way of clarification Dr. Ambedkar said that he found no difficulty in filling the election expense returns because election expenses means expenses incurred for the election, that is, after the nomination. The question was put whether pre-nomination expenses were included there or not. He said it depends, because if you have announced your candidature from that date it will be incumbent upon you to fill it in the returns. I think it will be very very difficult and dangerous to give such wide ranges and to give new definitions for the election expenses and for the nomination expenses—to make that distinction between the two stages, that is, nomination expenses and election expenses.

Dr. Ambedkar: I did not make any such distinction.

Dr. C. D. Pande: You said that election expenses do not mean the expenses incurred before the nomination is valid, that is to say, the expenses up to the date of validation of the nomination should not be included. But so far as the terminology goes it includes all the expenses incurred on the election, whether before or after nomination.

Dr. Ram Subhag Singh (Bihar): Not before nomination.

Dr. C. D. Pande: Why not?

Mr. Deputy-Speaker: That is the judicial interpretation according to the hon. Minister.

Dr. C. D. Pande: I myself have experience of filing election returns. There the expenses, for instance, of getting the voters list has to be included. Suppose I do not fill in two rupees for getting the copy of the voters list. They would ask "Where have you entered the expense for procuring the voters list, to make your nomination valid?" Suppose I stand for Naini Tal and stand from Gorakhpur. From Naini Tal a copy of the voters list certified by the Magistrate has to be obtained and sent to the Returning Officer at Gorakhpur, so that he may certify that I am a voter. The cost of bringing a certified voters list from Naini Tal to Gorakhpur by

messenger or post or the fee paid for the taking of the copy has to be shown in the election expenses. That is my experience.

Dr. Amedkar: That is right: But you do not want all the registers. All that is necessary is a certified entry. It will not cost you more than two pence.

Dr. C. D. Pande: What I want to make out is that the demarcation between nomination expenses and election expenses has not been observed so far, but it may be done in the future.

Mr. Deputy-Speaker: Evidently the hon. Member is suggesting that there should be an explanation.

Dr. Ambedkar: All that he is suggesting is that there ought to be no such rule as presenting the election expense return and that a candidate should be able to spend any amount according to his capacity.

Dr. C. D. Pande: I do not wish to restrict the amount. It is a matter of practical difficulty when election returns are filed—whether pre-nomination expenses will be included or not, whether election expenses will be included or not, whether election expenses mean only the expenses incurred after nomination and up to the end of polling. If that is so this is a new meaning given to election expenses. That is what I want to say. I might not have made it very clear, but in my mind I am very clear because I have seen elections being fought in large numbers and I know the difficulty.

Then I want to suggest one thing and that is about withdrawal. You have said therein that nobody should be asked lawfully to withdraw from standing. So many dummy candidates are set up by parties and they are asked to withdraw. Either you say that this jargon has not got any meaning, or if it has a meaning it must be made clear and there should be no loopholes.

Mr. Deputy-Speaker: The language seems to be quite clear.

Dr. Ambedkar: The Select Committee certainly did not find any difficulty in understanding it.

Dr. C. D. Pande: Clause 122 (1)(a) says "a person to stand or not to stand as, or to withdraw from being, a candidate at an election".

Mr. Deputy-Speaker: The earlier portion ought to be read along with

that, namely, "Bribery, that is to say, any gift, offer or promise by a candidate...with the object of inducing" etc

Dr. C. D. Pande: Suppose I suggest to a candidate that he should not stand for the Assembly because he has a better chance to be taken up in the Upper House. Does it amount to corrupt practice? It does as far as I read the provision.

Dr. Ambedkar: It does not come under sub-clause (1). You are offering him better and surer prospects.

Dr. C. D. Pande: Does it not come within this provision?

Dr. Ambedkar: You can go on doing your manipulations.

Dr. C. D. Pande: They are necessary and we should not be ashamed of them because a party cannot be run without them.

Pandit Thakur Das Bhargava (Punjab): I think it would come within the mischief of the clause.

Dr. C. D. Pande: I would very respectfully submit to Dr. Ambedkar that there are situations that have to be met in practical life and you cannot do away with the difficulties you find. We would have left this language as it is had we not the apprehension that in future all the elections will be questioned and in all the elections the basest material of human nature will come out to upset things, and the courts and lawyers will conspire to do their best to undo what has been done by the franchise. To my mind, if a man secures the majority votes that is the highest tribunal for the final decision for his being elected.

Dr. Deshmukh: Lawyers will be available to conspire against that also.

Mr. Deputy-Speaker: On the other hand, is there no danger of a proper candidate who is liked by the constituency being forced, by illegal gratifications offered, to withdraw his candidature after the nomination is filed?

Dr. C. D. Pande: But it remains to be decided whether a promise to set up that person for the Upper Chamber instead of the Assembly amounts to corrupt practice or not.

Hon. Members: No.

Dr. C. D. Pande: These words do not indicate that.

Mr. Deputy-Speaker: I think these doubts may better be cleared when the clauses are discussed.

Dr. C. D. Pande: When elections are fought and objections are filed you will see that everything will be disputed. There should be no mistake about that. These very phrases which seem to have no meaning will acquire meaning then. I can tell you of one example. In the Constituent Assembly a provision was made for acquiring a property by payment of compensation.

Mr. Deputy-Speaker: Are we to go into that matter now?

Dr. C. D. Pande: What I say is that looked so simple and nobody at that time thought that it would create a difficulty in the abolition of zamindaries.

Shri Shiva Rao (Madras): On a point of order, I should like to know whether it is fair to say that the courts would conspire with the lawyers to unseat a successful candidate?

Mr. Deputy-Speaker: It is wrong.

Dr. C. D. Pande: I am sorry, if I said "courts". I thought I said "lawyers".

Mr. Deputy-Speaker: No hon. Member in his enthusiasm to condemn any provision here ought to cast aspersions on courts or even lawyers or women or particular persons. That has become so cheap. It is wrong.

Shrimati Durgabai: The hon. Minister sometime ago said that no civilization exists unless there are lawyers.

Mr. Deputy-Speaker: As far as the substance is concerned, if there is any difference, it is open to hon. Members to bring it to the notice of the House. If it is agreed that it is not the intention of the framers that this should apply to such cases, it is open to take it up at the proper time, that is when the clause is taken up for consideration. Therefore, that matter need not be laboured any further.

Dr. C. D. Pande: If the Members of the House feel that there is no ambiguity in the language and if they feel that it will not be stressed at the time when interpretation is required, I will not pursue the point.

Mr. Deputy-Speaker: The matter may be taken up when the clause is considered.

Dr. C. D. Pande: I would not like to press this but I thought that this point was not particularly emphasized by any of the previous speakers. I am not very keen that one should have an occasion to speak but things should be made clear so that difficulties may not arise in future and at that time people may say: Look here this law is so specious that advantage can be

taken of the loopholes. That is what I want to avoid. If people feel that there is no loophole, let it be so.

Then I come to part (d) of clause 7(1)—disqualifications. Dr. Ambedkar himself said that this is a severe provision and that it requires some modifications. I think this provision need not be there because we cannot do away with the Fundamental Rights of certain people unless proved guilty of corruption or anything of that type. A very honest man may take a licence and carry on his business. He may be a respectable citizen and he may have good chances of standing in Parliament and he may be returned and prove himself to be a good legislator here but you do not give him a chance of rendering public service. Prof. K. T. Shah went to the extent of saying that they are all moral lepers. I can understand the feeling of disgust and ill-will that they have got for all those anti-social forces and most of the hon. Members share that feeling that those anti-social forces should not be given the position of privilege and should not be allowed to be Members of Parliament. That is one thing, but to make a provision which is so sweeping in its nature is not fair. It is very difficult even to name the number of persons involved; it is certainly too large a number who will suffer under this disadvantage. We should not be hesitant about this because a large number of people are involved in this. If you feel that there is too much corruption and dishonesty going on, a larger number of people are responsible for it more than the man who is holding the permit. Though he holds the permit, yet how many others are helping him? You have no lists of them. They are left scot-free but because this man happens to make a little money, you disqualify him. That is not proper. This clause will not apply to the big guns that you have in mind and who are the victims of your ill-will. If they alone are disqualified many people would not weep as Prof. K. T. Shah said. There are people who will be worthy of being elected to this House or any other House in the States and they would be disqualified. (*Interruption*). This is a clause which will include many people such as a licence holder, a share-holder, a director in a concern. It is not proper to name persons. Suppose there is a newspaper and it has got a board of managing directors, a well known daily in Delhi or in Patna, or in Madras or in Bombay. These are dailies which are joint stock companies and which have managing directors and some of them have Chief Editors and they want to stand for election, what will be the position?

People generally seem to think that this clause refers to permit holders. There are people in this class who are very respectable people but according to this provision they may also be disqualified [*Shri Hussain Imam*: They are subject to proviso (iii)]. Not the shareholders.

Mr. Deputy-Speaker: The object is if licences are obtained for the purpose of trading in such goods and not for their consumption or use.

Dr. C. D. Pande: Take the case of *Tatas*. They are businessmen; they are the managing agents of a concern and they are permit holders for various things which they import or export for the purpose of their trade or industry. According to this provision you will debar the managing director of that concern; you will debar him if he employed any person under him in that organization. If that is not so, then the whole purpose of this provision goes. There is no purpose whatsoever in having this provision. The managing agent of a certain concern engaged in business, if you debar him, can engage a solicitor. After all what is the purpose in excluding such people in this Parliament?

Mr. Deputy-Speaker: Then Parliament will become a Parliament of licence-holders or permit-holders.

Dr. C. D. Pande: That we know. If your purpose is to avoid such people who will come here and who will directly or indirectly advance the object of their business, I say that even if this purpose is made clear, it can be avoided. At the same time, it will disqualify the smaller firms in the trade and you will not be able to detect the bigger ones. (*An Hon. Member*: Even if you cannot stop the leakage, should we not stop the percolation?) I say leave this thing to the electorate. Let them be judges of persons who are worthy of being here. All I can say is that the patent black-marketeers and profiteers will not find any seat in this Parliament. Out of 430 Members to be elected, I can assure you that 425 will come from the people and they will be poorer people than what we have today. Such a vast electorate has got its own judgment and a seat has got 3,50,000 voters and I do not think the black-marketeers whom you dread so much and whose presence may be very undesirable would be able to influence the electorate. This disqualification is fundamentally wrong. This privilege should be given to the electors. They should know whom to elect and whom not to elect. Some hon. Member was saying yesterday that lunatics will get elected.

12 Noon

Dr. Deshmukh: Popular lunatics.

Dr. C. D. Pande: A little suggestion about the return of election expenses of nominees. There are nominations for the purpose of withdrawal alone. The party wishes to nominate a duplicate candidate or more than one candidate for one seat in the apprehension that perhaps that other person may be disqualified or something like that. As soon as the nomination of one person is found valid, the others withdraw in his favour. I think it is not proper or desirable that you should insist on his filing a return of election expenses. He is a person who has been simply put up for the moment, to see that the real candidate has a valid nomination paper. If you put that obligation on him as well, who withdraws, it is too much of an encumbrance and it will serve no purpose. It does not involve any dishonesty or any malpractice. The man has not incurred any expenses before; nor is he likely to incur any later.

Mr. Deputy-Speaker: He can say that easily.

Dr. Tek Chand (Punjab): It may be quite easy for him to file the return. How are you to determine as to who is the genuine man?

Dr. C. D. Pande: He withdraws in favour of somebody of his own party.

Dr. Tek Chand: Not necessarily.

Dr. C. D. Pande: What I say is that nominations should be divided into two classes: effective nominations and dummy nominations.

Mr. Deputy-Speaker: Who is to decide that?

Dr. C. D. Pande: There is a date fixed for the scrutiny of nominations. After that date, people are allowed to withdraw. All the dummy candidates or alternative candidates will withdraw and also get a refund of their deposits. In the case of those persons, it is not necessary to ask for the return of election expenses. Any way, this is only a suggestion.

Mr. Deputy-Speaker: There is no fee, no stamp; nothing is charged except postage. What is the difficulty?

Dr. C. D. Pande: For 4,000 candidates, there will be at least 1200 or 1500 who will withdraw on that date. To ask all these, who are non-effective even as nominees, to file return of expenses is not necessary. Anyhow, this is a suggestion and a small point.

Mr. Deputy-Speaker: Mr. Raj Bahadur, Yesterday, I called the elderly statesmen; today I will give an opportunity to the younger Members.

Shri Hussain Imam: What about the old people who were ignored yesterday?

Mr. Deputy-Speaker: They will be called tomorrow.

Shri Raj Bahadur: I am deeply grateful to you for calling me, a younger one out of the group of young people, to give my impressions on the Bill. It is the young people who look at this Bill with great hopes and aspirations, and I am happy that my old friends like Mr. Guha and Sardar Hukam Singh recognise that fact.

Shri Syamnandan Sahaya: Please do not call Mr. Guha an old man.

Shri Raj Bahadur: Perhaps, the hon. Member is not aware that he is more than 60 years old. I would request my hon. friends to allow me to have my say; I do not want to take more time of the House.

It is obvious that this Bill is of extraordinary importance for the future of this country. Upon the effective and successful implementation of the provisions of this Bill depends the future of our country. All the hopes and aspirations that the masses of this country have pinned to our freedom, and the realisation of their dreams are dependent entirely on the coming General Elections. This would be the first elections in a free India on the basis of adult franchise. The whole nation will be on trial. If we think over the matter deeply we will find that in order to ensure fair and free elections, the entire thing depends upon the officials. However effective, howsoever wise the provisions of this Bill may be, in the ultimate analysis, the success of the elections depends upon those who will work it out, who will manage these elections. There are certain provisions in this Bill which pertain to them in Chapter III, Part VII. In the temper through which our country is passing, it should have been proper if more effective checks had been provided in this Bill to ensure that the officials do not tamper at all either way with the results of the election. Clause 128 provides that whenever an official connected with conducting the elections happens to persuade any person to give his vote at an election, or to dissuade any person from giving his vote at an election or to influence the voting of any person at an election in any manner, shall be punishable with imprisonment which may extend to three months or with fine or with both. Dereliction of duty on the part of an official is punishable with a paltry fine of Rs. 500. It is obvious that on that official depends the fairness and freedom of the elections. Therefore, it is

only meet and proper that more severe punishments and a more stricter control are necessary for the people who will manage these elections. The degree of impartiality, integrity and non-partisanship which these people will display in the conduct of the elections will inspire confidence in democracy. Democracy in our country is on trial and for the first time, it will undergo a real test and ordeal in these elections. We know that there are certain elements in this country which time and again cry against even democracy. You will find that there are elements which are out and out for dictatorship. There are elements which are thinking that the old order might again come back. We have just had an example of that in what happened in the western part of our country, in one of the important States. I therefore think that it is only proper that more effective checks and more severe punishments should be provided in the Bill for such officers as happen to be guilty of delinquency in their duty.

In order to ensure free elections, it is obvious that the bully and the knave as also the wealthy and the privileged classes should not be allowed to commit mischief. The bully by his bullying, the knave by his knavery often happen to control and misguide the voters, threaten and coerce them. I do not know whether sufficient measures have been provided in this Bill against them. I know there are certain provisions; but to me, they look to be too diluted and lukewarm.

This brings me to my point and my minute of dissent that I have appended to the Report of the Select Committee. Yesterday, Dr. Ambedkar pointed out that a clause disqualifying the Rulers or all those persons who get some fixed allowances, salaries and pensions from the Consolidated Fund of India is not necessary at all. He invited our attention to the provisions of articles 102 and 103 and said that in case there is any Member against whom an objection is taken on this score, the remedy lies in appealing to the President. I would request the hon. Minister to listen to me because he wanted me to give him the justification for asking him to include a clause to that effect.

Mr. Deputy-Speaker: The hon. Member invites the attention of the hon. Minister, particularly about the Princes, how far they hold offices of profit, etc. The hon. Member wants to impress his arguments on the hon. Minister.

Dr. Ambedkar: I am sorry, another hon. Member was asking some questions about this.

Shri Raj Bahadur: Yesterday the hon. Law Minister said that article 103 was sufficient to deal with the situation. I shall read out that article and show how it is not sufficient.

"(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102".

Mark the words "member of either House of Parliament". So this has nothing to do with the nomination or voting. And further this article provides:

".....the President shall obtain the opinion of the Election Commission and shall act according to such opinion."

So the President will act according to the opinion of the Election Commissioner. And election disputes cannot be challenged in a court of law. So it is quite clear that if one wants to challenge the nomination of a ruler on the ground that he holds an office of profit, he cannot do so, because the only remedy allowed is under article 103 according to Dr. Ambedkar and that provision is not sufficient, as I have just now shown. It is therefore necessary that we should have some provision in this Bill to say that any person falling under the category of Rulers to whom emoluments or pensions are guaranteed under article 291 of the Constitution should be disqualified from contesting the elections.

Shri J. R. Kapoor: Or otherwise.

Shri Raj Bahadur: Yes, or otherwise.

I may also point out that in article 291 these persons have been guaranteed their emoluments or pensions under the covenants or agreements. It says:

"Where under any covenant or agreement entered into by the Ruler of any Indian State before the commencement of this Constitution, the payment of any sums, free of tax, has been guaranteed or assured by the Government of the Dominion of India to any Ruler of such State as privy purse—

(a) such sums shall be charged on, and paid out of, the Consolidated Fund of India;"

Therefore, I submit that it is quite clear that such appointments or offices fall under the category of pensioned posts. These payments come under the category of pension and the Oxford

Dictionary gives the meaning of pension as follows:

"A payment made by, or exacted from a person or persons; a tribute, tax, charge, imposition, a price paid or received; an expenditure, expense, outlay.

A fixed payment out of the revenues of a benefice upon which it forms a charge."

The emoluments of these persons fall under this category:

"Any regular payment made to a person for present services; stipend; salary, wages; fee. A subvention, a subsidy, a fixed allowance.

A regular payment to persons of rank, royal favourites etc. to enable them to maintain their State."

They are definitely royal favourites.

"An annuity or other periodical payment made by a person or body of persons, now especially by a Government, a company, or an employer of labour in consideration of past services or of relinquishment of rights, claims or emoluments."

And the present payments have been guaranteed to them by the Constitution because of their relinquishing their past rights of what they called their sovereignty to the people. So it is very clear that these persons do come under the definition of holders of pensions.

Yesterday the Law Minister wanted to know whether there were other analogous cases elsewhere and he referred to a few. I may also say that by the Succession to the Crown Act of 1707, even pension holders have been disqualified from contesting elections to Parliament. There it is laid down— I think in Section 6—that:

"No person who shall have in his own name or in the name of any person or persons in trust for him or for his benefit any new office or place of profit what-so-ever under the Crown, which at any time shall have been created or erected or hereafter shall be created or erected.....nor any person having any pension from the Crown, during pleasure, shall be capable of being elected or of sitting or voting as a member of the House of Commons in any Parliament which shall be hereafter summoned and holden."

The Crown Pensioners Disqualification Act of 1715 also disqualifies

[Shri Raj Bahadur]

persons who have pensions from sitting and voting in the House of Commons. Therefore, it is obvious that the ex-rulers are pension-holders who should be disqualified from sitting or voting in Parliament.

Shri J. R. Kapoor: Are all pensioners in India disqualified?

Shri Raj Bahadur: There are amendments to that effect also.

Therefore, to sum up, my objection is that these are a privileged class and they should be ineligible to contest the elections. My objection does not proceed on mere legal or constitutional grounds. It is much more fundamental. The four pillars of our Constitution are—Freedom, Equality, Justice and Fraternity. Are we then going to entrust the working of such a Constitution to persons who essentially belong to a privileged class? Dr. Ambedkar cannot rule out the possibility of ex-Rulers coming into Parliament by means of these elections. When they occupy seats in Parliament they can also form a Government. Of course that possibility is a very remote one, but all the same, we cannot rule it out, it is there, if we carry the thing to its logical conclusion. That possibility is always there. And being a privileged class by themselves, it is obvious that their privileges and institutions will be perpetuated and more and more privileged classes would be created by them and so the danger to the very fundamentals of our Constitution.

Even apart from that, it is well known that these gentlemen have in the past been always talking about their divine right to rule. This divine right theory they have been installing into the masses of our people for generations and for centuries. They have also taken their stand on the basis of certain castes which have the right to enjoy the loyalty of the people. These loyalties will be sought to be perpetuated if we allow these privileged classes to run the Government or to have their hands in the running of the administration and working the free Constitution of India. Therefore, I say that my objection is very fundamental.

In our Constitution we have guaranteed equality to all. Is it equality in elections for one man with a fat emolument of five or fifteen or twenty lakhs to fight the elections against an ordinary citizen who gets not a pie from the State exchequer? The former enjoys privileges both personal and those embodied in the newly amended

Civil and Criminal Codes. He cannot be arrested without the consent of the Central Government. But the ordinary citizen, the moment he commits an offence, he can be arrested on the spot. It is obvious that it will be a very unequal fight or contest. The justification that Dr. Ambedkar wanted is there already.

I have referred to this point in my minute of dissent. These persons have also functions to perform. These are not sinecure posts. In article 366(21) it is specifically laid down:

“(c) in relation to any other State specified in Part B of the First Schedule, the person who for the time being is recognised by the President as the Rajpramukh of that State.”

That is therefore one function. There are others. Whenever there is a dispute about succession to a particular *gaddi* that question can only be decided by this body of people. So it is quite obvious that they are a privileged body with their own functions. It cannot also be disputed that they are holding an office of profit. It is obvious that they are holding offices of profit and Dr. Ambedkar is not able to take courage in both hands and declare here and now that they are therefore disqualified. As it is, you can raise an objection only when they are once chosen, you cannot disallow their nomination. That is my objection, and my objection as I have explained is very fundamental. If you do not intend to disqualify them why do you not say that frankly. I am not at all for a moment afraid of their entering the election contest with any of us in Part B States. So far as we are concerned we should like the common man to rub shoulders with the highest. But the position is that when they come into the election contest we will have to say things.....

Mr. Deputy-Speaker: If he holds an office of profit, under article 102 he is disqualified for being chosen.

Dr. Ambedkar: So the remedy is there.

Shri Raj Bahadur: But Dr. Ambedkar is not at all clear.

Mr. Deputy-Speaker: That has to be decided only by the President. That point may be disputed also in a court of law. If the Prince is not disqualified under the Constitution how can he be disqualified by this law? Is it not a Fundamental Right, even if he does not come under article 102?

Shri Raj Bahadur: If a permit holder can be disqualified and his Fundamen-

ral Rights violated, I do not think that a much more privileged class which has vested interests should not be disqualified. If you advance the argument of Fundamental Rights in the case of the Princes the same argument can be advanced in the case of the contractor who happens to have a permit for newsprint. My objection is based on the ground that the Prince holds an office of profit and it is fundamentally wrong to allow the privileged class to contest the elections along with the common man.

Mr. Deputy-Speaker: The hon. Member evidently means that under clause (e), "if he is so disqualified by or under any law made by Parliament", it is open to Parliament to make a law.

Dr. Ambedkar: He must show some justification.

Shri Raj Bahadur: The justification is that he would overpower the common man. The justification is that in the U.K. the Lords were not allowed to contest seats in the House of Commons, because they would try to perpetuate vested interests and interfere with the rights of the common man. Similarly if you allow these people whose position is analogous to that of the Lords in U.K. they will interfere with the affairs of the common man and will side with reaction and prove impediments to the progress of the country. I sincerely feel that. If they want to serve the country they must relinquish or surrender all their privileges and advantages which they are enjoying at the expense of the nation. They cannot have it both ways: Heads I win and tails you lose. That would be an unfair game in the elections. Will you allow such a thing to remain in the Constitution? I have said enough on that.

Shri J. R. Kapoor: Would you agree to allow them to be elected to the Council of States?

Shri Raj Bahadur: If he is such a stout advocate of the princes' cause I would definitely consider that sympathetically. (Interruption) I know my name is deceptive. I am no Prince but was born in a mud hut.....

Shri B. K. P. Sinha (Bihar): Why is a Raja Bahadur so nervous of mere Rajahs?

Shri Raj Bahadur: I have been a Bahadur all along and I would continue to be a Bahadur.

Mr. Deputy-Speaker: There is a Sanskrit saying:

Yachako yachakasyashatru.

Shri Raj Bahadur: The position of the jagirdars is not very different from that of the Rulers. They too live on the fat of the land, on the labour toil and sweat of the common man. They are a privileged class of people and should be disqualified. They enjoy large estates. (Interruption) With all respect to my hon. friend I would advise him to relinquish his jagirdari as also advise other jagirdars to do the same, if they really want to serve the country. With all respect to him I suggest that jagirdars should be placed in the same category as the Rulers.

Another point which affects me very much is the location of polling stations. In the Select Committee it was agreed that no polling station will be situated at a distance of more than three miles. When I moved an amendment in regard to Jaipur, Bikaner, etc., it was said that it would not be possible. My State is a trackless one without roads or means of communication. You say that this advantage regarding polling stations will not be available to the voters in my part. I would take exception to this. I do not mind even if you prolong the election in my part by one or two weeks more. In my part each voter has got to walk long distances and you must prescribe a minimum distance there. I am a little suspicious in this matter and I want a clause to be included to the effect that the maximum distance a voter has to travel should be three miles and not more and there should be no exception to it.

Sardar Hukam Singh (Punjab):
Travel by air.

Shri Raj Bahadur: I would be glad if he could let us have the benefit of the air service. (An Hon. Member: What about the ship of the desert?) As regards the ships of the desert due to the multiplicity of the raids from Pakistan every day we are losing them and it is unsafe for us to rely on them. If you enlarge the area the voters would have to come from 20 miles. Besides, the political consciousness in my part is not so much as in other provinces. Therefore this clause regarding the maximum distance of polling stations should be there for my province as well.

Shri Alagesan: At the very outset I have to thank the hon. Speaker for having permitted non-members of the Select Committee to take part in the deliberations of the Select Committee and make their humble contribution to the shaping of the Bill at the Select Committee stage. As one of the non-members who took part in the deliberations of the Select Committee I want to tender my thanks to the Speaker,

[Shri Alagesan]

This is a political Bill and as such it should be fair and do justice to all political parties. It is but natural that parties that are just now not in power are very anxious to see that the party in power today does not by any legislative device try to ensure their continuance in office and disable others from getting into power. It is due to this anxiety that several minutes of dissent have been appended. It is due to this anxiety that Shri Sarangadhar Das wants that counting of votes should be done at the same time. I found yesterday that the hon. Mover of the Bill was somewhat in sympathy with this suggestion; he seemed to say that though counting may be done at different times the declaration of the results of the elections may be announced at one and the same time. But I do not think that that will be a convenient arrangement. Surmises of the results will appear in the Press and it will create confusion. Again, he wants reservation of constituencies instead of reservation of seats. This also, in my opinion, will not work. He also wants to prevent the use of any colourable imitation of the national flag or national emblems. Here again, whereas the Congress party has been permitted in the past to use the symbol of its own flag, by one stroke of the pen he wants to efface the entire history and deny the use of the symbol of its flag to the Congress party because it is somewhat similar to the national flag.

All these things are but temporary remedies and will not help the opposition parties to capture the votes of the electorate. On the other hand, the Bill helps them a good deal by providing that anybody in the country can stand for any Parliamentary constituency anywhere, and as regards the State constituencies anyone residing anywhere in a State may stand in any constituency within that State. This provision, I think, will help the opposition parties a good deal, and they can take advantage of it. We are just now witnessing the throes of the birth of a new party which is coming into being. All these recently born parties and parties which will be born before the elections can take advantage of this. Because their leaders are found concentrated in one city or in a particular State. They can distribute their leaders and influential men in all constituencies where they think they have got the largest support, and return them to Parliament or to the State legislatures. That way it will help in providing a good Opposition also and help in the smooth working of democracy.

Yesterday the hon. Mover referred to the new clauses 146 to 150 and said

that the power to issue notifications for the holding of bye-elections has been taken away from the hands of the Central and State Governments and given to the Election Commissioner. In fact, the Bill as it has emerged from the Select Committee has given additional powers to the Election Commissioner. There was a suspicion that the State Governments or the Central Government may not be in any particular hurry to hold a bye-election when any seat falls vacant but try to delay or avoid holding a bye-election. That was why the power to issue notifications for bye-elections was placed in the hands of the Election Commission. So, Parliament itself is anxious to maintain the independent character of the Election Commission and strengthen it also. But I should like to utter a warning here about the conception of independence by the Election Commission. This independence is meant to hold the scales even between various political parties that compete for power. The Commission has to see that one political party does not get any undue advantage over another. The independence of the Election Commission does not mean that it should cause inconvenience to all parties impartially. Here I should like to refer to the work of delimitation of constituencies for Parliament as well as the State Legislatures.

Dr. Ambedkar: I should have thought that that was quite outside the scope of this Bill. That matter will be debated when the President's Order will be placed before the House.

Mr. Deputy-Speaker: I do not think it is the hon. Member's desire to go into the details of the delimitation question. The President's Order is yet to issue and will be placed before the House, when it can be discussed. But if in a general manner the hon. Member wants to show that because large powers are given to the Election Commission greater care must be taken by that Commission, then he would be quite in order.

Shri Alagesan: I think I can make a reference as to how the Election Commission has proceeded with its work so far.

Dr. Deshmukh: The hon. Member wants to show how the Election Commission has worked so far. He is quite in order.

Dr. Ambedkar: That may be debated when we take up the actual Order of the President delimiting constituencies.

Mr. Deputy-Speaker: What I understand the hon. Member to mean is this. Large powers have been given to the

Election Commission under this Bill. Therefore in the choice of the Election Commissioner and the manner in which the Commission works, greater care ought to be exercised. I do not think he is out of order.

Shri Alagesan: You have correctly explained my point. In view of the large powers being placed in the hands of the Commission, a good deal of care should be exercised by the Commission in arriving at decisions both under the Constitution and under the various Acts of Parliament.

Yesterday, the hon. Law Minister referred to the retention of the old clause 35. He was in great sympathy with it and he said that the issue whether a nomination is valid or not should be decided in a preliminary way and that it should not be taken to the Election Tribunal after the election is over. Only such things as corrupt practices etc. and other offences should be left to be gone into before the Tribunal and the issue whether a nomination was valid or not should be decided previous to that. This will avoid a lot of trouble and I think there should not be any great difficulty in providing for it. He should be able to find a suitable formula for it. Here I should like to make a reference to the relevant rule that obtains in Madras in regard to the elections to local bodies. The rule runs as follows:

"7A. (1) If the nomination of a candidate is rejected, the Election Officer shall, on a written application made by the candidate or his authorized agent, forthwith give him a copy of the order rejecting such nomination.

(2) Against any order rejecting the nomination of a candidate, an appeal shall lie to the District Collector. The memorandum of appeal shall be delivered to the District Collector or shall reach him within three days of the date of order.

(3) After the expiry of the three days aforesaid, the District Collector shall forthwith inform the Election Officer as to whether an appeal has or has not been preferred to him under sub-rule (2). If any such appeal or appeals have been preferred, the District Collector shall communicate the orders passed by him on such appeal or appeals to the Election Officer within four days of such expiry, that is to say, within seven days from the date fixed for the scrutiny of nominations."

That is to say, within a week the whole thing is decided in a summary way and a nomination is held to be valid or otherwise. This is done without disturbing the programme of election dates.

Mr. Deputy-Speaker: Is it not confined only to cases where the nomination is rejected?

Shri Alagesan: True, it is confined only to cases where the nomination is rejected and there is no provision for appeal where nomination is accepted. In the old clause 35 we had contemplated that there should be appeal both where the nomination is rejected and where it is accepted.

Mr. Deputy-Speaker: The hon. Minister said yesterday that he found some difficulty in evolving a formula by which delays unnecessarily and definitely calculated to put off the elections might be obviated. He found it difficult to ask the courts to dispose of cases in a particular manner.

Shri Alagesan: No doubt the hon. the Mover said yesterday that he was in great sympathy with this and that he was keeping his mind open and if at any later stage he could find a suitable formula, he would be able to incorporate it in the Bill.

Mr. Deputy-Speaker: Is the hon. Member able to suggest any remedy for any unnecessary delay?

Shri Alagesan: Yes, Sir. I think there should be no difficulty. Even if it is not seven days, it may be extended by another three days. There should not be much of a difficulty because all the parties concerned ought to be ready with the witnesses and the ordinary procedure of civil courts need not be permitted to cause any delay. It should be possible to decide these cases at least within ten days.

Mr. Deputy-Speaker: Does he want to impose any restriction on courts or appellate authority that they should decide within a particular period?

Shri Alagesan: It may be said in the Act that this shall be decided in a peremptory way within a period of ten days.

Pandit Thakur Das Bhargava: The real difficulty is not only the day, it is about the personnel also—as to whether it should be decided by executive officers, or by judicial officers. If we can arrange that a district judge can take upon himself to decide the matter within a few days or the High Courts do it, it would be possible to expedite it. But it is difficult to get

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a decision even in that case within a few days. But we must try it.

Shri Alagesan: If as my hon. friend Pandit Bhargava suggests, the district judge may be called upon to decide it in a peremptory or summary way within a week or ten days, then it should be possible. That will minimise a lot of trouble, and avoid the possibility of an election being set aside on account of a defect in nomination.

Again, I should like to say one word about withdrawal. That again obtains in Madras at present. In elections to local bodies there a candidate is permitted to withdraw until three days before the polling date. The only disability is that he forfeits his deposit. It is quite conceivable and it is quite possible that a candidate after working in a constituency for some time may find that there is very little chance of his winning and he may like to withdraw at a later stage. I think he should be permitted to withdraw even at that later stage. It was pointed out that the difficulty in the way of permitting such withdrawals is that since we have accented postal voting, it may take time to inform those people by post that so and so has withdrawn and that they need not take the trouble to vote for him. But if a candidate is permitted to withdraw until ten days before the election there should be sufficient time to communicate to all the voters. This will avoid a lot of difficulty and it should be possible to incorporate this provision in the Bill.

Again, I shall take only one point and that is the use of conveyance. While speaking when the Bill was being referred to Select Committee I said that this Election Code looks very much like a Penal Code. I should say the Select Committee has not been able to mitigate the penal nature of the Bill to any great extent. The use of conveyances has now been sought to be totally banned, though the hon. Minister made a distinction between 'ladies' and 'women' and said that women will be able to walk the distance. But I feel that old men, women and other disabled persons will be effectively prevented from exercising their vote if the provision stands as it is. I do not know whether it will be amended or modified, because there is another extreme view that the whole thing should be banned and voters should not be permitted to use even their own conveyances to come to the polling booth and vote. Here it has been sought to be put under major corrupt practices. The

use of conveyance has been permitted so far and it was not an offence. Now for the first time we make legislation preventing it and making it illegal. The only natural course would be to make it an 'illegal practice' and not a 'corrupt practice', because it is sought to be made an offence by legislation. It has been permitted so far. As a Judge in England in this connection pointed out, "a corrupt practice is a thing the mind goes along with; an illegal practice is a thing the Legislature is determined to prevent—whether it is done honestly or dishonestly". So I should think that sub-clause (6) of clause 122 should be transferred to clause 124 under illegal practices. This is objected to because there is an intention to avoid the election under clause 99(2)(b). If it is proved that one corrupt practice has taken place—and if this is made a corrupt practice—the whole election could be avoided. On the other hand, if it is put under illegal practices it should be shown to the court that the illegal practices have materially affected the result of the election under clause 99(2)(a) and then only can the election be avoided. So in order to enable even one single instance to avoid the election I think it is sought to be put under corrupt practices. But I should like to say that it is not fair to label an offence differently with a penal objective. So I would ask the hon. the Mover of the Bill to transfer it from clause 122 to clause 124 and make it an illegal practice and not a corrupt practice as it is sought to be done.

Shri P. Y. Deshpande (Madhya Pradesh): Sir, I am very grateful to you for giving me this opportunity of placing my views on this very important Bill and I offer you my more heart-felt thanks because although I am not 'very young' you have called me.

The collective wisdom of the Select Committee has brought before us a revised draft of this Bill. They have made numerous changes and they have omitted some of the portions that were contained in the original Bill. There have been numerous suggestions and criticisms and I do not want to repeat what has already been said.

I only wish to emphasise a few points which I believe are of fundamental importance. By dropping the clause about nominations, I believe it is clause 35 in the original Bill, whereby a finality was being given to the nominations, I think the collective wisdom of the Select Committee has gone a little wrong. I think if we accept the principle, namely, that as far as

possible every stage of election should be so devised as to receive a finality at every stage, so that after the elections are over, the election as such should not be called in question on more or less frivolous or avoidable grounds, there will be no difficulty. My friend who spoke just before me did cite a Madras precedent whereby the question of nomination has been finalized before the elections. You, Sir, asked a question whether a remedy could be found for this because a certain difficulty was experienced as to how to bring this about. I think that there can be no difficulty about this question, if there is a will to solve it. There are in the States numerous courts and if for a week or so, they are asked to take up this question, then I think this question of nomination can be decided finally either by the tribunals that have to be appointed earlier or by the judicial courts that are functioning in the various districts. After the scrutiny of the papers the appeal could lie. The question could be decided within a definite time limit and there are enough courts to finish this work. But assuming that there are not enough courts and judges, there are numerous lawyers over ten years' standing who could be entrusted with this work. There is going to be a list prepared of such lawyers who are eligible for being appointed as members of the proposed election tribunals. Out of these a few could be selected for a week and this particular question of finalizing nomination papers could be referred to them for that period and within a stated time-limit the nominations could be finalized. If the new provision is accepted the election could be set aside if the nomination paper was invalid. Then the whole election expense and the whole bother of the election would have been in vain on the technical ground of a nomination paper being rightly or wrongly rejected. I assert with all the vehemence at my command that this should not be permitted to happen and this could be prevented if there is a will to do it.

There have been numerous suggestions about qualifications and dis-qualifications. I think that our Constitution has provided for a democracy which is more or less quantitative and any attempt to turn it into a qualitative democracy is bound to fail unless the Constitution itself is changed. We have given the vote to every adult in the whole country. We have proclaimed that the people are sovereign. If we assume these two things, then the logic of these very fundamental assumptions leads us to a position whereby any qualitative limitation of these rights

will defeat the very articles of the Constitution which provide for adult franchise. Therefore any attempt to qualify or disqualify and thereby limit the sovereign right of the people to vote as they like and to stand for election would be against the spirit of the Constitution. I for one feel that there should be more of qualitative democracy than quantitative democracy, but having chosen a Constitution which stands for a quantitative democracy, all attempts to qualify it and turn it into a qualitative democracy are bound to fail by the very spirit of the Constitution itself. Therefore, the provisions that are being made to restrict the right of persons who could stand for the elections are, I submit, against the very spirit of the Constitution. Not that I want any black-marketeer or Prince to stand for election. That is not relevant. But, the fact is that everybody has the right to vote and stand as a candidate. What power is left in us now, without changing the Constitution, to limit that right of any person to offer himself as a candidate for election? He may be a Raja or an ex-Raja. If the people want him, let them elect him. Having given this right to every one, why should we now fight shy of that. The Rajas or even black-marketeers, whatever men there are in society, if the people choose them, that would be their verdict: right or wrong, evil or good. If you want to limit that verdict, then change the Constitution first and then you can limit it.

Pandit Thakur Das Bhargava: The Constitution empowers this House to prescribe qualifications.

Shri P. Y. Deshpande: You have not done that, so far.

Dr. Ambedkar: We are now doing that.

Mr. Deputy-Speaker: Why should persons who have undergone imprisonment for more than two years be disqualified?

Shri P. Y. Deshpande: That is true. I would even allow a criminal to stand as a candidate. I appreciate the case of the criminal. But, if you take a fundamental stand that every adult has the right to vote and stand as a candidate for the elections, if that is your concept of democracy, then, if the criminal has the courage to stand, the people will defeat him if they do not want a criminal. If a Raja wants to stand and if the people do not want him, the people will defeat him. The right to defeat these persons is vested in the people. Any attempt to limit this right is against the democratic

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spirit as it is found in the Constitution. My hon. friend Parādit Thakur Das Bhargava says that the Constitution has given us the right to provide for the qualifications. That question was discussed at length on a motion of my learned friend Prof. K. T. Shah. The hon. Law Minister, while appreciating the spirit of that motion said that the question is, what is the measuring rod by which you determine the qualifications, and that as it is impossible to have legal formulae for qualitative qualifications, he could not accept the motion. There is a good deal of truth in what he said.

Mr. Deputy-Speaker: These are negative ones.

Shri P. Y. Deshpande: Yes, in fact, the whole democracy that we have postulated in this Constitution is a negative democracy. It is a numerical democracy; it is quantitative democracy. For good or for worse, we are to experiment with it. If we really wanted a qualitative democracy to come into existence, we could have, as the Father of the Nation suggested, given the adult franchise to every villager in every village, to select *panchayatdars*, and the *panchayatdars* could be formed into an electoral college for further elections to the State legislatures and Parliament.

Shri Kamath: Indirect elections.

Shri P. Y. Deshpande: That might have been a kind of indirect election. If we had accepted that plan, qualitative democracy might have been possible, because the qualifications of the *panchayatdars* could have been prescribed.

Shri Munavalli (Bombay): We did not want that.

Shri P. Y. Deshpande: We have turned away from that idea and we are now in for numerous troubles which we have got to face. We are having democracy with a vengeance.

As regards the restrictions that are placed on licencees, contractors and others, the hon. Law Minister said that we do not want to turn this Parliament into a Stock Exchange.

Hon. Members: It is one o'clock. We may adjourn.

Shri P. Y. Deshpande: I think it will be better; I am prepared to continue tomorrow.

Mr. Deputy-Speaker: I thought the hon. Member was concluding.

Shri P. Y. Deshpande: I will not take more than ten or 15 minutes.

Mr. Deputy-Speaker: All right; he will become an old man tomorrow.

The House then adjourned till Half Past Eight of the Clock on Friday the 11th May, 1951.