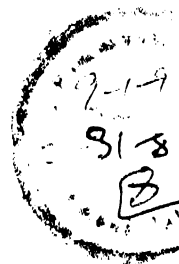
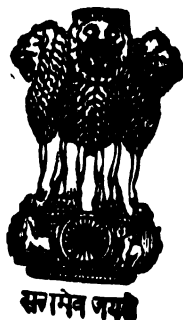


Friday, 11th May, 1951



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

Friday, 11th May, 1951

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

GROUNDNUT PRODUCTION IN HYDERABAD

*4036. **Shri S. V. Naik:** (a) Will the Minister of Food and Agriculture be pleased to state what was the total production of groundnut seeds in Hyderabad State in the years 1949 and 1950?

(b) How many rotaries and expellers are there in Hyderabad State, and what are the needs of the State in respect of groundnut seeds for working them?

(c) Is it a fact that the present prices of groundnut in the neighbouring States are higher than those in the Hyderabad State, and due to export, sufficient quantities of groundnut seeds are not available for this industry?

(d) Have any representations been received in this respect by Government?

(e) What action do Government propose to take in this regard?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) The production of groundnut seeds (nuts in shell) in Hyderabad State during 1949-50 and 1950-51 was 4,87,000 tons and 4,02,000 tons respectively.

(b) There are about 540 expellers and 325 rotaries in Hyderabad. The total annual crushing capacity of the expellers is about 4,21,000 tons and that of the rotaries about 50,000 tons.

(c) During April 1951 the prices of groundnut in Bombay were higher than in Hyderabad, but on the other hand they were lower in Madras. Government have no definite information as to whether sufficient stocks of

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groundnut are available for the crushing industry in Hyderabad or not.

(d) Yes. The Government of Hyderabad have asked for continuance of the present restrictions on movement of groundnut out of the State.

(e) The matter is under consideration.

Shri S. V. Naik: What quantities of groundnut seed and groundnut oil were exported from Hyderabad during the years 1949-50?

Shri Thirumala Rao: Sir, I require notice.

Shri S. V. Naik: What is the estimated area under groundnut during the agricultural year 1950-51 and how does that area compare with that of the previous year?

Shri Thirumala Rao: I have not got the information, Sir. I want notice.

Shri S. V. Naik: Is the Government aware that a purchase tax is being levied along with the customs duty and surcharge on the groundnut seed in the State used for the manufacture of oil, but groundnut seed exported is exempt from this purchase tax? If that is so, what measures do Government propose to take to lower the prices of groundnut seed in Hyderabad?

Shri Thirumala Rao: Sir, the question may please be put to the Minister in charge of Commerce and Industry.

Shri M. L. Gupta rose—

Mr. Speaker: I am afraid the hon. Member has changed his seat. Of course I have not allotted fixed seats to hon. Members; but when they change like this, I find it difficult to call them out correctly. It will be better if they stick to their seats as far as possible.

Shri M. L. Gupta: With reference to the answer to part (d) of the

question, may I know whether pending a decision on the matter, exports are being admitted or are restrictions being continued?

Shri Thirumala Rao: The *status quo* is continued until a decision is taken.

RATIONING IN BIHAR

*4037. **Shri S. N. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total population under rationing in the State of Bihar giving rural and urban figures separately;

(b) the number of urban population which are not under rationing; and

(c) the total number of fair price shops so far opened in the rural areas?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) On 30th April, 1951, a total population of 83.9 lakhs was under rationing in Bihar. Of this 24.1 lakh was urban and 59.8 lakh was rural.

(b) 3.7 lakhs.

(c) 3,003.

In addition to what I have just now read out I may say that since this answer was prepared I understand that the number of fair price shops has increased to nearly 5,000 now.

Shri S. N. Das: May I know what sections of the people are being supplied with food grains from these fair price shops?

Shri Thirumala Rao: I gave the break-up. 24.1 lakhs are urban people and 59.8 lakhs rural. Mostly landless people who are not able to get grain are supplied from these rural shops.

Shri S. N. Das: Is it a fact that due to the lack of purchasing power a large number of these landless labourers are not able to buy the quota of foodgrains allowed to them from these fair price shops?

Shri Thirumala Rao: Sir, the Bihar Government are doing their best by creating work for those who for want of purchasing power are not able to buy this grain. I understand they have allotted something like Rs. 5 crores for this purpose.

Shri S. N. Das: May I know whether a large number of lower middle class people are experiencing great difficulty in getting food grains in the areas where these fair price shops exist?

Shri Thirumala Rao: These fair price shops are being spread out as

far into the interior of the country as possible. Government are making every effort to see that people even in the most remote places are able to get their quota.

Shri Hussain Imam: May I know whether the figures referred to by the hon. Minister relate to statutory rationing or partial rationing?

Shri Thirumala Rao: It is difficult to have a technical description of it, whether it is statutory rationing or anything else. These are called "fair price shops" and that description itself explains the thing sufficiently. It may not be statutory rationing, but people are allowed to draw their rations from these shops on an *ad hoc* basis.

Mr. Speaker: But the hon. Member referred to the figures given by the Minister and wanted to know whether they were figures of statutory rationing or partial rationing.

Shri Thirumala Rao: It is both. Statutory rationing is possible in urban areas and what is called informal rationing is obtaining in the rural areas.

Shri Jhunjhunwala: Has the Government estimated the number of people who cannot get food on account of their want of purchasing power?

Shri Thirumala Rao: That information is probably with the Government of Bihar. I cannot give any off-hand.

Shri Sarangdhar Das: May I know how many fair price shops have been opened in the five worst affected districts of North Bihar and is there a sufficient stock of food grains in those districts for the monsoon months?

Shri Thirumala Rao: Sir, it takes time for me to take out these things from this long statement. I would require notice.

Shri S. N. Sinha: The hon. Minister said that about 3,000 fair price shops have been opened. May I know how many of them are in South Bihar?

Shri Thirumala Rao: Sir I have not got the figures here. I want notice.

Pandit Munishwar Datt Upadhyay: What is the criterion for excluding a certain proportion of the urban populations from this kind of rationing?

Shri Thirumala Rao: Some are not covered by this strict rationing system and those not covered come under these fair price shops.

Prof. S. N. Mishra: What is the rate at which these fair price shops are selling food grains?

Shri Thirumala Rao: The same question comes further down in the list; I shall answer when that comes up.

Shri S. N. Das: May I know whether there is an appreciable drop in the price of food grains in Bihar due to the rushing in of food grains from outside?

Shri Thirumala Rao: I cannot say, but the situation is well under control.

DESERT LAND IN RAJASTHAN

***4038. Dr. Ram Subhag Singh:** (a) Will the Minister of Food and Agriculture be pleased to state the approximate area of desert land in Rajasthan?

(b) How much area of this desert land is treeless?

(c) How many trees have been planted in the desert land under the afforestation scheme?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Approximately 30,000 sq. miles.

(b) About half this area is treeless.

(c) Approximately 10,000 trees have been raised for transplanting.

Dr. Ram Subhag Singh: Is it a fact that on account of the lack of trees the desert is extending towards the east of Rajasthan?

Shri Thirumala Rao: Yes; and Government have taken note of this tendency and are taking steps in co-operation with the Government of Rajasthan to arrest this tendency.

Shri Kamath: Are there any grounds for the apprehension that the desert is slowly but surely advancing towards Delhi, and is the Vana Mahotsava intended to counteract this tendency?

Mr. Speaker: Order, order.

Dr. Ram Subhag Singh: Are any specific steps being taken to arrest the extension of the desert?

Shri Thirumala Rao: A scheme is being drawn up to arrest the spread of the desert by planting trees on a large scale. A five year plan is being evolved involving an expenditure of Rs. 6,50,000 to bring the scheme into operation.

Dr. Ram Subhag Singh: May I know whether this desert area contains any

water table, which can be utilised by tubewells for irrigation purposes?

Shri Thirumala Rao: I want notice.

Shri Sondhi: At what stage is the new scheme of afforestation mentioned by the Deputy Minister, which is estimated to cost 6½ lakhs? We have not heard about it in the Standing Finance Committee.

Shri Thirumala Rao: He will shortly hear more about it. It begins in 1950-51 and is ending in 1953-54.

Shri Deshbandhu Gupta: Has it been estimated as to how much cultivable land has been lost owing to the expansion of the desert during the last five years?

Shri Thirumala Rao: The Forest Department of the Rajasthan Government is now organising itself very efficiently and they will take some time before they can assess this matter.

CHARTERING OF SHIPS BY BRITAIN

***4039. Dr. Ram Subhag Singh:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that Britain has chartered some ships to India to alleviate our shipping difficulties for food?

(b) If so, how many ships have Britain already chartered?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). In October last when our food position became difficult the U. K. Government agreed to the diversion of some cargoes of wheat from Australia out of their own purchase and also agreed to the diversion of steamers chartered by them. Five steamers originally chartered by the U.K. Government were re-chartered by us for lifting five cargoes of wheat from Australia. Furthermore, they (the U. K. Government) have assisted us with their good offices with the U.K. Shipping Chamber and the Baltic Exchange Chartering Committee in our obtaining ships.

Dr. Ram Subhag Singh: What is the total quantity of foodgrains lifted because of the diversion of the ships from Britain?

Shri Thirumala Rao: I mentioned 42,458 tons were lifted and some more ships are being placed at our disposal by the Baltic Exchange to get some of our Chinese food-grains also.

Dr. Ram Subhag Singh: May I know whether India had requested Britain for the diversion of these ships or

Britain herself diverted them of her own accord?

Shri Thirumala Rao: My answer is self-explanatory. We wanted some aid from Britain from the grain they had purchased from Australia. They agreed not only to divert the grain to India but also to use their good offices with the U.K. Shipping Chamber and the Baltic Exchange Chartering Committee in our obtaining ships. Apart from this we have asked the British Government to use their good offices with their shipping companies to place some more ships at our disposal and they have done it.

Dr. M. M. Das: May I know whether the wheats diverted from Australia to India were given on loan or they were sold?

Shri Thirumala Rao: It was given on loan and the British Government, I think, are prepared to be a bit liberal in collecting the loan back for some time to come.

Shri Deshbandhu Gupta: In view of the fact that India will have to depend on other countries for her shipping for many years to come, are there any plans to buy ships for India?

Shri Thirumala Rao: I am not in a position to answer that. It is for the Minister of Transport.

FREIGHT RATES ON CARGO

***4040. Dr. Ram Subhag Singh:** (a) Will the Minister of Transport be pleased to state whether the freight rates on general cargo carried between India, Burma, Ceylon and Pakistan have been increased?

(b) If so, what is the percentage of that increase?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). Yes, Sir. The freight rates on the coast of India, Burma, Ceylon and Pakistan have been increased with effect from the 1st May, 1951, as under:

- (1) India/Ceylon trade—15 per cent, with the exception of Cement.
- (2) Burma/India trade, Burma/Ceylon trade and India, Burma, Ceylon to Pakistan ports—25 per cent, with the exception of certain commodities like Salt, Cement and Coal.

Dr. Ram Subhag Singh: Is it a fact that the freight rates of coal carried from India to Pakistan will remain unaffected by this general increase?

Shri Santhanam: I believe the coal freight rates not only between India and Pakistan but also between Indian ports and Pakistan ports have not been recently altered.

Dr. Ram Subhag Singh: What are the reasons for this freight rate not being increased?

Shri Santhanam: For the obvious reason that the coal cannot bear additional freight; the freight rates are already heavy.

Dr. Ram Subhag Singh: Is it a fact that freight rates from Pakistan to India, though carried by Indian ships, have not been increased proportionately?

Shri Santhanam: The Government does not either increase or reduce the freight rates. It is the shipping companies that do it. I can only collect information and supply it.

Shri Hussain Imam: Have the Government any control over it?

Shri Chaliha: May I know if the coal which we had agreed to supply to Pakistan is carried by trains also?

Shri Santhanam: Obviously from the Calcutta area to East Pakistan it has to be carried by the overland route and some coal is carried to West Pakistan by the sea route.

Dr. Ram Subhag Singh: Has Government no control at all on shipping freight, though Government subsidises the companies?

Shri Santhanam: Our Director General of Shipping keeps in touch with the shipping companies and uses his good offices when there is any complaint.

Shri Kamath: May I suggest, Sir, that questions Nos. 4041 and 4047 may be put together and answered, as they relate to the same subject?

Mr. Speaker: It may be done.

SUPPLY OF FOOD TO BIHAR

***4041. Shri Jnani Ram:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of food supplied to Bihar up to the 30th April 1951;

(b) the quantity distributed in different districts;

(c) the quantity distributed in Mining areas; and

(d) the retail rates at which the different kinds of food grains are supplied in the State?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) From 1st January 1951 to 30th April 1951, despatches of foodgrains to Bihar amounted to 2,23,247 tons.

(b) A statement showing the quantities distributed in the different districts by Bihar Government from 1st January 1951 to 26th April 1951 (the latest date for which figures have been received) is placed on the Table of the House [See Appendix XXV, annexure No. 1.]

(c) Monthly distribution in the coal mining areas amounts to 5,000 tons. As regards distribution among other mining industries in the State, separate figures are not available.

(d) A statement showing the wholesale issue rates is placed on the Table of the House. [See Appendix XXV, annexure No. 1.]

Retail rates are fixed by the local officers by adding the retailer's commission varying from annas -4/- to Rs. 1/8/- per maund to the wholesale issue rates.

SUPPLY OF FOOD GRAINS TO BIHAR

*4047. **Shri B. R. Bhagat:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the average of 3,000 tons of Foodgrains to the State of Bihar every day is being maintained;

(b) if so, since what date; and

(c) whether and what arrangements of transport of foodgrains after the outbreak of monsoon in Bihar have been made?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Yes. During the month of April, 1951, over 96,000 tons of foodgrains have been despatched to the State of Bihar, giving an average of over 3,200 tons per day.

(b) Since 1st April, 1951.

(c) To meet any possible shortfall in capacities that might result with break of monsoon, a new transhipment yard is under construction at Manduadh near Banaras, which will effectively balance the fluctuations in traffic clearance across the river. This yard is expected to be ready by June, 1951. In addition, the yard and other facilities at Sakrigali Ghat, Manihari Ghat and Bhagalpur are also being improved.

Shri Jnani Ram: What is the amount procured in Bihar so far?

Shri Thirumala Rao: I have not got the exact figures. I want notice.

Shri Jnani Ram: May I know if the mining and factory areas and roundabout places in Hazaribagh district are rationed?

Shri Thirumala Rao: I think they are rationed.

Shri Jnani Ram: Has there been any great cry about the shortage of foodgrains in the mining area?

Shri Thirumala Rao: The companies owning the mines undertake the distribution and we have to depend on them for that.

Shri B. R. Bhagat: May I know if the organisation dealing with the distribution of foodgrains is capable of handling more than 3,000 tons per day and if so, whether attempts are made by Government to transport more foodgrains per day to Bihar?

Shri Thirumala Rao: The Bihar Government have put as many officers as are required for this purpose and they think that their organisation is quite sound.

Shri B. R. Bhagat: I want to know whether the organisation set up by the Food Ministry here is capable of handling the transport of more foodgrains to Bihar and if so, whether attempts in this direction are being made?

Mr. Speaker: His real point is whether the organisation is strong enough to cope with the real demand of the people. He does not want more facilities even if they are not wanted.

Shri B. R. Bhagat: I wanted to know whether the organisation is capable of sending more foodgrains.

Mr. Speaker: What does he mean by "more foodgrains"?

Shri B. R. Bhagat: More than 3,000 tons a day.

Shri Thirumala Rao: A high-power officer for movement on behalf of the Food Ministry is in close liaison with the Railway Department; he is constantly in Calcutta and arrangements are made to send as much as we intend sending to Bihar.

Mr. Speaker: The point of the question is whether arrangements are made of cope with the demands of Bihar.

Shri Thirumala Rao: We have made the allotment necessary to cope with the demands of Bihar and are making arrangements to transport all such foodgrains to Bihar.

Shri B. R. Bhagat: May I know whether the organisation at the Calcutta Port is sufficient to cope with

the demand from Bihar or is it under the consideration of the Government to utilise the Vizagapatam Port also?

Shri Thirumala Rao: The question is with regard to the ships that come to our country. Some ships are diverted to Vizagapatam also in order to relieve congestion at Calcutta.

Shri Hussain Imam: May I know what is the total storage capacity of the Bihar Government?

Shri Thirumala Rao: I want notice. But they are making arrangements by requisitioning private godowns also for the purpose.

Shri Shiv Charan Lal: What percentage of the rural population is supplied foodgrains either by rationing or through fair price shops?

Mr. Speaker: I think it was answered previously.

Shri Thirumala Rao: Yes, Sir. I have given that information before.

Shri Dwivedi: May I know whether some quantity of rice or other foodgrains has been placed at the disposal of the Food Minister, Mr. Munshi, in Burma for free distribution in the affected areas in Bihar and, if so, may I know what arrangements have been made for its distribution?

Shri Thirumala Rao: We have made arrangements to see that all those gifts are handed over to the Bihar Government who have made arrangements for their distribution in the affected areas.

Prof. S. N. Mishra: On the basis of the food allocation made to Bihar may I know what is the arrear in supply up to date?

Shri Thirumala Rao: I don't think there is any arrear—this month we are sending 1,12,000 tons and we are keeping to our schedule.

Shri S. N. Das: May I know what is the revised demand for foodgrains made by the State Government?

Shri Thirumala Rao: It is not a question of a revised demand. The State Government and the Central Government are in constant touch with each other, and we are meeting the requirements of the State.

HIGHWAY ROAD CONSTRUCTION

*4042. **Shri Jnani Ram:** Will the Minister of Transport be pleased to state:

(a) the amount sanctioned for five-

year post-war plan for National highway road construction;

(b) the amount spent so far; and

(c) the road mileage and bridges constructed so far?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Rs. 23.50 crores for the five years period ending 31st March 1952. I may add that this is the amount approved by the Standing Committee for Roads, but not the amount actually sanctioned by the Government of India

(b) Rs. 6.27 crores upto 31st March 1951.

(c) Mileage newly constructed	150
Mileage improved	1050
Major Bridges constructed	10
Major Bridges under construction, ...	31

Shri Jnani Ram: When is it expected to get the sanction of the Government, which, has been recommended by the Standing Committee?

Shri Santhanam: The Government of India can sanction only such amounts as are available. I don't think the Government of India is in a position to sanction the entire amount which the Standing Committee had asked for.

Thakur Krishna Singh: Is there any proposal of taking over roads to Niti Mana and Nelang passes passing through Garhwal and Tehri Districts respectively, as national highways?

Shri Santhanam: There is no proposal to add to the national highways which are already under the Government of India.

Shri R. C. Upadhyaya: What is the road mileage and the number of bridges constructed in Rajasthan?

Shri Santhanam: I have not got the details of the road mileage state-wise.

Shri R. C. Upadhyaya: May I know the amount spent in Rajasthan?

Mr. Speaker: It is no use going state-wise.

Shri Syamnandan Sahaya: The hon. Minister has just replied that funds will be allotted as available. As some of these projects have already been taken in hand, may I know whether the Transport Department has secured the administrative approval at least so that there may be no difficulty of funds when the works are actually taken in hand?

Shri Santhanam: We are ensuring that the works already in hand are first provided with funds before we take up new projects.

Pandit Munishwar Datt Upadhyay: Is there any priority for expenditure on roads and bridges separately?

Shri Santhanam: In the matter of priority they are dealt with according to the necessities of the case. There is no absolute priority either for bridges or for roads. Each is considered on its merits.

AIR-CONDITIONED COACHES

*4042-A. **Shri Jnani Ram:** Will the Minister of Railways be pleased to state:

(a) the number of air-conditioned coaches to be introduced in different Railways in the year 1951-52; and

(b) the number introduced uptill now?

The Minister of State for Transport and Railways (Shri Santhanam): (a) About 20 new air-conditioned coaches are expected to be brought into use during 1951-52.

(b) 17 air-conditioned coaches are in use at present.

Shri Jnani Ram: May I know the Railway in which they will be introduced?

Shri Santhanam: We hope to introduce them on all the main routes.

Shri Kesava Rao: May I know how much it would cost to the Government to air-condition Inter and Second Class carriages?

Mr. Speaker: I might just remind hon. Members that on this matter a number of questions have been put before.

Shri Sondhi: He is referring to Inter and Second Class, not First.

Shri R. C. Upadhyaya: May I know how the air-conditioned coaches will be divided as between the various Railways?

Shri Santhanam: They are allotted to the Railways according to our conception of the needs of the country.

Shri Kesava Rao: May I know how much it would cost to the Government to air-condition Inter and Second Class carriages?

Mr. Speaker: I think this question was specifically put before and the answer was that it makes no difference in the cost so far as air-conditioning is concerned.

Shri Santhanam: Sir, there is no proposal to air-condition Inter a Second Class.

PASTURE IMPROVEMENT AND NUTRITION CENTRES

*4044. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Food and Agriculture be pleased to state what are the schemes of regional pasture improvement and nutrition centres proposed by Indian Council of Agricultural Research?

(b) What is their proposal regarding formation of a Milk Board?

(c) How and when are their proposals going to be implemented by the Government?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) (i) *Pasture improvement scheme*—The Indian Council of Agricultural Research has prepared a co-ordinated All India scheme for the improvement of pasture grasses and legumes. The scheme is to be worked at four different centres situated in different regions to start with. A copy of the scheme is placed on the Table of the House. [See Appendix XXV, annexure No. 2.]

(ii) *Nutrition Centres*.—It is proposed to establish regional substations for animal nutrition work, by stages, in Bombay, Madras, West Bengal, Mysore and Bihar. The object of establishing such centres is to regionalise work on animal nutrition in the country. The Animal Nutrition Section of the Indian Veterinary Research Institute will co-ordinate the work.

(b) At the ninth meeting of the Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry held in March, 1951 a resolution was passed that a 'Milk Board' representing the interests of the producers, consumers, health authorities should be set up for the purpose of helping organised development of Dairy Industry in the country. The resolution is under consideration of the Indian Council of Agricultural Research.

(c) *Pasture improvement*.—The scheme for Pasture Improvement was circulated to all the State Governments and they were asked to submit schemes on the lines of the model scheme. Schemes from the Governments of Punjab, Bihar, and U. P. have been received and will be put up before the Research Board this year.

Nutrition Centres.—The establishment of a regional centre in Bombay (Anand) has been sanctioned and will be established shortly. Proposals from other Governments are still awaited.

Pandit Munishwar Datt Upadhyay: May I know whether these regional pasture improvement schemes have been placed under the supervision and control of the State Governments, or are they directly supervised by the Central Government?

Shri Thirumala Rao: They are drafted by the I.C.A.R. and will be conducted subject to the supervision of this Council by the State Governments.

Pandit Munishwar Datt Upadhyay: What is the estimated cost of these schemes?

Shri Thirumala Rao: I want notice for that. I have not got the details here.

Pandit Munishwar Datt Upadhyay: Is the establishment of this Milk Board intended to supply better milk or cheaper milk also?

Shri Thirumala Rao: Both.

Dr. Ram Subhag Singh: In view of the fact that large numbers of fallow lands which were being utilised as pasture land in Bihar previously are now being taken over by the Bihar Government, may I know whether Government would take any steps to maintain those fallow lands as pasture land?

Shri Thirumala Rao: That is a detail concerning the State Government. But the State Government have sent us their opinion about pasture improvement.

Shri T. N. Singh: May I know if the State Governments and the Central Government have ample powers under the existing land laws to enforce the pasture improvement schemes as envisaged by the I.C.A.R.?

Shri Thirumala Rao: The State Governments have got ample power to do so.

Shri Sonavane: May I know to what extent the Anand Pasturing Scheme has helped to relieve the milk situation of Bombay?

Shri Thirumala Rao: We have just now sanctioned it and it is being implemented.

TRAFFIC ADVISORY BODY IN DELHI (CONSTITUTION)

*4045. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Transport be pleased to state what is the constitution of the Traffic Advisory Body in Delhi?

The Minister of State for Transport and Railways (Shri Santhanam): The Delhi Road Traffic Advisory

Committee is an *ad hoc* body set up by the Deputy Commissioner, Delhi to discuss matters relating to traffic control and ways and means of minimising road accidents. A list of its present members is placed on the Table of the House. [See Appendix XXV, annexure No. 3.]

Pandit Munishwar Datt Upadhyay: When was this body formed and how did the necessity arise for its formation?

Shri Santhanam: The Committee was set up in May 1945. The Deputy Commissioner must have thought that such a body will help the Administration.

Shri Sondhi: What is the number of members?

Shri Santhanam: 23.

DAMAGE TO RABI AND MANGO CROPS

*4046. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state the amount of damage caused to the Rabi and Mango crops by the recent rains and hail storm in the States of U.P., Delhi and Punjab?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The available information regarding the damage caused to the rabi and mango crops by the rains and hailstorms in the last week of March, 1951 in the States of Uttar Pradesh, Delhi and Punjab is as follows:

Uttar Pradesh: Rabi crops have been damaged in Sultanpur and Rae Bareilly districts to the extent of about 19 per cent.

Delhi: Rabi crops have been damaged in 1640 acres in 23 villages, but figures of loss in terms of crops are not available.

The mango crop has been damaged considerably and shedding to the extent of 50 per cent. to 70 per cent, has taken place.

Punjab: Rabi crops have been damaged slightly in Rohtak district. The State Governments are collecting further details from their subordinate authorities, which will be placed on the Table of the House when received.

Pandit Munishwar Datt Upadhyay: Has full information been received from U.P. Government and do they say that damage has been done only in these two districts of Sultanpur and Rae Bareilly?

Shri Thirumala Rao: Owing to scarcity of moisture in the soil due

to drought that prevailed in middle of September 1950, the condition of the crop is not generally satisfactory and heavy rains and hailstorms from March 1951 onwards have also done some damage to the crops.

Pandit Munishwar Datt Upadhyay: What concessions are being given to the cultivators on account of this?

Shri Thirumala Rao: It is the State Governments that deal with the cultivators direct.

Shri Dwivedi: May I know if some remission of land revenue is going to be made in the Centrally Administered Arcas where damage was caused to the crops?

Shri Thirumala Rao: If the Administrations concerned make a request to the Central Government, they will consider the matter.

Shri Deshbandhu Gupta: May I know whether it is a fact that considerable damage to mango crop has been done by mango hopper; if so, what steps do Government propose to take to see that the next crop is not lost on that account?

Shri Thirumala Rao: I am not aware of the mango hopper. I shall enquire.

महानदी पर पुल

* ४०४९. श्री जांगड़े : क्या यातायात मंत्री यह बतलाने की कृपा करेंगे कि :

(ए) क्या सरकार ने मध्य-प्रदेश में विलीन रायगढ़ तथा सरनगढ़ राज्यों को मिलाने वाली सड़क पर महानदी नदी के ऊपर पुल बनाने के लिए किसी विशिष्ट स्थान का भूमापन किया है ; तथा

(बी) यदि नहीं, तो क्या भारत सरकार उक्त स्थान पर महानदी के ऊपर पुल बनाने की सम्भावनाओं का अन्वेषण करने की प्रस्थापना करती है ?

BRIDGE OVER MAHANADI

[*4049. **Shri Jangde:** Will the Minister of Transport be pleased to state:

(a) whether Government have carried out any survey at some particular place between Raigarh and Sarangarh States now merged in Madhya Pradesh for the construction of a bridge on the road across the river Mahanadi; and

(b) if not, whether the Government of India propose to explore the possibilities of constructing the bridge across the Mahanadi at the said place?]

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). No, as the proposed bridge will lie on a State road which is the responsibility of the State Government.

Shri Jangde: May I know whether any road or highway coming under National Highways has been constructed or is going to be constructed within the area of the former princely States now merged with Madhya Pradesh?

Shri Santhanam: There are a number of National Highways passing through Madhya Pradesh, but I cannot say off-hand whether they pass through these particular States or not.

CONCESSIONS IN RAILWAY FARES

*4050. **Shri Deogirikar:** (a) Will the Minister of Railways be pleased to state whether there are any institutions to which concessions are granted in Railway fares?

(b) If so, what is the policy underlying those concessions?

(c) How many institutions are granted this concession?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Presumably, the hon. Member has in mind the concessions admissible to certain All India Institutions of educational, cultural and social importance. If so, the reply is in the affirmative.

(b) Each case is considered on its merits.

(c) Twenty-six.

Shri Deogirikar: Is it a fact that this concession was denied to the Theosophical Society Conference last year?

Shri Santhanam: It is our policy not to grant concessions to communal, religious or political organisations.

Shri Deogirikar: Have Government fixed any limits as regards the number in granting these concessions?

Shri Santhanam: The concessions are given only once a year to an Annual Conference and the delegates have to be certified by the organisations concerned.

Shri Dwivedi: Are some concessions given to the railway employees; if so, what are they?

Mr. Speaker: That is an entirely different question from the present one.

Shri Deogirikar: Do foreign organisations get this concession?

Shri Santhanam: I do not know whether there are any foreign organisations holding conferences in India.

Shri Sidhva: May I know whether this concession is single fare for double journey, or an entire concession without charging any amount?

Shri Santhanam: It is single fare for double journey.

Shri Kamath: Are any concessions granted to foreign tourists coming to this country, and in particular those who are sponsored by the Commonwealth Parliament Union?

Shri Santhanam: We gave concessions to the delegates attending certain International Conferences, but for any particular information I would require notice.

Shri Sonavane: What is the cost to the Railways on account of giving these concessions to various organisations in this year?

Shri Santhanam: I do not think it can be calculated.

SALE OF RAILWAY TICKETS

*4051. **Shri Deogirikar:** (a) Will the Minister of Railways be pleased to state the number of outside agencies for the sale of Railway tickets?

(b) What is the percentage granted to these agencies on the sale of tickets?

(c) On what terms are these agencies allowed to work?

(d) Is it the policy of Government to start new agencies in principal cities for the convenience of the Railway travellers?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) Presumably the hon. Member is referring to Tourist Agents appointed by Government for the sale of railway tickets. If so, the number is sixteen.

(b) Tourist Agents are allowed 10 per cent. commission on the sale of air-conditioned, first and second class tickets issued by them to genuine overseas tourists and 5 per cent. commission on the sale of air-conditioned, first and second class tickets issued by them to residents in India.

(c) Tourist Agents conclude agreements with the Railways after furnishing suitable Banker's guarantee. They are required to maintain an office in charge of a full time member of their

staff who should, apart from issuing rail tickets, be in a position to give up-to-date information regarding transport and accommodation facilities, currency and customs regulations, postal rates, etc.

(d) In large cities, where justified, the Railways themselves open additional booking offices to meet the needs of the general public. In addition, Tourist Agents functioning in Bombay, Calcutta, Madras and New Delhi are permitted to open their branch offices at other centres as a facility for promoting the Tourist traffic.

Shri Deogirikar: Is it not a fact that private agencies are also allowed to sell railway tickets in cities like Bombay, apart from authorised tourist agents?

Shri Santhanam: No, Sir. I do not think private agencies are allowed. It is only the authorised tourist agencies that sell tickets, apart from the Branch Booking Offices of the Railways.

Shri Sidhva: May I know whether, besides the authorised tourist agents, there are no other agents for sale of ordinary tickets who are given commission by the Railway?

Shri Santhanam: I do not know. I cannot say off-hand, but probably in certain crowded centres there may be people authorised to sell third-class tickets on a commission basis. But I have not got the precise information here.

Shri Deogirikar: May I know whether Messrs Jeena and Co. of Bombay are allowed to sell tickets on that basis?

Mr. Speaker: It is no use referring to individuals.

Shri S. C. Samanta: May I know whether it is a fact that there are out-agencies in different towns which are allowed this concession?

Shri Santhanam: Out agencies are considered to be more or less like branch offices of the railway. The railways book to destinations including out-agency destinations and the out-agencies also book tickets to various destinations.

SUGAR AND Gur PRODUCTION IN BOMBAY

*4052. **Shri Kumbhar:** (a) Will the Minister of Food and Agriculture be pleased to state the total acreage of land under the cultivation of sugar cane in Bombay State in the years 1950 and 1951?

(b) What is the total production of sugar cane in those years?

(c) How much of it goes for sugar production and how much for Gur manufacturing?

(d) What is the total production of sugar and Gur respectively in the same years?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). During 1949-50 and 1950-51 the area and production of sugarcane in Bombay State were as follows:—

	Area (Thousand acres)	Production (Thousand tons—in terms of gur)
1949-50	151	420
1950-51	85	550

(c) Of the total production of sugarcane, 18.5 per cent is utilized for the manufacture of factory sugar and 66.5 per cent. for gur-making.

(d) The production of sugar and gur in Bombay State during 1949-50 and 1950-51 was as follows:

	Factory sugar (Thousand tons)	Gur (Thousand tons)
1949-50	111	232
1950-51	117	Not available (up to 22-4-51)

Shri Kumbhar: May I know, Sir, how many acres of this total acreage belong to the sugar factories?

Shri Thirumala Rao: I am afraid I want notice of that question.

Shri Kumbhar: May I know, Sir, in view of the fact that the sugar cane in the Bombay State has got the highest percentage of sugar, whether Government propose to direct some sugar factories in the U.P. and other parts of the country to the Bombay State or do they propose to allow the installation of new sugar factories there?

Shri Thirumala Rao: Government have already announced their policy in this regard. If some of the sugar factories elsewhere want to go to Bombay, Government will assist them in shifting. With regard to starting new ones we have already allotted certain factories to Bombay.

Shri Sondhi: What help would Government give in cases where the factories wish to move from Bihar and U.P.?

Shri Thirumala Rao: We will provide railway facilities and grant

licences for the import of new machinery. In some cases financial assistance also will be given.

Shri Kumbhar: Crushing arrangement in the sugar factories gives 95 per cent. yield from the sugar cane while the present crushing arrangement in the production of gur only gives 75 per cent. of the yield from the sugar cane. May I know from the hon. Deputy Minister for food and Agriculture what steps Government are taking to avoid this waste?

Shri Thirumala Rao: Sir, the Central Sugarcane Committee have carried out some experiments of evolving new types of *kolhus* which will crush out the maximum juice from the cane.

Shri Jambhunwala: Has the Government come to a final decision that it is more economical to shift sugar factories from Northern India to Southern India in view of its effect on other food-crops?

Shri Thirumala Rao: The question is vague; I have not been able to follow it.

Mr. Speaker: It is more or less an opinion.

Prof. S. L. Saksena: Has the Government any plan for increasing the percentage of sugar in the cane in U.P. and Bihar?

Shri Thirumala Rao: A number of research schemes have been instituted by the State Governments as well as the Central Sugarcane Committee. In spite of that the progress in U.P. is not encouraging.

ROAD DEVELOPMENTS

*4053. **Shri J. N. Hazarika:** (a) Will the Minister of Transport be pleased to state what amounts have been spent on road developments during the last four years in the districts of Abor Hills, Mishmi Hills, Tirap Frontier and Balipara Frontier in the North-East Frontier Part B Tribal Areas?

(b) What is the mileage of construction, new and old?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). The required information is being collected and will be laid on the Table of the House in due course.

Shri J. N. Hazarika: May I know whether any revision has been made after the earthquake in the road development programme that had been prepared by the Ministry of External Affairs for these areas, and if so, to what extent?

Shri Santhanam: I believe the hon. Member is a member of the Standing Committee for roads and sufficient information has been supplied to him with regard to the road development programme in these areas.

Mr. Speaker: Has there been any revision in the plan—that is the question?

Shri Santhanam: We took over these areas only from the 1st April 1950 and we are trying to build roads. So no question of revision can arise.

CENTRAL ROAD FUND AND CENTRAL RESERVE FUND

***4054. Shri J. N. Hazarika:** Will the Minister of Transport be pleased to state:

(a) what amounts to each of the Part A States had been allotted out of Central Road Fund during the financial years of 1947-48, 1948-49, 1949-50 and 1950-51;

(b) the amounts that had been allotted for the years 1948-49, and onwards to such States out of the Central Reserve Fund;

(c) the sums resumed by the Government of India from the accounts of such State Governments due to the failure of or delay in, application of such allocation of grants made out of the said Road Fund for the same period; and

(d) the sums re-allocated to the credit accounts of such States out of the Central Reserve Fund which have been paid and are still available for the purpose of re-allocation?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). Two statements containing the information required are laid on the Table of the House. [See Appendix XXV, annexure No. 4.]

(c) and (d). No sums were resumed in this period by the Central Government.

Shri J. N. Hazarika: May I know whether Government intends to utilise the Central Road Fund for the purpose of developing rural roads to keep pace with the development of the State and National highways connecting the urban areas?

Shri Santhanam: Rural roads are the responsibility of the State Governments and we are trying to induce and encourage them to build rural roads. We are also evolving a scheme, as the hon. Member knows, to give some kind of direct inducement for the development of rural roads.

Shri J. N. Hazarika: May I know the amount that is spent from the Central Civil Aviation Fund collected from the proceeds of the extra-duty of 2½ annas per gallon on motor spirit?

Shri Santhanam: If the hon. Member requires information about the Central Civil Aviation Fund, he must put a question to the Minister in charge of Communications.

AGRICULTURAL EXTENSION SERVICE

***4055. Shri Kesava Rao:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that Agricultural Extension Service has been started?

(b) What are the objects of the same?

(c) What are the areas in which it is functioning now?

(d) Is this Service under an U. N. expert and are steps being taken to train suitable Indians in this line?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (c). The object of Extension work is to facilitate the application of the results established by agricultural research to the conditions under which the great mass of farmers practice agriculture. The work already done by the field staff of the agriculture departments in the different States is in the nature of extension service, the intensity of which differs from State to State. A proposal to strengthen and realign the existing State machinery, by associating enterprising farmers and non-officials and public institutions, and thereby bring about a well-knit organisation of extension work is under consideration.

(d) No. An American Extension Expert, whose services were obtained under point Four Aid, is however, attached to the Ministry of Food and Agriculture as adviser.

One of the important aspects of the proposal referred to is the training of Indian personnel in extension work.

Shri Kesava Rao: May I know, Sir, how much this scheme costs to the Government?

Shri Thirumala Rao: Only two days ago, on the 9th and 10th of this month, a Conference was held in Dehra Dun at which all the State Ministers were present to evolve a scheme and it is not possible for me to give how much it costs.

Shri Kesava Rao: May I know, Sir, what is the extent of land proposed to be taken up at the initial stage?

Shri Thirumala Rao: It is not a question of extent of the land. All State Governments will work out a plan where public institutions, public men and well-to-do farmers will be associated with this expansion work; whereby they will bring into practical effect the results of research.

Dr. Deshmukh: Has this scheme been placed before the Standing Advisory Committee for Agriculture so far?

Shri Thirumala Rao: No, Sir. It will be placed before that committee shortly.

Shri B. K. Das: Will the scheme be taken up before the next monsoon?

Shri Thirumala Rao: I think Sir the State Governments are being asked to implement the scheme very soon.

NEW TYPE OF FERTILIZERS

*4056. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to state whether the attention of Government has been drawn to the invention of Dr. P. M. Dixit, an Industrial Chemist of Vallabh Vidyanagar to a new type of fertilizer for production of rice and wheat on land irrigated by sea water?

(b) Has this been experimented and if so, with what result?

(c) Is it a fact that it has proved advantageous in the cultivation of water-logged land?

(d) What are the views of Government in this respect?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (c). No. The latter part of (b) does not arise.

(d) Government are advised that sea water contains a high concentration of salts which are injurious to plant growth and no crop can be raised using such water for irrigation.

Shri Sidhva: The hon. Minister stated 'No' to parts (a), (b) and (c). Am I to understand that there is no such scheme and that no experiment has been made by Dr. Dixit?

Shri Thirumala Rao: No, Sir. The attention of Government has not been drawn. That is my negative reply to that question.

Shri Sidhva: May I know whether the Ministry of Agriculture have appointed Dr. Kalidas Sahni, Regional Agricultural Production Commissioner, to look into this matter and he is examining it and, if that is so, may I know why he says 'No'?

Mr. Speaker: If the hon. Member is more informed he has got the information.

Shri Sidhva: But he gives a negative reply.

Mr. Speaker: There is no contradiction. He is not aware.

Shri Thirumala Rao: If the hon. Member gives me particulars of his information by letter I will go into the matter and do what is possible.

Shri Sidhva: His own officer has been appointed. That is the point.

Mr. Speaker: Whatever the point may be, the hon. Minister is not expected to know about all the nooks and corners of the Department.

Shri Kamath: Arising out of answer to part (a), has the question of Mr. Sidhva succeeded in drawing attention to this matter?

Mr. Speaker: Order, order.

POST AND TELEGRAPH OFFICES IN MANIPUR AND TRIPURA

*4056-A. **Shri A. C. Guha:** Will the Minister of Communications be pleased to state:

(a) the number of post offices and telegraph offices in Manipur and Tripura; and

(b) the average distance at which each of these offices are situated in each of those States?

The Minister of Communications (Shri Kidwai): (a) In Manipur, there are 10 post offices without telegraph branch and one post office with telegraph branch. In Tripura, the corresponding figures are 40 and 2.

(b) The average distance between any two post offices in Manipur is 14 miles and in Tripura 8 miles.

Shri A. C. Guha: May I know how the mail is carried from one part of the State to the other part, or to the capital of the States? What is the conveyance?

Shri Kidwai: The conveyance is by air and by couriers. Some mails are carried by air and at other places the mail is carried by couriers.

Shri A. C. Guha: How long does it take to carry mails from Agartalla to other places in the State, that is internal mails?

Shri Kidwai: The question had not prepared me for this supplementary.

Shri B. K. Das: Is there a plan for opening new post offices during 1951-52?

Shri Kidwai: I think I stated on a previous occasion that they will be opened in villages with two thousand or more of population.

Mr. Speaker: He is asking with reference to Manipur and Tripura.

Shri Kidwai: I have just given the distance between the post offices there. The average distance is not more than 14 miles in Manipur and not more than 8 miles in Tripura. That shows that the post offices are sufficiently close to one another not to need any more post offices.

Shri A. C. Guha: The hon. Minister stated that internal mails are often carried by air. How many of these post offices are connected by air transport?

Mr. Speaker: He did not say that.

Shri Kidwai: I said the mail is carried by air to some places and at other places by couriers.

Shri A. C. Guha: How many places are connected by air?

Shri Kidwai: Manipur is connected by air.

Shri Chaliha: May I know whether mails to Manipur are carried by air as there is an air service to Imphal?

Shri Kidwai: Wherever there is an air service the mail is carried by air.

FOOD REQUIREMENT OF ASSAM

*4057. **Shri J. N. Hazarika:** (a) Will the Minister of Food and Agriculture be pleased to refer to the present food situation in Assam and state what is the annual requirement of food for the State, and what quantity was produced locally in the years 1949-50 and 1950-51?

(b) What were the quantities of paddy and rice exported out of the State in 1949-50?

(c) What quantities of rice, paddy and wheat were imported into Assam by the Government of India in 1950-51, and during the last few months of 1951?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Assam's annual requirements for rationing and supply to Tea Garden Labour is about 1,60,000 tons. Their target of procurement is, 1,35,000 tons. The ceiling quota of supply by Centre is 24,000 tons. Total production of rice in 1949-50 amounted to 17.3 lakh tons. Assam Government's final forecast for production during 1950-51 is 12.9 lakh tons.

(b) and (c). During 1950, Assam exported 10,400 tons of rice and imported 20,058 tons of wheat and 6,500 tons of rice. So in 1950 Assam was a net importer to the extent of 16,158 tons.

During the period, 1st January to 30th April, 1951, against central allocations 5,390 tons of wheat and wheat products and 7,000 tons of rice have been despatched to Assam.

Shri J. N. Hazarika: Is it a fact that the Government of India has asked the State Government of Assam not to rely upon the Centre's help for food?

Shri Thirumala Rao: We have been asking every State to be self-reliant as far as possible.

Shri J. N. Hazarika: Are Government aware that in the tea garden areas, especially in Dibrugarh, the food situation is fast deteriorating and procurement has almost failed?

Shri Thirumala Rao: In view of that we have made an additional allotment of 2,000 tons this month in addition to the 2,000 tons already made.

Shri J. N. Hazarika: In view of the food shortage in these areas and also transport difficulties, will Government allow private individuals to import foodgrains from the Kachin State of Burma or the border areas of Pakistan?

Shri Thirumala Rao: No, Sir.

Shri Kesava Rao: May I know whether Government is aware that foodgrains, especially rice, have been smuggled into Pakistan from Assam and, if so, what is the quantity smuggled?

Shri Thirumala Rao: In view of the proximity of the States there is every possibility of smuggling, but we have not got any account of this.

Shri Chaliha: May I know whether the Kachin State in Burma has agreed to supply 2,000 tons of grain to the Indian Tea Association of Assam and that they are carrying it over the Stilwell road?

Shri Thirumala Rao: I want notice for the details.

FORCED LANDING OF AN AIRWAYS INDIA DAKOTA (ENQUIRY)

*4058. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to state whether the recommendations of the official enquiry into the forced landing of an Airways India Dakota near Tangail in East Bengal have been put into force?

(b) Have the Indian Aircraft Rules been amended to include prohibition of carriage of acids and other dangerous chemicals by air?

(c) In how many aircrafts do carbon tetrachloride type of fire extinguishers in passenger cabins exist?

(d) Are these extinguishers tested from time to time?

The Minister of Communications (Shri Kidwai): (a) and (b). Government's decisions and action taken in

respect of the various recommendations are shown in the statement which I lay on the Table. [See Appendix XXV, annexure No. 5.]

(c) Almost all aircraft operating in India.

(d) Yes, regularly.

Shri Sidhva: From the statement it is seen that the recommendation was that the carriage of acid should be prohibited and the answer is that the Government have accepted this recommendation, the existing rule is being changed, and in the meantime they have issued a notice to Airmen No. 7 not to carry acid. May I know what is "Airmen No. 7"?

Shri Kidwai: In the meantime Government have informed the persons responsible for carrying freight that these things are not to be booked.

Shri Sidhva: It is stated "In the meantime, namely on February 14th, 1951, Notice to Airmen No. 7 of 1951 was issued directing that various specified articles including acids should not be carried by air". I want to know whether there is anything specific.

Shri Kidwai: "No. 7" refers to the Notice and not to the Airmen.

Shri Himatsingka: In view of the recommendations made by the Enquiry Committee that the company was grossly negligent in accepting the freight, do Government propose to take any action against the company and the officers concerned?

Shri Kidwai: We have examined the Report submitted by the Pakistan Enquiry Committee. The accident occurred in Pakistan and therefore, according to international law, the Pakistan Government had appointed the enquiry court. We examined it and we found that in our Rules there was no rule prohibiting the carrying of acids. The consignor had booked it as some other material—printing or photographic material. Therefore there was nothing to indicate that it was acids. Now, under the rules we are prohibiting the carrying of acids and if it is disobeyed that would be negligence.

Shri Sidhva: In the Committee's report it was stated that the use of Carbon Tetrachloride type fire extinguishers should be stopped, and the action taken by the Government is that they do not consider it desirable at the present juncture to carry out the recommendation made by the Committee. May I know whether this was on the basis of any recommendation made by some higher technical authority than the Committee, and if so by whom?

Shri Kidwai: On enquiry it is found that all the planes both in the U.K. and U.S.A. are using these extinguishers. Still we have referred the matter to our scientific institutions and the report is awaited.

WRITTEN ANSWERS TO QUESTIONS

CONSTRUCTION OF NEW LINES

*4043. **Shri P. Basi Reddi:** (a) Will the Minister of Railways be pleased to state whether Government have any proposal to construct the following new lines—

(i) from Erragudipad on the Madras-Bombay line in Cuddappah district to Nandyal on Guntakal-Bezwada line in Kurnool district; and

(ii) from Cuddappah to Nellore via Royachoti and Rajampet Taluks?

(b) Have Government received any communication from the Royalaseema Development Board requesting the construction of these and other lines in Royalaseema at an early date?

(c) Have Government taken any decision regarding the construction of these lines?

The Minister of State for Transport and Railways (Shri Santhanam): (a) There is no such proposal at present.

(b) The reply is in the negative.

(c) In view of the replies given above, the question does not arise.

RATIONING IN BOMBAY AND MADRAS

*4059. **Shri Bharati:** (a) Will the Minister of Food and Agriculture be pleased to state what is the total population, rural and urban under rationing separately in the years 1948, 1949, 1950 and 1951 in the States of Bombay and Madras?

(b) What is the total quantity of rationing commitments of food grains in the States of Bombay and Madras for the years 1950 and 1951?

(c) What is the total quantity that the States of Bombay and Madras have undertaken to procure for the year 1951?

(d) What is the estimated production of food grains for the year 1951, as given by the States of Bombay and Madras?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) A statement giving the information is placed on the Table of the House.

(b) Issues of foodgrains from Government stocks during 1950 in Bombay and Madras for meeting rationing commitments amounted to 14.7 lakh tons and 13.9 lakh tons respectively. For 1951 on a 12 oz. basis the rationing commitments are estimated at:

Bombay	14.8 lakh tons
Madras	9.7 lakh tons

(c) The procurement targets for 1951 are:—

Bombay	550,000 tons
Madras	1,065,000 tons

(d) The production of cereals for 1951 as estimated by the State Governments are:

Bombay	3,357,000 tons
Madras	6,152,000 tons

STATEMENT

Rational population in Bombay and Madras.

(In 1000)

Year	Bombay		
	Rural	Urban	Total
1948 (31-12-48)	4,747	5,802	10,549
1949 (31-12-49)	9,000	10,377	19,377
1950 (31-12-50)	8,734	10,466	19,200
1951 (31-3-51)	6,660	10,700	17,360
Year	Madras		
	Rural	Urban	Total
1948 (31-12-48)	23,391	2,906	26,297
1949 (31-12-49)	34,550	5,940	40,490
1950 (31-12-50)	30,785	5,664	36,749
1951 (31-3-51)	4,649	5,909	10,648

REGIONAL COMMISSIONERS

*4060. **Shri Raj Kanwar:** Will the Minister of States be pleased to state:

(a) the names of Regional Commissioners functioning in the different Part B and Part C States; and

(b) whether their appointments are temporary and if so, for what period they have been sanctioned?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) A statement is laid on the Table.

(b) Yes. They have been sanctioned until further orders.

STATEMENT

The following are the Regional Commissioners functioning in Part B States

(1) Saurashtra	Shri D. V. Raze, I.C.S.
(2) Rajasthan.	Shri C. S. Venkatar, I.C.S.

(3) Madhya Bharat. . Shri P. S. Rau,
I.C.S.

(4) Patiala & East Punjab States Union. . Shri M.R. Bhide,
I.C.S.

There are no Regional Commissioners in Part C States.

TELEPHONES IN MADRAS

*4061. **Shri Sanjivayya:** Will the Minister of Communications be pleased to state:

(a) the total number of telephones in the city of Madras;

(b) the number of applications (pending) for the installation of telephones;

(c) whether there is any scheme to expand the telephone system there; and

(d) if so, in what time and at what cost?

The Minister of Communications (Shri Kidwai): (a) 10,150 consisting of 5,651 direct connections and 4,499 extensions.

(b) 272 consisting of 154 'O Y T' depositors and 118 under the exempted categories of the 'O Y T' Scheme. In addition, there are 3,906 pending applicants in the pre-O Y T waiting list.

(c) Yes.

(d) (i) Immediate expansion of equipment by 640 lines at a cost of Rs. 4,98,500/- and laying of additional cables at a cost of Rs. 4,58,300/-. Total Rs. 9,56,800/-.

(ii) Further expansion by 3,000 lines during 1952-53-54 at a cost of Rs. 53.75 lakhs.

COIR INDUSTRY IN TRAVANCORE-COCHIN

*4062. **Shri Sanjivayya:** Will the Minister of States be pleased to state:

(a) whether the Travancore-Cochin Government have asked for a grant of Rs. 55 lakhs for the development of coir industry;

(b) whether it has been sanctioned; and

(c) if not, what are the reasons therefor?

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) Yes.

(b) and (c). The matter is under consideration.

DECASUALIZATION OF PORTERS

*4063. **Shri Naziruddin Ahmad:** Will the Minister of Railways be pleased to state:

(a) whether Government have accepted the policy for Decasualization of Station Porters for handling luggage and parcels including licensed porters at all stations over the Indian Railways; and

(b) if so, what are the guiding principles of the new policy?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) Yes.

(b) The main object of the scheme is to cut out the middle man, namely, the coolie contractor and to ensure a fair deal to the licensed porter demanding from him in return satisfactory service to the public. The scheme is run on a 'no profit no loss' basis, only the minimum amount of licence fee being recovered from the licensed porter to cover the cost of the supervisory organisation. In return, the licensed porter is given certain amenities and facilities including free medical treatment, free supply of buckles and badges and all possible opportunities for earning a day's wage at a reasonable rate

NIGHT MOBILE POST OFFICE

*4064. **Shri P. Basi Reddi:** Will the Minister of Communications be pleased to state:

(a) whether the experiment of a Night Mobile Post Office tried in Nagpur city has been successful; and

(b) if so, whether Government have taken a decision to try the experiment at other Air Port cities?

The Minister of Communications (Shri Kidwai): (a) Yes.

(b) The question of extending the scheme is under examination.

SHAHDARA-SAHARANPUR RAILWAY

*4065. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state whether Shahdara-Saharanpur Railway is a private company Railway?

(b) What is its capital and what profit did it make during the last three years?

(c) Who are the managing agents and who own majority of shares (how many Indians, and how many Foreigners)?

(d) Is it a fact that complaints have been made for bad managements, no light, no platforms, no waiting halls at several stations?

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(e) Did the Railway Board issue instructions to the company to set up an advisory committee?

(f) If so, when was it constituted and how many meetings have been held?

(g) Is it a fact that recently an accident with bus occurred at Shamli station Railway crossing on Shahdara-Saharanpur Railway resulting in death of four persons?

(h) Was there any light on the engine which crashed with the bus?

(i) After how many hours were the dead bodies removed?

(j) Has any compensation been paid to the families of the deceased persons?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) Yes.

(b) The Capital outlay at the end of 1949-50 was about Rs. 61 lakhs. The profits made by the Company were Rs. 0.79 lakhs, 3.38 lakhs and 2.84 lakhs in the years 1947-48, 1948-49 and 1949-50 respectively.

(c) Martin Burn Ltd. Indians own majority of shares. Of the 15,000 shares, 12,882 are owned by Indians and 2,118 by non-Indians.

(d) Government have received no recent complaint of the type referred to.

(e) The S. S. Light Railway forwarded to the Railway Board a proposal to form a Local Advisory Committee for that Railway sometime towards the end of 1949 and this was approved.

(f) The proposal has not yet been given effect to, as the Railway is still in correspondence with the Government of Uttar Pradesh in respect of details of composition etc., of the Committee

(g) Yes, the accident occurred on 14th December 1950, at a level crossing near Shamli station.

(h) Yes; the electric head-light was on.

(i) About 13 hours after the accident.

(j) No.

SUGAR AND KHANDSARI (PRICES)

*4066. **Shri Barman:** (a) Will the Minister of Food and Agriculture be pleased to state the selling price of free market sugar, prevailing in different parts of the country as compared to price of Khandsari in those regions?

(b) Is it a fact that a large stock of Khandsari has accumulated in the

Uttar Pradesh due to restriction of movement from that State?

(c) If so, what are the reasons for continuing the restriction?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Prices of free sugar in certain important markets are:

Markets	Price
	Rs.
(i) Amritsar	... 66/8/-
(ii) Delhi	... 65/5/4
(iii) Kanpur	... 67/12/10
(iv) Bombay	... 71/3/9

Information regarding the black-market prices of *Khandsari* is not available with Government.

(b) Possibly restrictions on inter-State movement of *Khandsari* have been removed with effect from 2nd May, 1951.

(c) Does not arise.

TELEPHONE MESSAGE RATE

***4067. Shri A. C. Guha:** Will the Minister of Communications be pleased to state.

(a) the telephone message rate prevalent in Calcutta, Bombay, Madras, Delhi and Lucknow;

(b) in how many of these cities automatic system is working;

(c) the number of operators in Calcutta, and the average number of calls each operator is to attend to every hour;

(d) how many hours each operator is to work every day; and

(e) whether Government have any scheme to improve the working and decrease the message rate of telephone at Calcutta?

The Minister of Communications (Shri Kidwai): (a) I lay on the Table of the House a statement giving the information. [See Appendix XXV, annexure No. 6.]

(b) Bombay, Madras and Delhi.

(c) The number of operators in Calcutta is 793. Average number of calls handled during busy hours is 239 per operator per hour. The average number of calls handled during other periods is 111 per operator per hour.

(d) 6 hours, 30 minutes of day duty or 6 hours night duty, subject to a maximum of 45 hours of duty per week per operator.

(e) There are schemes to improve the working of the Calcutta telephone system. It is intended to gradually bring down the Calcutta rates to the standard rates.

POSTAL AND MONEY-ORDER SYSTEM BETWEEN INDIA AND PAKISTAN

***4068. Shri A. C. Guha:** Will the Minister of Communications be pleased to state:

(a) whether in view of the I.M.F. recognising the par value of Pakistan rupee, the Government of India have considered the desirability of resuming the usual postal and money orders system between India and Pakistan; and

(b) whether there has been any discussion or correspondence between the two Governments on this matter?

The Minister of Communications (Shri Kidwai): (a) Yes, Sir.

(b) Yes, Sir. As soon as Pakistan Government's concurrence is received, Insurance money order and V. P. services will be resumed. All other services are already in existence.

RAILWAY BOARD (RECONSTITUTION)

***4069. Shri Rathnaswamy:** (a) Will the Minister of Railways be pleased to state how many posts were abolished other than the post of Chief Commissioner of Railways as a result of reconstitution of the Railway Board?

(b) What are the total economies effected other than the economy effected as a result of the abolition of the post of Chief Commissioner of Railways?

(c) How many of these employees so affected by this reconstitution of the Board were discharged from service and how many were absorbed in other Departments?

(d) Do any other employees so affected belong to the Scheduled Castes and if so, how many are they?

The Minister of State for Transport and Railways (Shri Samthanam):

(a) Class I—4
Class II—1
Class III—55
Class IV—34

(b) The saving expected is about Rs. 3 lakhs per annum.

(c) Classes I and II.—All have been absorbed elsewhere—none was discharged.

Class III.—All the affected personnel have been absorbed elsewhere except one tracer who was discharged but has since been reappointed in Central Standards Office for Railways.

Class IV.—All have been absorbed elsewhere except 8 employees who were discharged as they refused to accept alternative employment on Railways. Of these 8, 5 have since been reappointed in the Board's Office.

(d) 4 Class IV employees belonging to Scheduled Castes refused alternative employment and were discharged. 3 have since been reappointed. The fourth has not yet reported.

IMPORT OF RAILWAYS LOCOMOTIVES AND STORES

*4070. Dr. Deshmukh: (a) Will the Minister of Railways be pleased to state the number of locomotives, carriages, wagons and other railway stores of all kinds proposed to be imported into India during the year 1951-52?

(b) What are the countries from which they would be imported?

(c) What would be the landed cost of each category of stores from each country?

(d) What is the total expenditure involved?

(e) What would be the landed cost of every locomotive imported from each of the foreign countries?

The Minister of State for Transport and Railways (Shri Santhanam): (a), (b), (d), and (e). Statements giving the information regarding locomotives, carriages and wagons asked for in (a), (b), (d) and (e) are placed on the Table of the House. [See Appendix XXV, annexure No. 7.]

The exact numbers of other items of railway stores, which are likely to be imported into India during the current financial year, are not known at present as these depend upon the difference between the actual requirements of Railways and the capacity available in India to meet them.

(c) It is not possible to supply estimates of the landed cost of each category of stores from each country at this stage.

LOCOMOTIVES MANUFACTURED AT CHITTARANJAN

*4071. Dr. Deshmukh: (a) Will the Minister of Railways be pleased to state what is the cost Government had to incur for every locomotive manufactured at Chittaranjan?

(b) At what price would a similar locomotive be landed in India from (i) Canada, (ii) Australia, (iii) England and (iv) U. S. A.?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The actual cost of the first nine

W. G. Locomotives so far assembled at Chittaranjan, mostly from imported parts, is not yet available.

(b) W. G. Locomotives have been obtained from U.K. recently at an approximate landed cost of Rs. 4½ lakhs per locomotive. Locos of this type have not been imported from any other country so far.

"HOLIDAY HOMES"

*4072. Shri M. Nalk: (a) Will the Minister of Communications be pleased to state what are the main features of "Holiday Homes" set up under the Central Circle of the Post and Telegraph Department?

(b) Have any other such Homes since been set up in other Circles?

(c) What are the financial implications thereof?

The Minister of Communications (Shri Kidwai): (a) "Holiday Homes" are intended to afford an additional amenity to the staff while on leave in the shape of rest or recuperation, in case of illness to themselves and/or their families, in hill stations or other holiday resorts. The amenity consists in the provision of accommodation at comparatively low rents. These Homes are restricted to officials in receipt of pay of Rs. 300/- and less. Ordinarily, an official and his family can reside at a Home for a period of 15 days. Further particulars of the "Holiday Homes" are given in the statement which I lay on the Table of the House. [See Appendix XXV, annexure No. 8.]

(b) Schemes for the setting up of such Homes in the Punjab and U.P. Circles have been sanctioned.

(c) Government sanction non-recurring and recurring grants for the Homes, non-recurring grants to provide equipment, such as furniture and utensils and recurring grants in the case of hired accommodation.

RAILWAY ACCIDENT BETWEEN HARDINGE BRIDGE AND MINTO ROAD

292. Shri Sidhva: (a) Will the Minister of Railways be pleased to refer to the answer given to my unstarred question No. 241 on the 24th April 1951 regarding railway accident between Hardinge Bridge and Minto Road and state whether Government contemplate re-constructing standard wire fencing between Hardinge Bridge and Minto Bridge (New Delhi) to prevent accidents and if not, what are the reasons?

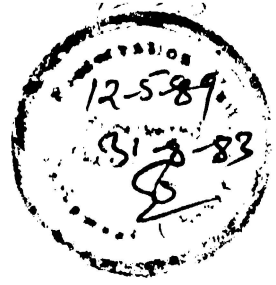
(b) What precautions have been taken to avoid accidents on the railway line which passes through the heart of the city?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) Government have already decided to construct masonry walls on both sides of the railway line between Hardinge Bridge and Minto Bridge (New Delhi) and the work is in hand.

(b) In view of the reply to part (a), the question does not arise.

Friday, 11th 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

8494

8495

PARLIAMENT OF INDIA

Friday, 11th May, 1951

The House met at Half Past Eight of
the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

MOTION FOR ADJOURNMENT

NON-AVAILABILITY OF PETROL IN DELHI

Mr. Speaker: I have received notice of an adjournment motion from an hon. Member of this House on the question of non-availability of petrol in Delhi and New Delhi. It is obviously a matter not of such great public importance as deserving a discussion on the floor of this House. I do not permit it.

ELECTIONS TO COMMITTEES

**COUNCIL OF INDIAN INSTITUTE OF SCIENCE
AND STANDING COMMITTEES FOR
MINISTRIES OF EXTERNAL AFFAIRS,
DEFENCE AND STATES**

Mr. Speaker: I have to inform the House that up to the time fixed for receiving nominations for the Council of the Indian Institute of Science, Bangalore and Standing Committees for the Ministries of External Affairs, Defence and States, one nomination in the case of each of these Committees was received. As there is only one vacancy in each of these Committees, I declare the following Members to be duly elected:

I. Council of the Indian Institute of Science, Bangalore.—Pandit Lakshmi Kanta Maitra.

150 P.S.D.

II. Standing Committee for the Ministry of External Affairs.—Shri Ratnappa Kumbhar.

III. Standing Committee for the Ministry of Defence.—Shri Kishorimohan Tripathi.

IV. Standing Committee for the Ministry of States.—Sardar Sochet Singh.

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

Shri P. Y. Deshpande (Madhya Pradesh): The point that I was developing yesterday was this: Having accepted a Constitution which provides for a quantitative concept of democracy and having failed to evolve any qualifications for candidates, we are now left with no alternative but to follow the logic of quantitative democracy in a straightforward manner and face the consequences, whatever they may be. We have accepted a Constitution which declares that the will of the people as expressed in the General Election based on adult franchise is supreme and sovereign. Nothing can or should fetter the sovereign will of the people if the democratic concept of the Constitution is to be respected. It logically follows from this that there should be as few restrictions as possible on the right to vote and on the right to stand as a candidate. The restrictions, if any, can be justified on the principle that they ensure better conditions for free expression of the sovereign will of the people. On no other ground the restrictions can be justified.

About disqualifications in article 326 of the Constitution grounds are mentioned which are applicable to a person wanting to be registered as an elector. In this article, there are only four grounds on which any person wanting to be registered as an elector can be

[Shri P. Y. Deshpande]

disqualified. These grounds are non-residence, unsoundness of mind, crime, corrupt or illegal practice. These, therefore, provide the basis for imposing restrictions on the right to vote and the right to stand as a candidate and all restrictions that go beyond these points mentioned in article 326 appear to me to be not justified. If we apply this test to some of the restrictions that are sought to be imposed in the new draft Bill, what do we find? Take for instance, the restrictions in the form of disqualifications contained in sub-clause (1) (d) of clause 7. These are restrictions upon persons carrying on trade, commerce and industry. The logic underlying these restrictions is not the logic of democracy as embodied in the Constitution, but the logic of a pettifogging morality, a logic of cheap demagogic economic radicalism, a logic that exhibits a lamentable lack of faith in the robust commonsense of the people which forms the solid foundation of our democracy. I cannot understand why hon. Members of the Select Committee—I mean the majority of them—found it necessary to incorporate these restrictions. Did they imagine that if these restrictions were not there, majority of our voters would so exercise their vote as to return only such class of people as are sought to be disqualified under this sub-clause? I think it is almost preposterous to make such an assumption in respect of our people. It is an outrageous reflection on the capacity of our people to do the right thing. Every candidate is under the fire of criticism at the time of election. The merits and demerits of each candidate are subjected to merciless criticism at the hands of rival candidates and their supporters. Contracts, licences, permits and the like cannot remain hidden from the public gaze. If these things are really so bad, then we can depend upon the sense of the people to defeat these people at the elections. Let the people judge for themselves. Let us not anticipate the verdict of the people on these matters. Let us not pretend to be wiser than the collective wisdom of our people. Let us not force our own moral conceptions by law on the people. I think that nothing would be lost by deleting this sub-clause from the Bill. These restrictions appear to me to be open to many other grave objections. The right to follow any trade or profession or industry is one of the fundamental rights guaranteed by the Constitution. If permits and licences are made obligatory by law, and if trade, commerce or industry cannot be carried on except on the basis of such permits or licences, then it is no fault of such permit-holders or licencees and we cannot deprive them

of their constitutional right to stand as candidates because of the licencing and permit system imposed upon them by law. I was a little astounded to find the hon. Law Minister defending this clause. He said in effect that if these restrictions were not there, this House would be transformed almost into a sort of stock exchange.

Shri Munavalli (Bombay): You have not understood it properly.

Shri P. Y. Deshpande: If we take into account the policy of Government to control free trade and commerce and industry more and more, a situation may arise in the foreseeable future in which a very large section of the people engaging themselves in trade, commerce or industry would be debarred from offering themselves as candidates if this clause remains on the Statute Book. Even petty traders and small shop keepers, not only they, but even a large section of the cultivators would come under this class of permit holders and licencees and they would be debarred by this particular clause. It seems to me that only paupers, parasites and professional politicians would be dominating this House.

Shri Munavalli: Stretching the imagination too far.

Shri P. Y. Deshpande: All persons practising trade and commerce and any of these honest professions would be debarred from coming to this House or to the State legislatures. I presume the hon. Law Minister does not want this House to be converted into a House of paupers, parasites and professional politicians whose strength more or less would depend on the men who stand behind and pull the wires.

Similar considerations would seem to apply to the ordinary workers employed in the Railways and State collieries and other similar State undertakings. To impose upon them restrictions which are not imposed upon ordinary citizens and prevent them from taking the same interest in the elections as any ordinary citizen can take seems to me, to go too far in the way of restrictions. The workers in the Railways or the State mines or other State undertakings are not in any better position than workers in any private undertakings. Even in the Railways, State mines and other State undertakings, trade unionists of various ideologies are allowed to organise these workers into strong trade union organisations. These workers or their representatives may under the existing law work among themselves to win membership to their respective Unions and propa-

gate their particular ideologies. If that is so, the restrictions that are sought to be imposed on these workers on the ground that they are Government servants seem to me almost preposterous. The hon. Law Minister said, and rightly so, that our administration must remain neutral and impartial; that is true. But, I fail to see how these workers in the State industries and Railways can by any stretch of imagination be described as Government servants. They are not Government servants and therefore the restrictions that are sought to be imposed on Government servants should not be and cannot be imposed on these workers. I hope that the hon. Law Minister will see his way to concede the point which was so ably argued by my hon. friend Mr. Khandubhai Desai.

I have only one point to urge in regard to the clause which lays down the grounds for declaring an election to be void. I have no quarrel with the illegal and corrupt practices forming the grounds of such election petition or forming the ground for declaring an election to be void. But, we have enumerated the corrupt and illegal practices in such an elaborate manner that it is quite possible for a rival candidate, who does not enjoy the confidence of the voters to so manoeuvre evidence, that without working for his election in the proper way, he could make it probable for the Tribunal to find that perhaps there were in fact illegal and corrupt practices on a scale which would justify the declaration of the election to be void. Therefore, I would very humbly appeal to the hon. Law Minister who is himself a very expert lawyer to see to it and prevent these tactics of reactionaries and people who cannot win the confidence of the electorate, manoeuvring only in one direction, namely creating evidence to see that when they lose in the election, the election itself can be set aside on the grounds mentioned in clause 99. It is quite possible and quite conceivable that this could be done and all my anxiety is that this clause should at least contain something which would put a stop to the machinations of such people. In sub-clause (3) of clause 99, there is an effort in this direction, and if a candidate or his agent has taken all possible steps to prevent illegal and corrupt practices, they are sought to be saved. But, the clause says that in such cases, the Tribunal may decide, that the election of the returned candidate is not void. Again, the word "may" here gives a good deal of latitude to the Tribunal and to the manoeuvres, which I have mentioned, to succeed even against an honest candidate who has

taken all possible and human precautions to prevent illegal and corrupt practices. I therefore suggest that in this sub-clause (3) of clause 99, at the end, instead of the word 'may' the word 'shall' be substituted. That would reassure all honest candidates who take all possible precautions to prevent corrupt and illegal practices taking place. They would be fully protected if the word 'shall' is there and the points that I had made will be met to a very considerable extent. I hope the hon. Law Minister will take these suggestions into account and improve the Bill.

Prof. S. L. Saksena (Uttar Pradesh): This Bill is intended to ensure real democracy in our country. Fair and impartial elections are indispensable to real democracy. I must at the very outset congratulate Dr. Ambedkar as well as the Select Committee on the great labours that they have bestowed in framing this Bill which is fairly exhaustive. Therefore, whatever I say will be intended only to suggest further improvements.

The real purpose of this Bill is that the people's choice should be known as to whom they want to represent them in the Legislatures. Prof. K. T. Shah in a very illuminating discourse gave certain views which, I think, deserve consideration. Probably we may not be able to accept every one of them; but I think that we should ensure that every one who is a citizen of India and is of the prescribed age, should have the opportunity to be elected by the people in a fair manner.

We know people who are experts in elections are able to debar those who can be their rivals by seeing that the names of these would-be rivals are not on the electoral rolls. Of course time has been allowed to get the names on the electoral rolls corrected. But we have to bear in mind the fact that the voters number about 18 crores and 90 per cent. of the people in this country are illiterate. And it is when the election fever is in a high pitch that the candidates will realise the value of each vote. In spite of the great efforts on the part of the Election Commissioner to get the rolls corrected, they are, we know, not yet fully correct. We know that till recently the name of our President, Dr. Rajendra Prasad was not there. So also I think the name of His Excellency Shri Asaf Ali probably is not there even now. Of course it is the responsibility of the persons concerned to see that their names are there. Still in the circumstances in which we now are and in the nature of the particular circumstance in which we are, so far as the

[Prof. S. L. Saksena]

voters are concerned, I think we cannot change the rolls now. But if a candidate finds that his name is not in the list of voters, I personally think that he should not be debarred on that score. He may be quite qualified to stand as a candidate, but for some reason or other his name happens not to find a place in the electoral roll. He should not be debarred from standing as a candidate just because of this fact. I would request the hon. Law Minister to devise a method by which such a person may be allowed to stand as a candidate. I know there will be cases of, say detenus who have been recently released and have therefore not got their names as voters and they might like to stand as candidates. Some measure should be devised to permit them to do so, if they are otherwise qualified. If the Returning Officer finds that their names are not on the rolls and it is no fault of theirs that they are not there, then they should be allowed to stand.

I would go even further and say that a person whose name is in the list of voters, if he wants to stand as a candidate, should be allowed to do so and no interested person should be able to say that he is not allowed to stand because he is illiterate or for some other reason. The people will have to choose the very best among them to be their representatives. In fact, we want the best people from the country and that is only possible if no one is excluded from standing as a candidate on technical grounds. I know there is the provision that mere technical grounds should not be allowed to stand in the way. But that is not enough. Unless there is an important reason against the person, he should be allowed to contest the election. I hope the House will devise some amendment to this Bill so that the mere disqualification that the name of the candidate is not on the electoral rolls may be removed, at least in the case of candidates.

Then we come to the nomination. We know many nominations are rejected on technical and other grounds. The Select Committee has brought about the provision that the rejection should not take place on mere technical grounds. But what are technical grounds, it is left vague. It may be that the number given is not the correct one on the rolls, or it may be some other reason. For these and similar reasons the nomination should not be rejected. I personally feel that if a person declares that he wants to stand for the election as a candidate, that should be enough. He should be allow-

ed to contest the seat. There should not be any more need for a proposer and a seconder. He need not search for a proposer and a seconder in his village. If his name is in the list of voters and he wants to be a candidate for a seat, he should be allowed to stand.

I am in entire sympathy with Dr. Ambedkar when he says that the nominations should be finalised before the elections are launched upon. We have seen elections being contested again because the nomination was wrongly rejected or somebody was made a candidate when he should not have been. Dr. Ambedkar has asked the House to devise some method by which this can be done. I personally feel that it should not be difficult to do so. At present the time limit between the nomination and the withdrawal is 17 days. I think this period should be extended to about one month which gives one week for the scrutiny and three weeks for the rest. If there is any reason why the person should not be a candidate, the question should be decided by a tribunal constituted by the Election Commissioner, sitting at some central place in the province. I would prefer a High Court Judge in the province and all such disputed cases should be put before this tribunal and decided, once and for all and this decision should be final. There should be no more appeal. After all nomination will mean that the person can contest the election and I do not think that we should deprive people from contesting the elections and obtaining the votes of the people. It is not an intricate business and people should be allowed to stand for elections and unless there are very important reasons for it, nomination papers should not be rejected. So the finalising should be done before the period of one month.

Prof. Shah gave a pet theory of his that a candidate should have such and such qualifications and I know that theory has many supporters. Dr. Rajendra Prasad at the conclusion of the work of the Constituent Assembly also said that it had not been possible to include qualifications for the candidates. I personally feel that at this stage of the development of our country it is not proper to put down any qualifications. About 90 per cent. of our people are illiterate. If there is any literacy qualification, then they would all be disqualified and disenfranchised. That should not be. Ordinary people who do not know how to read and write are sometimes the best men in their villages.

Dr. Deshmukh (Madhya Pradesh): Why in the villages? In the whole country.

Prof. S. L. Saksena: Yes, maybe in the whole country. Very complicated and intricate questions are sometimes quickly solved by them, questions which it would take High Court Judges weeks or months to decide. I do not think we should exclude such natural wisdom just because these people are not able to read and write. It was not their fault that they could not read and write: perhaps there were no schools in their days and in their places. It is not proper that a man should be disqualified on account of illiteracy. Once an illiterate person is elected he begins to learn how to read and write. In time he becomes sufficiently educated to take part in the proceedings of Legislatures. (*Interruption*). If we put this qualification I am afraid most of the illiterate people, who for no fault of their own are illiterate, will be disqualified. We know that a degree is not a guarantee that a man is very wise. In fact we have on our Treasury Benches a Minister without any degree. There was the case of Akbar in history, who was one of our biggest emperors. There are other names in history which I can quote. Therefore the literacy qualification is not proper.

Prof. Shah suggested that social service should be a qualification. Though I am in sympathy with him it is not practicable: because you cannot decide who has been a social worker and who not. Anybody can claim to have been a social worker and nobody can challenge that. The mere fact that a man can get votes shows that he has been a social worker and that itself should be the best proof.

Prof. Shah also offered a bait that all ex-members of Legislatures should be qualified. The mere fact that a man had been elected before to a Legislature should not be considered as a qualification. A man might have been illiterate and may not have learnt anything even after five years of his having been a member of a Legislature. He may not even have learnt to read and write. Such a person should not be allowed to be again in the House. Therefore I think this qualification is not necessary. If you put these qualifications many capable persons who command the esteem of the voters will be disqualified. They may not even have read up to the fourth standard and yet by experience they could compete with any graduate. I therefore think that any attempt to put qualifications for candidates will be suicidal in our present state of development. When the mass of the people of the country are educated, then you may put such a qualification, because everybody will possess the qualification. At

present to put in this qualification is to disenfranchise all the good workers. When a graduate is a candidate that fact itself becomes a qualification and he gets more votes than one who is illiterate. The people will know who is more qualified and vote for him.

There is one danger for which I would like that some safeguard should be provided. I mean the caste system and communalism. The *Jat* votes for a *Jat*, the *Kshatriya* votes for a *Kshatriya* and the *Brahmin* for a *Brahmin*. Also there is communalism, a Muslim voting for a Muslim or a Hindu for a Hindu. I am not able to suggest any remedy for this situation and I do not know how to get over the difficulty. In course of time when political parties develop the caste system and communalism will cease to be the strong forces that they are today. Therefore we should work for the establishment of political parties to break down these prejudices. There is another remedy, namely the delimitation of constituencies.....

Dr. Deshmukh: Kill the majorities?

Prof. S. L. Saksena: Majority on caste or communal basis. Concentration of majorities of particular castes, creeds or communities should be divided so that the caste system or communalism will not work as a strong factor in tilting the scales in favour of or against a candidate. I would suggest that this is a practical manner in which we can break the back of this particular evil in our country.

Prof. Shah said that he wanted no physical nor moral lepers. (*An Hon. Member:* What about mental lepers?) I have already disposed of them. I agree that physical lepers or persons suffering from communicable diseases should not be permitted to become members of Legislatures. As regards moral lepers the practical question is how to determine who is a moral leper. There are some standards to apply. A man may have been convicted for grave offences of moral turpitude. But there is nothing said in this Bill about moral turpitude. The provision in the Bill is that unless a period of five years has elapsed since the man's release he shall not be a candidate. If the elections had come in April personally I would have been disqualified after ten years of imprisonment, the five years not having elapsed. Conviction for political offences and not for offences involving moral turpitude should not be treated as a disqualification. Also persons convicted of election offences or for fraud should be disqualified. Clause 7 (1) (a) is per-

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fectly right. Also there must be a provision that a man who has been found guilty of evading tax should be disqualified. Surely such a man cannot help the Legislature in framing laws which will prevent such evasion of taxes by black-marketeers and others.

I am afraid the clause as it stands disqualifies many people who have been holding licences, merely because Government had insisted that they should hold licences for their business purposes in a particular controlled commodity. There may be many persons who are honest traders and yet are disqualified by reason of the fact that they hold a permit or licence. The clause should be changed so as to get at the real culprits. There should be some limit fixed, namely a licence yielding an income of say 20,000 and over. Otherwise even ordinary traders will be disqualified. This way no trader in the country would be left out. Even ordinary traders have to take licences and this provision would exclude all of them. So, I would like this provision recast in a manner to exclude real offenders only and not everybody.

It was said by many hon. friends that mill-owners, princes and big zamindars should be excluded from standing for elections. I have my sympathy with that suggestion. I do not want that these people who are exploiters, at least most of them, should be allowed to enter Legislatures, but I personally think that the way to exclude them is not through this Bill. For that you have to go much deeper. Unless you change the system of society and have a socialist society, you cannot exclude these persons. Because even if you exclude them they will put up their henchmen who, as some hon. Member said, will be worse than the man excluded. You cannot exclude them unless as I said earlier you change the pattern of society. One friend was saying that princes should be excluded. I would certainly not wish these people to be there in the Legislatures but do you think they will not put up some henchmen of theirs who, with all the wealth and influence of the former, will get elected? So, I do not think these short-cuts will help you. What you should aim at is to change the society which alone will exclude such people. I therefore think that this attempt to disqualify some person or other is not proper; it is only a disgrace on the Constitution and an act quite undemocratic.

While I cannot agree to a method of disqualifying such persons, I am

all for enabling the poorer candidates to have an equal chance with these richer people. From that point of view I support Prof. Shah's suggestion that Government should help the poorer candidates in the elections. Of course I know that in the present financial condition it is impossible for Government to help the poorer candidates financially but Government can help them in many other ways. For instance, it can say that it will give a free copy of the electoral list to every poor candidate. In an average constituency there are about four lakh voters on the rolls and the cost of the rolls for that constituency comes to Rs. 600. The ordinary, poor candidates cannot purchase them.

Dr. Deshmukh: Give them two copies.

The Minister of Law (Dr. Ambedkar): How many?

Prof. S. L. Saksena: At least one.

Shri R. C. Upadhyaya (Rajasthan): And a jeep.

Mr. Speaker: Order, order. Let there be no interruptions when the hon. Member speaks. Let him not be interrupted, let each Member advance his arguments.

Shri Kamath (Madhya Pradesh): But he welcomes interruptions.

Mr. Speaker: He may welcome them but if they continue I will ask him to stop his speech after some time—he will not be able to go to the end of it.

Prof. S. L. Saksena: Then, Government can put the radio at the disposal of all the parties impartially and frequently so that every candidate will be able to enlighten the voters on his programme and policies. Every party must, of course, be treated equally impartially. Government can also issue leaflets saying these are the candidates who have been nominated in this constituency and that every voter is free to vote for any of them, and that there is no coercion and anybody who tries to coerce or intimidate the voters shall be reported against and action will be taken against him. If Government does this it will be of very great help to the poorer candidates. So, this is another suggestion to help the poorer candidates, namely that Government should issue leaflets which are impartially drafted, giving information about the candidates and telling people that they can vote for any one of them.

As regards security the present provision lays down Rs. 500 and Rs. 250 in

the case of Parliament and State Legislatures respectively, and in the case of Scheduled Caste candidates Rs. 250 and Rs. 125. I think these amounts are too heavy in the present condition of our economic development. I personally think that Rs. 100 for Parliament and Rs. 50 for the State Legislatures should be sufficient. That will be sufficient to eliminate bogus candidates and on the other hand enable many poorer people to stand for election.

My next suggestion is that every candidate should be allowed to post free of charge his manifesto or qualifications, at least twice, to his constituents. That will enable every voter to know who are the candidates, what are their qualifications and why they should vote for some particular candidate.

These steps, if taken by Government, will generally help the poorer people also to contest the elections. And it will not cost Government much either because they can do it at comparatively a small cost; especially when we see scandals involving crores revealed every day, this amount of a crore or so should not be grudged by them. And it should be the purpose of this House to devise measures to see that Government has got the obligation in every Constituency to publicise the names and qualifications of candidates so that people may know who is standing, for whom they should vote.

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

About transport during polling, I am for complete prohibition of all transport. It is only three miles which a voter will have to walk. Therefore I would wish that this House should categorically say that no transport is permitted. If any voters cannot walk the distance the maximum that will be provided should be bullock carts in the villages. That will be the maximum that could be provided for women and invalids.

Shri J. R. Kapoor (Uttar Pradesh): No camel carts?

Prof. S. L. Saksena: In Rajasthan I might allow it. But I would say I would not permit any motor transport or any mechanically-propelled transport.

Shri Sonavane (Bombay): What is the disadvantage of mechanically-propelled vehicles and what is the advantage of bullock carts?

Prof. S. L. Saksena: First of all bullock carts will not give very great advantage to the voters because there

will not be so many available and they will move slowly. On the other hand a car would give advantage to the rich as against the poorer candidates. Anyhow I certainly would not agree to allowing any kind of vehicle moving faster than a bullock cart.

In regard to the election expenses, I would suggest that the maximum limit in respect of the House of the People of the Central Parliament should be Rs. 10,000 and it should be only Rs. 3,000 for State Legislatures. This is the maximum that should be permitted. This should also be strictly enforced. Unfortunately, there have been limits before and they have not been enforced. In 1937, my opponent spent Rs. one lakh while I spent Rs. 5,000. Of course, he lost the election. But in his return he showed the expenditure as Rs. 10,000. In future, these things should not be permitted. The limits should be fixed and strictly enforced.

It has been stated that the elections will be spread over a month or so. This is very unfair. We have 18 crores of voters and I can understand the difficulties of holding elections in so many places. But in England and America they have four or five crores of voters and they are able to hold the election in one day. Effort should be made here to hold the election in one day, or at least within a week. That should be the outside limit. Counting should be done only after the one week is over, so that the results will be announced on one particular day. If you do not do this, people will know the results and that would vitiate against the chances of those who might win.

About corrupt practices, I am wholly in agreement with all that has been laid down, but I am surprised at the leniency which has been shown to Government officers guilty of corrupt practices. A Returning Officer guilty of breaking open the ballot box can only be punished with two years' imprisonment. I think he should be given at least transportation for life. (*An Hon. Member*: What about capital punishment?) You might suggest that. I personally think that the punishment should be at least seven years' imprisonment. Two years are far too low. Probably, a candidate with money can tell a Returning Officer, "Look here, you do this thing for me. I will give you more than two years' salary in lump sum" and the Returning Officer can very well go to jail. Breaking open the ballot box is a very serious offence and the punishment should therefore be at least seven years' imprisonment.

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Then there is a penalty of three months' imprisonment in one case and of Rs. 500 in another. These should be increased. If a man who is entrusted with the responsibility of holding fair elections becomes corrupt, then there is no worse thing. This can be prevented only by providing for heavy penalties. Not only that, they should be strictly enforced.

Then there is a provision that the Returning Officers should be appointed by the Election Commission in consultation with the State Governments. Why should you make it statutorily compulsory to consult the State Governments? It should be open to the Commission to select anybody it likes and post him anywhere it likes. Under this consultation, what will happen is this. A State may supply fifty names and if you consult it, about the posting, it will have its own suggestions as to where a man should be posted. This is most unfair and dangerous. Our Congress experience is there. Returning Officers were appointed by State Cabinets. They chose such people as would do what they were asked to do. That destroyed the whole Congress reputation. I think we should see that the Election Commission has power to appoint Election Officers and Returning Officers independently of what the State Government has to say. Of course, the Commission may consult the State Governments, but it should have absolute discretion where to post the officers. The present provision of compulsory consultation should be removed.

Then there is a provision that if election returns are not submitted within a particular period the man will be disqualified. It is said that if a man goes out of the country, somebody else can file the return for him. But supposing a man is detained immediately after he has fought the election, he cannot file the election return. Therefore, I suggest that this should not be made a disqualification in the case of those who are unable to submit their returns due to causes beyond their control.

Then, you have prohibited Government servants from taking part in elections. Here, Shri Khandubhal Desai pleaded that labourers and employees in commercial concerns should not be debarred from working in the election campaigns. I support him in that matter. Take the Railways. There are ten lakhs of men employed. Take the P. & T. There are two lakhs of men employed. To say that they should not take part in the elections

and work for the men whom they want to return is very unfair. I suggest that the Election Commission may draw up a list of those who are disqualified. I do not want district magistrates, patwaris or kanungos who have executive functions to perform to be permitted to participate in elections. But a clerk in a railway office in Delhi should not be prevented from working for a candidate in his own home. Let the Election Commission determine who are the people that are disqualified. Otherwise, the rest of the people should be permitted.

I think that this is all that I have to say about this Bill. I hope the House will improve this Bill before it passes it, so that we shall be able to elect the really deserving people and not merely people who wish to win by the power of their riches or their influence.

Several Hon. Members rose—

Pandit Thakur Das Bhargava (Punjab): Let us have a time-limit of not more than twenty minutes.

Mr. Deputy-Speaker: If it is the desire of the House to have a time-limit let us have fifteen minutes.

Pandit Thakur Das Bhargava: We should have at least twenty minutes.

Mr. Deputy-Speaker: Fifteen minutes normally and 20 minutes in abnormal cases.

I hope all hon. Members will honour this convention. I do not want to make this a rule, because under the rules at this stage of the discussion of the Bill there is no time-limit. But with the consent of the House and the unanimous wish of the House we shall have this time-limit on this occasion.

Thakur Krishna Singh (Uttar Pradesh): We have to catch your eye, or you call Members from a list with you?

Mr. Deputy-Speaker: Hon. Members have to catch my eye. But all hon. Members who wish to speak may send me their names.

Shri Sonavane: If the names of hon. Members who want to speak today are not exhausted, the debate may be continued tomorrow.

Mr. Deputy-Speaker: That will be considered at one o'clock.

Sardar Hukam Singh (Punjab): In the first instance, I might assure the House that I have not my name in any list; nor could I have had it there.

Therefore I assure my hon. friends that I have succeeded in catching the Chair's eye.

Shri Kamath: On pure merit.

Sardar Hukam Singh: By chance. I may say.

I am going to submit here that we are circumscribed by certain circumstances and we have to adopt certain procedures and methods that prevail in other countries. I would have wished very much that this Bill should have been made much simpler, because literacy in our country is at a very low level. It should have been much simpler in its provisions, so that the common man could understand it. But, as I cannot suggest any alternative, perhaps, I have to agree that we have to adopt these methods on account of compulsion or by force of circumstances.

I would not like to go over those points that have been already dealt with in detail, at this late stage of the debate, but one cannot help repeating certain things, though he may try to say them in his own way. So, there are certain points that would bear repetition as well.

The first observation that I have to make is about the disqualification clause. It has been laid down that persons who are convicted to imprisonment for more than two years shall be disqualified. It is intended that even those who are convicted to a lesser term should also be included. In this respect, perhaps if they are really undergoing a term of imprisonment they might not be able to attend the meetings for sixty days and so they would be automatically removed. This is quite all right.

My hon. friend Prof. Shah pointed out that certain classes of persons who indulge in anti-social activities, such as black-marketing, profiteering, tax-evasion, etc. should particularly be mentioned and disqualified from seeking election. I agree with him on that point. But what I want to bring to the pointed attention of the House is that not only no provision has been made as regards such persons, but such persons will get an advantage over others. My submission is that persons who were sentenced not to a term of imprisonment, but to huge sums of fine as well should be included in this clause. So far as I can make out, under the Defence of India Rules and other allied legislation, persons who committed black-marketing or profiteering were sentenced to fine and not to substantial terms of imprisonment. So,

while other persons who are convicted to two years, or even to a lesser term would be brought in and would be disqualified, such persons who were fined to a very high amount would go scot-free, though the intention of the House seems to be that persons who indulge in such anti-social activities should be kept out.

It has been argued by some of my hon. friends that this matter should be left to the electors. If they feel that they should elect such persons, where is the harm? Who are we to lay down these conditions for the electors? This argument seems to be quite good, but this can only apply where democracy has developed slowly and gradually. Democracy has been transplanted in our country and we have yet to create circumstances and educate our voters. There is need, therefore, to lay down certain conditions for the election of members to Parliament and Legislatures. In other words, such persons must be included in the list of those who are to be disqualified.

The second point that I want to impress upon the House is about clause 7 (1) (c) which lays down that persons who have failed, whether before or after the Constitution came into force, to file their return of election expenses should be debarred and kept out. I know of instances where persons only put in their nomination papers and when that was rejected they failed to file their election returns. Before the attainment of freedom persons, though they filed nomination papers, did not want to associate themselves with certain bodies. But this disability should not come in their way now. At least so far as the past is concerned, those persons who failed to put in their election return should not be banned on that account alone.

Then, the Select Committee has added a new clause 7 (1) (d) (ii) that those who hold a permit, licence or authorisation should be kept out. My submission is that at present most of the economic field in our country is controlled. There is very little scope for free enterprise and the holding of a permit, licence or authorisation is not a favour or a concession granted to certain individuals, but it is a necessity. Those who are honest people as well in the trade can only carry on their profession after they have got such licences or permits. So a good number of them would be kept out if this condition were adhered to. In that respect I want to submit that at least this sub-clause might be deleted.

[Sardar Hukam Singh]

So far as the contract is concerned that is a good clause and I am in favour of it that contractors who have entered into some agreement to do some job, to supply certain things must be kept out. They derive certain advantages. But so far as permit-holders are concerned, as I have submitted just now, it is not a special concession and those who are in the trade, all of them, have to get permits in most of the things. Therefore my submission is that this sub-clause relating to the holding of permits, licence or authorisation ought to be deleted.

My third point is about clause 35 of the original Bill. That has been deleted by the Select Committee. The reasons given for this deletion are firstly, that there might be a large number of applications and secondly, that the proceedings might be protracted and that we might not be able to hold the elections within the time that we have fixed at present. In the first instance also when the Bill was referred to Select Committee our hon. friend Dr. Ambedkar gave us exhaustively the benefits that we could have if this question of validity of nomination papers was considered as a preliminary issue and if it could be decided finally before elections were taken on. I entirely agree with this ground that it would be a useless waste of expense and energy for our citizens to go on fighting any elections when an application is brought subsequently questioning the validity of a nomination paper and the Tribunal decides it one way or the other and sets aside the whole election. In the first instance when the Bill was introduced there was a sub-clause that for the first election, as there was little time, the old course might be continued and that this might be left to the Election Tribunal. I thought perhaps the Select Committee would find out means whereby this could be done even in the present election. But it astonishes me that instead of removing that sub-clause the Select Committee has dropped the whole clause relating to appeals against the validation of a nomination paper, altogether. I cannot agree with the grounds given. The first one that is advanced is that there will be a large number of appeals. May be when we are taking up this big experiment surely there would be a large number of applications and we have to cope with them. But what I visualise is that in a district there might be ten seats for the local Legislature on an average and one seat for the Central Parliament—altogether, say eleven or even twelve. If we multiply that number by ten I should think that would be a liberal figure. In every

constituency there might be about ten applications for a seat. Then the whole number would be 110 or 120. If these applications are scrutinised by the Returning Officer then there would be appeals against half of the number at the most. (*Interruption*). If you say 30 per cent. I am prepared to agree even then.

Shri J. R. Kapoor: Our experience of the past has been that applications on the ground of wrongful acceptance or rejection have been very few.

Sardar Hukam Singh: But that previous history cannot be a correct guide for us. As Dr. Ambedkar said we are very fond of politics. Many persons would come in and the number would be large. If it is one-third or even one-fourth, then it is not difficult to decide them within a certain period. The instance was quoted that the Madras district board rules have a provision of this nature. Bombay also, has similar provision. It was whispered through yesterday. I can state about Punjab also. It was provided in those rules that after scrutiny had been made three days were given to the candidates to secure copies and file appeals. In another three days all those appeals were decided. Here it can be assumed that after scrutiny is made the copies would be provided within three days and it would not take more than seven more days to decide all those applications. If we can entrust district judges to be on the Election Tribunals for deciding the election petitions there is certainly no harm if we ask them to decide these appeals, and everybody should have confidence in them. They will be able to decide them within a week. Much of the expense and energy would be saved, and that would be a national saving. I feel very strongly on this point that this can surely be done and the district judges can be entrusted with this work and they will discharge their duties quite efficiently and fairly. So there would be no harm if the appeal is provided even at this stage.

So far as the question of a large number is concerned I might submit again that it is better that this large number of appeals should be disposed of at this stage rather than leave it to the ultimate fate of so many election petitions to be filed and then for the proceedings to be dragged on for years. I know of cases where most of the term has been exhausted in fighting out these petitions and when the successful candidate is ultimately displaced by a determination of that issue of nomination paper he has enjoyed most of the term of office.

That would be very unfair if we leave this question to the ultimate decision of the Election Tribunal. In my humble view that appeal must be provided and the clause that has been dropped must be restored.

Shri Ethirajulu Naidu (Mysore): Ever since the hon. Law Minister sat down after introducing this Bill, I have been trying to welcome this Bill and now that you have been good enough to give me an opportunity. I hasten to welcome it. The consideration of this Bill, I think, is the most important legislative business of this session and for two reasons. One of the reasons is that we are embarking upon the solemn duty of creating our successors the successive Parliaments which are to rule the destinies of this land, so dear to all of us. As you are aware, when this country achieved independence direct elections were not possible and representatives had to be drawn from the State Legislatures such as existed at that time. That was the Constituent Assembly and that is the Parliament today. We are now embarking upon this task of ushering in a Parliament and legislatures that will be coming in by the direct vote. The second reason why I say that this is the most important legislative business of this session is that this Bill provides a further assurance of early elections. A representative sovereign body which does not for one reason or another hold the elections condemns itself. It is a negation of democracy. There have been good reasons why elections could not be held hitherto. I am conscious of the immensity of the task. Nearly 18 crores of voters are to be invited to the polls and it is a huge experiment which is to be carried out in our country for the first time. At the same time the time schedule has now been fixed more or less. I should very strongly urge upon the Government as well as this House that under no circumstances should it be postponed. It will not be fair to ourselves nor it will be fair to the country.

After the masterly survey that the hon. Minister in charge of this Bill has given of the scheme of this Bill, the various alterations that have been made by the Select Committee and his own reactions to them, I would not dilate much on the provisions of this Bill. But with your leave, I would advert to a few provisions which even at this stage would admit of some observations being made. I refer to clause 7 (1) (d) of the Bill. There is a considerable section of the House which is in favour of deletion of sub-clause (ii) of clause 7 (1) (d) as proposed by the Select Committee. I do

not want to repeat the arguments that have been advanced by my hon. friends who have spoken before me, namely that it will be a restriction of the right of the voter to exercise his choice as to who is to represent him in the Legislature. I am not holding a brief for the black marketeers and profiteers and anti-social elements who want to benefit at the expense of the public at large. I speak in the name of the vast number of honest traders, small traders in big places and small, and even big traders many of whom are honest. Why should they be debarred from becoming members of the Legislatures? The hon. Law Minister was pleased to observe that the proposal of the Select Committee was rather too severe and his own personal reaction was that a license or permit holder may not be prevented from being chosen as a candidate but having been returned as a candidate, he must make his choice whether to continue as a Member of Parliament or to give up that licence, permit or authority. I want to proceed with that as the starting point. That leads to certain anomalies. As controlled economy now exists in this country we do not know when a commodity will be controlled and when a commodity will be decontrolled and the list of things which are coming in for control are vast and are growing day by day. To mention a few, they are food, cloth, yarn, hardware, cement, liquors, certain chemicals, certain medicines and in prohibited areas I think every doctor who gets a bottle of brandy for his patients has also got to take out a permit. There are chemists and druggists who sell a few tubes of Penicillin and they have all got to take out a permit. Why should we drive these people out of the Legislatures? Suppose I am trading in goods A and after I am returned to Parliament goods A is controlled and a permit is necessary to trade in that kind of goods, am I to walk out of Parliament on that day. Suppose it is decontrolled, am I to contest the elections and come in again? These are possibilities which make the suggestion made by the hon. Law Minister rather unworkable. I therefore suggest that clause 7 (1) (d) (ii) must be deleted.

There is one other reason which I want to advance in furtherance of that point, and that is this. If a man has got an honest calling from which he is making a living, why do you want to deprive him of it the moment he is returned to Parliament? I agree with my hon. friend Mr. Deshpande that they will be letting loose on the country a set of professional politicians. You will be contributing to it by dis-

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abling them from carrying on an honest calling. I do not mean to suggest that there should be no people who have taken to public work as a career or as a duty, but if a man is engaging himself in an honest calling or trade, why do you want to emasculate him in the economic field and make him entirely depend upon his politics? It has been the experience of many that such people who have been driven out of their callings are a dangerous asset in the political field.

I would like to make a few observations about sub-clause (f) of clause 7. (1). Before I pass on to that, I may mention that so far as clause 7 (1) (d) (i) is concerned, I am in perfect agreement with it and it should remain as was pointed out by my hon. friend, Sardar Hukam Singh. That is a privilege and a benefit which he is deriving and he should not be entitled to sit in Parliament so long as he is enjoying that benefit.

As for sub-clause (f) of this clause, it has been laid down: "If, having held any office under the Government of India or the Government of any State he has been dismissed for corruption or disloyalty to the State unless five years have elapsed from the date of such dismissal." I am against the last portion of that clause which says "unless five years have elapsed from the date of such dismissal." This means that five years after such dismissal, he should be entitled to contest the Parliament and the State Legislatures. Corruption is a very heinous offence where the official becomes more or less a minor partner in anti-social activities and disloyalty is a dangerous trait. These are not temporary lapses but fundamental defects in character, diseases which hardly admit of a cure. I am for disqualifying them permanently and I do not want to give them a second round in non-official life.

11 A.M.

I would conclude with a few observations on the need for there being a finality as to the question of nominations. Whatever obstacles there may be in the way of making the thing final as to nominations, the consequences are disastrous. A remedy must be found by which nominations should become final at a certain stage. Though, as pointed out by my hon. friend Mr. Jaspat Roy Kapoor, there may not have been many instances, quite a few instances have occurred in the past where a nomination was wrongly accepted or rejected and the election set

aside. The State has been put to the vast expenditure of running the election, and the candidates have been put to all the expenditure of a contested election and then finally they are told that the Returning Officers have wrongly accepted the nomination paper and therefore, "you will have to go through the entire field over again". I think that is very unreasonable. It also happens in such cases the wrong man has sat in the Legislature for six months or a year till the election petition is disposed of and played his part in the deliberations of the Legislature to which he had no right.

There are other amendments which I have suggested. I do not want to take up the time of the House. I shall speak on them at the appropriate time, when the relevant clauses came up for consideration.

Shri D. D. Pant (Uttar Pradesh): One should have thought that Dr. Ambedkar, having seen the experiences of democracy in Europe and America, would try to bring forward a Bill that would create real democracy in this country. But, when one goes through the Bill, one is sadly disappointed to find that all that we have done is, in our own way, to ape the election machinery of other countries like England and America and certain other provisions. It is these democracies and this sort of democratic machinery which were responsible and which helped people like Hitler and Mussolini to work up their way to the headship of Government. Under these circumstances, unless we create economic equality, there cannot be free and fair elections in this country. The only means of achieving it is to debar all those who do not believe in this economic equality from standing for election. One who has got experience of elections not only in India but in Europe, would know, that there are some people for instance, the priests in Europe and Asia who command thousands and lakhs of followers who superstitiously believe in them, and who by their mere word influence the people and entirely unset the results of an election. Under these circumstances, unless these people who are in a position to wield undue influence over the people are debarred from standing as candidates, it is not possible to have free or fair elections in this country.

Shri Himatsingka (West Bengal): Then, Panditji ought to be debarred.

Shri D. D. Pant: Well, I do not mind being debarred.

Shri Himatsingka: I mean Pandit Jawaharlal Nehru.

Shri D. D. Pant: Panditji has been a life long servant of the people. He is not a man who has been preaching superstition among the people. I am referring to people like *mahants* who tie a thread round the hand of a man and say that he will go to heaven and there are several lakhs of people who believe in that, and follow them. If the priests say, do not go to the polling stations, they will not go. Unless the priest says that they have to vote for a particular man, they will not vote.

Shri Kamath: Are there no political superstitions or shibboleths?

Shri D. D. Pant: It is impossible to have free and fair elections unless we debar these people from taking any part in the elections. This can only be done if we say that the candidates will be only those who live by the sweat of their brow, and nobody else. Unless you do that sort of thing, it is not possible to have fair elections and there is a great danger that in this country we might succeed in fostering a sort of fascism and dictatorship. Because the population is so large, by imitating a machinery that works among only 4½ crores, say in England or Germany, I do not think we can achieve fair elections in this country. Those who have followed the course of events will find that Mao after capturing power in China has told his people that he will give his people a suitable constitution at a suitable time. He is trying to level down the people to a human basis and not an animal basis as we find in this country where some people become very tall and wealthy and influential while thousands are starving. (*Shri Kamath:* Levelling up or levelling down?) We saw in this country 35 lakhs of people died of hunger in Calcutta, but nobody cared. The Congress people were in jail and there were hardly any people who raised their voices against that. Under these circumstances, unless equal opportunity is given to everybody, it is not possible to hold fair elections. You say that with these few devices against illegal and corrupt practices, and other things you will be able to secure free elections. I do not think that anybody with even a little commonsense can believe in these things. The matter is entirely different. At present all the newspapers in the country are practically under the control of vested interests of a particular class and they are not raising their voice against it. The masses are illiterate and ignorant. Otherwise, there would be a country-

wide agitation against this law, which allows the influential people to wield tremendous influence, against whom the real servants of the people cannot have any chance, unless we organise the people in which case also there will be mass formations and ultimately it will be force which will decide the issue of election. If you want to do the thing legally, my submission is, that all those people who have illegally acquired wealth in the country, and who are likely to influence the results of the election, should also be debarred from standing for the election, unless they are prepared to surrender their illegally acquired wealth to the State. Unless that is done, the whole elections will result in chaos and after some time, there will be further agitation and there will be no stability. I am surprised at people thinking that the sort of democracy in England or America is the last word on the subject.

Shri B. K. P. Sinha (Bihar): May I say one thing? Only the present Members of Parliament may be qualified.

Shri D. D. Pant: That may be my hon. friend's suggestion. Perhaps he thinks that he has got no chance of being returned. So far as I am concerned, I am not afraid of anything like that. What I am contending is this. In order to create real democracy in this country, you must bring in equality of the people first. Otherwise the results of the elections will not be fair. The results of the elections will always be influenced by the dominating forces in the country, by those people who have illegally acquired wealth. One should have thought that Dr. Ambedkar who has been fighting for the freedom of his community for a very long time, and perhaps whose community is the poorest in this country, would have thought over this question. Instead of doing that, we find that the Bill is a copy of certain sections of the election laws of other countries and we are rushing it through Parliament. After discussing it for three days, we will take up the amendments and pass it.

श्री भट्ट : आप इस बारे में क्या सुझाव देते हैं कि आर्थिक समानता कैसे हो ?

[**Shri Bhatt (Bombay):** What suggestion do you give in order to have economic equality?]

Shri D. D. Pant: I am just now going to tell you how this could be done. People having an income beyond a certain limit in this country should be

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debarred from standing as candidates or influencing elections. (An Hon. Member: What is the limit?) The maximum limit may be Rs. 500/-. Unless these people are debarred, they will be exercising all sorts of undue influence on the people. We all know that elections are not even won so much by the newspaper propoganda, but by the whispering campaign which is set in motion amongst ignorant people and they are brought round, and driven to the polling booths and made to vote. After this experience in the past, I should have thought that this thing will be taken notice of and we would shape a machinery which would give the vote and return to Parliament or State Legislatures people who are really honest servants of the masses. But that is sadly missing in this Bill and the result of it will be that we will have parties trying to collect money or to create mass formations in order to affect the results of the elections. Under these circumstances the.....

Shri Somavane: Sir, there is nobody on the Treasury Benches.

The Minister of State for Transport and Railways (Shri Santhanam): We are all here.

Shri D. D. Pant: Sir, so far as corrupt practices are concerned, my humble submission is that if you once eliminate these vested interests, these priests and bankers and these ex-princes and zamindars, there will be no corrupt practices and it will not be necessary to have any provisions against them in this Bill.

Shri Hussain Imam (Bihar): What about merchants?

Shri D. D. Pant: I have already said that all people having an income of more than Rs. 500/- should be debarred. Otherwise there will be no justice in the elections. It may be that we will have in this country the formation of fascism and dictatorships. We know only too well that it was through a so-called democratic machinery that Hitler rose to power. It was through such a machinery that Mussolini also was elevated to power.

Babu Ramnarayan Singh (Bihar): Then all the Ministers are to be excluded.

Shri D. D. Pant: If you are to ensure a free and fair election, there is no other way, except that of conceding economic equality to all the people and then ask them to return their representatives. Otherwise to have fifth rate imitations of the democracies in Europe and America will not do. Even Mahatma Gandhi has said that it is

not democracy but plutocracy that exists there. It is the influence of money or some other influence not for good that decides elections. Therefore, I would request the learned Law Minister to go through this Bill again.

श्री मुंके : उपाध्यक्ष महोदय, जो बिल मूल अवस्था में पेश हुआ था, उस से यह जो सिलेक्ट कमेटी (Select Committee) की तरफ से बिल (Bill) हाउस (House) के सामने आया है, उस में काफी सुधार मालूम पड़ता है। लेकिन चन्द बातें उस में ऐसी मालूम हो रही हैं जिन में दुर्बली होनी चाहिये, और वह मैं बोड़े से समय में हाउस के सामने रखना चाहता हूँ। सब से पहले जो पार्लियामेंट (Parliament) का या प्रान्तों की धारसत्राओं का मेम्बर (Member) होने के सिलसिले में डिस्क्वालीफिकेशन (Disqualification) का सवाल है, क्लॉज (Clause) नम्बर सात उस के बारे में मैं कहना चाहता हूँ कि उस क्लॉज में सिलेक्ट कमेटी ने नयी डिस्क्वालीफिकेशनस बढ़ाई हैं और वह डिस्क्वालीफिकेशन उस गवर्नमेंट सर्वेंट (Government Servant) के लिये हैं जो करप्शन (Corruption) के सिलसिले में डिस्मिस (Dismiss) किया गया हो और उस के पीछे जो भावना है, वह यह है कि इस देश से करप्शन को जितनी जल्द से जल्द निकाल बाहर किया जाय, अच्छा है और यह उचित ही है कि ऐसे करप्ट लोग इस पार्लियामेंट में न आ सकें। इस सिलसिले में मैं यह कहना चाहता हूँ कि जिस प्रकार गवर्नमेंट सर्वेंट्स जो करप्शन के सिलसिले में डिस्मिस किये गये हैं वह इस हाउस में आने से डिबार (debar) किये गये हैं, उसी प्रकार जिन लोगों की ब्लैक मार्केटिंग (Blackmarketing) में अथवा होर्डिंग (Hoarding) में सजा हुई है, चाहे वह क्रैम मुगतने के रूप

में हो या जुमाने के रूप में हो और जुमाना चाहे जितनी तादाद का हो, दस रुपये से लेकर चाहे जितना ऊंचा जुमाना हो, उन लोगों को भी इस हाउस का या प्रान्त की धारा सभा का सदस्य बनने से डिबार किया जाना चाहिये, यह मेरी अपनी निश्चित धारणा है।

यदि हम यह चाहते हैं कि ऐसे आदमी जो ब्लैक मार्केटिंग या इसी तरह की दूसरी ऐन्टी सोशल ऐक्टिविटीज (Anti social activities) में इंडल्ज (Indulge) करते हैं, उन को लोग इज्जत की निगाह से न देखें, तो हम को यह प्राविजन (Provision) इस कानून में करना अत्यन्त आवश्यक है। आज अभाग्यवश, हम देखते हैं कि ऐसे लोग समाज में काफ़ी इज्जत पाते हैं और जैसा कि कल प्रोफेसर साहब ने बतलाया था कि ऐसे आदमियों की काफ़ी इज्जत होती है, और वह इज्जत जो उन की होती है, उस का परिणाम यह होता है कि यह जो चीजें हैं, यह इतनी बुरी नहीं समझी जाती। अगर ऐसे लोग पार्लियामेंट के मेम्बर बन सकेंगे और फिर तो उन की इज्जत और भी बढ़ जायगी। और जब हम यह कानून बना रहे हैं, तो हम इस बात की ऐहतिधात लें कि उन की इज्जत न बढ़ सके, तो ज्यादा अच्छा है।

इसी सिलसिले में मैं दूसरी तरफ आप का ध्यान आकषित करना चाहता हूँ कि जहाँ एक ओर हम ऐसे लोगों को जो कि ब्लैक मार्केटिंग में पकड़े गये हैं और सजा हुई है, जो आजकल की अबस्था में एक अत्यन्त घृणित अपराध है, उन लोगों को न केवल वोट (vote) देने का अधिकार दे रहे हैं बल्कि इस हाउस का सदस्य बनने का अधिकार दे रहे हैं, वहाँ दूसरी ओर

उन को जो आजकल प्रीवेंटिव डिटेंशन (Preventive Detention) में हैं, उन को वोट देने के अधिकार में वंचित कर रहे हैं। आज आप सब को मालूम है कि प्रीवेंटिव डिटेंशन में जो लोग हैं, वह सब के सब केवल कोई मारेल टरपीचूड (Moral turpitude) के अपराध में गिरफ्तार नहीं हैं, या जिन पर अदालत में कोई जुर्म साबित किया गया हो वह तो शंका के रूप में ऐसी ऐक्टिविटीज (activities) के कारण जिन के लिये गवर्नमेंट को संका हो कि इन की ऐक्टिविटीज आगे इस प्रकार की होने वाली है जो कि हमारी समाज की हिराजत के लिये खतरनाक प्रीजुडिशियल (Prejudicial) साबित होंगी, ऐसे लोगों को प्रीवेंटिव डिटेंशन में रखा जाता है। आज हमने ऐसे लोगों की वोट देने का अधिकार नहीं दिया है और स्थाल से इस हाउस में एक भी आवाज अभी तक नहीं उठी जिस ने यह कहा हो कि उन्हें वोट देने का राईट (right) होना चाहिये। जो लोग कैद भुगत रहे हैं उन की बात अलग है, लेकिन जो लोग प्रीवेंटिव डिटेंशन में रखे गये हैं उन को तो वोट देने का कुछ न कुछ प्रबन्ध होना चाहिये और उन को तो कम से कम वोट देने का अधिकार मिलना चाहिये। केवल वह लोग जो हमारे आज के शासक हैं, या और पार्टी (Party) के लोग हैं, उन के खिलाफ वोट देंगे इस लिये केवल उन को वोटिंग (voting) से महकूम रचना में उचित नहीं समझता हूँ।

दूसरी बात में इस धारा के सिलसिले में यह कहना चाहता हूँ कि हम ने जहाँ एष और मामूली से मामूली ट्रेडर (Trader) और लायसेंस होल्डर (licence holder) को धारा सभा का सदस्य बनने से वंचित किया है, वहाँ हम ने दूसरी ओर ऐसा बड़ा

[श्री बुले]

तबका जो राजा महाराजाओं का है, जिन के बारे में हमारे राज बहादुर जी ने कल कहा कि उन को हम ने डिबार नहीं किया है। उन को जो पेंशन (Pension) मिलती है प्रिवी पर्स (Privy Purse) मिलती है, वह दरअसल एक आफिस आफ प्राफिट (Office of Profit) है या नहीं, इस के बारे में दो रायें हैं। मैं इस प्रश्न को इस निगाह से नहीं देखता हूँ कि उन का पेंशन पाना, या प्रिवी पर्स पाना, आफिस आफ प्राफिट में शामिल होता है या नहीं, इस का तो कानूनदाई फ़ैसला करेंगे। मैं इस को दूसरी दृष्टि से देखता हूँ, यह जो पार्लियामेंट है, इस पार्लियामेंट के सदस्य को गवर्नमेंट किसी भी तरह फ़ियर आर फ़ैवर (fear or favour) न कर सके और इनफ्लूयेंस (influence) न कर सके, यह इस प्रकार की पार्लियामेंट बननी चाहिये और ऐसे लोग पार्लियामेंट में भेजने चाहिये जो बिल्कुल बेअसर और अन इन्फ्लूयेंस (Un-influenced) हों। इसी तरह का विचार हमारे ला मिनिस्टर (Law Minister) ने अपनी स्पीच (speech) में जाहिर किया था और इस विचार की पुष्टि करते हुए उन्होंने यह बताया था कि मैं इस पार्लियामेंट को केवल एक स्टॉक एक्सचेंज (Stock Exchange) के रूप में नहीं देखना चाहता हूँ। इसलिये जो ट्रेडर्स या लायसेंस होल्डर्स हैं उन को मैं डिबार करना चाहता हूँ। मैं समझता हूँ कि जिस तरह वह इस हाउस का एक स्टॉक एक्सचेंज नहीं बनाना चाहते, उसी प्रकार मेरा क्याल है कि वह निश्चित रूप से इस हाउस को एक एक्स प्रिंसेज का चेंबर (ex-Princes' Chamber) नहीं बनाना चाहेंगे और इसी दृष्टि से मैं समझता हूँ कि यह प्रतिबन्ध इस कानून में डालना,

धारा में डालना अत्यन्त आवश्यक है। दूसरा जो मेरा इस सम्बन्ध में दृष्टिकोण है वह यह है कि अगर इन लोगों को आने दिया जायगा तो वह ऐसे सदस्य होंगे जिन को काफ़ी बड़ी तादाद में गवर्नमेंट से पेंशन मिलती है। आफिस आफ प्राफिट जिन लोगों के पास है, उन लोगों को इस हाउस का मेम्बर बनने से रोकने के पीछे केवल एक ही कल्पना है और वह यह है कि उन के ऊपर किसी प्रकार से गवर्नमेंट असर न डाल सके और वह किसी विषय पर जब मतदान दें, तो वह बिल्कुल स्वतंत्र हो और निष्पक्ष हो और किसी प्रकार का असर उन पर डाल कर प्राप्त किया हुआ वह मत न हो। मैं आप से पूछना चाहता हूँ कि जिन लोगों को लाखों रुपयों की पेंशन मिलती है और जिन लोगों की पेंशन बन्द करना इस गवर्नमेंट के हाथ में है, क्या ऐसे लोग इस हाउस के मेम्बर बनने के बाद इंडिपेंडेंट (Independent) राय दे सकेंगे जब उन को यह मालूम है कि उन की सारी प्रिवी पर्स छीनने, बन्द करने के सारे अधिकार इस गवर्नमेंट के हाथ में है तो इस गवर्नमेंट के होते हुए उन लोगों से हम कोई इंडिपेंडेंट राय की उम्मीद करें, यह मैं कतई क्या नहीं करता। आफिस आफ प्राफिट जिन के पास है उन की इस हाउस का सदस्य बनाने से रोकना यही कल्पना है, और अगर यह कल्पना है तो इस तरह से हम को जो ऐसे राजा महाराजा लोग हैं, उन को जरूर इस हाउस का सदस्य बनने से रोकना चाहिये। एक तरफ़ जो हम ने मामूली से मामूली ट्रेडर्स हैं उन पर रोक लगाई है, लेकिन आप ने उस का अंदाजा नहीं किया होगा कि इस से कितने लोग कवर (cover) होते हैं। आप ने क्याल भी नहीं किया होगा कि इस रोक से जो हजारों आदमी नमक बेचने के लिये नमक का लायसेंस (License) लेते

हैं, सी, दो तो वामे को पूंजो ले कर मामूली से मामूली काम करते हैं उस के लिये भी उस को लायसस लेना पड़ता है और वह भी इस धारा के तहत सदस्य बनने से रोके जा सकते हैं। ऐसी स्थिति में इतनी सख्त क़ेद लगाना पाबन्दी लगाना मेरे खयाल से बहुत ब्यादती है और उस को ढीला करना चाहिये। जैसा कि डाक्टर अम्बेडकर साहब बोल रहे थे कि जो जोग इस हाउस के सदस्य बन जाय वह सदस्य बनने के बाद अपनी ट्रेड, लायसस विज़नेस (Business) बगैरह छोड़ दें, अगर वह उन लोगों के लिये भी ऐसा करना चाहते हैं, तो मैं राजा महाराजाओं के लिये भी इसी तरह कहूंगा कि वह लोग भले ही उम्मीदवार खड़े हो जाय, लेकिन खड़े हो जाने के बाद और हाउस का मेम्बर चुने जाने के बाद वह अपनी प्रिवी पर्स छोड़ दें, और अगर वे लोग इस के लिये तैयार हों, तो मुझे उन के यहां आने में कोई ऐतराज नहीं है।

दूसरी बात मैं यह कहना चाहता हूँ कि यह जो बिल पेश हुआ है उस की धारा २४ ए, जिस के बारे में गोयनका जी का डिसेंटिंग नोट (Dissenting Note) है, उस के बारे में मेरा ऐसा खयाल था, जब तक कि मैं ने अम्बेडकर साहब का भाषण नहीं सुना था, कि गोयनका जी का यह नोट आफ डिसेंट (Note of Dissent) देने की कोई आवश्यकता नहीं थी क्योंकि वह सेक्शन (Section) अत्यन्त स्पष्ट मालूम पड़ता था। लेकिन अम्बेडकर साहब का भाषण सुनने के बाद तो मेरे तथा और सदस्यों के भी दिमाग में गड़बड़ी पड़ गई है, क्योंकि उन्होंने यह बताया है कि अगर कोई प्रचारक केवल राजनैतिक सिद्धान्त का कहीं जा कर प्रतिपादन करे तो उस खर्च को किसी भी केन्डिडेट (Candidate) के व्यक्तिगत खर्च में दखिल नहीं

जायगा। लेकिन अगर वह कहीं पर भी नाम ले दे किसी केन्डिडेट का तो वह सारे का सारा खर्चा मीटिंग (Meeting) का उस के सिर पर लगेगा और केन्डिडेट के खर्च में दखिल होगा। मेरे खयाल में इस देश में बड़े से बड़े चुनाव लड़े गये हैं और छोटे से छोटे भी, तो उन में ऐसा विभाजन करना कि एक मीटिंग केवल राजनैतिक प्रचार के लिये हो और एक वह हो जो केवल व्यक्तिगत केन्डिडेट के लिये प्रचार करने के हेतु की गई हो, यह डिस्टिंक्शन (distinction) करना कठिन है।

Dr. Ambedkar: I might inform the hon. Member that there is absolutely nothing new in clause 124, which has been bodily copied from the existing rules, which he will find in the Corrupt Practices and Election Practices Order, First Schedule, Part II. It has been there since 1919.

श्री धुलें : बिल्कुल ठीक है। मैं यही देख रहा था कि यह क़ानून जो है वह इतना मोटा क़ानून मालूम पड़ता है कि वह पहले के भी क़ानून में मौजूद होना चाहिये, और जैसा कि आप ने बताया पहले वह मौजूद था। तो इस क़ानून के रहते हुए भी जो हमारे पिछले एलेक्शन (Election) हुए उन में हमारे कांग्रेसी लोगों ने और और मेम्बरों ने भी अपने सिद्धान्तों का प्रचार किया और साथ ही साथ उस कांस्टिट्युएन्सी (Constituency) में भी जहां से वह खड़े हुए, उस का प्रचार किया, लेकिन इस आधार पर हिन्दुस्तान में आप को किसी भी ट्रिब्यूनल (Tribunal) के द्वारा कोई एलेक्शन रद्द कर दिया गया हो यह बात मेरे सुनने में नहीं आई। इसी लिये मैं कह रहा था कि पहले गोयनका जी के नोट आफ डिसेंट को देखते हुए भी मुझे कोई गड़बड़ी नहीं मालूम पड़ी थी, लेकिन अम्बेडकर साहब के स्पष्टीकरण करने के

[श्री घुले]

बाद मेरे विभाग में गड़बड़ पैदा हो गई है जैसा हमारे अम्बेडकर साहब ने बताया यह कानून पहले भी था और उस के रहते हुए हमारे देश में कांग्रेस के लोगों, या सोशलिस्ट लोगों या कम्युनिस्ट लोगों ने अपने अपने सिद्धान्तों का और व्यक्तिगत कम्प्लेक्सों का प्रचार किया तो आज कौन सी अड़चन पड़ गई। अगर उत्तर देते हुए अम्बेडकर साहब इस बात का स्पष्टीकरण कर दें तो अच्छा होगा।

इस के बाद मैं यह कहना चाहता था कि सरकारी नौकरों के लिये इस में प्रतिबन्ध लगाये गये हैं। मेरे खयाल से यह प्रतिबन्ध अपनी जगह बिलकुल ठीक है क्योंकि जसा कि बताया गया है ऐडमिनिस्ट्रेटिव मैशीनरी (Administrative Machinery) जो है उस को इस चुनाव के झगड़े से स्वतन्त्र इन्डेपेन्डेंट (Independent) रखा जाय उतना ही ठीक है। कुछ लोगों से यह सवाल पठाया है कि छोटे छोटे लोग जो कोलियरी (Colliery) में काम करते बाले हैं, या छापे खानों में काम करने वाले या पोस्टल (Postal) कर्मचारी हैं उन लोगों को यह आज्ञाची होनी चाहिये कि वह लोग अपने अपने विचारों का प्रचार कर सकें। सिद्धान्त की दृष्टि से जो बहुत अड़चन इस में नहीं मालूम पड़ती है क्यों कि छोटे छोटे लोग जो हैं वह अगर प्रचार करें तो आप की कौन सी बड़ी हानि होने वाली है, लेकिन कुछ ऐसी चीज हो सकती है जिस से हमें मालूम पड़ता है कि काफ़ी खतरा पैदा होने का अन्वेषा है, और मेरे ही विभाग में जो कुछ हुआ वह मैं थोड़े में आप से कहना चाहता हूँ मेरे यहां पोस्टल हड़ताल हुई थी, कांग्रेस उस हड़ताल के पक्ष में नहीं थी, सोशलिस्ट लोगों की स्पान्सर (Sponsor) हुई थी उस का

फल यह हुआ कि हड़ताल के बाद चंद दिनों तक कई कांग्रेसियों को उन का चिट्ठियाँ नहीं मिलीं। अगर सरकारी कर्मचारियों में जो कि स्टेट सर्वेन्ट्स (State Servants) कहलाते हैं, राजनैतिक आधार पर प्रचार करने की भावना ज्यादा बढ़ा दो गई तो उस का फल अच्छा नहीं हो सकता। इस लिये मैं कहना चाहता हूँ कि इस दृष्टि से यह जो सेक्शन है वह अपनी जगह पर ठीक है।

एक बात मैं और कहना चाहता हूँ, और वह यह कि इस चुनाव का काम बहुत कुछ रिटर्निंग आफिसर्स (Returning Officers) पर मुहसिस है। रिटर्निंग आफिसर्स उस वक्त पर अपने जिले में बीच अपनी कांस्टिट्यूएन्सी में जो कुछ करना चाहेंगे कर सकेंगे। जो बहुत योग्य रिटर्निंग आफिसर होंगे वह अच्छी तरह चुनाव को कन्डक्ट (conduct) कर ले जायेंगे, जो अयोग्य होंगे वह अच्छी तरह नहीं कर पायेंगे। मैं इस सिलसिले में यह भी बताना चाहता हूँ कि जब एलेक्टोरल लिस्ट (Electoral List) बनी उस वक्त भी जो हमारा पीपल्स रिप्रेजेंटेशन ऐक्ट (Peoples Representation Act) १९५० है उस में यह लिखा हुआ है कि एलेक्शन कमिश्नर (Election Commissioner) स्टेट गवर्नमेन्ट की राय से रजिस्ट्रेशन आफिसर (Registration officer) मुकर्रर करेंगे और इस पर रजिस्ट्रेशन आफिसर मुकर्रर किये गये। लेकिन उन्होंने लिस्ट किस प्रकार तैयार की यह आप को मालूम है। मेरे पास एक लिस्ट मौजूद है अगर कोई देखना चाहे तो देख सकता है। पिछली बार जब सप्लीमेंटरी ग्रांट (Supplementary grant) पर वाद विवाद हुआ था। उस

बकना बड़े भाषण दिया था। मैंने डाक्टर
आम्बेडकर साहब से कहा था कि यह लिस्ट
बिल्कुल गलत है। वह अब भी मेरे पास मौजूद
है, जिसके देखने से आप को मालूम हो जायगा
कि वह किस प्रकार तैयार हुई है। मेरा कहना है
कि जो भी रिटनिंग आफिसर रहे जायें, उन
को चुनाव होने के पहले कुल ट्रेनिंग
(Training) दी जायें। बहुत सी जगह
रिटनिंग आफिसर ऐसे हो सकते हैं जिन को
अनुभव न हो, इस लिये उन को इस का
सहत्व साधनाइये कि किस प्रकार क्या-या
से ज्यादा सहायित लीगों को दी जा सकती
है। आप कुछ स्थानों के रिटनिंग आफिसर
को एक साथ बुला कर कुछ ट्रेनिंग दे सकें
तो मेरे खयाल से चुनाव होने में बहुत
सहायित हो सकती है।

एक बात में यह कहना चाहता हूँ
कि हमारे दाबू राम नारायण सिंह जी ने
इस सिलसिले में अपने प्रान्त का कुछ
अनुभव बतलाया है और उस को देखते हुए
उन्होंने कहा है कि हमारे जो मिनिस्टर
(Minister) हैं उन को दो तीन महीने
पहले चुनाव से अपनी जगह से अलग हो
जाना चाहिये क्योंकि वह चुनाव में हस्तक्षेप
करेंगे। तीनों मुझे यह बात ठीक नहीं मालूम
पड़ती। उन के प्रान्त में क्या हालत है वह
मैं नहीं कह सकता लेकिन अपने प्रान्त या
केन्द्र की हालत को देखते हुए मुझे बिल्कुल
विश्वास है कि यह जो मिनिस्टर लोग हैं
वह इतने नीच गिरे हुए नहीं हैं जिन के
लिये हम यह कानून बनायें कि यह दो तीन
महीने पहले अपनी जगहों को छोड़ दें।
अगर वह हाउस में बोलेंगे या कांग्रेस की
मीटिंगों में भाग लेंगे तो उस में वह चुनाव
में हस्तक्षेप करेंगे इस का मुझे विश्वास
नहीं है। इस लिये मैं उन की इस बात
का विरोध करता हूँ।

(English translation of the above
speech)

Shri Ghule (Madhya Bharat): Sir,
the Bill now moved in the House after
modifications made therein by the
Select Committee is a much improved
one as compared to its original form.
But even now there are certain pro-
visions which need modification. I will
refer to them very briefly in the House.
First of all, regarding the question of
disqualifications of the members of
various State Legislatures or those of
the Parliament, I want to submit that
the Select Committee has added fur-
ther disqualifications in the relevant
clause No. 7. This disqualification con-
cerns those Government Servants
who have been dismissed on
the charge of corruption. The
spirit working behind this dis-
qualification is a desire to root out
all corruption from the country at the
earliest, and it is proper that such
corrupt persons be debarred from being
the Members of the Parliament. In
this connection, this is my considered
opinion that like those Government ser-
vants who being dismissed on the
charge of corruption and have been
debarred from contesting election for
the membership of this House, similar-
ly the people convicted for blackmar-
keting and hoarding, whether they have
been sentenced or fined, and the amount
of fine may be anything from ten
rupees and above, should also be debar-
red from being members of this House
or the State Legislatures. If we want
that such people who indulge in black-
marketing or in any other anti-social
activities may not be looked upon with
respect, then the inclusion of such a
provision is most essential. Unfortu-
nately today we find that such people
occupy honourable positions in the so-
ciety, and as an hon. Professor stated
yesterday that such people are held in
respect, the result of all this is that
these practices are not considered so
bad by the public, and if these people
were to become members of Parliament
then they will be respected still more.
Now when we are enacting this law, it
would be much better if we took pre-
caution to see that they are not looked
upon with respect.

In this connection I want to draw
your attention to the other aspects of
the Bill, that while on one hand we
are not only giving the right to vote
to those persons who were charged and
sentenced for blackmarketing and cor-
ruption which is an abominable crime
at the present time, but also giving
them the right to be the members of
this House, on the other hand we are
depriving those persons of their right
to vote who are detained these days

[Shri Ghule]

under the Preventive Detention Act. As we all know these persons have not been detailed under the Preventive Detention Act for any offences involving moral turpitude, nor any charges have been proved against them in the courts, but only such persons are detained under the Preventive Detention Act, whose activities the Government suspect, or are likely to be prejudicial for our Society. Today we have denied them the right to vote, and I think not a single member advocated for them the right to vote. Those people who are undergoing imprisonment their case is different, but those who have been detained under the Preventive Detention Act there should be some provision for them to vote or at least they should be given the right to vote. I do not think it proper to deprive them of the right to vote simply because they will vote against the present Government and the party in power.

The other thing which I want to say with regard to this Section is that on one hand we have deprived the petty traders and licence holders of becoming members of the legislatures, while on the other hand there is a large section of the princes about whom Shri Raj Bahadur stated yesterday that they have not been debarred. In fact there are two opinions about the privy purses or the pensions that the princes get and as such whether they hold any office of profit or not. I do not consider this question in the light of the fact whether the privy purse which the princes get as pension, constitutes an office of profit or not, this question will be decided by the legal experts. I consider this question in a different light that the Government may not be able to influence the members of Parliament by fear or favour and only such persons should be elected as are absolutely uninfluenced by the Government. Similar view was expressed by our hon. Minister of Law in his speech and supporting this view he had stated that he did not want to see that this Parliament should assume the shape of a Stock Exchange, therefore he wanted to debar the traders and licence holders from becoming members. I think as he does not want to make this House a Stock Exchange, similarly I suppose he certainly would not like to turn this House into a Chamber of ex-Princes and from that point of view I consider the inclusion of such a provision in this section to be most essential. Again I hold the view that if these people are allowed to become the members of this House or State Legislatures, then a majority of such members will be such as may be enjoying large Government pensions.

The object of preventing such persons as are holding offices of profit from becoming members of the Parliament, is based only on the apprehension that after they are elected, the Government of the time may not be able to bring them under influence or pressure and that whenever they are to vote on any issue they may be able to do so without being influenced in any way and quite independently. I want to ask whether those people, who get millions of rupees as pensions, will even after becoming members be able to give their independent opinion, when they know it fully well that the present Government have every right to suspend or stop their privy purses. I have a great conviction that it is futile to expect the princes to express their views independently till the present regime is in office. This is the only idea in not giving permission to these people, who hold offices of profit, from becoming members of this House and that again is the reason why the Princes should be debarred from becoming members.

We have imposed restriction on the petty and small traders, but you might not have imagined the number of such persons as are covered by this restriction. You might have never thought that thousands of people, who obtain licences to sell salt, are affected by this restriction. Even those who start business with an investment of rupees hundred or two hundred only, have to obtain licences and they can also be prevented from becoming members under this section. I think the imposition of such a strict restriction is a great high handedness and it should be made more liberal. As hon. Dr. Ambedkar stated that traders and licence holders should give up trade, business and licences after becoming members; if you want that restriction applicable to them, I will make similar suggestion in respect of Princes. They may contest the elections, but they should give up their privy purses after becoming the members of this House, and if they agree to it, I have no objection in their becoming members of the House.

The second thing which I want to state is that prior to my listening to the speech of hon. Dr. Ambedkar, I was of the opinion that the note of dissent which was submitted by Shri Goenka about clause 124A of this Bill, was not at all necessary as the section was quite clear. But after having listened to the speech of hon. Dr. Ambedkar, I myself and other hon. Members have become a little perturbed because he said that if any canvasser goes to any place and canvasses for political princi-

ples then those expenses will not be included in the personal expenditure of the candidate. But, if during the canvassing he pronounces the name of any particular candidate then the entire expenses in respect of that meeting will be included in the expenditure of the candidate. I think, elections, big and small, have been held in this country but it is difficult to make any distinction between the meetings held for the propagation of political doctrines and those for the personal canvassing of the candidate.

Dr. Ambedkar: I might inform the hon. Member that there is absolutely nothing new in clause 124, which has been bodily copied from the existing rules, which he will find in the Corrupt Practices and Election Practices Order, First Schedule, Part III. It has been there since 1919.

Shri Ghule: Quite right. I was just thinking that as this clause connotes a wide conception, it should have been included in the previous Act, and as you say, it was included. In spite of this law, Congressmen and other Members fought the previous elections while propagating the political doctrines to which they subscribed and at the same time canvassed votes in the constituencies from which they stood, but I have not come across any such instance in which the tribunals in India have declared any of the elections invalid on this ground. Therefore, as I was saying that I was not disturbed in the least to read the note of dissent of Shri Goenka but after having listened to the speech of hon. Dr. Ambedkar I feel perturbed. As hon. Dr. Ambedkar has said that this law was in force previously as well and in spite of it Congressmen, Socialists and Communists etc. in our country propagated their political doctrines and at the same time canvassed votes for their respective candidates as well, then what emergency has arisen today? It will be better if hon. Dr. Ambedkar clarifies the position during his reply to the Debate.

Now, I take the restrictions imposed on the Government servants. I think they should be there because it has been stated that the administrative machinery should be kept independent as far as possible, of these election matters. Some persons have raised the question that people working in the collieries, printing presses and Postal Department should have the freedom of propagating their views. There seems to be no difficulty from the point of view of principle. What harm will result, if these common people orga-

nize and propagate their views? But certain things may happen which are likely to create commotion and I would like to state in brief all that happened in my own State. A Postal strike sponsored by the Socialists was held and the Congress was not in favour of it. The result was that after the strike was over, for many days a number of Congressmen did not receive their letters. If the Government servants, who are called State servants, are allowed too much liberty of indulging in the propagation of political doctrines, it is just possible that the result may not be good. Therefore, I want to say that from this point of view this section has been rightly included in the Bill.

I want to say one thing more and it is that most of the election work depends on the Returning Officers. The Returning Officers would do whatever they liked in their districts and constituencies. Capable officers will be able to conduct the elections well while the incapable ones will not be able to do so. In this connection I would like to state that when Electoral rolls were prepared, a provision was there in the People's Representation Act, 1950 that the Election Commissioner with the consultation of the State Government would appoint Registration Officers and they were accordingly appointed. You also know what sort of lists they have prepared. I have got one of them with me and if anybody likes he can see it. I had spoken about it during the debate on Supplementary Grants. I had pointed out to hon. Dr. Ambedkar that it was an absolutely wrong list. That is still with me and you can yourself see how it has been prepared. I want to say that the Returning Officers must be given some training prior to elections. It is possible that some Returning Officers may not be so well experienced, therefore, emphasize on them the importance of providing maximum facilities to the voters. I think elections can be conducted more easily if we give some sort of training to the Returning Officers.

Babu Ramnarayan Singh narrates the experience of his province and says that the Ministers should resign two or three months prior to the election because they will interfere in the elections. I do not agree with him on this point. I cannot say anything about the conditions obtaining in his province but seeing the conditions at the Centre or in my province, I am full confident that these Ministers have stooped so low as to necessitate the framing of such laws for them that they should resign two or three months

(Shri Ghule)

prior to the elections. I do not believe that it will constitute any interference with the elections if they speak in this House or attend Congress meetings. Therefore, I oppose his suggestion.

Shri Naziruddin Ahmad (West Bengal): This Bill contains some provisions which are necessary for carrying on the elections. In so far as the general principles of the Bill are concerned they have to be accepted without much argument. But there are certain provisions which call for some comments. One of them is clause 7(1) part (d), which was for the first time introduced by the Select Committee during their deliberations. I believe that this part of the Bill has not been conceived in the right spirit. It is the clause disqualifying the holder of a licence or permit or authorisation relating to supply of food and other things. This provision was inserted on the supposition that all licence-holders, permit-holders and persons authorised to deal in foodgrains and other necessities of life, are without exception essentially very very bad persons, that there are no good persons among them. If this proposition is accepted with all its logical implications, it would at once brand the Government as an authority which is adept in selecting the worst people for these purposes. Instead of enacting this provision we should enact a provision that any Government which chooses bad licensees, bad permit-holders and bad characters for dealing with these essential goods should be removed from authority altogether. Instead of doing that you put the cart before the horse and penalise persons who may be innocent. In these days of controls we have difficulty in getting food, cloth, sugar and a lot of other things and permits have to be taken. Does it mean to say that any one who takes a permit from the Government is unfit to sit in the House? I think the persons who selected such "bad" persons should be removed from office altogether.

The persons who take these licences and permits are often the smallest fries. The provision is evidently aimed at banning persons who are indulging in blackmarketing activities, but may I ask in great humility whether the biggest blackmarketers would not be left out of this prohibition altogether? They are well-known, rather notorious, but they go scot-free, they ply their trade almost openly under the nose of Government even in this great capital city of India. Is there any attempt to catch hold of them?

Babu Hanmarayan Singh: No.

Shri Naziruddin Ahmad: The permit-holders are small fries whom you want to ban. I believe that this new provision should be entirely dropped; if there is to be any attempt to catch hold of big blackmarketers, then there is another method of procedure. We have got the Preventive Detention Act, recently amended, which has been declared by the Supreme Court to be valid. That Act authorises the Government to put in detention persons who are believed to be trading in the blackmarket. Put them behind the prison bars and ban them at the elections. They are notorious. They are the biggest persons; you need not go to enquire who they are—ask your conscience and you will find them, they are the most civilised and the most prosperous persons. Instead of catching hold of the big offenders who are the blood suckers of the people and detaining them and banning their entry into the legislatures you are enacting a clause which will be totally ineffective against the real blackmarketers but which will bar numerous helpless and innocent people. The real problem will not be solved; we will be left without a solution and these powerful people will go on plying their trade as merrily and as prosperously as ever.

Then I come to clause 7, sub-clause (1), part (f) which lays down that a man dismissed from Government service for corruption or disloyalty will also be banned. I am not in favour of corruption nor am I in favour of disloyalty, but I am totally against giving power to a Government official who may be the smallest official possible, to dismiss a subordinate on grounds of corruption or disloyalty. It may be that the dismissing officer is himself corrupt and the victim honest, and may be standing in the way of the former plying his trade. So, to give an official the drastic power to dismiss any person he likes on the ground of corruption or disloyalty would be dangerous.

Shri J. R. Kapoor: Where is that power given here?

Shri Naziruddin Ahmad: The power is implied. You say that if a Government servant is dismissed on the ground of corruption or disloyalty he would be debarred from becoming a candidate. So it by necessary implication gives power to a Government official to dismiss a subordinate on these grounds and ban his entry into the Legislatures. He would not be permitted to question the justice or wisdom of his decision. (Interruption) You say that a man who is dismissed for these reasons is not degradable. But you give this absolutely autocratic

power to an office master to dismiss somebody on these grounds. I believe there is corruption in high places. In order to remove corruption I think other methods will have to be found. These things have been talked of in the House frequently but there is no remedy at all.

Then part (b) provides that if a person is imprisoned up to a certain limit of time he is debarred. I believe this is conceived on wrong principles. In fact, two years' imprisonment should not be made the criterion. It may be that a man who is convicted of theft may go scot-free out of this provision by being sentenced to one day's rigorous imprisonment. It is rather the nature of the offence that should decide the matter. If a man is convicted of cheating, forgery or theft or offences of a like nature involving moral turpitude I think he should be debarred. It is not the amount of punishment that should count. A man who has committed theft or a blackmarketing offence or similar offences may go scot-free by paying a sum of Rs. 50,000 or so as fine, but the man who has been convicted for two years for a lesser crime would be debarred. I therefore suggest that the nature of the offence should be the banning criterion and not the mere amount of punishment. It may be that a man in grave and sudden provocation hits another but fails to prove the adequacy of the provocation and is convicted for two years. It may be that he is otherwise an honest man altogether. But the man whose character is of the blackest dye, who would be convicted of an offence involving moral turpitude, who would palpably and absolutely be an undesirable person for a Legislature, would escape the ban if he is imprisoned for less than two years.

Then, one hon. Member in a light-hearted manner suggested that persons above a certain pecuniary limit should be debarred. I think he should have also proceeded to say that a man above a minimum education should also be debarred. If we give logical effect to his contention, the result would be that our Parliament will consist of fools and paupers and also of "chorus girls".

Then, a suggestion has been made that a candidate's qualification should depend upon his social service. There is no political thermometer by which you can measure social service. It is incapable of definition. But coming from a very high person of theoretical ideas, namely, Prof. K. T. Shah, I respect it. He does not think it necessary to define social service. However, his ideas are very idealistic. But I

personally think that the remedy lies in appealing to the electorate to select really good people.

Then, a suggestion has been made that all jagirdars, all ex-Rulers and all ex-Rajas should be debarred. I think this is due to jealousy. I am jealous of persons who are richer than I, I am jealous of Dr. Ambedkar or the Deputy-Speaker because of their high position. But that is no reason why I should debar them. I should rather fight and defeat them in the election on merits. It shows an inferiority complex if you want to get rid of them by artificial means. If Rajas have to be debarred—and I think this argument was given by Mr. Raj Bahadur—then part of his own name is Raja and therefore he should himself be debarred first. Then again, he comes from Rajasthan! That State also should be debarred. He is governed by a Rajpramukh. So, an ex-Rajpramukh should also be debarred. Coming to other Rajas in the House, there is Mr. Rajagopalachari. He should also be debarred. During the war, Mr. Rajagopalachari was arrested; and the Moscow Radio announced that the Raja of Gopalachari had been arrested! So, he has been regarded as a Raja by foreign Powers also. Then comes our President Rajendra Prasad. According to this test, we should reject him also. Then there is another gentleman in this House who, with notable foresight, has concealed the Raja within the bosom of his name. I refer to Shri Ethirajulu Naidu. The Raj comes in the middle. Either the Raj will have to be taken out of his name or he should be debarred altogether. These are some fantastic ideas, theoretical and unpractical suggestions coming from minds which are very honest but which are devoid of practical experience.

I shall conclude with one more remark. It is about the finality of the candidate's qualifications. The idea of finality is an attractive thing, but is it possible for a Returning Officer in a brief enquiry during which it is impossible for him to effectively enquire into some complicated questions of qualification and disqualification? Qualification and disqualification may involve very difficult questions which it would be impossible for any officer within the short time at his disposal to decide. Therefore, from a practical point of view, a *via media* would be that the officer should make a *prima facie* enquiry, a summary enquiry. That would eliminate a lot of unnecessary controversy. The difficult questions which have to be decided after elaborate enquiry and after going into nice questions of law and other difficult

[Shri Naziruddin Ahmad]

matters should be left to be decided, if necessary, by an election petition. Experience shows that election petitions are not easy. They hardly succeed because they must make out a very difficult case, namely, that the irregularities or illegalities if any, have prejudiced the election. So the *via media* I have suggested may be adopted.

Mr. Deputy-Speaker: I may just inform hon. Members that I propose calling the following Members next: Shri S. N. Das; Pandit Upadhyay; Shri Venkataraman and Shri Sonavane.

Shri R. K. Chaudhuri (Assam): Does that mean that nobody else will get an opportunity?

Mr. Deputy-Speaker: Not today.

Shri R. K. Chaudhuri: Tomorrow closure may be moved. What about the rest of the hon. Members?

Mr. Deputy-Speaker: They will be called tomorrow. I am only giving notice, so that the hon. Members concerned may remain in their seats. I may add that this does not mean that all hon. Members whose names I have not mentioned should leave the House immediately. They can hear the debate, and if there is time I shall call others also.

श्री ऐस० ऐन० दास : उपाध्यक्ष महोदय, जो बिल (Bill) हमारे सामने उपस्थित है उस के सम्बन्ध में कुछ विचार प्रकट करने के पहले मैं यह कहना चाहता हूँ कि जिस दिन विधान परिषद् ने विधान का पूर्व प्रस्ताव, जिसे अंग्रेजी में प्रिऐम्बल (Preamble) कहते हैं, देश के सामने उपस्थित किया था उस दिन देश की जनता को इस बात का पूरा आश्वासन मिला था कि राजनीतिक जनतंत्र की घोषणा होने के बाद हिन्दुस्तान की जनता को इस बात का पूरा मौका दिया जायगा कि वह अपने सच्चे प्रतिनिधियों को धारा समाजों में भेज सकें और उन के द्वारा समाज में सामाजिक, राजनीतिक और आर्थिक समानता ला सकें। जिस समय हमारे माननीय मंत्री जी ने इस बिल को सभा के सामने इस आशय से पेश

किया था कि उसे सिलेक्ट कमेटी (Select Committee) को सुपुर्द किया जाय, उस समय मुझे आशा थी कि सिलेक्ट कमेटी के सदस्य, चुनाव सम्बन्धी कार्रवायों के सम्बन्ध में कानून बनायेंगे, या चुनावों को सफलतापूर्वक पूरा करने के लिये जिस संगठन या मशीनरी का निर्माण करेगा, तो उन बातों का विचार करते समय वे विधान के पूर्व प्रस्ताव के मूल सिद्धान्तों को अवश्य सामने रखेंगे। मेरा जहाँ तक ख्याल है अब तक प्रजातंत्र का सब से बड़ा दुश्मन, चाहे वह हिन्दुस्तान में हो या किसी दूसरी जगह हो, धन की शक्ति रही है। धन की शक्ति के जरिये दुनिया में प्रजातंत्र को दूषित या असफल करने का बराबर प्रयत्न होतों रहा है, और मुझे इस बात का पूरा अन्देशा है कि बावजूद इस बात के कि इस विधान में हम ने तमाम बालिगों को मतदाधिकार दिया है और अपने सामने सोशल (social), इकानोमिक (economic) और पोलिटिकल जस्टिस (political justice) का आदर्श रखा है, यदि हम चुनाव सम्बन्धी कानून को ऐसा नहीं बनायेंगे जिस से धन की शक्ति का बेजा प्रभाव जनता पर या राजनीति पर न पड़े, तो हमारा विधान बनाने का सारा परिश्रम व्यर्थ जायगा। मैं अपने माननीय मंत्री जी का ध्यान २५ नवम्बर, १९४९ के उन के उस व्याख्यान की तरफ आँचना चाहता हूँ जिस में उन्होंने एक जगह कहा है कि समानता के अभाव में स्वतंत्रता कुछ थोड़े ही आदमियों की सम्पत्ति हो जाती है। समानता के अभाव में स्वतंत्रता का पूरा पूरा असर जनता पर नहीं पड़ सकता है। मेरा ख्याल था कि यह चुनाव सम्बन्धी कानून बनाते हुए हमारे माननीय मंत्री इस बात का पूरा ख्याल रखेंगे कि चुनाव में रुपये का कम से कम असर रहे। मैं इस बात को मानता हूँ कि आज के सभा की

अवस्था में चुनाव में रुपये के असर को पूरे तौर पर निकालना सम्भव नहीं है। लेकिन मैं इस बात को कहना चाहता हूँ कि जहाँ प्रजातन्त्र को धन की शक्ति से बहुत ज़बरदस्त खतरा है वहाँ उस के बचाव के लिये दो ही चीज़ें हैं जो उस की रक्षा कर सकती हैं। और वह हैं क़ानून और लोकमत। अगर हम ने क़ानून को बनाते समय इस बात का पूरा ख्याल नहीं रखा तो हमारा प्रजातंत्र सफल नहीं हो सकता। हमारा देश कई धर्मों में बंटा हुआ है, हमारे देश में जात पात को बहुत प्रभाव है और हमारी जनता पूर्ण रूप से प्रजातन्त्र के जो सिद्धान्त हैं उन से वाकिफ़ नहीं है। ऐसी सूरत में अगर कोई बचाव की बात है तो वह क़ानून है। मैं इस बात को मानता हूँ कि क़ानून की धाराओं से ही सारी बातें सफल होने वाली नहीं हैं। लेकिन फिर भी अगर कोई चीज़ है जो इस प्रजातन्त्र को इस हिन्दुस्तान में जहाँ भिन्न भिन्न तरह की प्रवृत्तियाँ हैं, धन की असमानता है, समाज में जो ऊँच और नीच का भाव है, और जहाँ के करोड़ों वोटर अशिक्षित और निरक्षर हैं वहाँ तमाम खतरों से बचा सकती है तो वह यह है कि इस निर्वाचन को धन के प्रभाव से बचाया जाये।

मैं क़ानून की विभिन्न धाराओं पर बोल कर आप का समय नहीं लेना चाहता और, उपाध्यक्ष महोदय, जब वे धारार्ये हमारे सामने आवेंगी तब मैं उन पर निवेदन करूँगा। उपाध्यक्ष महोदय, मैं तो आप से निवेदन करूँगा कि इस बिल की तमाम धाराओं पर विचार करने के लिये हाउस की एक कमेटी बनायी जाय जो इस क़ानून की एक एक धारा और एक एक उपधारा को अच्छी तरह से विचार कर के इस चुनाव सम्बन्धी क़ानून को ऐसा बनाने का प्रयत्न करे जिस से चुनाव पर रुपये का कम से कम असर रहे और जिस के द्वारा हम उन ऊँचे आदमियों को

प्राप्त कर सकें जिन्हें हम नें अपने सामने रखा है इस लिये मैं अपने माननीय मंत्री का ध्यान फिर आकषित करता हूँ कि दुनिया के और और मुन्कों ने अब तक जो अनुभव प्राप्त किये हैं, उन सारे अनुभवों को लेते हुए और हिन्दुस्तान की जो हालत है, यहाँ समाज की जिस प्रकार की रचना है, यहाँ की जनता की जो हालत है उन को दृष्टि में रख कर इस चुनाव सम्बन्धी क़ानून का निर्माण करें जिस से चुनाव पर रुपये का असर कम से कम रह जाय। सभी जानते हैं कि हमारे निर्वाचन मण्डल कैसे हैं, करोड़ों मतदाता जिन पर अपने प्रतिनिधि चुनने की जवाबदेही है वे कैसे हैं। उन्हें हम ने अब तक जाग्रत बनाने का कौन सा काम किया है। कहा जाता है कि वह काम अब राजनीतिक पार्टियाँ करेंगी। बजाय इस के कि मैं पार्टी के सम्बन्ध में कुछ अधिक कहूँ, मैं आप से कहना चाहता हूँ कि जो विधान जनता के नाम पर हम ने बनाया है और अभी भी इस प्रजातन्त्र को चलाने के लिये जो क़ानून हम अब पास कर रहे हैं, उस की वाकफ़ियत कितने लोगों को है। इन सारी बातों की पूरी जानकारी सारी जनता को कराने के लिये वर्षों लगेँगे। जो थोड़ा बहुत अनुभव हमारा है और जिन चुनावों को हम ने देखा है तो मैं ने पाया है कि जब पार्टी प्रचार करने के लिये जनता के बीच जाती है तो विधान और सिद्धान्तों को ताक पर रख देती है। उन का तो उद्देश्य यही रहता है कि किस तरह चुनाव में सफ़लीभूत हों। पार्टियाँ या उन के प्रचारक एक दूसरे पर नाना प्रकार के आक्षेप कर के प्राइवेट जीवन की बुराइयों को बता कर जनता के बीच निराधार बात रख कर उन के मत को अपने पक्ष में लाने का प्रयत्न करते हैं। क्या हमें और इस हाउस के सदस्यों को इस बात का अनुभव नहीं है कि जब हम चुनाव में जाते हैं तो:

[श्री. हेस० ऐन० बास]

सिद्धान्तों की बातें कम करते हैं, हमारा उद्देश्य रहता है कि किस तरह हम चुनाव में विजयी हों। तब इस बात की आशा करना कि पार्टियां जब देहातों में प्रचार करने के लिये जावेंगी तो उन के प्रचारक जनता के आगे विधान के जो मुख्य मुख्य सिद्धान्त हैं या उन सिद्धान्तों के प्रति जो जनता का कर्तव्य है, या चुनाव के सम्बन्ध में जो जनता का कर्तव्य है उस को बतावेंगे, व्यर्थ है। मेरा तो यह ख्याल है कि इस कानून में किसी धारा में इस बात का समावेश होना चाहिये कि जिस के द्वारा इन सब बातों की जनता को जानकारी हो सके। जब हम चाहते हैं कि हिन्दुस्तान की जो १८ करोड़ जनता है उस को पूरी जानकारी हो, जिस १८ करोड़ जनता को हम ने बोट देने का अधिकार दिया है, उस को इस चुनाव के सम्बन्ध की जानकारी हो, हालांकि पूरी जानकारी कराना किसी भी राष्ट्र कि लिये सम्भव नहीं है, फिर भी इस विषय की शुरुआत राष्ट्र को अभी से कर देनी चाहिये। मेरा ख्याल है कि आप यह कानून बना देंगे कि अमुक अमुक प्रैक्टिसेज (practices) बुरी हैं, अमुक अमुक चीजें बुरी हैं, अमुक अमुक चीजें वोटरो को नहीं करनी चाहियें, लेकिन यह सब बातें वोटरो को बताने की कोशिश पार्टियां नहीं करेंगी। नतीजा वह होगा कि जो जनता वाकिफ नहीं है वह खतरे में पड़ जावेंगी, और उन्हें संकट उठाना पड़ेगा। इसीलिये मेरा ख्याल है कि राष्ट्र की तरफ से, राष्ट्रपति की तरफ से इस तरह का इन्तजाम होना चाहिये जब राष्ट्रपति इस बात की घोषणा करें कि प्रत्येक निर्वाचन क्षेत्र, चाहे वह निर्वाचन क्षेत्र संसद् का-हो, चाहे प्रांतीय सभाओं का हो, अपने अपनी प्रतिनिधि चुने तो उस घोषणा के साथ

एक तारीख निश्चित कर दी जाय जिस तारीख को हर गांव में, हर मोहल्ले में, हर शहर में, एक एक सभा बुलाई जाय जिस में तमाम निर्वाचकों को, तमाम वोटरो को, आमंत्रित किया जाय और उस में राष्ट्रपति द्वारा तैयार किया हुआ संदेश पढ़ा जाय। उस संदेश में विधान की जो जो मुख्य बातें हैं वे हों, हमारे विधान के जो मौलिक अधिकार हैं उन का अंश हो, राष्ट्र की ओर से जो डाइरेक्टिव प्रिंसिपल्स (directive principles) हैं उन का अंश हो, और जो कानून हम आज पास कर रहे हैं उस के मुख्य मुख्य अंश हों। यह हर गांव में एक ही समय में सारे निर्वाचकों को सुनाने का इन्तजाम किया जाय। मैं समझता हूँ कि इस सभा में जो कानून के बनाने वाले विशेषज्ञ बैठे हुए हैं वह कहेंगे कि इस तरह की बातें किसी देश के कानून में नहीं हैं। मैं उन को बताना चाहता हूँ कि अगर किसी देश में इस तरह की बात नहीं है तो यह कोई दलील नहीं है कि इस तरह विषय का समावेश हमारे यहां के कानून में न किया जाय। मैं जानता हूँ कि जब चुनाव होगा तो हमारे राष्ट्रपति या इलेक्शन कमिश्नर (Election Commissioner) इस तरह की सूचना इंडिया गजेट (Gazette of India) में निकाल देंगे कि अमुक चुनाव होगा। अब आप जानते हैं कि देश में कितनी प्रति शत जनता गजेट को पढ़ती है। हिन्दुस्तान में कितने पर सेंट आदमी गजेट को पढ़ते हैं इसी तरह बिहार राज्य में कितने पर सेंट आदमी बिहार गजेट को पढ़ते हैं। इस लिये मैं समझता हूँ कि यह जरूरी है जो कुछ भी घोषणा की जस जो नियम कानून बनाने जावें जो सूचना निकाली जाय उस की जानकारी देने के लिये राष्ट्रपति का संदेश विधायक जनता

जाय हर जनरल इलेक्शन (General Election) के पहले एक दिन निश्चित किया जाय जब भारी कानून का उद्देश्य जिस का सम्बन्ध चुनाव से है, जनता को बताने की कोशिश की जाय। मैं समझता हूँ कि इस प्रकार के सूचना के लिये एक दिन ऐसा निश्चित किया जायगा।

दूसरी बात में यह कहना चाहता हूँ कि इस कानून में मैं ने देखा है कि जगह जगह दिये हुये अमक विषय की सूचना गजेट में या किसी और तरीके से प्रकाशित की जायगी ताकि आम जनता को उस की जानकारी हो सके। मैं अपने माननीय मंत्री से कहना चाहूँगा कि हिन्दुस्तान की १८ करोड़ जनता में कितने आदमी अखबार पढ़ते हैं, यहां तो अधिकांश जनता निरक्षर हैं। मैं समझता हूँ कि मुश्किल से चार पांच पर सेंट अखबार पढ़ते होंगे। इसलिये मैं चाहूँगा कि जो कुछ भी सूचना जनता की जानकारी के लिये प्रकाशित की जाय उस के लिये इस कानून में इस बात का निर्देश रहना चाहिये कि अगर हर गांव में न हो सके तो कम से कम हर पोस्ट आफिस में चुनाव सम्बन्धी घोषणा का प्रकाशन पोस्ट मास्टर के जरिए किया जाय ताकि अधिक से अधिक जनता को वक्त पर उस की सूचना मिल सके और उन की जानकारी हो सके। उपाध्यक्ष महोदय, आप जानते हैं कि कानून में जो धाराएँ बनसी हैं उन से काम चलने वाला नहीं होता। उस के लिये सरकार को अधिकार दिया जाता है कि वह कानून के मुताबिक और कायदे और नियम बना दे। और उन का प्रकाशन गजेट में हो जाता है। मैं अफ़सोस के साथ इस बात को स्वीकार करता हूँ कि हमारे पास जितनी गजेट की कामियां जाती हैं उन को पढ़ने का हम को पूरा मौका नहीं मिलता।

बहुत से ऐसे नियम बनाये गये हैं जिन की जानकारी हम को नहीं है। जो कानून हम ने बनाये हैं उन के मुताबिक जो रूल्स (Rules) और नियम बनाये गये हैं उन की जानकारी हम को नहीं है और जब मला हमें, संसद् के सदस्यों को इस की जानकारी नहीं है, तो फिर उस की जानकारी जनता को कैसे होगी। इसलिये जो भी रूल्स प्रकाशित किये जाय, जो भी कायदे बनाये जाय, जो भी नियम प्रकाशित किये जाय, उन की एक एक कापी हर पोस्ट आफिस में प्रकाशित होनी चाहिये ताकि अधिक से अधिक जनता को उस की जानकारी हो सके।

अब यहां दो दिन से बहस हो रही है कि धारा सभाओं के जो सदस्य होंगे या यहां संसद् के जो सदस्य होंगे उन की क्या योग्यता होगी। इस सम्बन्ध में जब हमारे माननीय सदस्य प्रोफेसर के० टी० शाह ने प्रस्ताव रखा था कि धारा सभा के सदस्यों के उम्मीदवारों के लिये योग्यता का निर्धारण किया जाय, उस समय मैं ने कहा था कि जहाँ तक योग्यता का सवाल है हम ने जो विधान बनाया है उस में हम ने कहा है कि वह विधान हिन्दुस्तान की तमाम जनता की सामाजिक, आर्थिक और राजनीतिक न्याय दे कर उन में सभता लाकर, भ्रातृभाव पैदा करेगा। मैं समझता हूँ कि उम्मीदवार के लिये कोई योग्यता की आवश्यकता है तो यही है कि वह हिन्दुस्तान के प्रजातन्त्र में विश्वास रखता हो। लेकिन साथ ही साथ यह भी मानना पड़ेगा कि जो आदमी हिन्दुस्तान में रहते हों, हिन्दुस्तान के विधान को मानते हों, लेकिन ऐसे काम करते हों जिन को कि हम अनैतिक कहते हैं, ऐसे आदमियों को धारा सभा में आने देना सतरे से खासी नहीं है। कहने के लिये तो के विधान को मानते हैं लेकिन वे काम

[श्री एस० ऐन० दास]

ऐसे करते हैं जो विधान के उद्देश्यों के खिलाफ हैं। इसलिये हमारा अनुरोध है कि जो सातवीं धारा में बातें दी गई हैं वे बहुत आवश्यक हैं और उन की तरफ मैं आपका ध्यान नहीं खींचना चाहता। लेकिन इस सम्बन्ध में एक बात मैं कहूंगा। किसी भी व्यवस्थापिका सभा का सदस्य रहता हुआ किसी दूसरी व्यवस्थापिका सभा के लिये उम्मीदवार होने देना उचित नहीं है। अगर राज्य की धारा सभा में वह सदस्य है और यहां संसद में जगह खाली हुई हो तो वहां का सदस्य होते हुए भी वह यहां के लिये उम्मीदवार हो सकता है। और जब वह यहां इलेक्ट (elect) हो जायगा तो वहां से रिजाइन (Resign) करेगा। मैं समझता हूँ कि यह उचित नहीं है। जब जनता ने किसी को एक जगह के लिये इलेक्ट किया और उस जगह का वह प्रतिनिधित्व करता है तो उस को किसी दूसरी जगह के लिये उम्मीदवार नहीं होना चाहिये। यह उचित नहीं है कि वह जब एक जगह का प्रतिनिधित्व करता है तो दूसरी जगह का भी प्रतिनिधित्व करे। उस के लिये उचित यह है कि पहले वह अपनी उस जगह से रिजाइन करे और तब दूसरी जगह के लिये उम्मीदवार बने। अगर ऐसा नहीं होगा तो मैं समझता हूँ कि देश में धन और शक्ति का दुरुपयोग होगा। समझिये कि एक व्यक्ति एक जगह सदस्य होता है। वह वहां होते हुए दूसरी जगह उम्मीदवार होता है और चुनाव में लड़ा होता है नतीजा इस का क्या होना है नतीजा यह

आ कि जब वह संसद के लिये चुना जायगा तब वह वहां से त्याग पत्र देगा। तब फिर वहां चुनाव होगा। इस तरह व्यर्थ में दो दो चुनाव करने पड़ेंगे। इसलिये मेरा खयाल है कि अगर कोई एक जगह व्यवस्था-

पिका सभा का सदस्य हो तो वह फिर दूसरी जगह व्यवस्थापिका सभा का उम्मीदवार न हो सके।

12 Noon

Mr. Deputy-Speaker: The hon. Member has already exceeded his time.

श्री एस० ऐन० दास : उपाध्यक्ष महोदय,]
चूँकि मेरा समय खत्म हो गया है, इसलिये अन्त में फिर यही कहूंगा कि माननीय मंत्री पूरे शौर के साथ इस बिल को देखें और जहां तक सम्भव हो सके, कानून की धाराओं को ऐसा बनायें, ताकि प्रचार करने का पब्लिसिटी (publicity) करने का अवसर हर एक उम्मीदवार को बराबर बराबर मिले और ऐसा न हो कि धन के अभाव के कारण कोई योग्य उम्मीदवार धन वाले उम्मीदवार के बराबर अपना प्रचार न कर पाये। और जनता को अच्छी तरह समझा न सके और प्रचार के पर्याप्त न होने के कारण उस की हार हो जाय। इस बास्ते इस कानून में इस बात का पूरे तौर से समावेश होना चाहिये कि चुनाव में कम से कम खर्च पड़े और जिन के पास धन का अभाव है ऐसे उम्मीदवार की हार न हो। प्रचार के साधन समान रूप से सभी उम्मीदवारों को प्राप्त हो सकें।

(English translation of the above speech)

Shri S. N. Das (Bihar): Sir, Before I proceed to express my ideas on the Bill under discussion, I wish to say that the day the Preamble of our Constitution was moved in the Constituent Assembly of India or thus was placed before the country, the people were given a full assurance that after the political status of the country as a republic was declared, they will have full opportunities to send in their true representatives to the various legislatures and thereby march forward towards the achievement of social, political and economical equality. Again when the hon. Minister had moved for the reference of this Bill to a Select Com-

mittee, I had entertained a hope that the Members of the Select Committee while framing any legislation or while considering the formation of any organisation, machinery or any other arrangements for a successful conduct of the elections in the country will ever bear in mind the fundamental principles stated in the Preamble. So far I can think, the greatest enemy of democracy, whether in India or elsewhere, has been the capitalism or the power which money is able to command. There have been perpetual efforts to set democracy at naught or to cause its complete failure by employing this power of the money. Although we have conceded adult franchise system in the Constitution and have adopted the fundamental principle of social, economic and political justice for all yet I have grave doubts that if we do not incorporate the necessary provisions for eliminating all undue influence of the money on the public and politics in the law that might be framed for the conduct of general elections then our entire labour, spent in the making of the Constitution may be rendered a mere waste. Here I will draw the attention of the hon. Minister to the speech he had delivered on the 25th November, 1949 wherein he had said that in the absence of equality, independence of the country becomes the household property of a very few. In the absence of equality, the people of the country do not enjoy the benign blessings of freedom. I had thought that the hon. Minister while framing the legislation for the conduct of elections, would be fully conscious of the desirability of reducing the monetary influence to the minimum possible. I concede that, in view of the present set up of the society, a total elimination of monetary influence is impossible, yet, while holding that the greatest threat to democracy comes from the monetary influences, I think there are only two things that can protect it. These two things are the relevant law and public opinion. If we would not pay full attention to these two considerations while framing the legislation, then our democratic political structure can never prove to be a sound one. Ours is a country divided in many religions, where the caste and creed considerations exercise considerable influence and whose people are not thoroughly familiar with the fundamentals of democracy. Under conditions like these, the only way of safety lies in a recourse to law. I also concede that mere legal provisions will not ensure a success in everything. Yet I consider that the only thing that can save democracy against all these dangers in India—a

at work, where economic inequality and considerations of social superiority and inferiority wield so much influence and where the crores of voters are just like illiterate and uneducated multitude—is that the elections be safeguarded against all monetary influences.

I do not want to take much of the time of House in referring to the various clauses of the Bill. I reserve my observations regarding the various provisions till they are actually taken up for clause by clause consideration. Sir, I suggest that a Committee of the House be set up to make a thorough scrutiny of each and every clause and sub-clause of this Bill and so shape it as to eliminate the possibilities of monetary influence to the maximum possible extent and thus help in the achievement of the lofty ideals that we have set before ourselves. That explains why I wish the hon. Minister to take into consideration the various experiments made and the experience gained by the countries of the world as also to bear in mind the present general situation in India, her social set-up and the conditions of the people in general while framing any legislation regarding elections. It should be so framed as to reduce the influences of money to a minimum. The kind of electorate we have got in this country, is a common knowledge. Everybody is quite familiar with the type of crores of our voters on whom lies the responsibility of sending their representatives to the various legislatures. What have we done to educate them or to make them politically conscious? It is stated that this is a job for the political parties to do. While not dilating much on this issue concerning the parties, I would like to know how many of our countrymen are familiar with the provisions of the Constitution that we have adopted in the name of the people, or how many of them know the provisions of this Bill that is intended to bring the rule of democracy in this land? It will take several years to educate our entire people in all these things. From whatever little experience we have had about the elections that we have witnessed so far, we know that when the political parties go to propagate their respective political doctrines among the masses, they become totally forgetful of the provisions of the Constitution and all other principles. Their only concern appears to be to come out successful in the elections. These political parties or their propagandists level extreme type of charges against their opponents and spread true or untrue stories—and even have a flung at the expense of private characters of their political rivals and thus, spare no means whether good or

[Shri S. N. Das]

bad, fair or foul to win the support of the masses. Have not the hon. Members of this House got the experience that while fighting elections we talk the least about principles. All along we have our eye on winning them somehow or the other. In these circumstances, it is futile to expect the political parties or their propagandists to educate the public in the main provisions of the Constitution and make them realize their duty towards those provisions or towards the issue of elections while propagating or canvassing support for their candidates. Personally I hold the view that we should incorporate a clause in this Bill itself to provide for the full education of the public in all such matters. Consistent with our desire to see some 18 crores or odd of our people, whom we have given the right of a vote, fully educated, we must make a beginning right now in that direction even though the task may seem to be of a gigantic scale to be fully accomplished by any free nation. All I can think is that a legislation should be passed wherein a specific mention of the illegal and undesirable practices as also of the practices in which the voters should not indulge may be made. Yet the parties will take no initiative on their own to educate the masses. The result will be that the ignorant masses will suffer risks and will have to undergo actual troubles. I, therefore, think that some such arrangements should be made on behalf of the nation or on behalf of our *Rashtrapati* that simultaneously with the announcement by him about the holding of elections and asking the various parties to nominate candidates to contest from the various constituencies, whether they are for the State legislatures or for the Houses of Parliament, a date should also be announced for holding of meetings in each village, *mohalla*, town or city in the various constituencies and to which all the voters residing there should be invited to attend. At such meetings the message of the President should be read out to the people. The message should include a reference to the main provisions of the Constitution, parts of the fundamental rights as occurring in the Constitution, portions of the directive principles and the portions of main provisions of the Bill under discussion. Arrangements should be made to proclaim this message to the voters in each and every village and town all over the country. I can understand that the constitutional experts sitting here will point out that no such thing exists in the Constitution of any other country in the world. My reply is that the mere fact that it does not occur in the Constitution of any other

country, is no argument that we too should not incorporate it in our Constitution. I know that the President or the Election Commissioner will cause an announcement regarding the holding of elections to be published in the Gazette of India. You can realize what percentage of our people reads the Gazette of India or say what percentage of the people of a State like Bihar reads the Bihar Gazette. I, therefore, suggest that in order to proclaim any announcement or the enforcement of any new rules or legislations, a date should be fixed, which should be celebrated as the '*Rashtrapati's Message-Day*' when the people should be given the fullest possible information regarding the implications of the announcement or of the rules etc. On the eve of general elections, a day should be set apart when the objects of the law as a whole and its bearings upon the elections should be explained to the people. I hope that such a day will be fixed for proclaiming this message.

Another thing that I come across in this Bill is that at a number of places it occurs that such and such rules etc. will be published in the Gazette or will be made known by some other means for general information. In this connection I will like to remind the hon. Minister that out of 18 crores of our voters, only a very small section reads newspapers. In this country a majority of people is illiterate. I think hardly four to five per cent. of our people read newspapers. I, therefore, want that a directive should be included in this Bill to the effect that if not in each village, then, at least, at every post office all the information intended for the public in general should be available and, in particular, the information regarding the general elections should be disseminated in each village through the agency of the post master concerned so that the largest possible number of our people may know of it in time. Sir, you are aware the mere legal provisions do not solve the purpose. The Government are given the powers to frame rules and regulations within the scope of those provisions and finally they are published in the Gazette. It is with regret that I confess that we get no time to read all the copies of the Gazette that are supplied to us. We have no information regarding many of the rules that have been framed so far with regards to the various legislations passed by us here. So when even the hon. Members of Parliament are unaware of them, the people in general can hardly be expected to show any knowledge of them. A copy, therefore, of all the rules and regulations, that are made

and published from time to time, should be displayed at every post office so that the largest possible number of our people may become aware of them.

Next the issue under discussion just now is the qualifications that should be fixed for becoming Members of the State Legislatures or Parliament. When Prof. K. T. Shah had moved here a Bill to provide for the fixing of the qualifications for becoming Members of State Legislatures, I had at that time submitted that as far that issue was concerned, we have provided in the Constitution that this constitution will give social, economic and political justice to all and will establish equality and fraternity amongst them. To me the only qualification for a Member should be that he must have faith in the democracy of India. Alongwith I hold that to allow such people, who though reside in India and believe in her Constitution, yet indulge in corrupt practices from becoming Members of the Legislatures is not free from dangers. Such people believe in the Constitution so to say, yet their very actions are against its spirit and objects. I, therefore, say with force that Clause No. 7 embodies very important provisions, which fact I do not want to emphasise too much on you. I will, however, make only one observation. It will not be proper to create such conditions as may give hope to people to become a Member of another legislature while holding membership of another similar body. Thereby a person who is a member of some State Legislature, will be able to contest for any vacant seat of the Parliament and if elected, he will just resign from the State Legislatures. It is I think not proper to give him the right of dual representation. The only proper course open to such a person is that he should first resign from one place and only then seek election from another. If it is not done, there shall be a misuse of capital and power in the country. Suppose a person holds membership of a particular legislature and he stands for another legislature and also contests the election, what will be the result? The result will be in case of his being elected to the Parliament, he will have to resign from that State legislature. A fresh election will become necessary for that vacant seat. Thus, we shall have to arrange for two elections for nothing. I, therefore, think that a person holding membership of a particular legislature, should be debarred from seeking election to another similar body.

12 Noon

Mr. Deputy-Speaker: The hon. Member has already exceeded his time.

Shri S. N. Das: Sir, as my time is up, I will in conclusion repeat that the hon. Minister should give a thorough scrutiny to this Bill and, as far as possible, should so shape it as to give equal opportunities for doing publicity work to all candidates. He should take care to see that a capable candidate when opposed by a rich opponent may not feel in any way handicapped to arrange for proper publicity only for want of funds. He may not feel any difficulties in educating the public opinion in his favour and thus lose the election eventually. Full and adequate provision should, therefore, be made in this Bill which should reduce the election expenses to the minimum possible and thereby prevent the capable candidates being defeated in elections solely for want of funds. Resources for carrying out publicity should be made available to all candidates equally.

पंडित मुनीश्वर दत्त उपाध्याय : यह विधेयक जो हमारे सामने उपस्थिति है, उसका एक विशेष रूप है। और भी विधेयक इस मस्यन के सामने आते हैं जिसमें लोग अपनी राय प्रकट करते हैं और एकदम ही भी पेश करते हैं उनमें से कुछ संजूर हो जाती हैं और कुछ नासंजूर हो जाती हैं और वह खत्म हो जाते हैं। लेकिन जहां तक इस विधेयक का सम्बन्ध है, इस बिल (Bill) का हमारे जीवन से बड़ा घनिष्ठ रिश्ता है और हम में से हर एक जो यहां मौजूद है वह यह सींचता है कि अगर इसमें कोई ऐसी कसर रह गई, कोई ऐसी बात होने से रह जाती है जिससे कि हम बायो चल कर इस भवन का निर्माण ठीक से न कर सकें, या जो प्रवेष्टों में असेम्बलियां और काउंसिलें (Assemblies and Councils) बनने वाली हैं, उनका ठीक तौर से निर्माण नहीं कर सकें, तो इससे देश को बहुत बड़ी हानि पहुंच सकती है। जहां तक इस विधेयक का उद्देश्य है, उसमें कोई मतभेद नहीं हो सकता है। विधेयक का उद्देश्य यह है कि चुनाव हमारा बी हो, वह स्वतंत्र हो, निष्पक्ष हो निर्विकल हो

[पंडित मुनीश्वर दत्त उपाध्याय]

और जहाँ तक इस का सम्बन्ध है, उस में किसी को कोई मतभेद नहीं हो सकता। हमारी सरकार जो है उस का यही उद्देश्य है और मिनिस्टर (Minister) साहब उस को पेश कर रहे हैं, उन्होंने भी इस उद्देश्य पर बड़ा जोर दिया है और जितने हमारे माननीय सदस्य हैं और जो इस विषयके पर बोल रहे हैं वह इसी उद्देश्य से इस पर बोल रहे हैं और अपनी अपनी राय रख रहे हैं जिस से अच्छा से अच्छा कानून बन सके तथा जिस के जरिये हम स्वतंत्र, निष्पक्ष और निर्विघ्न चुनाव कर सकें। जब हमारा उद्देश्य एक ही है, तो मैं नहीं समझता कि फिर इस में कौन सी बहुत बड़ी बहस की बात हो सकती है; सिवाय इस के कि हम एक जगह बैठ कर के जो मुनासिब चीज मालूम पड़ती है, उस को सब मिल कर के स्वीकार करें और उस के पश्चात् अगर कोई ऐसी बात रह जाय जिस पर मतभेद हो, बहस हो, और रायें मुक्तलिफ़ हों, तो उस अकेले मसले के बारे में जितनी हमारी लोगों की रायें हों, सरकार की राय हो, उन सब को अपने सामने रख कर उचित निर्णय पर पहुँचे। बहुत सी बातें हैं जो हम उन की मदद करने के लिये उपस्थित कर रहे हैं और मैं समझता हूँ कि उन पर आप को पूरी तौर पर गौर करना चाहिये। जब हम यह कहते हैं कि हमारा उद्देश्य यह है कि स्वतंत्र और निष्पक्ष चुनाव हो और फिर चुनाव में तरह तरह के प्रतिबंध लगाते हैं, तो मैं समझता हूँ कि हमारा यह उद्देश्य निष्पक्ष और स्वतंत्र चुनाव का जाता रहता है। इस में कोई सन्देह नहीं है। मैं स्वयं चाहता हूँ कि वह लोग जिन का सरकार में कोई असर हो, और जो सरकार के असर से कोई

नाजायज़ फायदा उठा सकते हों, ऐसे लोगों को कोई स्थान इस चुनाव में नहीं मिलना चाहिये। ऐसे लोगों के खिलाफ प्रतिबंध होना आवश्यक है, लेकिन मैं देखता यह हूँ कि इस उसूल को, केवल इस सिद्धान्त को सामने रखा जाता है बिना उस धारा के जिस धारा में अयोग्यता का विवरण है। उस धारा को बिला पूरी तौर पर समझे हुए, उस पर बिला गौर किये हुए और केवल इस बात को दिमाग में रख कर कि ऐसे लोग जो बड़े बड़े पूंजीपति हैं, जिन के पास धन की शक्ति हो सकती है, जिन का सरकार से सम्बन्ध है और जो सरकारी असर को चुनाव में ला सकते हैं, इन लोगों को चुनाव में न आने देना चाहिये, इस बात को दिमाग में रख कर और भी बहुत सी बातें उसके साथ कही जाती हैं जो कि अयोग्यता के मातहत आती हैं। यह अयोग्यता की बात जो इस बिल में है, उस का सम्बन्ध केवल उन बड़े बड़े ठेकेदारों और पूंजीपतियों से ही नहीं है जो सरकारी असर को चुनाव में ला सकते हैं, उन का मतलब उन्हीं अयोग्यताओं से नहीं है, इस में तो हमारे देश के एक एक छोटे बड़े आदमी सब शामिल हैं। हमारी आर्थिक योजना इस समय जो देश के सामने है, वह इस सरकार की बनाई हुई योजना है, इस सरकार ने ऐसी व्यवस्था बना दी है और वह भी मजबूरन बना दी है, आवश्यकता इस बात की थी कि ऐसी योजना रखी जाती, इस आर्थिक ढांचे में जो आज देश का आर्थिक ढांचा है, इस में छोटे बड़े जितने हैं, उन का सम्बन्ध परमिट, लायसेंस (Permits & Licences) वगैरह से किसी न किसी तरह हो ही जाता है, तो ऐसे लोग जिन का सम्बन्ध इन छोटे छोटे परमिट्स लायसेंस और ओथोराइजेशन (authorization)

हमारे मित्र ने कल कहा था कि जब तक सब एलेक्शन पूरे न हो जायें कहीं भी चुनावों के नतीजों की घोषणा न की जाय। मेरी समझ में यह बात बिन्कुल गलत है। हां उस कांस्टिट्युएन्सी (constituency) में कुछ पोलिंगों (Polling) पर वोट पड़ने को रह जाने हैं तो उस हालत में वहां उन का ऐलान पहले से न होगा। लेकिन दूसरे स्थानों में जिस से उन का कोई सम्बन्ध नहीं है वहां भी इस का ऐलान न हो, यह मुनासिब नहीं होगा। तो इसका ऐलान जितनी जल्द सम्भव हो सके कर देना चाहिये।

फिर करप्ट प्रैक्टिसेज (corrupt practices) और इल्लिगल प्रैक्टिसेज (Illegal Practices) के जो नियम बनाये हैं, मेरी समझ में वह भी लम्बे चौड़े नियम हैं और उन नियमों में ऐसे नियम दिये गये हैं जिन की वजह से तरह तरह के मुकदमों में फंस कर के निकलना बहुत मुश्किल होगा। मैं चाहता हूँ कि उन मुकदमों का इस तरह का सिलसिला न हो, इल्लिगल और करप्ट प्रैक्टिसेज दोनों को मिला कर अगर देखा जाय तो शुरू से जब से ट्रिब्यूनल कायम होता है और जब तक कि यह आफन्सेज (offences) वगैरह के बारे में जांच पड़ताल नहीं कर लेता है इस विषय पर इस विधेयक में ७८ दफा से लेकर १६५ दफा तक लगातार इसी के कानून बने हुए हैं। आधे से ज्यादा कानून जो हैं वह तो सब मुकदमे बाजी का कानून है। मैं निवेदन करूंगा कि इतनी चीजें हैं जो मुकदमेबाजी को बहुत बढ़ाती हैं। पहली बात तो नामजदगी का अन्तिम फैसला न होने का नियम इस में बना हुआ है जिस की वजह से मुकदमे बाजी बढ़ेंगी। फिर मेम्बर्स (Members)

और एजेन्ट्स (Agents) की योग्यता के बारे में, उम्मीदवारों के बारे में, सब के बारे में, उन पिटीशन्स में जांच हो सकती है और उन की भी वही योग्यता होनी जरूरी है जो योग्यता कि उम्मीदवार के लिये लिखी है। फिर पिटीशन जो है वह डाक से भी भेजी जा सकती है। थोड़ा सा भी प्रतिबन्ध भंजने में होता तो भी ठीक होता। अब तो यह भी आसानी दे दी गई है कि अगर ऐप्लीकेशन (application) रवाना न कर सके तो किसी के हाथ भेज दे। वह जा रहा है तो वह उसे भी पेश कर देगा। फिर एक बात है कि जैसा कि मैं ने निवेदन किया कि सिर्फ दो जज हैं इसलिये बराबर रिफरेंस हाईकोर्ट को हुआ करेगा और मामले और लम्बे चला करेंगे। एजेन्ट जो हैं उस की योग्यता के बारे में भी मुकदमा चल सकता है, यह भी लम्बा चलेगा। फिर करप्ट प्रैक्टिसेज की लम्बी सूची है ही। इल्लिगल प्रैक्टिसेज के बारे में दफा १२४ के १ और ३ जुज जो हैं उन को निकाल देना चाहिये। १ जुज ऐसा है जिस में कहा गया है कि कोई भी मीटिंग (meeting) जब तक आथोराइज्ड (authorised) न हो तब तक वह आधार हो सकती है एलेक्शन के सेट एसाइड (set aside) होने की। वह हटा दिया जाना चाहिये और क्लॉज तीन भी निकाल दिया जाना चाहिये क्योंकि अगर कोई प्रिन्टर (Printer) अपना नाम नहीं छपाता है तो वह ग्राउन्ड हो सकता है एलेक्शन सेट एसाइड होने का। मैं निवेदन करूंगा कि यह जरूर हटा दिया जाना चाहिये। फिर यह लम्बा प्रोसीजर जो रखा गया है यह मुकदमे बाजी को बढ़ायेगा।

इस के अलावा जो आखिरी चीज मैं निवेदन करूंगा वह यह है कि जो सरकारी

[पंडित मुनीश्वर दत्त उपाध्याय]

मुलाजमीन के सम्बन्ध में कहा गया है उस में गांव के चौकीदार, या मुखिया या पटबारी या सरपंच या पंचायत के मंत्री को भी शामिल किया गया है और यह कहा गया है कि यह सभी कोई सम्बन्ध नहीं रखेंगे। मैं आप से निवेदन करूंगा कि देहात का समाज इस तरह का बना हुआ है कि अगर आप उस में से इन सब को निकाल देंगे तो उस में रह ही क्या जायगा। लेकिन अगर आप इन को हटा ही देना चाहते हैं तो अगर यह भाग लें तो आप उन के डिस्प्लिनारी एक्शन (Disciplinary Action) लें, लेकिन यह नहीं होना चाहिये कि भाग तो यह लें और इलेक्शन नाजायज कर दिया जाय किसी उम्मीदवार का। अगर ऐसा होगा तो लोग इस तरह किसी का इलेक्शन नाजायज करवा सकेंगे। चाहे उम्मीदवार चाहे या न चाहे यह लोग भाग ले लेंगे और इस तरीके से किसी का भी इलेक्शन रद्द करवा दिया जा सकेगा। इस में ऐसा कोई प्रावजन (provision) नहीं है कि जो लोग इस तरह हिस्सा लेंगे वह खुद निकाल दिये जायेंगे या उन को सजा दी जायगी। यह बात नहीं होनी चाहिये कि इनके भाग लेने से किसी का इलेक्शन नाजायज करार दे दिया जाय। मेरी समझ में तो जो लोग इस तरह का भाग लें उन को सजा दी जाय या उन के डिस्प्लिनारी एक्शन लिया जाय, लेकिन अगर इन के भाग लेने की वजह से किसी उम्मीदवार का इलेक्शन नाजायज कर दिया जायगा तो बहुत ज्यादा ही होगी।

जहां तक नेशनल फ्लैग (National Flag) का ताल्लुक है मैं निवेदन करूंगा कि इस के बारे में कुछ कन्फ्यूजन

(confusion) सा लगता है। हर एक पार्टी अपना अपना फ्लैग इस्तेमाल कर सकती है, लेकिन गवर्नमेंट के फ्लैग को इस्तेमाल करने का अधिकार किसी को नहीं होना चाहिये। इस के अलावा रिलीजस फ्लैग (Religious Flag) के साथ साथ अगर कोई कम्यूनल (Communal) या सेक्टेरियन फ्लैग (Sectorian Flag) हो तो उस के प्रयोग पर भी प्रतिबन्ध होना चाहिये। यह चीज हमारे बीच में एक बहुत बड़ा कांटा ही रही है और यह चीज समाज में बहुत उठ रही है और इस को दबाने के लिए यह जरूरी है कि सेक्टेरियन या कम्यूनल फ्लैग को न प्रयोग करने दिया जाय और उस से चुनाव के समय कोई भी फायदा न उठा सके।

मैं यह अर्थ करना चाहता हूं कि यह जो कानून बना है यह एक मुकदमेबाजी का कानून बना है और इस में गरीब आदमी को बहुत बड़ा नुकसान पहुंच सकता है। यह ठीक है कि इस में डिस्क्वालीफाई करने का कानून मौजूद है, मगर इस से गरीब आदमी को उतना फायदा नहीं होगा जितना कि इस मुकदमेबाजी के कानून को ठीला करने से होगा और इस में जो दुनिया भर के जाबूते बना दिये गये हैं उन को कम करने से होगा। अगर आप इन को कम कर देंगे तो आप गरीब उम्मीदवार को बहुत मदद करेंगे। महज डिस्क्वालीफाई करने के कानून से उस को बहुत लाभ नहीं हो सकता है। जनता उन लोगों को वैसे भी नहीं चुनेगी जो कि नाजायज असर डालेंगे, और रहे प्रिसेज और बड़े ठेकेदार, सो उन को डिस्क्वालीफाई करने का प्रोवजन इस में होना चाहिये।

बगैरह से हो जाता है, वह भी अगर इस चुनाव में भाग लेने से रोक दिये जाते हैं, तो मैं नहीं समझता हूँ कि कौन शस्स फिर इस चुनाव में भाग ले सकता है। भाग लेने से मेरा मतलब है कि इस भवन का सदस्य नहीं हो सकता और वह जो प्रादेशिक भवन है, उन का सदस्य नहीं हो सकता। तो मैं निवेदन करूंगा कि ऐसी दशा में वह ठाँचा, जो आर्थिक ठाँचा इस सरकार ने मजबूरन इस वक्त बनाया है, उस ठाँचे के अन्दर रहते हुए यह बहुत गैरमुनासिब होगा कि इस तरह की कोई डिस्क्वालीफिकेशन (disqualification) इस तरह की अयोग्यता का कोई प्रतिबंध उम्मीदवारों के ऊपर लगाया जाय। हाँ यह जरूर है कि जो बड़े बड़े ठेकेदार हों, पून्जीपति हों और जो वाकई इस तरह का असर डाल सकते हों, उन के लिये अगर कोई ऐसा कानून माननीय मंत्री अलग से बना सकें, या उस में इस तरह का कोई प्राविजन (provision) रख सकें, तो मुझे उस के बारे में कोई एतराज नहीं हो सकता और इसी तरीके से जो बड़े बड़े प्रिंसेज (princes) इस तरह का असर चुनाव के समय में ला सकते हों, उन को भी इस में शामिल किया जाय, तो यह मुनासिब ही होगा, क्योंकि उन के सम्मिलित होने से शायद निष्पक्ष चुनाव होने में बहुत संदेह है।

तो मैं निवेदन करूंगा कि ऐसी दशा में इस तरह की अयोग्यताओं का, जो आमतौर पर चुनाव के सम्बन्ध में एक बात की झाड़ ले कर छोटी छोटी सी बातें हम कह जाते हैं, उन का ठीक ठीक विश्लेषण कर लें, उन को ठीक ठीक तय कर लें कि किस सम्बन्ध में प्रतिबन्ध होना चाहिये और किस में न होना चाहिये। मैं ने देखा कि कोई डाइरेक्टर (Director) हो जाय, किसी कम्पनी (Com-

pany) का तो उस पर भी प्रतिबन्ध आ जाता है, यह मेरी समझ में मुनासिब नहीं होगा।

इस के अतिरिक्त और भी इस विषय में हमारे माननीय मंत्री ने एक सुझाव दिया कि चुनाव के वक्त तो प्रतिबन्ध न लागू हो, फिर बाद में स्तीफा दिया जाय जरूरत पड़े तो। मैं नहीं समझता कि इस से क्या मतलब निकलेगा। दूसरा चुनाव होगा उस में क्या दशा होगी। मेरी समझ में यह बात इस बात की दवा नहीं हो सकती और कोई हल उस का नहीं हो सकता। इस के अलावा दूसरा प्रश्न नामजदगी का है। मैं समझता हूँ कि इस प्रश्न पर भी माननीय मंत्री जी ने काफ़ी विस्तार के साथ अपनी राय को भवन के सामने रखा है। लेकिन मैं यह कहना चाहता हूँ नामजदगी के बारे में, यदि किसी प्रकार सम्भव हो सके तो इस मुसले का फ़ंसला चुनाव होने के पहले हो जाना चाहिये। और इस के लिये आवश्यकता यह है कि अगर समरी ट्रायल (summary trial) की तरह की कोई चीज निकल सके तो वह इस में शामिल कर ली जाय। तभी सम्भव है कि थोड़े समय में यह काम हो जाय। इस में वक्त भी मुकर्रर कर दिया जाय कि इतने वक्त में जरूर फ़ंसला कर दिया जाय। अगर इस में कोई स्पेशल ट्रिब्यूनल (Special tribunal) की तरह की कोई चीज हो जाय, समरी ट्रायल बगैरह की अदालत की तरह से तो आप इस में फाइनलिटी (Finality) जल्दी ला सकते हैं और यह हो सकता है कि सिर्फ नामजदगी की बिना पर चुनाव को रद्द करने की नीबत न आये। इस के लिये मद्रास में कोई लोकल बोर्ड्स (Local Boards) का कानून है। मेरी समझ में वह बहुत दूर तक

[पंडित मुनीश्वर दत्त उपाध्याय]

नहीं जाता है। लेकिन उस आधार पर अगर कोई प्रतिबन्ध हो जायगा तो अच्छा होगा।

दूसरी बात जो मुझे अच्छा करनी है वह ट्रिब्यूनल्स के सम्बन्ध में है। ट्रिब्यूनल्स जो हमारे बनने जा रहे हैं वह केवल दो जजों के बनने जा रहे हैं, एक चेअरमैन (Chairman) और दूसरे साहब दूसरे मेंबर। मेरी समझ में यह गैर मुनासिब है। और यह भी हमारे कानून में है कि अगर उन में मतभेद हो तो हाईकोर्ट में रिफरेन्स (Reference) हो जाय। जहां जहां मतभेद हुआ हाईकोर्ट का रिफरेन्स हुआ करेगा। मैं नहीं समझता यह मामले आसानी से तय हो सकेंगे दो जजों के सामने। यह बहुत अच्छा होगा कि वह तादाद तीन कर दी जाय और दो जो फैसला कर दें वही फैसला समझा जाय। हां अगर उनकी राय में कोई ऐसी बात है जिस पर वह हाईकोर्ट की राय लेना चाहते हैं तो वह उस को हाईकोर्ट में भेज कर उस की राय लें। मेरी समझ से तभी कुछ शीघ्रता होगी हमारे फैसलों में वरना इस में मुकदमेबाजी का बहुत सामा है और इस तरह से वह और लम्बा वक्त ले लेगा। इसलिये मैं यह पेश करूंगा कि यह तादाद जजों की दो के बजाय तीन कर दी जाय। एक बान और मुझे ट्रिब्यूनल्स के सम्बन्ध में कहनी है। ट्रिब्यूनल्स में क्रिमिनल प्रोसीजर कोड (Criminal Procedure Code) और इंडियन इन्डेपेंडेन्स ऐक्ट (Indian Independence Act) के बड़े बड़े सेक्शन (Section) लगा दिये गये हैं जिसमें बड़े लम्बे बयानात, बड़ी लम्बी जिरह और और बातें हो सकती हैं और यह मुकदमें बहीनों चल सकते हैं। मैं

समझता हूँ कि जब उनको कोई अपील करनी नहीं है, जब अदालत को हमें कोई राय देने की जरूरत नहीं है, जब कि तमाम वाक्यात पर जाने वाली अदालती ट्रिब्यूनल नहीं होगी तो ऐसी हालत में एक समरी ट्रायल का बोर्ड होना चाहिये। इस में जो एलोबोरेट प्रोसीजर (elaborate procedure) रखा गया है वह बहुत समय लेगा और जब गरीब और छोटे आदमियों को रुपये वालों से मुकाबला करना पड़ेगा तो वह उस में पिस जायेंगे और आप जो यह डिस्क्वालिफिकेशन (disqualification) रख कर उन को बचाने की कोशिश कर रहे हैं वह बेकार साबित होगी। एक तरफ तो आप जिस में कि बड़े बड़े लोग आ कर उन को तंग न करें, उन के नजदीक न पहुंच सकें, और उन को आ कर हरा न सकें इन सब बातों के लिये डिस्क्वालिफिकेशन रख रहे हैं और दूसरी तरफ आप ऐसे सेक्शनो को लाकर मुकदमेबाजी को बढ़ा रहे हैं जहां आ कर ऐसे वाले आदमी उन को आसानी से हरा सकते हैं। इस के लिये जो आप ने कानून दिये हैं उन के बारे में मैं आप से दो निवेदन करना चाहता हूँ। कोई भी मुकदमा एलेक्शन (election) का ऐक्ट नहीं हो सकता है जिस पर पिटीशन (Petition) दायर न हो सके तो इस सम्बन्ध में मैं निवेदन करूंगा कि जो लम्बे जाते हैं उन जास्तों का सम्बन्ध हमारी उन कार्यावाहियों से नहीं होना चाहिये जो एलेक्शन पिटीशन (election petition) की हैं। जो ट्रिब्यूनल्स के सामने हैं नहीं तो हमारे गरीब लोग उन के चक्कर में पड़ कर पिस जायेंगे क्योंकि बड़े लोगों को हर जगह सुभीता है।

मुझे एक और बात कहनी है चुनाव के नतीजे की घोषणा के सम्बन्ध में। एक

Of course, if at some polling station in a particular constituency some votes still remain to be cast the declaration should naturally be held up. But, it would not be proper, on that account, to withhold the declaration at other places which have no connection with that particular place. Hence, the declaration should be made at the earliest possible.

Also, the rules that have been framed with regard to corrupt and illegal practices are, in my opinion, too long and elaborate and some of them are such as are likely to give rise to multifarious litigation, so that once one is involved in it, it would be difficult to extricate oneself. I am not in favour of such a chain of litigations being there. If illegal and corrupt practices are considered together it would be noticed that all the clauses of this Bill from the appointment of the tribunal up to the time it finally decides a case, viz., clause 78 to clause 165, deal with just that subject. More than half of this law concerns litigation. I would submit there are so many things which greatly encourage litigation. The first thing that would encourage litigation is the rule which postpones a final decision in regard to nominations. Besides, the qualifications of the candidates and their agents can also form the subject matter of a petition. The agents are also expected to possess the same qualifications as the candidates themselves. Then, there is the provision that petitions may be forwarded by post. It would have been better had there been some sort of restriction in that respect. This has been further facilitated by the fact that a man might send it along through someone else who might file it on his behalf. Then, as I have already mentioned, the fact that there are only two judges would make regular references to the High Court inevitable leading to prolonged litigation. There may also be a case arising out of the qualifications of an agent and it is also likely to have a prolonged course. Then there is that long list of corrupt practices. Sub-clauses (1) and (3) of clause 124 relating to the illegal practices, should be deleted. Under sub-clause (1) any unauthorised meeting may form a ground for the election being set aside. It should be deleted as also sub-clause (3) which provides that the omission of the name of the printer might also form a ground for the setting aside of the election. I would like to submit that this procedure must be omitted. This lengthy procedure would do nothing but increase the litigation.

Apart from it, I would like to submit that it has been laid down that the Government employees, who are de-

barred from taking part in the elections include the village watchman, the headman, the *patwari*, the *Sarpanch* and the Secretary of the *Panchayat*. My submission is that the set-up of the village society is such that if these persons are excluded then there would remain nothing in it. If they are to be debarred then one thing should be done. Disciplinary action may be taken against them in case they take part in the elections but the election of a certain candidate must not be set aside simply on account of their taking part in it. If this thing would remain therein it would become very easy for the people to get any election declared set aside. Irrespective of the desire of the candidates they would take part in the elections and as a result of this recourse any election would be got set aside. There is no provision in this law as to the persons who would take part in this manner, would themselves be dismissed or punished. It should not be provided that simply on account of their taking part the elections would be set aside. In my opinion if such persons should be punished or disciplinary would be nothing but serious injustice.

So far as the National Flag is concerned, I feel, there is some sort of confusion about it. Parties may use their own flags, but nobody should be allowed to use the Government flag. Besides this there should be a ban on the use of communal or sectarian flags also. This is actually a great handicap in our way of progress and this practice is making a headway in our society. In order to curb this tendency it is very necessary to lay a ban on the use of sectarian and communal flags and nobody should be allowed to take undue advantage of these flags. I like to submit that the law before us is such as may lead to a lot of litigation and the poor people can come to much harm through it. It is true that it also lays down certain disqualifications too but this would not help a poor person so much as the efforts to minimize the litigation possibilities or relaxing the rigidity of numerous rules and regulations etc. would help them. If these are reduced to the minimum the poor candidate would be much benefited. Merely laying down of certain disqualification cannot help them much. The people of their own accord would not elect those who would try to influence them through unfair means and so there should be some provision in this Act debarring the princes and big contractors from taking part in the elections. Except this, we welcome the Bill that is before us. I wish that it may better be passed soon. It has been our constant desire that the elections

[Pandit Munishwar Datt Upadhyay]

may take place as soon as possible. Our leaders have so far been postponing these elections on account of the demands made by the opposition parties and also to suit their conveniences. We desire that this law may soon be enacted but adequate care should be taken lest this law may contain some lacuna whereby poor people may come to some harm as a result of this.

Shri Venkataraman (Madras): So far as voting in a democracy is concerned, there are now two theories, one which regards voting as a right and the other which regards voting as social duty. If we regard voting as a right which may or may not be exercised by anybody, certain consequences follow. If we regard voting as a social duty which an individual has to perform to the State of which he is a member, then certain other consequences must necessarily follow. We have adopted in this Bill the first principle, namely that voting is only a right and it is not a duty on the part of a citizen. I want to ask why this has been adopted in preference to the other more salutary principle, namely that voting is a duty of every member of society. If you adopt this principle then, we will be able to avoid many of these clauses relating to offences, illegal practices, inducing them to vote, and so on. We will have only one provision, namely that every elector shall vote in an election and if he fails to do that, he shall have to pay a nominal fine or penalty.

Shri Meeran (Madras): Then, they will not come forward even to give their names.

Shri Venkataraman: I will place my point first and then answer the criticism.

We are trying a great experiment in this country in democracy. We boast not only here, but outside this country also that India is going to send 180 million people to the polls. If that is so, why not take an equally progressive step of educating our own people by saying that it is the duty of every elector to go to the polls and if he does not discharge that duty, he will incur a small penalty? It is not very difficult. In fact, if we publish through tom-tom, as they usually do in respect of every announcement of the Government in the villages, and tell them that it is their duty to vote and that those persons who on account of reasonable causes are prevented from going to the polls, can send in a slip of paper or a form showing the reasons, I cannot see now it cannot work. There is a very great principle involved in this. In a country where education is small, ex-

perience must take the place of education. You cannot get experience unless you are put to the work which you are expected to learn. Many of our people have learnt very technical and intricate mechanism and work in a machinery largely by experience, by merely working in that machinery, though they do not know any of the principles involved in it. Likewise, I want to bring this experience to bear on the other aspect of our life and say that if it is made obligatory on the part of every person to go and vote, then, he will necessarily put himself the question, "Why should I go and vote; for whom should I vote; who is the better man", and so on. A train of thought will be set in motion with the result that he will be able, if not in the first election, at least in the second or subsequent elections, to judge for himself. As long as you leave it entirely to his sweet will and pleasure, you are going to make him the slave of those people who come and induce him to go to the polls. You are going merely to make them get a wrong impression that it is the duty of the candidate to make him go to the polls and not his own duty to see that proper men are returned to the Legislatures. The principle of compulsory voting is very strangely opposed by the Communists. In France, when they tried to introduce compulsory voting, the Communists said, "No; the most zealous and most efficacious organiser should get the vote and the voter should not be compelled", because they knew that they had a band of efficient organisers who would be able to push these people to the polls by various methods, and the other section, the moderate section have nothing to enthuse the people. The result is, the moderate section will not go to the polls; a well-knit organised body of extremists will go to the polls and the result is, you will be getting in the Legislatures an opinion which is not reflected in the country at all. I give this warning of what has happened in other countries. If you leave it entirely to the will of the people to go to the polls, and do not make them understand that it is their duty so to do, you will only be laying these people open to persuasion, sometimes coercion and perhaps intimidation also. Therefore, I would have very much liked if the hon. Minister had said that we have taken a great step in introducing adult franchise in this country; let us go a little further and introduce compulsory voting, with the result that these people may learn to exercise their rights and may learn that they have rights, first of all. It looks as though they have got some privilege to confer on the candidate. If you tell them that it is their duty to go and vote, they will realise

इस के अलावा जो कानून है उस का हम स्वागत करते हैं। हम तो चाहते हैं कि इसे जल्द पास होना चाहिये। हम तो हमेशा से चाहते रहे हैं कि चुनाव जल्द से जल्द हो जाय। हमारे नेता लोग इन चुनावों को बिरोधी पार्टी के बराबर आवाज़ लगाने पर और उनकी सुविधा के लिए अब तक बराबर टालते आये हैं। हम तो चाहते हैं कि जल्दी से जल्दी यह कानून बन कर तैयार हो जाय लेकिन कहीं ऐसा न हो कि जल्दी में यह कानून ग़लत बन जाय जिस से कि गरीबों को नुक़सान पहुंचे।

(English translation of the above speech.)

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): The Bill that has been presented to us is of a special nature. Other Bills too come before this House, Members express their ideas about them, move amendments of which some are accepted and some are not accepted, and in this way the matter ends there. But so far as this Bill is concerned, it has an intimate relation with our life and everyone among us who is present here thinks that if any defect or any other thing is left out then we may not be able to set up this House and the States' Legislatures and Councils properly, and such a thing may cause a grave harm to the country. So far as the aims and objects of this Bill are concerned there cannot be two opinions about them. Its aim is that our elections should be free, impartial and unfettered, and on this point there cannot be any difference of opinion. Our Government aims at it. The hon. Minister who has introduced this Bill has emphasized this very point and all the hon. Members too who have spoken on this Bill, have done so only with this very purpose in view. They have placed their suggestions before the House so that this Act should become a fool-proof one and free, impartial and unfettered elections could be held. When all of us have a single purpose before us, I do not understand as to what is there on which we should have lengthy debates except this one motive that we should sit together and adopt a procedure which may seem to us most befitting. And if after this there remains anything which is debatable and on which there is some difference of

opinion, then we should only keep all the suggestions and opinions given in that connection before us and should try to arrive at a fair decision. There are many suggestions which have been submitted in order to facilitate the work of the Government and I am of the opinion that you should give full consideration to these suggestions. When on the one hand we say that our aim is to have free and fair elections and on the other we impose various restrictions on them, I feel that our aim of impartial and free elections is thus nullified; there is little doubt in it. I myself like that the persons who have some influence in the Government and who may be in a position to take undue advantage of this influence, should have no place in these elections. It is essential to place restrictions against such persons. But I see that this principle is being placed before us apart from the section which covers the details of the disqualifications. Without understanding this section fully and without giving due thought to it if we go on with this presumption that the big capitalists who can have power of money at their back and those who are connected with the Government and can influence the elections unduly should never be allowed to participate in the elections. Then many more things too which come in the sphere of disqualifications can be said in this connection. This condition of disqualifications which is laid down in the Bill does not pertain to the big contractors and the capitalists only who can bring some official influence in the elections, but even the most common men of the country are involved in it also. The present economic set-up of the country is out a creation of this very Government. They have created such an order and this too because of the fact that they could not help it. It was needed to have such a planning. Under the present economic set-up of the country all the persons, big or small, are in one way or the other connected with permits, licences and the like. And so if we do not allow these persons, who are concerned in one way or the other, with these small permits, licences, authorizations or the like to take part in the elections, then I fail to understand as to who can participate in these elections. By participation I mean that he cannot be a Member of this House or of the States' Legislatures. So I submit that it would be quite improper to impose any restrictions pertaining to the disqualifications such as this on the candidates, under the present economic set-up which has been created by the Government themselves because they too could not help it; this is nearly impossible to do. Certainly I shall have no objection if the hon. Minister

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frames a separate law or keeps a certain provision in this Bill pertaining to these big contractors and capitalists who can really bring influence of this sort on these elections. Similarly it would be quite proper if all these big princes, who may bring some sort of influence in the elections, would be covered by such a law or a provision, because their participation too would make the holding of impartial elections very doubtful.

I would therefore submit that we must properly analyse all the factors that constitute a disqualification in the matter of the elections and arrive at a definite decision as to what activities are to be held taboo and what not. I find that one is disqualified even if one comes to be appointed the director of a company. I do not think this would be proper.

The hon. Minister has also made the suggestion that the disqualification need not apply at the time of the election but that a resignation might be demanded later on if necessary. I fail to understand what would be the good of it. There would be another election but what would be the position then? I do not think that would be a good remedy or solution.

Another question is that of nominations. I think on that point too the hon. Minister has placed his views before the House at great length. I would, however, say that this question of nomination should be settled before the elections. Thus we might adopt some sort of procedure resembling a summary trial. Then alone can this task be accomplished in a short period. A time-limit should also be prescribed within which the decision must be given. If, for instance, some sort of special tribunal could be appointed acting like a court holding a summary trial you can have a quick disposal as also bring about a finality. It can thus be ensured that an election is not set aside on the mere ground of a faulty nomination. There is some law in Madras relating to local boards which contains such a provision. In my opinion, it does not go far. We might, however, have some provision on these lines.

Another subject that I wish to refer to relates to the tribunals. The proposed tribunals are going to consist of two judges only, one being the Chairman and the other the ordinary member. I think this would be improper. It is also provided that in case of a difference of opinion a reference may be made to the High Court. Whenever there will be a difference of opinion reference would be made to the High

Court. I do not think these matters would be decided easily by two judges. It would be better to raise the number of judges to three and to provide that the majority decision shall prevail. Of course if there be any point on which they seek to obtain the opinion of the High Court they might make a reference to the High Court on that point and obtain its opinion. Then alone, I think, can we have quick decisions, for, otherwise, the provisions, as they stand, leave a lot of scope for litigation and proceedings are apt to be very much prolonged. I would, therefore, propose that the number of judges be made three instead of two. There is one thing more I wish to say in regard to the tribunals. Big sections of the Code of Criminal Procedure and the Indian Independence Act have been made applicable to the tribunals which would provide scope for lengthy depositions, lengthy cross-examinations and similar other things with the result that these cases might drag on for months. I think that since no appeal lies, since the court need not express its opinion, since the tribunal would not have to go into all the details, there should be something like a summary trial board. The elaborate procedure that has been provided is bound to be lengthy and whenever a poor man of small means would have to fight it out with a man of wealth he would be ruined. In that case your efforts to save him by means of the provision relating to disqualifications would prove to be of no avail. On the one hand, you are laying down certain disqualifications in your anxiety to see that poor candidates are not harassed by rich people, that such people are kept off and prevented from defeating them, while, on the other hand, by introducing such provisions you are encouraging litigation, so that the wealthy people would be able to have an easy win against them. I wish to say two things in regard to the law proposed by you on that subject. There can hardly be any election matter that may not give rise to an election petition. Hence, I would submit that lengthy codes should not be made applicable to the proceedings arising out of an election petition and coming up before the tribunals, for otherwise the poor candidates would be caught up in the labyrinth and ruined, for wealthy people are shown consideration everywhere.

I wish also to say something with regard to the declaration of the result of an election. One of my friends suggested yesterday that so long as all the elections are not over the results should not be declared. To me that sounds as a totally wrong procedure.

that they have got certain obligations to discharge and that it is not the function of the candidate to come and take him to the polls, but his own duty to the State of which he is member. I would like the hon. Minister to accept the amendment which I have given notice of, namely that voting should be compulsory in this country.

My hon. friend Mr. Meeran said, how is it possible to educate all these people who will not even go to the polls?

Shri Meeran: I said they will not even give their names.

Shri Venkataraman: You are not going to teach them. You simply tell them, you will have to pay a fine of eight annas if you do not vote. That is a greater teacher than all your persuasions. You want to keep them absolutely and for ever in ignorance; you want to take advantage of their ignorance and backwardness and say that they are backward and therefore let them remain backward. If you want to educate these people, if it is your object that these women also are made progressive and understand the spirit of the time and learn to participate in the activities of the State, then it is your duty to tell them that it is an obligation on them to go to the polls and cast their votes. They have to be made to realise that they have a duty to perform. How many of our laws are enforced by compulsion? How many of our day to day activities of life are regulated by compulsion? How many of our illiterate men and women understand all these laws that government activities? All the same they are being observed. Similarly I feel that this proposition will be to the utmost good of the poor and illiterate people of our country and they must be made to feel that it is a duty to vote. There should be a penalty imposed—a nominal penalty—may be only an admonition in the first instance. But I have no doubt that if not at the first election, at least in the second and subsequent elections they will learn to exercise their right properly. I therefore urge that this principle should be accepted.

There is another thing which I do not understand. In clause 3 of the Bill it is laid down that a candidate to the Council of States should be a resident of the State concerned, but a candidate to the House of the People need be resident only in any Parliamentary constituency in the country. I fail to see any reason for this distinction between the two. If there is any I hope the hon. Minister of Law will clarify the position and tell us the reason why

this distinction has been laid down. Clause 3 says:

"A person shall not be qualified to be chosen as a representative... in the Council of States unless he is an elector for a Parliamentary constituency in that State..."

Shri Syamnandan Sahaya (Bihar): Because it is the Council of the States.

Dr. Ambedkar: Yes, that is the reason. And the other is the House of the People.

Shri Venkataraman: But a person belonging to a particular State may be resident in another place and he should not be disqualified from standing as a candidate because he is not resident in that State. Take, Sir, your own case. You have become a resident in Delhi and so you will not be able to stand for election in your own State, since you are not enrolled in that constituency.

Mr. Deputy-Speaker: If I am not in touch with my constituency, why should I stand as their candidate?

Shri Venkataraman: Sir, as I said, this point has to be considered.

Mr. Deputy-Speaker: And regarding people employed here and Ministers and others resident here, there is another provision in another Act exempting their residential qualification. Otherwise if you stay away beyond the period of 180 days you do not have the privilege of the representation.

Shri Venkataraman: If that is the argument, then it should apply in the case of the House of the People also. And if it does not apply to the House of the People, then it should not, I submit, apply to the Council of States.

Shri Sidhva (Madhya Pradesh): Is it said that a person resident in Delhi cannot be a Member of the Upper House of Parliament?

Mr. Deputy-Speaker: He can represent only his area. If he is working here and is resident here, he cannot represent any other place, for example, Madhya Pradesh or Uttar Pradesh or any other State.

Shri Sidhva: And what about the House of the People?

Mr. Deputy-Speaker: This does not apply to the House of the People. He can stand for the House of the People from anywhere in the country.

Shri Venkataraman: Mr. Sidhva is evidently perturbed over my interpretation, because it would affect him personally.

[Shri Venkataraman]

The next point I would like to take up is whether the validity of the nomination should not be concluded as a preliminary to the election. Reference was made by the hon. Minister to the Madras Local Boards Act. I am familiar with the elections under that Act. There, there is no provision insisting that the election of all the members to the local board should take place at the same time. Elections are held at different times and each district board holds its election at a different time. Very often it is not a question of party but a question of the individuals concerned. If you introduce the same principle of questioning the validity of the nomination as a preliminary issue, very serious consequences will follow.

Under clause 28 of this Bill 14 days allowed for nomination, seven days for scrutiny and three days for withdrawal. It is at this stage that a petition will have to be filed questioning the validity of the nomination accepted. If that position is accepted, then any proceeding in a civil court.....

Shri Alagesan (Madras): Soon after the scrutiny of a particular nomination is over he can file the petition.

Shri Venkataraman: It may be that a candidate whom you want to challenge may withdraw. So you must allow those three days also. Only after that can the person think of filing a petition. Only when the final list of nominations is published can any person who has an objection to a candidate file a petition in the court.

Shri Alagesan: He need not wait till the last date of withdrawal.

Shri Venkataraman: It is only fair to allow him to wait till the last date. You should not ask him to spend money on an infructuous proceeding. If that is done, you will find that the proceedings will take at least a fortnight, because the normal rules of procedure, however rudimentary, will have to be undergone—affidavits, counter affidavits will take time and reply affidavits filed and thereafter sending for documents, etc. will take time. You cannot dispose of a case without going through the procedure. If that is done I am afraid the elections in a number of constituencies will be held over. In the meantime the results of the election in the other constituencies will be published and they will to a large extent prejudice the election in those other constituencies where the elections have been withheld. I am all for having elections at the same time.

There is another reason why the rule embodied in the Madras Local Boards Act need not be followed. I may have an objection to the nomination of a particular candidate but seeing that he has been returned by the suffrage of the people, I may not like to press my objection. After the elections, maybe a number of petitions may not be filed, which otherwise would have been filed at an earlier stage. I think the rule as contained in the report of the majority of the Select Committee is very salutary and I would very much urge on the Minister not to yield to any suggestion for change. It will lead to elections being postponed in areas with the resultant very serious consequences. It will prejudice the elections when actually they take place at a later date.

As regard the question of Government employees the hon. Minister said that he cannot make a distinction between *mamuli karmachari* and *bade karmachari*, because it is very difficult to make such a distinction. There are industrial employees, employees of the Government in industrial establishments and also Government servants employed in civil administration. I have no sympathy with the proposition that the employees in the civil administration could participate, canvass or carry on such activities. But I would strenuously urge that those who are employed in industrial establishments should not be debarred from canvassing. The distinction between the employees in industrial establishments and the employees in the civil administration has already been understood and adopted by the Law Minister and yourself, Sir. On the Labour Relations Bill when we had to discuss the question of the rights of the industrial employees to go on strike or to form trade unions, we said those Government employees who are civil servants, in the sense that they were employees on the administrative side, will have no right to form trade unions, but those employees who are employed in industrial establishments will have that right. Likewise in the Trade Unions Bill the hon. Minister was the Chairman of the Select Committee and he accepted that principle. I very strongly urge on him that that distinction should be incorporated in this Bill also so that employees in Government industrial undertakings are not debarred from carrying on the activities which will legitimately be part of trade union activities. I may stand for election in a constituency and it may be that some members of the trade unions with which I am associated are working in Government industrial establishments.

If my trade union cannot work with me, how can labour progress in this country? It cannot grow at all. Therefore, my submission is that as regards Government servants you must make a distinction between the industrial employees and the employees in the civil administration.

The entire Bill has been framed, and particularly clause 124 has been framed, on the basis that it is the individual who is going to contest and not parties. The hon. Minister referred to the rule framed under the 1919 Act. We have travelled a long, long way from 1919. At that time they were all individuals who contested and there was no problem then. Now we are contesting elections on party basis and it is the party that will have to go round and do propaganda. A party cannot go and do propaganda saying, "Vote for Congress, vote for Liberal Party, or vote for Labour Party", without stating who is standing as a candidate of the party concerned. But the moment that information is given it becomes an illegal practice. Even if there is a precedent the time has come when it should be changed.

Prof. Ranga (Madras): What is the position in England?

Dr. Ambedkar: It is the same as in the Bill—there is no departure.

Shri Venkataraman: Again in sub-clause (3) of clause 124 you have said that the issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof, will become an illegal practice. The easiest thing for an opponent to do is to issue a circular on behalf of his opponent without the name of the printing press and this man would be disqualified.

Mr. Deputy-Speaker: Unless the candidate is a party to it he will not be disqualified.

Shri Venkataraman: But the clause as it stands will make it an illegal practice. It is hardly fair to any candidate.

With regard to clause 123, "Minor corrupt practices", I was telling my friend, Mr. Santhanam that if he stands for election and some station master in some out of the way place tells a man, "Go and vote for Mr. Santhanam", he becomes guilty of a minor corrupt practice. This is a very anomalous situation. Under clause 122(8) if the same thing is done with the consent or connivance of the candidate, his agent, etc. then it becomes a major corrupt practice. If with the connivance of

Shri Santhanam a station master goes about saying that people should vote for him, I can understand that it is a major corrupt practice, but without his consent and without his connivance, if he (the station master) canvasses for him then it becomes a minor corrupt practice. This requires modification and I am sure the hon. Minister will bear it in mind.

Shri Sonavane: I rise to support the Bill and congratulate the hon. Minister of Law and the Select Committee for bringing out this Bill and incorporating so many provisions with thought and care. I also wish to thank the hon. Members who have appended minutes of dissent for the points that they have brought out.

I will not repeat the arguments already urged by others, but I shall confine my remarks to the provisions relating to reserved seats. Before doing so, I wish to voice a small grievance that the hon. Minister of Law and the hon. Minister of State for Parliamentary Affairs did not include representatives of the Scheduled Castes and Scheduled Tribes in the Select Committee adequately and some of the points relating to these people have gone unnoticed.

An Hon. Member: What about the Chairman of the Select Committee?

Shri Sonavane: He was there as the hon. Minister in charge of this Bill. I only wish that if some of the points are made as regards these castes, he will try to accommodate them. I hope he will keep an open mind.

I am really glad that in clause 4 the Scheduled Castes have been appropriately given the rights to contest any reserved seat for the House of the People by a Scheduled Caste candidate of any State. But when I see clause 5, I find that this provision has not been included in respect of the State Legislative Assemblies. Under clause 5(a), to be a member of a reserved seat, a Scheduled Caste or Scheduled Tribe candidate must belong to that State's Scheduled Caste or Scheduled Tribe list. A Scheduled Caste man from one State is not given the right to contest a reserved seat in another State. This is unjust. If this provision is retained, a Scheduled Caste man cannot migrate from one State to another for settling permanently and he will have to restrict himself to his own State. I made this point on the last occasion when I spoke and I feel the same provision which is contained in clause 4 may be extended to clause 5. To take a concrete case, suppose I

[Shri Sonavane]

want to contest a seat in Delhi. I am a Scheduled Caste in Bombay, but not in Delhi. Because my name is not in the Scheduled Caste list of Delhi, I will not be allowed to stand under the provision of clause 5(a) to contest a Delhi seat. If I intend to migrate or come over to Delhi and settle down here, I will lose all the rights under the Constitution which are given to me as a Scheduled Caste in Bombay. Therefore, I want to bring this to the pointed attention of the hon. Law Minister and feel that he would accept an amendment in this behalf and extend the same provision as is contained in clause 4 to clause 5.

I come to clause 58 which lays down the manner of voting at elections. The clause reads:

“At every election where a poll is taken votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.”

The manner of voting is to be prescribed by rules under the rule making powers under clause 167. I feel provision should have been made in this Bill in describing the procedure by which votes are to be cast. When this matter has been left to the Central Government to be regulated by rules, I think those rules should be brought before the House for consideration and scrutiny.

Then I come to the method of voting as laid down in clause 62, sub-clause (1) of which reads:

“In plural member constituencies other than Council constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate.”

This lays down the principle of distributive system of voting. Wherever, in plural member constituencies seats are reserved for Scheduled Castes or Scheduled Tribes, the way in which the votes would be cast should have been made clear and a provision should have been made to this effect in the Bill. I do not know whether the votes would be cast by the electors by method of writing crosses or by issuing slips to the voters to be deposited in the ballot boxes. Nothing is clear from the provisions and a lot of doubt is left in one's mind, particularly in my mind. I have failed to understand, and I do not find any provision anywhere in this Bill as to what procedure or what

method would be adopted and which would be the best suited in the circumstances. Whether this method will be the same throughout the States or whether it will differ from State to State is not known, and no clue or hint has been given anywhere in the Bill. If this point is to be left to the Government under the rules to be framed I think it will not be correct. Even if the procedure is to be laid down under the rules such rules should be placed before the House.

I will illustrate my point; there are different systems in different States as regards the method of voting. Particularly, in Bombay for long we have followed the method of marking crosses to indicate our vote to a particular candidate. This method is that a ballot paper is there with the selected symbols of the particular candidates and with their names below, and against these a vacant column is provided where a voter is asked to mark a cross. Whether under a cumulative or distributive voting, this is the system followed in Bombay State and it has worked very efficiently and quite successfully too. I do not know what system or method is followed in other States and what are the advantages of other methods of casting votes. We must also see whether any method of casting votes other than the marking of a cross is advantageous or not, or what illegal acts or malpractices could be taken recourse to if a practice other than of marking crosses is followed. It would be for Members of the House also to suggest what method should be followed in the General Elections.

I have got a lot of things to state. If the method of marking crosses is followed I think that will be the best one and it will not lead to any malpractice or any other underhand dealings. In Bombay State, as I said, this method of marking crosses has been followed, and followed successfully, and even our ignorant and illiterate voters who went to the polls have marked their votes as efficiently and as correctly as any other educated persons. Therefore, if this method is followed throughout India I think this will bring good and better results than any method of coloured boxes or coloured slips which give rise to manipulations and even to black-marketing in those slips. How can one search the pockets of a voter when he goes out of the booth if he goes without putting those slips in the ballot Boxes? I shall take a concrete case of a constituency where there are, say, four candidates for two seats. A voter is entitled to have two slips. If this method is followed throughout the

elections, a voter with these two slips is required to cast those slips, one in a box for one candidate and the other in another box for another candidate. Under these circumstances when he goes to the booth, and when the manner of voting is a secret one, then nobody would be able to see whether the voter has actually dropped those slips in the ballot boxes or not. For if anybody is there to see when the voter drops the slips, then the election would not be a secret one. Therefore, my point is this that without any provisions in this Bill we are not in a position to give our opinion as to what method of voting should be adopted in this election. If these provisions relating to the manner and method of voting are left to the rule-making power of Government, and without those rules themselves coming before the House, the Members will not be in a position to give their opinion as to the best method of casting votes. I also do not get any clue in this Bill to that effect and I hope the hon. Law Minister will be pleased to throw light on this point. In a multiple constituency where there is a reserved seat, I want to know how a voter is to cast his vote for a candidate who is eligible for the reserved seat and the other to a non-reserved seat. We do not know how that elector is to cast his vote. In the absence of these provisions, it has become very difficult for us to follow the provisions regarding the manner and method of giving votes.

1 P.M.

The next point I would touch upon is contained in clause 64 which deals with equality of votes. In case of equality of votes, I would like to know what should be done. I do not like the principle followed in this clause that if there are an equal number of votes the Returning Officer shall decide between those candidates by lot. That does not seem to me to be a happy way of deciding that matter. It should be that if both the candidates agree to this principle and give a written statement that they are willing to submit to this lot system, then I would have no objection. But, if compulsion is made under this clause, I feel that it is not a happy one.

Shri Sidhva: What should be done?

Shri Sonavane: I think the ordinary process of law should be followed.

There should be re-election. When persons spend such a lot of money.....

Mr. Deputy-Speaker: Even in the next election if there is equality of votes, what happens?

Shri Sonavane: That eventuality may not arise. If the candidates agree, then that procedure should be followed and not otherwise. That is my point; otherwise it would be a compulsion on them.

Lastly, I would refer to the speech of Shri Deshpande who said that all the dacoits and blackmarketers should be allowed. He also asked whether this was quantitative or qualitative democracy. I do not know what he meant thereby and what type of democracy he wants. Probably he prefers qualitative democracy, that is a democracy by a few sections which according to him have quality. Probably, he is also sorry that adult franchise has been given. I feel that he should not grudge to the people of India the right to vote irrespective of their number. I also feel that Prof. S. L. Saksena should not make a distinction between a bullock cart and a mechanically propelled vehicle. If he has objection to the use of any kind of vehicle, I can understand that but his preference to a bullock cart is ununderstandable. If conveyance of any sort is bad, I should welcome it but this distinction that he has made is unjust. With these words I hope that Dr. Ambedkar will consider my views on clause 5 and try to do something in the matter.

Shri Sidhva: What is the programme tomorrow? Will the hon. Minister reply?

Mr. Deputy-Speaker: I hope so.

Shri J. R. Kapoor: The residuary Members will speak.

Mr. Deputy-Speaker: It all depends upon what will happen then. The Chair cannot rule out anything, but if there is a motion for acceptance of closure, it will accept it.

Shri Sidhva: Let us go on merrily.

The House then adjourned till Half Past Eight of the Clock on Saturday, the 12th May, 1951.