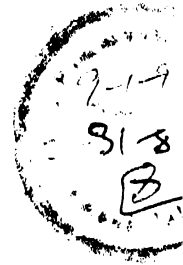


Monday, 21st May, 1951



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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VOLUME VII, 1951

(2nd April to 16th May, 1951)

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Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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

4445

4446

**PARLIAMENT OF INDIA**

*Monday, 21st May, 1951*

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

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**RECOVERY OF EDUCATIONAL LOANS**

\*4318. **Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state the policy adopted by the Government of India and State Governments in respect of recovery of educational loans?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** Educational loans to displaced students studying in India are recoverable within a period of 4 years from the date of the payment of the last instalment of the loan or stipend. In deserving cases the period of recovery is extended to 6 years. Recovery of the loan commences 2 years after the payment of the last instalment of the loan or stipend.

The recovery of educational loans advanced to displaced students studying abroad commences one year after the payment of the last instalment of the loan and is completed in 36 monthly instalments.

**Dr. Ram Subhag Singh:** May I know whether any amount of educational loan money has so far been recovered and if so, what is that amount?

**Shri A. P. Jain:** I do not think any of the educational loans have been recovered as yet.

**Dr. Ram Subhag Singh:** May I know the total amount of educational loans given to displaced persons from West Pakistan?

**Shri A. P. Jain:** So far Rs. 39,29,400 have been paid as loans to 7,845 displaced persons. 103 P. S. Deb.

placed students under the loan scheme. The latter figure does not include the number of displaced students in Bombay and Himachal Pradesh whose figures are not available.

**Dr. Ram Subhag Singh:** May I know whether the educational loan has also been given to displaced persons from East Pakistan?

**Shri A. P. Jain:** Yes.

**Shri A. C. Guha:** Does the figure given by the hon. Minister include also those given to refugees coming from East Pakistan?

**Shri A. P. Jain:** No.

**Shri Chattopadhyay:** May I know how much loan has been given to the State Governments as educational loans?

**Shri A. P. Jain:** I have got revised figures for 1948-49 and allotments for 1950-51. Free education to displaced students up to the primary stage in 1948-49 and 1949-50 total Rs. 14,53,831. Free grant etc. to displaced students studying in 9th and 10th classes in 1948-49 and 1949-50 total Rs. 34,14,466. Free education of displaced students up to High School standard in camps total Rs. 16,19,598. Total for the two years is Rs. 64,67,895. For the current year, there is a long list relating to each of the States and the total allotment for 1950-51 is Rs. 1,24,63,300.

**Mr. Speaker:** Next question.

**PROHIBITION**

\*4319. **Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that some foreign Governments have approached India to supply information in regard to working of Prohibition in the various States in India;

(b) if so, what are those countries that have asked for such information and

(c) whether any reply has been sent so far to those countries and if so, what are the various important aspects of the prohibition policy on which emphasis has been laid?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) and (b). Only the Government of Ceylon have approached the Government of India for information about the working of prohibition in India;

(c) No reply has so far been sent, as information is being collected from the State Governments concerned.

**Shri Rathnaswamy:** May I know whether the picture painted by Government has given the impression to foreign countries which sought for some information in regard to the working of prohibition in the various States, particularly in Madras, that prohibition has been a success?

**Mr. Speaker:** He may put his question for information. What information does he want?

**Shri Rathnaswamy:** The reply given to part (a) of the question is not audible to me.

**Mr. Speaker:** The information was asked only by the Ceylon Government and none else. Next question.

#### BUST OF MAHATMA GANDHI

**\*4320. Dr. Ram Subhag Singh:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is a fact that a Bombay artist has submitted a plan to Government for erecting a 114 foot bust of Mahatma Gandhi in New Delhi; and

(b) if so, whether Government have made any decision in regard to accepting that plan?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) A plan for erecting a 114 foot bust of Mahatma Gandhi in New Delhi has been submitted by a Bombay sculptor to the Mahatma Gandhi Memorial Design Committee, which has been set up by the Government of India to advise them on the selection of a design for the memorial to Mahatma Gandhi at Rajghat.

(b) No. The design for the proposed memorial is still under consideration of the committee, whose recommendations are awaited by Government.

**Dr. Ram Subhag Singh:** May I know how long it would take for the Government to come to a decision on the design for the memorial?

**Shri Buragohain:** Besides this, several other suggestions and designs have been received from this country and also from outside this country and probably they will be considered at the next meeting of this Committee.

**Dr. Ram Subhag Singh:** May I know whether any calculation of the cost of construction of that statue has also been made, and if so, what is the estimated amount?

**Shri Buragohain:** With regard to this design, according to a rough estimate made by the Chief Engineer, it should cost about Rs. 50 lakhs.

**Dr. Ram Subhag Singh:** May I know where that statue is proposed to be erected?

**Mr. Speaker:** Order, order. I think he said that the matter is under consideration.

#### GOOD WILL MISSION TO CEYLON ETC.

**\*4321. Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) whether it is the intention of Government to send a Good Will Mission to Ceylon, Burma, Pakistan and to Middle East countries; and

(b) if so, whether Government have made any decision regarding personnel of the deputations and the date when they are to be sent?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) and (b). The Government of India have no intention at present to send a Good Will Mission to Ceylon, Burma and Pakistan. As regards Middle East countries the hon. Maulana Abul Kalam Azad accompanied by the Joint Educational Adviser, will pay visits of Friendship and Goodwill to Turkey and Iran in June and July next on his return journey after a tour in Europe. It is also proposed that Shrimati Hannah Sen, India's Delegate to the U.N. Sub-Commission on the Status of Women, and President of the All India Women's Conference, should halt in Turkey on her return journey and address some of the women's organisations and educational institutions there.

**Shri Rathnaswamy:** May I know whether this Mission will take the opportunity of discussing with the Government of Ceylon about the question of its failure to register thousands of Indians living in Ceylon?

**Dr. Keskar:** My hon. friend has not followed my reply. No mission is going to Ceylon.

**Shri R. Velayudhan:** May I know whether the Good Will Mission to the Middle East will also visit the State of Israel?

**Dr. Keskar:** No, Sir.

**Shri Rathnaswamy:** May I know whether the Government considers the desirability of sending a mission to such countries where it is evident that the Indians there do not get proper and just treatment at the hands of those Governments?

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

**PAKISTAN NEWSPAPER ALLEGATION  
AGAINST INDIAN AMBASSADOR  
IN KABUL**

**\*4324. Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) whether it has come to the notice of Government that a Pakistan paper, *Khatoon*, has alleged that the Indian Ambassador in Kabul had prior knowledge of the recent conspiracy in Pakistan and that he was associated with the Pakistani military officers who were arrested;

(b) whether the Government of India have protested to the Government of Pakistan against this paper making such defamatory attack on the Indian Ambassador; and

(c) if so, whether the Government of Pakistan have taken any action against that paper?

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

(b) Yes.

(c) A reply from the Pakistan Government is awaited.

**Dr. Ram Subhag Singh:** May I know whether the Government have made any inquiry about the basis for such allegation?

**Dr. Keskar:** It is not possible for Government to make an inquiry regarding this matter. It is published in a paper in Pakistan. It is for the Pakistan Government to inquire from the particular paper on what basis it has published those things.

**Dr. Ram Subhag Singh:** May I know whether the Government will in due course inform the House what are the chief terms of our protest and the reply which would be received from the Government of Pakistan?

**Dr. Keskar:** The form of protest is the usual one. There is nothing new in the form of protest, but whatever

reply is received, certainly we will let the House know.

**Dr. Ram Subhag Singh:** May I know how long it would take for the Government of Pakistan to send a reply?

**Mr. Speaker:** Order, order. It is for the Government of Pakistan.

**COTTON POLICY**

**\*4325. Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether a broad outline of the Government of India's Cotton Policy is under consideration by the Central Cotton Advisory Board;

(b) if so, what are the points under consideration; and

(c) whether a new Cotton Policy statement will be made?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Yes, Sir.

(b) It will not be in the public interest to divulge the points under consideration at this stage.

(c) Yes, Sir.

**Shri B. R. Bhagat:** May I know whether the consideration of the price structure of cotton was ever before the Board?

**Shri Karmarkar:** Does the hon. Member mean, in the past?

**Shri B. R. Bhagat:** I refer to the new policy.

**Shri Karmarkar:** Yes, Sir. As I said, it will not be in the public interest at the present stage to divulge that.

**JAPANESE REARMAMENT**

**\*4326. Shri Kamath:** Will the Prime Minister be pleased to refer to his answer to my supplementary question on starred question No. 3522 asked on the 26th April, 1951 regarding the proposed peace treaty with Japan and state:

(a) on what date or dates and where the Prime Minister expressed his views to foreign correspondents on the subject of Japanese rearmament; and

(b) a brief resume of those views?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) and (b). The Prime Minister has not discussed the proposed Treaty with Japan at any time, but casual references have been made by him in the course of Press interviews, notably in October, 1950 in Delhi and in January, 1951 in

Bombay. Till recently there were no terms of a proposed Treaty to be discussed. The Prime Minister laid stress on the desirability of having an early Peace Treaty.

In October, 1950 an editor of the Nippon Times of Japan interviewed him in Delhi and asked him specially about his views regarding Japanese disarmament which had been made a part of the Japanese Constitution. The Prime Minister said that it was difficult for him to advise any country in regard to its internal policy, but he would like to congratulate the Japanese on their publicly renouncing war and armaments. That was a brave decision and it seemed to him a wise decision. There were risks involved in it, but there appeared to be risks in any course that might be adopted. The Prime Minister emphasised that whatever the decision this had to be of the Japanese people willingly and voluntarily taken. No imposed decision would have much value.

**Shri Kamath:** Does this view about Japanese re-armament coincide with the view expressed by the Prime Minister or held by the Government of India with regard to the proposal for German re-armament?

**The Prime Minister (Shri Jawaharlal Nehru):** The two are rather different and there is no conflict between the views expressed. In regard to Japan the question arose because in the Japanese Constitution today there is a definite clause renouncing war and armaments. In Germany the question has not arisen in that way; but it has been stated on our behalf that any proposal for German re-armament might create difficulties.

**Shri Kamath:** Is it not a fact that the Japanese Government has recently agreed to the American proposal for a Japanese security force or a Japanese army in the interests of the security and defence of Japan itself?

**Shri Jawaharlal Nehru:** So far as I know, that is a limited force. It is entirely for the Japanese to decide, not for us to decide on behalf of the Japanese. In the course of a rather private talk with a Japanese Editor, certain opinion was expressed. In the main, it was that the Japanese should themselves decide as they think fit.

**Shri Kamath:** Have the Government received.....

**Mr. Speaker:** Order, order; I am going to the next question. He is arguing.

**Shri Kamath:** I am not arguing.

## SOAP

**\*4327. Shri A. C. Guha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total production of soap in India during the years 1947 and 1948;

(b) the number of factories in 1948 and in 1950 producing soap;

(c) whether any of the factories have closed down; and

(d) the total imports of soap during the years 1947, 1948, 1949 and 1950?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a)

<u>Year</u>	<u>Quantity</u> <u>produced</u> (in tons) (estimated)
1947	79,500
1948	1,80,000
(b) 1948	79
1950	76

The above figures are for organised factories only.

(c) Seven old factories have closed down and four new factories have started production since 1948.

(d) <u>Year</u>	<u>Quantity</u> (in thousand tons)
1947-48	517.25
1948-49	183.05
1949-50	142.60
April 1950 to February, 1951.	170.95

**Shri A. C. Guha:** May I know what is the installed capacity of the factories?

**Shri Karmarkar:** The installed capacity is for 2,70,000 tons.

**Shri A. C. Guha:** May I know the reasons why the actual production has fallen so short of the installed capacity?

**Shri Karmarkar:** Recently, I understand, owing to the stoppage of exports to Pakistan. That is one of the principal reasons.

**Shri A. C. Guha:** In 1947, and 1948 the production was much below the installed capacity whereas the country was importing a large quantity of soap.

**Shri Karmarkar:** So?

**Shri A. C. Guha:** So, what is the reason for the lower production than the installed capacity of the factories?

**Shri Karmarkar:** The lower production is due to the fact that the factories have been producing less than their installed capacity.

**Mr. Speaker:** The hon. Member assumes that the installed capacity must always be working to the fullest possible extent. That is not so in any commercial undertaking.

**Shri A. C. Guha:** It is below 50 per cent.

**Mr. Speaker:** Whatever it may be; he must understand the basic commercial principle.

**Shri A. C. Guha:** May I know what are the different varieties of soaps, e.g. laundry soap, toilet soap etc. produced and what is the percentage of the production of each?

**Shri Karmarkar:** I have no figures separately for laundry and toilet soaps.

**Shri R. Velayudhan:** With reference to the answer to part (c) of the question, may I know whether these factories were closed due to lack of raw materials?

**Shri Karmarkar:** No, Sir; I have no information. As a matter of fact, seven have closed down and four new factories have come into being. I could not say the reason why the seven factories closed down.

**Shri Kishorimohan Tripathi:** May I know if it is a fact that production has gone down for want of supply of caustic soda?

**Shri Karmarkar:** We understand there were difficulties on account of short supply of caustic soda. Government have been issuing liberal licences for this. Caustic soda is a scarce commodity today.

**Dr. V. Subramaniam:** What is the quantity of glycerine produced as a by-product?

**Shri Karmarkar:** I have no ready figures.

#### PLASTIC INDUSTRY

\*4328. **Shri Rathnaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) how many Plastics Factories are working in India and at what places;

(b) what is the total output of these factories in the last two years;

(c) whether the capital invested in these industries is wholly indigenous

or foreign capital also is invested and if so, in what proportion; and

(d) what are the foreign markets captured by this industry and the total exports during the past two years?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) There are 75 factories, the important ones being located at Bombay, Calcutta, Kanpur, Bangalore and Kapurthala.

(b) 1949—10.18 lakhs gross articles  
1950—22.9 lakhs gross articles.

(c) The capital invested is wholly indigenous.

(d) Information is not readily available, as plastic goods were not separately specified in the Export Trade Returns prior to April, 1951.

**Shri Rathnaswamy:** May I know to what extent and in what shape Government has so far extended assistance or aid to some of these industries which have sought aid from the Centre?

**Shri Karmarkar:** Government have extended every possible assistance to this new rising industry. My hon. friend will be glad to note that during the last three years, this industry has made good progress which is largely due to Government aid in the form of reduction of the import duty on raw materials and also indirect protection by way of import duty on imported goods.

**Shri Sondhi:** What is the total amount of rebate given on the import of raw materials?

**Shri Karmarkar:** I should like to have notice.

**Dr. M. V. Gangadhar Siva:** How many foreign qualified Indians are working in these factories?

**Shri Karmarkar:** A few of them, I understand, are foreign qualified. These firms have been interested in asking for technical personnel.

**Shri Hussain Imam:** May I know whether the raw materials are entirely imported or manufactured in India also?

**Shri Karmarkar:** One of the principal raw materials that is manufactured now in India is Phenol formaldehyde moulding powder. There has been an increase of production from 72 tons in 1948 to 255 tons in 1950.

**Shri A. C. Guha:** May I know how the raw materials are produced in each of the States?

**Shri Karmarkar:** I should like to have notice.

**Shri Sondhi:** What is the total amount of formaldehyde powder needed by the factories and what is the total local production?

**Shri Karmarkar:** I should like to have notice.

**Shri Amolakh Chand:** May I know what is the subsidy given in cash to these industries?

**Shri Karmarkar:** No subsidy is given.

### कपड़े का वितरण

\*४३२९. श्री जांगड़े : क्या वाणिज्य तथा रसद मंत्री यह बतलाने की कृपा करेंगे :

(ए) क्या यह सत्य है कि सरकार वस्त्र वितरण की कोई नवी प्रणाली चालू करने का विचार कर रही है; तथा

(बी) क्या यह भी सत्य है कि राज्य सरकारें जिलेवार अथवा गांववार वस्त्र वितरण की उस प्रणाली को, जो १९४७-४८ में प्रचलित थी, अपनाने का विचार कर रही हैं ?

### DISTRIBUTION OF CLOTH

[\*4329. **Shri Jangde:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government propose to introduce a new system for the distribution of cloth; and

(b) whether it is also a fact that the State Governments are contemplating to adopt the District and Village-wise system, which was prevalent during the year 1947-48, for the distribution of cloth?]

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

(b) According to the information received from the States in most of them quotas are fixed district-wise and the District officers subdivide the quotas for rural areas. It is the duty of the State Governments to arrange internal distribution in such a manner that the consumers get the cloth at controlled prices and they may adopt such system as is best suited to local conditions.

श्री जांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि सन् १९४७-४८ में कपड़े के वितरण की प्रथा को तोड़ कर और नई प्रथा चालू करने के क्या कारण थे ?

[**Shri Jangde:** Will the hon. Minister be pleased to state what were the reasons for abolishing the system of distribution of cloth existing in 1947-48 and starting a new system instead?]

श्री करमारकर : इस के बारे में मुझे नोटिस चाहिए ।

[**Shri Karmarkar:** I require notice for that.]

श्री जांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि हर एक प्रदेश में कपड़े के वितरण की प्रथा एक भी है या अलग अलग है ?

[**Shri Jangde:** Will the hon. Minister state whether the system of cloth distribution is the same in every State or different?]

श्री करमारकर : मेरी माइती है कि अलग अलग है ।

[**Shri Karmarkar:** I think it is different.]

श्री जांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि ६ मई जो कपड़े के सम्बन्ध में यहाँ सम्मेलन बुलाया गया था उस में क्या निर्णय किया गया है ?

[**Shri Jangde:** Will the hon. Minister please state as to what decisions were reached in the meeting called here on the 8th May in connection with cloth?]

श्री करमारकर : जो निर्णय वहाँ पर किये गये वह अभी सरकार के अंडर कन्सीडरेशन है इसलिए मैं उन के बारे में डिटेल्ड स्टेटमेंट नहीं दे सकता । जब फाइनलाइज हो जायेंगे उस वक्त मैं इन्फार्मेशन दे सकूँगा ।

[**Shri Karmarkar:** The decisions reached there are under the consideration of the Government. Hence I cannot give any detailed statement in



that regard. I will be able to furnish the information when the whole matter has been finalised.]

**Shri R. Velayudhan:** May I know whether Government were able to distribute to the States the quotas demanded by each of them?

**Shri Karmarkar:** Does the hon. Member mean the quantity demanded by them during the last three months?

**Shri R. Velayudhan:** Yes, the last quarter.

**Shri Karmarkar:** As the hon. Member knows from the answers given on the floor of the House, there has been a definite attempt to increase the quota of each State. But as a matter of fact, we have not been able to supply them the full quota. As has been mentioned by my senior colleague, we have been able to supply only 1.09.000 bales in March and the allotments have been progressively increasing. By the end of June we hope to reach a satisfactory position so far as the supply to the States is concerned.

**Shri Hussain Imam:** Do Government propose to institute any scheme to give more cloth to processors, and reducing the quota left with the mills?

**Shri Karmarkar:** Sir, this does not arise from the question of State-wise distribution.

**श्री जांगड़े :** क्या माननीय मंत्री महोदय बतलायेंगे कि सन् १९४७-४८ में जो कपड़े के वितरण की प्रथा थी उस में काले बाजार का कोई स्थान नहीं था अर्थात् उस समय काला बाजार नहीं होता था, और नई प्रथा में काले बाजार का बहुत स्थान है, इस में काला बाजार बहुत होता है ?

[**Shri Jangde:** Will the hon. Minister please state whether it is a fact that there was no scope for black-marketing i.e. there did not prevail black-market under the cloth distribution system prevalent in 1947-48 and that there is much scope for black marketing i.e. much black marketing is prevalent under the new system?]

**Mr. Speaker:** It is a matter of opinion and experiments.

**कपड़े का कुला विक्रय**

०४१३०. श्री जांगड़े : क्या वाणिज्य तथा रतन मंत्री यह बतलाने की कृपा

करेंगे कि क्या सरकार (क), (ख) तथा (ग) अनुज्ञप्तियों को समाप्त करने एवं उन के अंतर्गत किये जाने वाले वस्त्र के कुले विक्रय पर प्रतिबन्ध लगाने का विचार कर रही है ?

#### FREE SALE OF CLOTH

[\*4330. **Shri Jangde:** Will the Minister of Commerce and Industry be pleased to state whether Government propose to abolish 'A', 'B' and 'C' licences and prohibit the free sale of cloth under them?]

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** It is the function of State Government to license various categories of dealers. As far as the Government of India is aware, no change is contemplated in the issue of these licences by various States.

**श्री जांगड़े :** क्या माननीय मंत्री महोदय बतलायेंगे कि अभी हाल में मध्य प्रदेश की सरकार ने जो ए० बी० और सी० क्लास के डीलर्स लाइसेंस थे उन को तोड़ कर केवल बी क्लास का लाइसेंस तैयार करने का निर्णय किया है ?

[**Shri Jangde:** Will the hon. Minister be pleased to state whether it is a fact that recently the Madhya Pradesh Government have decided to abolish A and C Class dealers' licences and retain only the Class B licence?]

**Shri Karmarkar:** I have no information.

#### TORQUAY TARIFF CONFERENCE

\*4331. **Shri Amolakh Chand:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of agreements entered into by India as a result of Torquay Tariff Conference and the names of the countries with whom the agreements have been or are to be entered into; and

(b) whether these agreements are bilateral?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) India's Delegation to the Torquay Tariff Conference entered into negotiations with fourteen countries. As a result of these negotiations, agreements with three existing contracting parties to the General Agreement on

Tariffs and Trade, namely, Canada, Denmark and Indonesia, and with Austria, Western Germany, Peru, Philippines and Turkey which intend to accede to the General Agreement have been concluded.

(b) The normal procedure for tariff negotiations under the General Agreement on Tariffs and Trade is that each participating country enters into bilateral negotiations with each other. The concessions given as a result of such negotiations are extended to all countries which are contracting parties to the General Agreement.

**Shri Amolakh Chand:** Sir, is it a fact that 34 nations took part in the conference to prescribe a remedy which could save the "Bretton Woods Twins" from premature death?

**Shri Karmarkar:** As the hon. Member knows, there were three conferences in this connection, the first one being the one at Geneva where certain countries came together and agreed to alter or reduce certain tariffs. The second one was at Annecey. And there was this third conference at Torquay where India entered into certain agreements with other countries. The principal idea is that the lowering of tariffs in respect of certain agreed commodities would permit of freer flow of goods. Whether it resulted in saving or helping or killing the "Bretton Woods Twins" the hon. Member can gather by reading the literature connected with these conferences.

**Shri Amolakh Chand:** Did the International Monetary Fund recommend to the conference that the world's currency and exchange were adequate to launch an experiment in freer trade?

**Shri Karmarkar:** I cannot say that off-hand.

**Shri A. C. Guha:** What are the direct and indirect concessions received and offered by India at this conference?

**Shri Karmarkar:** There were, and the balance-sheet resulting from these various negotiations is something like this: (i) Trade covered by concessions received by direct negotiations judged by the 1948-49 figures were Rs. 1,84,80,100. (ii) Concessions received by India by indirect negotiations. Rs. 1,78,67,800. (iii) Concessions received by other countries, Rs. 3,34,45,000.

**Mr. Speaker:** Is that in favour of India?

**Shri Karmarkar:** It is not a question of it being in favour of India, in the sense that what we have given to others is more or less than what we have gained. It is not an exact balance-sheet, drawn between the profits and losses. Commodities are taken in which we make small concessions and in the long run we do not lose. So also others make certain concessions in certain commodities in which they do not make any loss.

**Shri Amolakh Chand:** Is it a fact that Torquay offered no promise to India that she will get what she needs urgently for her economic progress?

**Shri Karmarkar:** The Torquay conference was principally concerned with these tariff concessions. In respect of the economic development of under-developed countries, it is the International Trade organisation that might have done something. At Torquay only tariff concessions between certain countries made on a voluntary basis were decided on.

**Shri A. C. Guha:** Was it open to any of the parties of the G.A.T.T. to withdraw from the commitments of the G.A.T.T. and if so, how many withdrew in this manner? Did India also take advantage of this privilege?

**Shri Karmarkar:** After the first three years which as far as I remember ended in January 1951, it was open to any of the contracting parties to withdraw from any of the concessions that had been entered into, involving as it would the withdrawal of the other country concerned. But so far as I can see no country thought it wise to withdraw any of the concessions that had been given.

**Shri R. Velayudhan:** While entering into such bilateral agreements, may I know whether it is a fact that the position of the availability of goods in India was not taken into account?

**Shri Karmarkar:** The hon. Member's information is wrong.

**Shri Amolakh Chand:** Has India entered for three years the agreement she has entered into at the G.A.T.T. conference?

**Shri Karmarkar:** If the hon. Member means the agreement entered into earlier and which ended in January 1951, the answer is "Yes".

#### KALYAN CAMP

\*4335. **Shri Sidhva:** (a) Will the Minister of Rehabilitation be pleased to state what amount is likely to be spent for constructing houses in Kalyan Camp (Bombay)?

(b) What amount was spent during the year 1950 and how many tenements have so far been built?

(c) What are the permanent industrial centres opened in this camp?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) Rs. 337.50 lakhs are likely to be spent on construction, according to the plans formulated by the Bombay Government.

(b) (i) Rs. 43.50 lakhs on construction alone. In addition a sum of Rs. 50 lakhs was spent on acquisition of lands and payments made to Ministry of Defence for Military assets (Total Rs. 93.50 lakhs).

(ii) 1380 new tenements and 400 re-conditioned tenements have been completed so far.

(c) One Vocational Training Centre for training 635 displaced persons and with scope for employment of 167 trained workers.

One Production Centre to provide employment for 305 workers.

One Works Centre for 180 workers.

Besides that a number of private industrial undertakings have been started in the township.

**Shri Sidhva:** Does the sum of Rs. 337.50 lakhs mentioned by the hon. Minister represent only the cost of the construction of buildings or does it include the sum paid to the Defence Ministry or to some private owners for the acquisition of the land?

**Shri A. P. Jain:** Sir, the question is there and so also the answer. The question is about the construction of houses and so the answer is about the construction of houses also.

**Shri Sidhva:** What is the total number of families in this Kalyan Camp?

**Shri A. P. Jain:** The population is near about a lakh, the number of families being about 20,000, may be increased a little more and come to about 25,000 families.

**Shri Sidhva:** How many tenements are likely to be built out of the sum of Rs. 43.50 lakhs, this year?

**Shri A. P. Jain:** We have made quite a big allotment this year. I do not know the exact number of tenements, but I shall supply the information to the hon. Member if he so desires.

**Shri Sidhva:** Is it the three year complete programme? When will it be completed?

**Shri A. P. Jain:** It is difficult to say. But I hope that by and large the programme will be completed by the end of 1952-53.

**Dr. Deshmukh:** May I know if there are any Co-operative Organizations at the Kalyan Camp and has Government found it possible to assist them in any way?

**Shri A. P. Jain:** There may be but I have not known of any important co-operative enterprise.

**Shri Sondhi:** What is the total locked up capital in unsaleable goods produced by these Centres?

**Shri A. P. Jain:** I require notice of that question.

#### TRAVELLING ALLOWANCES AND OTHER CHARGES

\*4337. **Shri Sidhva:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the attention of Government has been drawn to the suggestions made in the Estimates Committee's first report at page 6, paras 15 and 16, regarding travelling allowances and other charges;

(b) if so, whether the suggestions made to reduce the number of tours by officers and thus cut down expenses, have been carried out from this year and if not, why not; and

(c) what action has been taken to carry out the suggestions regarding cutting down of expenses on postage, telegram, and telephone rents and charges?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Yes.

(b) Tours have been reduced to the minimum.

(c) The following measures have been taken to reduce expenditure under the head 'other charges':

(i) The use of the scraphone is made in exceptional cases of extreme urgency and secrecy.

(ii) Residential telephones are provided to those officers whose official duties demand that they should have telephones at their residences.

(iii) Telegrams are avoided as far as possible and increasing use is made of the air mail.

(iv) Trunk calls are made on the authority of an officer not

below the rank of a Deputy Secretary.

- (v) The question of setting up a private Branch telephone exchange for the whole Ministry is under examination.

Out of a budget allotment of Rs. 4 lakhs for 1950-51, a saving of Rs. 1,45,000 was effected as a result of the rigid check exercised on expenditure.

**Shri Sidhva:** Is it the combined expenditure?

**Shri Karmarkar:** It is the total expenditure.

**Shri Sidhva:** The hon. Minister stated in reply to (a) that tour has been reduced to the minimum. The Estimates Committee reported on the Ministry of Industry and Supply because it was a separate Ministry at that time and the amount spent was about 92,000 which worked out to 15 trips per month viz., 15 persons went every month. May I know how much of that is reduced now and how many officers travel and do they travel 15 days in a month?

**Shri Karmarkar:** I would assure my hon. friend that the tours have been reduced considerably.

**Shri Sidhva:** How much amount is provided for this year?

**Shri Karmarkar:** I would like to have notice.

**Shri Kamath:** Are there any rules governing the use of special or chartered planes by Ministers, and the persons apart from officers whom they are permitted to take on such journeys?

**Mr. Speaker:** I think this question was answered specifically.

**Shri Kamath:** Just now?

**Mr. Speaker:** About a week back.

**Shri Sondhi:** It was only Defence Ministry.

**Shri Karmarkar:** I had not the pleasure of travelling in a chartered plane so far nor anyone in the Ministry. If that is permissible, we shall consider it.

**Shri Sidhva:** It was shown that the I. and S. Ministry spent Rs. 2,60,000 for rent and telephone. What is the break-up of the reduction that has been caused in the rent of telephones?

**Shri Karmarkar:** I would like to have notice of these things.

## CENSUS OF INDUSTRIES

**\*4338. Shri Krishnanand Rai:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether census of manufacturing industries has been completed and if not, by what time it will be completed;

(b) whether in the census of industries statistics are collected separately of large scale industries, of small and cottage scale industries and those conducted both on large and small scale; and

(c) by what extent the number of industries in large and small scales have increased or decreased in the post-war period?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The census of manufacturing industries for the years 1946, 1947, 1948 and 1949, has been completed and the census reports, except that for 1949, have already been published. The report for the year 1949 is under preparation.

(b) The census is, at present, limited to 29 specified industries and covers only factories using power and employing 20 or more persons.

(c) A statement is laid on the Table of the House showing the number of factories covered by the census in the 29 specified industries during the years 1946 to 1950. [See Appendix XXV, annexure No. 39.]

**Shri Krishnanand Rai:** May I know whether it has been published?

**Shri Karmarkar:** Yes. For 1946, 1947, and 1948; these have been published and the hon. Member will find very precious information in them.

**Shri Shiva Rao:** Is it a fact that the Cottage Industries Board passed a resolution asking for a survey State-wise of Cottage industries in different States and may I know whether any action has been taken on that?

**Shri Karmarkar:** So far as I remember my hon. friend asked a supplementary question some days back and so far as I remember, my reply was that we had circularised all the States and only three replied and we have again re-circularised.

**Shri A. C. Guha:** The hon. Minister gave the figure of the number of industries in the post-war and pre-war periods. May I know the production of those industries before and after the war?

**Shri Karmarkar:** If the hon. Member reads the report, he will find the information.

**Shri Syamnandan Sahaya:** Has it been brought to the notice of Government that many factories working during the war have ceased production and if so, do the figures of census include such factories as were operating during the war and have since ceased production?

**Shri Karmarkar:** Normally census relates to existing ones.

#### EMBLEMS AND NAMES ACT

\*4339. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state the number of cases brought to the notice of Government of the unauthorised use of names, emblems or official seals mentioned in the Schedule of the Emblems and Names (Prevention of Improper Use) Act, 1950 since its enforcement?

(b) What are the additions or alterations made in the Schedule by the Government of India as empowered by the said Act?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Four.

(b) No alterations in the Schedule have so far been made.

**Shri S. N. Das:** May I know whether Government have considered the inclusion of the name of Mahatma Gandhi in the Schedule?

**Mr. Speaker:** He is making a suggestion for action.

**Shri S. N. Das:** May I know whether any Indian citizen living outside India has been found acting in contravention of this Act?

**Shri Karmarkar:** Yes, I think in the case of one of them. The Commissioner for the Government of India in Mauritius reported that a pictorial representation of the Indian National Flag was used by Messrs. J. M. Shasha and Sons Ltd. Manchester, on white cloth. The Commercial Adviser to the High Commissioner in U.K. was asked to represent the matter to the Board of Trade and the firm agreed to discontinue the use. Another complaint was from Singapore and the third from New Zealand.

**Shri S. N. Das:** May I know the number of cases in which permission for use of any of these names or emblems has been allowed by the Government?

**Shri Karmarkar:** I would like to have notice.

**Shri S. N. Das:** May I know the number of cases of Commercial Bodies who have been refused registration because they contravened the Act?

**Shri Karmarkar:** I should like to have notice.

#### CLOTH ALLOTMENT FOR BIHAR

\*4340. **Shri Kshudiram Mahata:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of cloth allotted to the State of Bihar during the last four months;

(b) the percentage of such allotment which has reached Bihar so far; and

(c) the percentage of dhoti, saree and other cloth in the allotment with special reference to the percentage of printed cloth?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) 51,829 bales of cloth were allotted to Bihar during the last four months.

(b) About 94 per cent. of the total quantity has reached Bihar so far.

(c) A statement showing the percentage of dhoties, sarees and other cloth allotted to the Bihar State with special reference to the percentage of printed cloth is placed on the Table of the House.

#### STATEMENT

*The percentage of dhoties, sarees and other cloth released to the State of Bihar during the months of January to April 1951, otherwise than through purchase authorities issued on non-selected Mills.*

Month of Allotment	Total allotted.	Percentage of dhotie
January '51	13,909 bales	10.5%
February '51	9,873 ..	8.3%
March '51	13,487 ..	7.6%
April '51	15,060 ..	13%

Month of Allotment	Percentage of sarees	Percentage of printed cloth	Percentage of other cloth
January '51	18.5%	18.5%	53.6%
February '51	18.4%	20.2%	47.1%
March '51	12.4%	14.1%	66.9%
April '51	9.2%	10.4%	67.4%

**Shri Kshudiram Mahata:** May I know how the allotments for January—April 1951 compare with those of the

corresponding periods of the last three years?

**Shri Karmarkar:** I am sorry I have not got the figures.

**Mr. Speaker:** His question was how do the figures given by the hon. Minister compare with the figures of the corresponding period of the previous year,

**Shri Karmarkar:** It is a very detailed statement. I can inform the hon. Member separately.

**Shri Hussain Imam:** What part of the printed cloth allotted to Bihar is from mills and what from the cottage industries, if any?

**Shri Karmarkar:** By cottage industries does the hon. Member mean hand-woven cloth?

**Shri Hussain Imam:** I mean hand-printed cloth.

**Shri Karmarkar:** If the question is that out of the printed cloth allotted to Bihar how much is hand-printed and how much is machine printed, I have not got the figures.

**Shri Kshudiram Mahata:** What is the basis of allotment?

**Shri Karmarkar:** The basis is the previous allotment. In the case of Bihar a little concession has been shown owing to the extreme scarcity of cloth there.

**Shri Kshudiram Mahata:** What is the quantity of power loom cloth out of these allotments?

**Shri Karmarkar:** So far as I could say this allotment relates to mill-made cloth only.

**Shri Kshudiram Mahata:** What is the quantity of power loom cloth allotted?

**Shri Karmarkar:** I should like to have notice.

**Shri Amolakh Chand:** Is cotton cloth in Bihar sold at fair price shops?

**Shri Karmarkar:** I have no ready information.

**Shri Amolakh Chand:** Has the attention of the hon. Minister been drawn to the report published in the *Searchlight*, dated the 18th May stating that the dead body of a retired Government servant remained unremoved for a full day at Jalkoura (Khagaria) due to not being able to get any coffin cloth to cover the body?

**Shri Karmarkar:** I should fancy that even Government servants also have to stand in a queue.

#### YARN ALLOTMENT TO BIHAR

**\*4341. Shri Kshudiram Mahata:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of handlooms in the State of Bihar;

(b) the quantity of yarn allotted to Bihar during the last four months; and

(c) whether any quantity is earmarked for purposes other than for supply to handloom weavers?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The total number of handlooms in Bihar is 1,82,000.

(b) 10,159 bales of yarn were allotted to Bihar during the last four months.

(c) The entire quantity is intended for distribution to handlooms, powerlooms, and other miscellaneous consumers of yarn. As the internal distribution of yarn to the miscellaneous consumers is the responsibility of the State authorities, no separate figures as to the quantity allotted to each class of these consumers are available.

**Shri Kshudiram Mahata:** Is there any control over the yarn supplied to Bihar to see that it is converted into cloth and sold at reasonable price?

**Shri Karmarkar:** At the present moment, no. The Bihar Government will be able to answer that better.

**Shri Kshudiram Mahata:** In view of the fact that most of the cloth woven by weavers are consumed by agriculturists and labourers, namely the poorer sections of the people, is it proposed to control the price of these varieties of cloth?

**Mr. Speaker:** It is a suggestion for action. The question is in view of the fact that handwoven cloth is required by agriculturists and labourers, whether Government propose to institute any control on the price?

**Shri Karmarkar:** I am afraid I cannot agree with the earlier part of the question: all classes of society use handwoven cloth. In regard to the latter part we shall consider the matter.

#### PRODUCTION OF Dhoties, Sarees etc.

**\*4342. Shri Kshudiram Mahata:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any control is imposed upon the Textile Mills for the production of dhoti, saree, Markin and

printed cloth and cloth other than Markin and printed cloth;

(b) if the answer to part (a) above be in the affirmative, what are those; and

(c) whether there is any direction for the production of *dhotties* and *sarees* in lengths of 7yds., 8 yds., and 9 yds. with smaller width?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Control has been imposed upon Textile Mills for the production of *dhotties*, *sarees* and printed cloth. No control has been imposed on the production of Markin and yardage cloth.

(b) (i) *Dhotties* and *Sarees*.—All composite mills in India are required to employ for the production of *dhotties* and *sarees* a minimum of 50 per cent. of all wide looms of reed space between 48" and 58" (both inclusive) and to employ not less than 60 per cent. of looms so employed for the production of *dhotties* only.

(ii) *Printed cloth*.—Mills with complete printing equipment are permitted to print each month a quantity of cloth for sale in India not exceeding 10 per cent. of the total quantity of cloth packed by them for sale in India during the month.

(iii) *Markin or yardage cloth*.—No control has been found necessary.

(c) No directive has been issued for the production of 7 yards, 8 yards and 9 yards *dhotties* and *sarees* with smaller widths. No necessity has arisen for the issue of such directives.

**Shri Kahudiram Mahata:** In view of the fact that most of the yardage cloth are unpopular varieties, do Government propose to control the percentage of the Markin cloth to be produced?

**Shri Karmarkar:** We shall consider that.

**Shri J. N. Hazarika:** In view of the fact that one-third free sale in respect of cloth has been permitted and a similar concession in respect of one-third yarn production has not been withdrawn, is it not a fact that mills are tending to produce more and more cloth at the cost of the normal production of yarn?

**Shri Karmarkar:** If that happens it is a welcome tendency.

**Shri J. N. Hazarika:** What steps are Government taking to prevent it?

**Mr. Speaker:** He says that it is a welcome tendency.

**Mr. Chaliha:** May I know whether there has been any increase in the production of *dhotties* and *sarees* in April and if further increases are expected in May and June?

**Shri Karmarkar:** There should be adequate supply of *dhotties* and *sarees* by the end of June.

**Shri Ghule:** What is the total increase in the production of *dhotties* and *sarees* as a result of the conditions imposed upon the mills?

**Shri Karmarkar:** I should like to have notice.

**Shri Chaliha:** May I know whether restriction has been placed on export to other countries in order to meet the internal demand? Has export been staggered down?

**Shri Karmarkar:** Yes. We have staggered down the export during the last three months till June. Even as regards July to December we are keeping strictly to the quota settled in March.

**Shri Shiv Charan Lal:** Is it a fact that printed varieties of cloth which are unpopular are supplied more than is demanded by the public?

**Shri Karmarkar:** I am afraid the question is not quite accurate. It is a fact that certain States have complained that part of the cloth received by them is not consumed in those States, and with a view to see that such cloth is not sent out in appreciable quantities we are taking precautions to prevent the mills from doing so.

**Shri Kamath:** Is there any truth in the press report that the senior colleague of the Deputy Minister (namely the hon. Minister for Commerce and Industry) recently threatened to nationalise those textile mills which failed to fall in line with Government's production policy? If so, what were the circumstances in which such a threat was issued?

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

**Shri Kamath:** Why is my question disallowed?

**Mr. Speaker:** The hon. Member may come and enquire later. I will not tell him here.

#### CLOTH EXPORTS

\*4343. **Prof. S. N. Mishra:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of dollar earnings made by the export of cloth last year; and

(b) whether any target in terms of dollars has been fixed for this year?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) 1.98 million dollars were earned during 1950 by the export of cotton piece-goods.

(b) No, Sir.

**Prof. S. N. Mishra:** What specified kind of cloth is being exported to the dollar area?

**Shri Karmarkar:** I could not say.

**Prof. S. N. Mishra:** During the last four months what was the quantity of cloth exported to dollar areas?

**Shri Karmarkar:** I should like to have notice of that. But I can tell my hon. friend that after the 12th January all licence for fine and superfine cloth was stopped. Since then we have been staggering the export of cloth to foreign countries. During the year as a whole we are trying to stick to the 840 million yards which we think we could safely export.

**Prof. S. N. Mishra:** May I know whether any complaint has been received from the dollar area in regard to the quantity of cloth exported?

**Shri Karmarkar:** No, so far as I know.

**Dr. Deshmukh:** May I know if the Government of India knows the prices at which these textiles are exported and, if so, what are the present prices as compared with prices last year?

**Shri Karmarkar:** After my friend's pointed pursuit of this question we have asked for rough figures of prices; those figures have not yet come to us.

**Pandit Munishwar Datt Upadhyay:** May I know the total dollar earnings from these exports during the last three years?

**Shri Karmarkar:** I am sorry I have to ask for notice.

#### COMPULSORY PROVIDENT FUND

\*4344. **Prof. S. N. Mishra:** Will the Minister of Labour be pleased to state whether any legislation for the institution of Compulsory Provident Fund for employees in industries besides coal mines, is under the consideration of Government?

**The Minister of Works, Production and Supply (Shri Gadgil):** Yes. The matter is receiving attention. The attention of the hon. Member is invited in this connection to the answers given to the Unstarred Question No. 67 on the 14th August 1950, Starred

Question No. 1738 on the 27th February 1951, to part (a) of Starred Question No. 2882 on the 6th April, 1951, and to part (a) of Unstarred Question No. 289 on the 10th May, 1951.

**Prof. S. N. Mishra:** May I know whether any particular set of industries is sought to be covered by this legislation in the first instance?

**Shri Gadgil:** As I have already stated, the whole matter is under consideration. I may also inform the hon. Member that in the conference of Labour Ministers held in January, 1951 the entire question was discussed and certain conclusions have been arrived at; they are being examined and, as stated, in due course a Bill will be brought before the House.

**Shri Sidhva:** May I know whether the Bill would refer to provident fund schemes for colliery workers only or for all the employees in the country? And may I know what is the position in regard to implementing the promise given by the hon. Minister, at the time of discussion of the Bill introduced by me, that Government would bring forward a Bill to cover all the industries?

**Shri Gadgil:** So far as the provident fund scheme for labour in the collieries is concerned, a Bill for that purpose was passed in this House and that measure is already on the statute book. An amendment also was made to that measure. So far as the other industries are concerned, the matter is under investigation.

#### COST OF ADVERTISING

\*4346. **Prof. K. T. Shah:** (a) Will the Minister of Commerce and Industry be pleased to state what was the total cost of advertising incurred by his Ministry in the years 1948-49, 1949-50 and 1950-51 for which Government had to make payments inter-departmentally as also the cost of Government Gazettes in connection with the notifications of the Ministry?

(b) What was the total cost of periodical publications issued by his Ministry during the same period?

(c) What were the total charges, if any, during the above period for exhibiting public notices issued by the Ministry?

(d) What was the amount of receipts by the sale of publications issued by the Ministry in the three years mentioned above?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Nil. A service department does not



make charges against another department for services or supplies which fall within the class of duties for which the former department is constituted.

(b) to (d). The information is being collected and will be laid on the Table of the House in due course.

**Prof. K. T. Shah:** May I inquire whether besides these inter-departmental payments there are any charges in respect of advertisements in newspapers?

**Shri Karmarkar:** As I said, information is being collected and when it is available I shall lay it on the Table of the House.

**Prof. K. T. Shah:** May I inquire whether the monthly magazine entitled *Industry and Supply* is still issued by this Ministry?

**Shri Karmarkar:** I am not aware of a monthly magazine called *Industry and Supply*, but there is a quarterly periodical issued by it.

**Some Hon. Members:** It is a quarterly.

**Prof. K. T. Shah:** Under what head of the Budget or in the accounts can I find these charges entered in respect of magazines?

**Shri Karmarkar:** Offhand I should like to say under "Publications".

**Shrimati Durgabai:** In view of the fact that the Ministries of Industry and Supply and of Commerce are now amalgamated, is it the intention of Government to reduce the number of publications with a view to avoid duplication as well as to effect economy?

**Shri Karmarkar:** I think so far as duplication is concerned I should agree with the hon. Member, but I should personally think that there is need for a larger number of publications on industry and commerce than at present.

#### **COLLAPSE OF CHANDNI CHOWK CLOCK TOWER**

\*4351. **Shri Kamath:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether any applications for payment of compensation have been made by the dependants of those who were killed as a result of the collapse of the clock tower in Chandni Chowk, Delhi;

(b) if so, how many and whether they have been considered; and

(c) whether any compensation has been paid to those injured in the accident?

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

(a) Yes.

(b) Five. The Delhi Municipal Committee have considered these and sent replies to the persons concerned.

(c) No.

**Shri Kamath:** Is it a fact that about five years ago it was brought to the notice of the Municipality that the clock tower was in a crumbling condition and in spite of that they refused to undertake repairs?

**Shri Buragohain:** The Government is not aware of any such thing. It is the concern of the Delhi Municipality—it is not under the administrative control of the Central Government.

**Shri Kamath:** What, Sir, are the reasons for not giving compensation to the dependants of those killed in this accident?

**Mr. Speaker:** I think that question can hardly be put here—it is the concern of the Delhi Municipality.

**Shri Kamath:** Do Government propose to advise the Municipality to give adequate compensation to the injured or to the dependants of those killed in this accident?

**Mr. Speaker:** I don't think I will allow that question.

**Shri Sidhva:** May I know whether the authorities are intending to have a new clock tower there or do they want to keep the place open? What was our Chief Engineer's advice?

**Mr. Speaker:** That is the concern of the Municipality.

**Shri Sidhva:** But the Chief Engineer of the C.P.W.D. gives advice.

**Mr. Speaker:** Order, order. The hon. Member will see that it is not proper to interfere with the autonomy of local bodies and try to influence their decisions by questions or suggestions in this House. We have to maintain the autonomy of those bodies.

**Shri Sidhva:** It is true, Sir, but our engineers are there.

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

# UNAUTHORISED OCCUPATION OF GOVERNMENT QUARTERS

\*4353. **Shri Sanjivayya:** (a) Will the Minister of Works, Production and Supply be pleased to state how many Government quarters are in unauthorised occupation?

(b) What percentage of them are in the occupation of displaced persons?

(c) What steps are Government taking to see that such unauthorised occupants are evicted?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) 1271.

(b) 89 per cent.

(c) The Estate Officer has started sector-wise eviction which is expected to be completed in about eight months.

**Shri Sanjivayya:** In cases where displaced persons are sought to be evicted is any alternative accommodation offered to them?

**Shri Buragohain:** Yes, Sir. The following categories of displaced persons are not treated as eligible for allotment of alternative accommodation, but there are others who are eligible for alternative accommodation. The categories which are not entitled are: those who came in occupation after 11th December, 1948, those who defaulted payment of damages, those who failed to prove their bona fides as displaced persons, and lastly those who failed to register themselves with the Estate Office in August, 1949.

**Shri Sanjivayya:** Is any rent collected from these unauthorised occupants and, if so, whether it equally applies to the displaced persons who occupy the quarters?

**Shri Buragohain:** They are paying rent together with some extras.

**Shri Sanjivayya:** What does the Minister mean by "some extras", Sir?

**Shri Buragohain:** The extras constitute the damages. In addition to the rent they are also to pay a certain percentage as damages.

**Shri Amolakh Chand:** May I know if a large number of displaced persons are occupying the M.P.s' quarters, and do Government contemplate giving any priority to these occupants in other quarters?

**Shri Buragohain:** That is what I have said. The Estate Officer has started a sector-wise eviction of these

unauthorised occupants and the Rehabilitation Ministry is placing at the disposal of the Estate Officer a certain number of quarters.

**Pandit Munishwar Datt Upadhyay:** May I know whether this extra amount that these people are required to pay is a decreed amount of damages and, if not, how that amount has been arrived at?

**Shri Buragohain:** It is an assessed amount and not a decreed one. No suits have been filed against those persons.

## WRITTEN ANSWERS TO QUESTIONS

### BUILDINGS IN NEW DELHI

\*4322. **Shri Deshbandhu Gupta:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the number of buildings, residential and non-residential respectively, which belong to (i) Government and (ii) private owners in New Delhi;

(b) the number of private owners of buildings who own more than one building in New Delhi;

(c) the maximum number of buildings owned by any one private owner;

(d) the number of owners who live in their own buildings; and

(e) the number of private buildings which pay House Tax on a monthly rental of less than fifty rupees?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) A statement containing the requisite information is laid on the Table of the House. [See Appendix XXV, annexure No. 40.]

(b) 82.

(c) 11.

(d) 276.

(e) 293 (excluding houses in Nizamuddin and Jungpura).

### YARN TO NAGPUR HOSIERY MANUFACTURERS' ASSOCIATION

\*4323. **Shri Kannamwar:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that about 1,000 labourers working under a Nagpur Hosiery Manufacturers' Association in Madhya Pradesh are starving on account of insufficient supply of yarn to the Association?

(b) Is it a fact that Nagpur Hosiery Manufacturers' Association is in need of 142 bales of yarn against 1½ bales of yarn?

(c) What steps have Government taken to increase the quota of yarn for this Association?

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

(c) The Madhya Pradesh Government whose responsibility it is to arrange equitable distribution of the State's yarn quota has fixed for the Hosiery Factories which were in existence on 30th September 1944 75 per cent. of the total monthly yarn supplied to the State. The Association's share will increase proportionately with increased yarn supply to the State.

#### SULPHUR (IMPORT)

**\*4332. Shri Jnani Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of sulphur imported into India in the years 1949-50 and 1950-51;

(b) the countries which supplied the commodity; and

(c) the pending orders for supply. If any?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) and (b). A statement is laid on the Table of the House.

(c) Sulphur is imported through the normal trade channels, under Open General Licence. Government have no information regarding pending orders placed by the Trade on their suppliers abroad.

#### STATEMENT

Year	Imports from U.S.A.	
	Quantity (Tons)	Value (Rs.)
1949-50	40,668.1	6,949,090
1950-51	48,477.0	8,805,246

Year	Imports from other sources	
	Quantity (Tons)	Value (Rs.)
1949-50	287.25	96,634
1950-51	6,840.4*	2,518,043*

\*Figures upto February 1951

#### TISSUE PAPER

**\*4333. Shri Jnani Ram:** Will the Minister of Commerce and Industry be pleased to state:

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(a) the number of tissue paper factories in India;

(b) the quantity consumed in the country in the years 1949-50 and 1950-51; and

(c) the countries from which imports, if any, were made to meet the requirements?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Two paper mills in India are producing Tissue paper.

(b) Figures of actual consumption during these two years are not readily available. The annual requirement is, however, estimated to vary between 2000 tons and 2500 tons.

(c) Mainly from the United Kingdom, France, and the Scandinavian countries.

#### DIPLOMATIC RELATIONS WITH ENEMY COUNTRIES OF LAST WAR

**\*4334. Shri Jnani Ram:** Will the Prime Minister be pleased to state:

(a) whether diplomatic relations have been exchanged with all the enemy countries of the last war following the Re-union of Occupation Statute;

(b) if so, the persons sent as representatives of India; and

(c) what are their status?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) to (c). Presumably the hon. Member means 'revision' and not 'reunion' of the Occupation Statute.

After the war, peace treaties were signed with the following five countries—Italy, Rumania, Bulgaria, Hungary and Finland—on 10th February 1947, and came into force on 15th September 1947. India was a signatory to these treaties. No peace treaties have so far been signed with Germany, Austria and Japan.

At the end of the war Germany was occupied by forces of the U.S.A., the U.K., France and the U.S.S.R. The zones under the first three powers alone are governed by an Occupation Statute, which was promulgated in September 1949. The revised Occupation Statute allows the German Federal Republic, which is the Government of these three zones, to establish diplomatic relations with foreign countries and the Government of India have established a Legation in Bonn with Shri Prem Krishen as India's Minister. A German Consul General is shortly

expected to be accredited to the Government of India and this may later be followed by the establishment of a Legation. The Government of the Soviet zone of Germany is the German Democratic Republic. No Occupation Statute governs this area. The German Democratic Republic have never sought the exchange of diplomatic missions with India, and, therefore, we have no diplomatic relations with them.

The following statement gives details of our relations with enemy or enemy countries:

**Italy.**—We have exchanged diplomatic missions at Embassy level. Our Ambassador in Italy is Shri B. R. Sen.

**Austria.**—We have exchanged diplomatic missions at Legation level and our Minister in Berne is concurrently accredited to Austria.

**Rumania and Hungary.**—We have agreed to exchange diplomatic representatives but we have not opened any mission there. The Hungarian Minister to Cairo is concurrently accredited to New Delhi.

**Bulgaria.**—We have no agreement for the exchange of diplomatic missions.

**Finland.**—Diplomatic missions have been exchanged and our Minister in Stockholm is concurrently accredited to Finland.

**Japan.**—Still under Allied occupation but is not governed by any occupation statute. The supreme authority is the Supreme Commander of the Allied Powers, to whom we have accredited a Liaison Mission with Shri K. K. Chettur as the head.

#### LABOUR ORGANISATIONS

\*4347. **Prof. S. L. Saksema:** Will the Minister of Labour be pleased to state:

(a) the strength of each of the Central Labour Organisations of the country;

(b) the representations given to each of these four Labour Organisations on the various Government Committees and on International bodies; and

(c) whether there is any plan under consideration of the Government of India to recognise and negotiate with a Joint Labour Delegation of all these

four Labour Organisations on labour problems concerning the various industries in the country?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) The attention of the hon. Member is invited to the answer given to the Starred Question No. 1658 on the 22nd February, 1951.

(b) A statement giving the information is placed on the Table. [See Appendix XXV, annexure No. 41.]

(c) No such plan is under consideration. But Government will certainly welcome any move on the part of the Central Organisations to come to agreements among themselves with a view to setting up a joint body for negotiating with Government.

#### JAPAN TECHNICIANS

\*4349. **Shri M. Nalk:** Will the Minister of Rehabilitation be pleased to state whether Japanese technicians are still under the employ of Government for imparting training in cottage crafts with the aid of small Japanese Cottage Craft Machines?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** No.

#### REGIONAL DEVELOPMENT OF INDUSTRIES

\*4350. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any plan for the regional development of industries has been formulated; and

(b) if so, what are its details?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) and (b). I would invite the hon. Member's attention to the answer given to Starred Question No. 3519 on the 26th April 1951.

#### ARREST OF OFFICIAL OF SALT DEPARTMENT IN ORISSA

\*4352. **Shri B. K. Pani:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that a high official of Salt Department in Hunna circle in Orissa has been caught red-handed by the Orissa C.I.D. for alleged acceptance of an illegal gratification on the 22nd April 1951?

(b) Has the said officer been arrested and suspended from service?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) The officer involved is Shri A. N.

Rao, Superintendent of Salt, Hunna, who can hardly be called a high official.

(b) The said officer has been suspended from Government service since 3rd May 1951, but it is not known whether he has been arrested by the Police.

#### ARREARS IN RESPECT OF DAMAGES TO GOVERNMENT QUARTERS

\*4354. **Shri Sanjivayya:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that Government have decided that the recovery of arrears in respect of damages caused to Government quarters for the period prior to 1st August, 1948 may be waived, if such recovery is likely to cause hardship, from displaced persons for their unauthorised occupation of Government quarters?

(b) If so, what is the amount so waived off?

(c) What is the amount of arrears to be recovered from the unauthorised occupants as at present?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) "Damages" technically so described, are being recovered in the place of rent recoverable from authorised tenants, from displaced persons by way of compensation for their unlawful occupation of Government residences and not for any actual damage caused to Government property. It is true that Government have decided in principle not to press for the recovery of such "damages" in respect of the period prior to 1st August 1948, in cases, where such recovery will cause undue hardship to the displaced persons. The question whether such recoveries should be waived where there are arrears outstanding prior to 1st August 1948, is under examination.

(b) No amount has actually been waived so far.

(c) The total amount of arrears at present outstanding against unauthorised occupants is Rs. 2,96,759, out of which the amount pertaining to the period prior to 1st August 1948 is Rs. 1,51,515.

#### HOSPITAL AT SINDRI

\*4355. **Shri B. K. Pani:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the number of doctors, lady doctors, nurses and compounders

employed in the Hospital at Sindri Project; and

(b) the total amount spent in the year 1950-51 and the amount proposed to be spent in the year 1951-52, towards the cost of medicines and for other amenities of the patients?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) Seven doctors, seven nurses and 12 compounders are at present employed in the Hospital at Sindri. A lady doctor was appointed about 4 months back but she has since resigned.

(b) The total expenditure incurred in the year 1950-51 and that provided for the year 1951-52 are Rs. 89,215 and Rs. 48,000 respectively.

#### METHANOL PLANT AS GERMAN REPARATIONS

\*4356. **Shri Chattopadhyay:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that a Methanol Plant was secured from Germany by way of reparation and has been lying unused and if so, why?

(b) When did it reach this country?

(c) When and where is it likely to be set up?

(d) How are the products of this plant likely to be used and to what extent will they meet the demand?

(e) What would be the approximate price of a new plant like the one received on reparation account?

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

The Plant has so far been lying unused because no Government Department or private Chemical firm has evinced any interest in its purchase.

(b) Components started coming in February 1950 and the shipment was completed by December 1950, but two of the components could not so far be shipped on account of their dimensions and weight.

(c) and (d). In the absence of any demand for the Plant, it is not possible to say where and when it would be set up and what would be the various uses to which its products could be put and to what extent.

(e) The present market value of a new similar Plant is not known.

### EXCISE DUTY ON COAL

\*4357. **Shri M. Naik:** (a) Will the Minister of Works, Production and Supply be pleased to state what was the amount collected on account of Excise Duty on Coal?

(b) Does the collection form a part of the Central Revenue or is it exclusively an income of the Coal Mines Stowing Board?

(c) What are the rates of duty?

(d) To what use is the collection ordinarily put?

(e) Is it a fact that the Excise Duty on Coal is being doubled from the 10th May, 1951 and if so, why?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) The amount of Excise Duty collected during the year 1949-50 on despatches of coal and hard coke by rail amounted to about Rs. 45,40,000.

(b) This collection is the exclusive income of the Coal Mines Stowing Board.

(c) The rates of Excise duty up to 10th May 1951 were three annas per ton on coal and soft coke and four annas and six pies per ton on hard coke.

(d) It is utilized for the grant of financial assistance towards stowing and other connected operations for the safety of workers in coal mines.

(e) Yes; with a view to augmenting the income of the Stowing Board, to enable it to perform its functions adequately at the present day level of prices.

### SHELLAC

\*4358. **Shri Brajeshwar Prasad:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of shellac produced in India; and

(b) the total quantity of shellac exported from India?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) 21,000 tons approximately during 1950-51.

(b) 21,460 tons during 1950-51.

### STATIONERY

\*4359. **Shri Raj Kanwar:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether all Government offices in Part 'C' States are required to

obtain their requirements of stationery from the Government of India Stationery Office, Calcutta;

(b) whether the Stationery Office, Calcutta, also supplies stationery to Government offices in Part 'A' and Part 'B' States;

(c) if the reply to part (b) above be in the affirmative, whether this is done at cost price or on a small margin of profit; and

(d) whether members of the public can also purchase articles of stationery from the Stationery Office, Calcutta, and if so, on what terms?

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

(a) Yes.

(b) Only to a few Part 'A' States.

(c) At cost price plus 5 per cent. to cover Departmental Charges only, which do not include any margin of profit.

(d) No.

### TYPEWRITERS IN SECRETARIAT

\*4360. **Shri Raj Kanwar:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the total number of typewriters purchased or indented by the various Ministries of the Government of India and their attached Offices during the last three years;

(b) their book value;

(c) the total number of typewriters now existing in the various Ministries including the attached offices; and

(d) the probable period on the expiry of which replacement of a typewriter is usually made in the Secretariat?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) 6,725 approximately, (inclusive of the Railways, Posts and Telegraphs).

(b) Rs. 45,38,515 approximately.

(c) Statistics are not readily available. Information is being collected.

(d) Normal life of a type-writer is 10 years.

### WASTE PAPER SOLD BY GOVERNMENT

\*4361. **Shri Raj Kanwar:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the quantities of waste paper sold by Government during the last three years;

(b) the prevailing market rate of such paper at the time of sale;

(c) the rate at which it was sold by the Government of India Publication Branch, Delhi, during the last three years; and

(d) if such paper was not sold at the prevailing market rate, the reasons therefor and the net loss suffered by Government?

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

(a) 1948-49                      1949-50                      1950-51  
1798 Mds.                      1516 Mds.                      1507 Mds.

(b) Category 'A'

Rs. 14/14/6                      Rs. 16/8/-                      Rs. 15/1/3  
per md.                      per md.                      per md.

Category 'B'

Rs. 7/10/-                      Rs. 10/8/-                      Rs. 10/1/3  
per md.                      per md.                      per md.

(c) Category 'A'

Rs. 6/8/-                      Rs. 8/8/-                      Rs. 15/1/3  
per md.                      per md.                      per md.

Category 'B'

Rs. 6/8/-                      Rs. 8/8/-                      Rs. 10/1/3  
per md.                      per md.                      per md.

(d) Waste paper was sold to paper mills in preference to other prospective purchasers in view of the policy laid down by the late Industry and Supply Ministry to assist the mills in procuring them supplies of waste paper. It is not possible to calculate the loss to Government on this account as the waste paper was not sorted out category-wise but was sold to the mills at a flat rate.

#### FOREIGNERS' VISIT TO INDIA'S BORDERS

**\*4362. Shri Kamath:** Will the Prime Minister be pleased to state:

(a) the number of foreigners, together with their names and nationality who have been permitted since January, 1950, to visit Kashmir, the Indo-Tibetan border, the Indo-Burmese border and Nepal;

(b) in what capacity each of them visited the regions aforesaid;

(c) how many such foreigners crossed over into Pakistan after completing their stay in India; and

(d) how many, together with their names, have continued to move between India and Pakistan during the period?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) to (d). It is exceedingly difficult, and hardly possible, without very great labour, to collect all the information required by the hon. Member. Even if all this trouble was taken, the information is not likely to be complete. A very large number of tourists visit Kashmir during the spring, summer and autumn seasons. Even at this moment, early in the season, Kashmir is full of tourists from various parts of India and foreign countries.

People going to Pakistan from India have to obtain visas from the Pakistan Government or their representatives. It is not possible to find out their number, except by reference to the Pakistan Government who may or may not possess this information.

#### IRON ORE (EXPORT)

**\*4364. Shri B. K. Paul:** Will the Minister of Commerce and Industry be pleased to state:

(a) the countries to which iron ore was exported during the year 1950-51 and the quantity exported to each country separately; and

(b) whether there is any control over its export and if so, what are the reasons?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) A statement showing figures of actual export of iron ore during 1950-51, country-wise, is placed below.

(b) Iron ore is controlled under the E.T.C. regulations. The reason for its being subject to control is to ensure supplies of iron ore to our own Iron and Steel Works.

#### STATEMENT

*Destination-wise export of Iron Ore during 1950-51.*

Countries	1950-51 (April 1950 to March 1951)	
	Quantity	Value
Japan	55,239	1400
Czechoslovakia	7,462	205
Germany	10,012	271
Netherlands	5,500	143
Rumania	4,800	142
Belgium	1,500	50
<b>TOTAL</b>	<b>84,513</b>	<b>2220</b>

## TIMARPUR QUARTERS

\*365. **Shri D. S. Seth:** Will the Minister of Works, Production and Supply be pleased to state the total number of newly built quarters for Grade IV servants at Timarpur and the number out of those which have been already allotted to the various departments and the number of those lying vacant separately?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** 72 such quarters were constructed and all of them have been already allotted—none is lying vacant.

## REQUISITIONING OF HINDU HOUSES IN EAST BENGAL

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

(a) whether Government have any information as to the number of Hindu houses requisitioned in the districts of East Bengal particularly, of Barisal, Khulna, Dacca, Mymensingh, Chittagong and Sylhet stating the number of such houses requisitioned;

(b) whether there has been any report of any house being requisitioned in spite of the Hindu owner or occupant residing in the house;

(c) whether it is a fact that the Hindus of East Bengal have not been able to sell or otherwise dispose of their immovable properties and houses due either to non-official propaganda or due to Government ban on such sale; and

(d) if the reply to part (c) above be in the affirmative, whether Government have taken up the question with the Government of Pakistan?

**The Deputy Minister of External Affairs (Dr. Kesar):** (a) Government have no exact information about the number of houses belonging to Hindus which have been requisitioned by the Government of East Bengal.

(b) Yes.

(c) Yes, to a certain extent. The East Bengal Transfer of Agricultural Land Ordinance, 1948, and the Transfer of Property (Pakistan) Ordinance, 1947, restrict the transfer of immovable property in East Bengal. Under the former Ordinance, no one can transfer without the prior permission of the Collector any agricultural land in his khas possession exceeding ten bighas. By the latter Ordinance, the transfer of property other than agricultural land is not registerable without an income-tax discharge or exemption certificate.

(d) Yes. The matter has been taken up by our Central Minister with the Central Minister for Pakistan whose reply is awaited.

## PURCHASE OF PROPERTY IN KARACHI

306. **Shri Kamath:** Will the Prime Minister be pleased to refer to the answer given to starred question No. 3897 and to the supplementaries thereon on the 7th May 1951 regarding properties in foreign countries and state:

(a) whether so far as Karachi is concerned, houses belonging to displaced Hindus were available; and

(b) if so, why they were not purchased by Government?

**The Deputy Minister of External Affairs (Dr. Kesar):** (a) Yes.

(b) In 1949, although the property owned by a displaced Hindu was available, we could not purchase it for want of funds. In 1950 again when 3 buildings owned by displaced Hindus were offered to us, the Government could not purchase them as their titles were not free from encumbrances.

## INDIANS IN IMPRISONMENT IN SINGAPORE

307. **Shri Rathnaswamy:** (a) Will the Prime Minister be pleased to state whether it is a fact that some Indian ex-soldiers undergoing sentences of imprisonment in Singapore are being repatriated to India to complete their sentences here and if so, under what regulations?

(b) How many Indians are still serving imprisonment in Singapore and for what offences?

**The Deputy Minister of External Affairs (Dr. Kesar):** (a) Yes, 5 Ex-Indian Army personnel who were serving imprisonment in Civil Jails in Singapore have been transferred to India on the 13th April, 1951 by the Government of Singapore under the Colonial Prisoners Removal Act, 1884. They will serve the balance of their terms in jails nearest their homes in India.

(b) As far as the Government are aware there are no other Indian ex-army personnel serving sentences in Civil Jails in Singapore. If information regarding all Indians serving imprisonment in Singapore is desired, notice is required.

## INDIAN SCIENTISTS INVITED TO U.S.A.

308. **Shri Rathnaswamy:** (a) Will the Prime Minister be pleased to state whether it is a fact that a Goodwill Mission of Indian Scientists was



invited by the United States Government and if so, of whom is this mission to consist?

(b) What are the important places to be visited by this Mission and how long will this tour last?

**The Deputy Minister of External Affairs (Dr. Keshkar):** (a) No, Sir.

(b) The question does not arise.

#### DISPLACED PERSONS FROM EAST BENGAL

**309. Dr. Ram Subhag Singh:** (a) Will the Minister of Rehabilitation be pleased to state the total amount of money which Government propose to spend on the displaced persons from East Bengal in the year 1951-52?

(b) How much of this money is proposed to be spent on (i) housing, (ii) relief, (iii) education and (iv) technical and vocational training?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) Rs. 11 crores.

(b) The following amounts have tentatively been provided under these heads:

(i) Housing ...	Rs. 79 crores.
(ii) Relief ...	Rs. 2.4 crores.
(iii) Education ...	Rs. 93 crores.
(iv) Technical and Vocational Training.	} Rs. 81 crores.

#### JUTE (EXPORT)

**310. Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state the destination quotas for the export of Jute for the period January—June, 1951?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** I presume the hon. Member is referring to jute goods and not raw jute the export of which is not being permitted. Export of jute goods to hard currency countries is not subject to any destination quota restrictions. As regards soft currency countries, I place on the Table of the House a statement showing the destination quotas allocated to such countries for the period January—June 1951. [See Appendix XXV, annexure No. 42.]

#### TEA PLANTATION WORKERS

**311. Shri Rathnaswamy:** Will the Minister of Labour be pleased to state:

(a) the amount set apart by the Central Tea Board towards welfare

measures for the plantation workers in the years 1949 and 1950;

(b) how many bunks have been built for the plantation workers in the last two years by the planters; and

(c) whether Government have prepared any plan to complete the Housing Scheme for the plantation workers?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) None.

(b) The available information shows that more than 18,000 houses were built for plantation labour during this period, and another 22,800 houses were to be completed by the 31st March, 1951. These include pucca, semi-pucca and katcha houses.

(c) No such scheme specifically for plantation labour has been prepared by the Government of India. The Industrial Housing Scheme undertaken by the Government of India applies to plantation labour as well. Representatives of employers agreed at the last meeting of the Industrial Committee on Plantations held in November, 1950, to construct houses for at least 8 per cent. of their workers each year, the target being to complete these houses within 12 to 13 years.

#### MOTOR VEHICLES (IMPORT)

**312. Shri Rathnaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of motor cars imported by India from U.K. in 1950;

(b) the number of motor-trucks and Tractors imported from U.K. in 1950; and

(c) the value of the imports in respect of items referred to in parts (a) and (b) above in 1950?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The number of motor cars imported into India from U.K. during the year 1950 was 7,247.

(b) The number of Commercial Vehicles (Motor Omnibuses, Vans and Lorries—including Chassis imported from U.K. into India during 1950 was 2,832. The number of tractors imported is not separately available.

(c) The value of the imports of motor cars, commercial vehicles and tractors from U.K. during the year 1950 was Rs. 2,87,63,000, Rs. 2,11,31,000 and Rs. 1,71,22,000 respectively.

### PENICILLIN FACTORY

**313. Shri Sidhva:** (a) Will the Minister of Works, Production and Supply be pleased to state whether the question as to whether Government should accept the offer of WHO/UNICEF or should enter into a tripartite agreement with Messrs. Merck and Co. of U.S.A. and Messrs. Karnbolaget of Sweden has been finally decided and if so, how?

(b) How much amount have Government to contribute towards the capital cost?

(c) What will be recurring cost?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) Yes, Sir. The Government of India have decided that the assistance offered by WHO/UNICEF should be accepted and the proposed Government Factory for the manufacture of Penicillin should be set up in collaboration with WHO/UNICEF.

(b) and (c). The estimates of capital cost and recurring cost will be prepared soon in consultation with the W.H.O. experts.

### AUSTRALIAN TRADE MISSION

**314. Shri Rathnaswamy:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that an Australian Trade Mission has arrived in India to conclude a coal deal?

(b) If so, who are the Members of this Trade Mission?

(c) What is the total tonnage of coal exported to Australia in the last two years and on what terms?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) and (b). Hon. Mr. S. J. Hyland, Minister of Transport in the Government of Victoria accompanied by Mr. T. S. Lingford, Secretary for Transport, recently came to India and discussed *inter alia* the possibility of purchasing Indian coal for his State.

(c) 2,54,089 tons during 1949 and 1950. The exports were arranged by commercial firms and not by Government.

### "HINDUSTAN HAMARA" PARTY IN PAKISTAN

**315. Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) whether the attention of the Government of India has been drawn to the formation of a new party call-

ed "Hindustan Hamara" in Pakistan with the alleged (or avowed) object of bringing the whole Indo-Pakistan sub-continent under the suzerainty of Muslims;

(b) whether it is a fact that the Pakistan Government lodged a protest to India against the reported declarations of the *Hindu Maha Sabha* to strive for the re-unification of India and Pakistan; and

(c) if so, what was the reply given by India to the protest?

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

(b) No.

(c) Does not arise.

### BUILDINGS FOR DEFENCE HEADQUARTERS

**316. Shri Sidhva:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is contemplated to construct a separate building for Defence Headquarters to relieve the congestion in the present main building?

(b) If so, where is it likely to be located and what is the estimated cost of construction?

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

(b) A site to the north of Kitchener Road and west of Willingdon Crescent, extending from Kitchener Road to the Talkatora Park, has been selected for the location of the building.

The estimated cost of construction is Rs. 230 lakhs, approximately.

### TREATMENT OF MINORITIES IN EAST PAKISTAN

**317. Shri Kamath:** Will the Prime Minister be pleased to refer to the answer given on the 7th May, 1951 to my short notice question regarding breach of the Indo-Pakistan Agreement dated the 8th April, 1950 and state:

(a) whether reports on the subject have been received from Shri C. C. Biswas and our Deputy High Commissioner in Dacca;

(b) if so, the contents of those reports; and

(c) what steps Government propose to take on the basis of the facts contained in the reports?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Not yet. As I stated in answer to Supplementaries

on the 7th May, 1951, our Central Minister is awaiting replies to several communications addressed by him to the Pakistan Central Minister on the subject. He has sent a reminder on the 9th May, 1951.

(b) and (c). Do not arise.

#### FRENCH SETTLEMENTS IN INDIA

318. **Shri Kamath:** (a) Will the Prime Minister be pleased to state whether the French Government have apprised the Government of India of the result of the visit of observers recently deputed by the former to the French Settlements in India?

(b) Are any talks afoot and if so, at what level, about the date, manner and other modalities of the referendum proposed to be held in the French Indian Settlements?

**The Deputy Minister of External Affairs (Dr. Kekar):** (a) No.

(b) The hon. Member may kindly refer to my reply to Starred Question No. 194, dated the 4th August, 1950 and Prime Minister's answer to the Supplementaries to Short Notice Question dated the 6th April, 1951. I have nothing further to add to them.

#### GOVERNMENT HOSTELS

319. **Shri Sanjivayya:** (a) Will the Minister of Works, Production and Supply be pleased to state what is the income derived from each of the five Government Hostels in New Delhi during the year 1950-51?

(b) What is the expenditure incurred on account of each Hostel during the same period?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) The assessed rent for the year 1950-51 which corresponds very closely to the income desired is as given below:

- (i) Constitution House Rs. 2,18,848/6
- (ii) Western Court Rs. 1,08,516/4
- (iii) Pataudi House Rs. 1,43,074/6
- (iv) Kotah House Rs. 1,12,335/-
- (v) Raisina Road Hostel Rs. 46,357/13

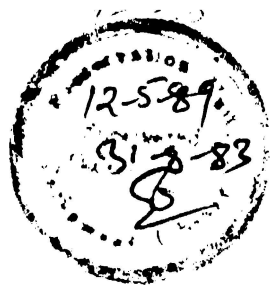
Total Rs. 6,29,131/13.

(b) The expenditure incurred on account of each Hostel is given below:

- (i) Constitution House Rs. 1,90,463/1
- (ii) Western Court Rs. 78,687/5.
- (iii) Pataudi House Rs. 1,24,676/11
- (iv) Kotah House Rs. 1,25,950/4
- (v) Raisina Road Hostel Rs. 38,976/10

Total Rs. 5,58,753/15.

Monday, 21st May, 1951



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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Third Session

of the

PARLIAMENT OF INDIA

1950-51

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**THE**  
**PARLIAMENTARY DEBATES**  
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**PARLIAMENT OF INDIA**

*Monday, 21st 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.

**ELECTION TO COMMITTEES.**

**STANDING COMMITTEE FOR THE MINISTRY  
OF DEFENCE**

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of Defence for the unexpired portion of the financial year 1951-52 vice Kanwar Jaswant Singh, resigned from Parliament."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of Defence for the unexpired portion of the financial year 1951-52 vice Kanwar Jaswant Singh, resigned from Parliament."

The motion was adopted.

**STANDING COMMITTEE FOR THE MINISTRY  
OF EDUCATION**

**Shri Satya Narayan Sinha:** I beg to move:

"That this House do proceed to elect, in such manner as the hon.

the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of Education for the unexpired portion of the financial year 1951-52 vice Shri Balwant Sinha Mehta, resigned from Parliament."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of Education for the unexpired portion of the financial year 1951-52 vice Shri Balwant Sinha Mehta, resigned from Parliament."

The motion was adopted.

**STANDING COMMITTEE FOR THE MINISTRY  
OF NATURAL RESOURCES AND SCIENTIFIC  
RESEARCH**

**Shri Satya Narayan Sinha:** I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of Natural Resources and Scientific Research for the unexpired portion of the financial year 1951-52 vice Shri Balwant Sinha Mehta, resigned from Parliament."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory

[Mr. Speaker]

Committee attached to the Ministry of Natural Resources and Scientific Research for the unexpired portion of the financial year 1951-52 vice Shri Balwant Sinha Mehta, resigned from Parliament".

The motion was adopted.

**Mr. Speaker:** I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for Nomination	Date for election
1. Standing Committee for the Ministry of Defence.		
2. Standing Committee for the Ministry of Education.	22-5-1951	25-5-1951.
3. Standing Committee for the Ministry of Natural Resources and Scientific Research.		

The nominations for these Committees will be received in the Parliamentary Notice Office up to 12 Noon on the date mentioned for the purpose. The elections which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 P.M.

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

**Mr. Speaker:** The House will now proceed with the further consideration of the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, as reported by the Select Committee.

The House had disposed of clause 34. We have now to proceed with the amendments to the new clause 34-A. There is an amendment by Pandit Thakur Das Bhargava (No. 100 of Supplementary List No. 1).

**Pandit Thakur Das Bhargava** (Punjab): I submit that this amendment may be left over, because there are a good many amendments on this point and I suggest that one agreed amendment may be allowed to be moved at some later date.

**Mr. Speaker:** So. I shall treat this as being kept over for the time being.

Clause 35.—(Withdrawal of candidature)

Amendment moved:

In sub-clause (1) of clause 35, for the words, "in the prescribed form subscribed by him", substitute the words "which shall contain such particulars as may be prescribed and shall be subscribed by him".

—[Pandit Thakur Das Bhargava]

**Pandit Thakur Das Bhargava:** I do not propose to move any other amendment to this clause.

श्री भट्ट (बम्बई): मैं आप की आज्ञा से ३५९ नम्बर के संशोधन को थोड़े संशोधित रूप में पेश करना चाहता हूँ जो मैं पढ़ कर सुनाऊंगा। इस के अतिरिक्त मैं और कोई संशोधन नहीं पेश करना चाहता हूँ।

[Shri Bhatt (Bombay): Sir, with your permission, I want to move the amendment No. 359 in a little amended form which I will read here. I do not want to introduce any other amendment than this.]

**Mr. Speaker:** I must have a copy of all these things. I cannot accept amendments at the last minute and waive notice. But I would like to know whether it is an agreed amendment.

The Minister of Law (Dr. Ambedkar): Yes, Sir.

**Mr. Speaker:** Then he may move that amendment.

**Shri Sidhva (Madhya Pradesh):** It may be taken as read.

**Mr. Speaker:** It has to be read. It has not been circulated. (Interruption) I think it will be better if hon. Members leave things in the hands of the Chair and the Member moving it. Constant talk and interruption creates more confusion.

**Shri Bhatt:** I beg to move:

In sub-clause (1) of clause 35, for the words, brackets, letter and figures "and delivered to the Returning Officer either by such candidate in person or by his proposer or seconder before three o'clock in the afternoon on the day fixed under clause (c) of section 28" substitute the following:

"and delivered before three o'clock in the afternoon on the day fixed under clause (c) of section 28 to the Returning Officer either by such candidate in person or by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate".

**Mr. Speaker:** Amendment moved:

In sub-clause (1) of clause 35, for the words, brackets, letter and figures "and delivered to the Returning Officer either by such candidate in person or by his proposer or seconder before three o'clock in the afternoon on the day fixed under clause (c) of section 28" substitute the following:

"and delivered before three o'clock in the afternoon on the day fixed under clause (c) of section 28 to the Returning Officer either by such candidate in person or by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate".

**Shri Shiv Charan Lal (Uttar Pradesh):** I would suggest the addition of the word "duly" before the word "authorised" in the amendment so that the meaning may be more clear.

**Dr. Ambedkar:** I have no objection.

**Mr. Speaker:** The Chair will have no objection to add anything. But here it is expressly stated "authorised in this behalf in writing". By the addition of the word "duly" it might create doubts that something else is required.

**Dr. Ambedkar:** I agree. Let us not be over-precise.

**Mr. Speaker:** So I put the amendment as it is. The question is:

In sub-clause (1) of clause 35, for the words, brackets, letter and figures "and delivered to the Returning Officer either by such candidate in person or by his proposer or seconder before three o'clock in the afternoon on the day fixed under clause (c) of section 28" substitute the following:

"and delivered before three o'clock in the afternoon on the day

fixed under clause (c) of section 28 to the Returning Officer either by such candidate in person or by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate".

The motion was adopted.

**Pandit Thakur Das Bhargava:** There is one amendment in the name of Mr. Jaspat Roy Kapoor—No. 102 in Supplementary List No. 1.

**Mr. Speaker:** But is he here?

**Pandit Thakur Das Bhargava:** No. But if you permit me I would like to move it.

**Mr. Speaker:** Is it an agreed amendment?

**Dr. Ambedkar:** Yes. It is to drop those words "or to be renominated as a candidate for the same election in the same constituency".

**Mr. Speaker:** I will allow it.

Further Amendment made:

In sub-clause (2) of clause 35, omit all the words occurring after the words "to cancel the notice" to the end.

—[*Pandit Thakur Das Bhargava*]

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

"That clause 35, as amended stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36 was added to the Bill.

Clause 37.—(Nomination at other elections).

**Dr. Ambedkar:** I have four amendments—Nos. 26, 27, 30 and 31 in Supplementary List No. 3.

**The Minister of State for Transport and Railways (Shri Santhanam):** In the last portion of clause 37(1) the wording is "qualified to be chosen to fill that seat under the Constitution and this Act". I would like to suggest that the words "under the Constitution" may be omitted. They seem to be wholly unnecessary because no parliamentary enactment can override the provisions of the Constitution.

**Mr. Speaker:** I think it should be left to the examination of the draftsman. The implications are not yet clear to me.

**Dr. Ambedkar:** This is a matter more or less for the draftsman and

[Dr. Ambedkar]

the Draftsman thinks that for the sake of clarity, certain words should be introduced. I think his wishes should be respected.

**Shri Santhanam:** I merely pointed it out.

**Mr. Speaker:** The Chair will have the authority of amending this, as advised by the Draftsman. We shall proceed to the other amendments.

Amendment made:

In sub-clause (1) of clause 37, for the words "the members" occurring in line 3, substitute the words "the elected members".

—[Dr. Ambedkar]

Further Amendment made:

In sub-clause (2) of clause 37, for the words "the members of the Legislative Assembly" occurring in lines 1 and 2, substitute the words "the elected members or the members of the Legislative Assembly".

—[Dr. Ambedkar]

Further amendment made:

For the first Proviso to sub-clause (4) of clause 37, substitute the following:

"Provided that any person who is entitled to vote at any such election as is referred to in sub-section (1) shall be qualified to subscribe as proposer or seconder as many nomination papers at the election as there are vacancies to be filled but no more."

—[Dr. Ambedkar]

Further amendment made:

In part (a) of the second Proviso to sub-clause (4) of clause 37, for the words "by the members of the Legislative Assembly of a State, as reference to the list of members of that Assembly" substitute the following:

"by the elected members or by the members of the Legislative Assembly of a State, as reference to the list of elected members or to the list of members, as the case may be, of that Assembly".

—[Dr. Ambedkar]

**Shri Ghule (Madhya Bharat):** I have amendment No. 28 standing in my name. I do not want to move but I want to speak on it.

According to the present clause, a candidate should file his nomination within five days of the notification issued by the Provincial Government. I think that the period of 5 days is insufficient for a man who is living in the remotest corner of the Province to receive the gazette in which a notification is issued and send in his nomination to a place where the election would take place. As provided for the elections to the Lower House of Parliament in clause 31, the same provision should be made in this clause also i.e., that the nomination would not be required to be filed before the 8th day.

**Mr. Speaker:** The phraseology is "not earlier than the fifth day".

**Shri Ghule:** It may be issued on the 5th day and this period is insufficient and in the present state of communications in India, a man may require 3 days at least to get information about the notification and three days at least would be required to send the letter of nomination. In this case as the number of voters is very limited, it is possible that he may not be able to get a proposer or seconder in a remote place where he is living. From this point of view I think that the period of 5 days, the minimum period referred to in this clause is insufficient and I suggest 8 days instead.

**Dr. Ambedkar:** No. I do not think there is such a necessity for this amendment.

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

"That clause 37, as amended, stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

Clause 38 to 43 were added to the Bill.

Clause 44.—(Polling Agents)

Amendment made:

In clause 44, before the word "may" occurring for the second time in line 4, insert the words "or his election agent".

—[Pandit Thakur Das Bhargava]

10 A.M.

**Pandit Thakur Das Bhargava:** With regard to the other amendment, No. 380. I would request you kindly to suspend it for the time being. After you dispose of clause 45, this amendment will be relevant.

**Mr. Speaker:** It means that we leave this clause alone and dispose it of after disposing of clause 45.

**Dr. Ambedkar:** This may be disposed of because that deals with the question of time.

**Mr. Speaker:** Then, I take up clause 45 at this stage.

**Shri Iyyunni** (Travancore-Cochin): I have an amendment to clause 44.

**Mr. Speaker:** I will take up clause 45 first and then come to clause 44.

**Clause 45.**—(Disqualification for being a polling agent).

**Pandit Munishwar Datt Upadhyay** (Uttar Pradesh): I have an amendment, No. 381.

**Mr. Speaker:** It is a negative amendment. He may oppose the clause when the clause is put.

**Pandit Munishwar Datt Upadhyay:** What I beg to submit in respect of this clause 45 is this. Clause 45 prescribes the disqualifications for a polling agent. On account of this provision, even the polling agents would be required to have all those qualifications that a candidate requires and any disqualification that is applicable to a candidate is also applicable to the polling agent. A large number of polling agents shall have to be appointed by every candidate and he has to give a list of these polling agents two or three days before the polling takes place. When he is making these appointments of polling agents for a large number of polling stations, he will have to see whether these persons have no such disqualifications that apply to candidates. That is a very difficult task. If any of these polling agents is found to be disqualified on the ground on which a candidate could be disqualified, the position ultimately would be that it may form a ground for election petition also. Therefore, to have this sort of disqualification applicable even to the polling agents, I think, would not be proper. The presence of this clause 45, I think, is detrimental to the proper conduct of elections.

**Shri Iyyunni:** I have also sent an amendment in regard to this matter. It is No. 69 in List No. 7. It reads:

For clause 45, substitute the following:

"45. No person shall be appointed as a polling agent whose name is not enrolled in the voters list."

**Pandit Thakur Das Bhargava:** We have only Lists 1 to 6.

**Mr. Speaker:** Lists 1 to 7 have been consolidated. Supplementary List No. 1 contains the remark "Incorporating List Nos. 7..." This is No. 112 on page 18.

**Shri Iyyunni:** What I submit is that in the case of a polling agent, he has very little work to do. He has to come there early in the morning and stay there till six or seven o'clock in the evening and watch the proceedings. If there is any case of false personation, etc., he has to examine whether the persons actually coming are the persons entitled to vote. That is his work. There is no need to ask him to satisfy all the conditions that are required of a candidate, who, if he succeeds, would go either to the Assembly or the Parliament as the case may be. I submit that it is enough if he is a voter. That would meet the requirements of the case. I therefore submit that my amendment may be accepted by the hon. Law Minister.

**Dr. Ambedkar:** I do not know; I am not very much interested in these matters. But, in view of the difficulties raised that a large number of polling agents would be required and that if we were to subject them to certain disqualifications the number available may be very few and that it may create a lot of difficulty in conducting the elections, I am prepared to accept the amendment of my hon. friend Pandit Munishwar Datt Upadhyay.

**Mr. Speaker:** That is, for dropping the clause altogether?

**Dr. Ambedkar:** No. The point is this. I am told, that our friends who propose to contest the elections wish to draw upon the college students who are younger than the prescribed age and may not be even voters. I have told them privately that they have already done a great mischief to young college boys by drawing them into the political arena and that they had better not repeat the same thing. They said that they must have this facility. I am prepared to allow that.

**Mr. Speaker:** It comes to, as I was saying, if I mistake not, dropping and negating clause 45 altogether. I shall put the clause first. The question is:

"That clause 45 stand part of the Bill."

The motion was negatived.

**Clause 44.—(Polling agents)—contd.**

**Mr. Speaker:** Now we come to clause 44.

**Pandit Thakur Das Bhargava:** I beg to move:

In clause 44, for the words "three days" substitute the words "one day".

Sir, now that we have dropped clause 45, the work of scrutiny does not require 3 days. It is enough if the Returning Officer gets the names one day previous. Therefore I have suggested that instead of the words "three days", the words "one day" may be put in.

**Mr. Speaker:** Amendment moved:

In clause 44, for the words "three days" substitute the words "one day".

**Shri Santhanam:** The Returning Officer has to circulate these lists to the various Polling Stations and he may be in one place and the polling stations will be at various different places and this work will therefore require time. He should have at least three days to do this work and one day will not be sufficient. Otherwise there will be practical difficulties and if the list is not circulated in time, the other people may not recognise the agent. Therefore, there will be a lot of practical difficulties.

**Shri Iyyunni:** There is not much work for the polling agent and now we have decided not to impose any particular qualifications on him either. The usual practice is before the commencement of the polling the letter of authorisation with the polling agent is handed over to the Presiding Officer and this will be sufficient in the present case also. No conditions are now imposed, as to the qualifications of the polling agent and so the Returning Officer does not have much to do with these lists of polling agents. It is difficult and also not necessary for the lists of polling agents to be sent to the Returning Officer three days previous to the date of polling. One day's time will be quite sufficient.

**Pandit Munishwar Datt Upadhyay:** I think this chapter is now closed, because we have decided that there shall be no disqualifications for polling agents. The point we are considering now is whether the list of polling agents should be submitted to the Returning Officer three days prior or a day prior to the commencement of the poll. My submission is that one day would suffice and so I support the amendment of my hon. friend Pandit Thakur Das Bhargava. One day is sufficient for the work now, because there are no disqualifications prescribed for polling agents. Moreover, there

may be last minute changes in these agents and it will not be always possible to submit the list as early as three days before the polls. I would also suggest that the list may be handed over to the Presiding Officer and not to the Returning Officer. That will be better and it will reduce the number of persons to whom this list has to be circulated.

**Dr. Ambedkar:** Mr. Speaker, *prima facie* it does appear that in view of the abolition of clause 45, one day ought to be sufficient. But frankly speaking, I have not had an opportunity of discussing this matter with the Election Commissioner and obtain his views whether this would or would not create any difficulty. Therefore, I suggest that so far as this point is concerned, the clause may be permitted to remain as it is. I can return to it afterwards by suggesting a suitable amendment if I am convinced that one day really is quite sufficient and nothing more is necessary. I do not want to rule it out for the moment.

**Mr. Speaker:** That means that this clause is kept over?

**Dr. Ambedkar:** Yes.

**Mr. Speaker:** Then we can dispose of the other amendments.

**Shri Ramalingam Chettiar (Madras):** Before you leave this amendment, let me suggest that a polling agent may have to be appointed at short notice. The person contemplated may not turn up, or something else may happen. In all the previous elections, so far as I know, the authorisation about the polling agent is handed over to the Polling Officer only on the morning of the elections. From the point of view of practical working of the thing, it may be inconvenient to have three days put in here. This point may be considered by the law Minister.

**Dr. Ambedkar:** I will, certainly.

Now, I will move my amendment. I beg to move:

(i) In clause 44, for the words "one agent and two relief agents and no more to act as his polling agent" substitute the words "such number of agents and relief agents as may be prescribed to act as polling agents of such candidate".

(ii) In clause 44, omit the words "and to such other officer as may be prescribed".

**Shri Shiv Charan Lal:** I could not hear the second portion, Sir.

**Mr. Speaker:** I am reading it again.  
Amendment moved:

(i) In clause 44, for the words "one agent and two relief agents and no more to act as his polling agent" substitute the words "such number of agents and relief agents as may be prescribed to act as polling agents of such candidate".

(ii) In clause 44, omit the words "and to such other officer as may be prescribed".

**Shri Shiv Charan Lal:** The second portion of the amendment moved by the hon. Law Minister, will create difficulties, for in the original clause it is stated that the notice of the appointment shall be given to the Returning Officer and to such other officer as may be prescribed. May I point out that generally it is the Presiding Officer to whom we apply for appointing the polling agents and it is he who gives the permission. If this power is taken away from the Presiding Officer or from any other officer prescribed, then it will be difficult for us to approach the Returning Officer. This Returning Officer may be at a long distance or he may be in another district for the matter of that. So I request the hon. Law Minister that the words in the clause may be left as they are and not omitted.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

May I draw the attention of the Law Minister that the words 'such other officer as may be prescribed' should be allowed to remain so that the Returning Officer may prescribe, as usual, the presiding officer to take the application for appointment of the polling agents.

**Shri J. R. Kapoor** (Uttar Pradesh): May I know what is the second amendment?

**Dr. Ambedkar:** My friend will see that the last words of clause 44 are as follows:

"that notice of the appointment shall be given in the prescribed manner to the Returning Officer and to such other officer as may be prescribed."

The Rules may prescribe that either the notice of the appointment of polling agent may be given to the Returning Officer and to such other officer as may be prescribed. I am trying to delete by my amendment the last sentence—"such other officer as may be prescribed" be omitted so that

the result will be that the intimation shall be given to the Returning Officer only.

**Mr. Chairman:** Now it is the discretion of the Government to appoint another officer also. This amendment is taking away the discretion. In practice it is the Presiding Officer to whom this notice is usually given or the polling officer at the time. Therefore I would request the Law Minister to consider if these words are rather enabling.

**Dr. Ambedkar:** You know the internal history about these things. I am personally content with the words as they are in the Section; I am prepared to withdraw my amendment and leave the words as they are.

**Shri J. R. Kapoor:** I would suggest that it may be 'Returning Officer or such other Officer'.

**Dr. Ambedkar:** The Returning Officer ought to know everything.

**Mr. Chairman:** Has the hon. Minister anything to say to that suggestion?

**Dr. Ambedkar:** I am not prepared to accept that.

**Shri J. R. Kapoor:** If 'or' is not substituted, the whole object of retaining the words 'such other officer' goes away. Our intention is that there should be facility to the candidate to submit the name of his polling agents to the presiding officer. I would prefer that these words should be deleted rather than both should remain if my amendment is not to be accepted.

**Mr. Chairman:** It does not necessarily mean that notice is to be given to two officers.

**Shri Iyyunni:** I beg to move:

In clause 44, omit the following:

"and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer and to such other officer as may be prescribed."

**Mr. Chairman:** The words 'and to such other officer as may be prescribed' are in the amendment also. The objection by Mr. Kapoor is that two notices need not be given to officers.

**Shri Iyyunni:** If this clause remains a part of the clause, the difficulty will be you will have to give notice to the Returning Officer or some other Officer



[Shri Iyyunni]

so authorized. That means you cannot get away from the difficulty of giving notice. I submit that it is not necessary. Authorization may be given to the Polling Officer and not to anybody else.

**Mr. Chairman:** The question of period is yet in suspense. Till then this cannot be decided.

**Shri J. R. Kapoor:** The whole clause 44 may be held over.

**Dr. Ambedkar:** My suggestion is that my first amendment may be considered and the second be held over.

**Pandit Munishwar Datt Upadhyay:** Why not hold over both because we have not defined whether two agents, one agent and one relief agent, will be appointed for every polling booth.

**Dr. Ambedkar:** The first has no integral connection with the second amendment.

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

In clause 44, for the words "one agent and two relief agents and no more to act as his polling agent" substitute the words "such number of agents and relief agents as may be prescribed to act as polling agents of such candidate".

The motion was adopted.

**Mr. Chairman:** The second amendment is held over.

**Clause 46.—(Counting agents)**

**Shri Shiv Charan Lal:** There is an amendment—No. 382 in Consolidated list No. 1 in the name of Pandit Bhargava. I may be permitted to move it.

**Mr. Chairman:** I would like to know the reaction of the hon. Minister.

**Dr. Ambedkar:** It may be permitted.

**Mr. Chairman:** Yes, the hon. Member may move it.

Amendment made:

In clause 46, before the word "may" occurring in line 2, insert the words "or his election agent".

— [Shri Shiv Charan Lal]

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

"That clause 46, as amended, stand part of the Bill."

The motion was adopted.

Clause 46, as amended, was added to the Bill.

**Clause 47.—(Revocation of appointment of polling agent etc.)**

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

For clause 47, substitute the following clause:

"47. *Revocation of the appointment or death of a polling agent or counting agent.*—(1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer and in the event of such revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the prescribed manner another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning Officer and in the event of such revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer."

**Shri J. R. Kapoor:** It is very difficult to follow the amendment without a copy before us.

**Shri Santhanam:** As consequential to the previous amendment after the word "candidate" wherever it occurs the words "or election agent" should be inserted.

**Dr. Ambedkar:** I have no objection.

**Mr. Chairman:** I shall now read the amendment in the amended form and it will be clear to hon. Members. Amendment moved:

For clause 47, substitute the following clause:

"47. *Revocation of the appointment or death of a polling agent or counting agent.*—(1) Any revocation of the appointment of a polling

agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer and in the event of such revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the prescribed manner another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer and in the event of such revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer."

**Shri Shiv Charan Lal:** As I have pointed out previously with regard to clause 44 if the words "or such other officer as may be prescribed" are put after the words "Returning Officer" in paragraph 1, it will make the position clearer and easier; because at the time when the polling is going on it is very difficult to search out the returning officer and get the name changed.

**Shri Santhanam:** The words "Returning Officer" are not there; the only words are "in the prescribed manner".

**Mr. Chairman:** The returning officer may not be found at every polling station. If this is inserted, that notice may be given to any other officer, it would be better.

**Shri Santhanam:** Does it refer to the counting agent or the polling agent? So far as the counting agent is concerned it has to be only to the returning officer.

**Mr. Chairman:** The wording is "may appoint.....another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer." This is not practicable. Either the mere giving of notice is sufficient or the notice may be given subsequently to the returning officer or such other officer or polling officer.

**Shri Santhanam:** The words "in the prescribed manner will do". The words "Returning Officer" may be dropped.

**Dr. Ambedkar:** All these things have come upon me rather suddenly. I have not had time to go through them. This amendment was handed to me in the morning. I must safeguard my own position. My amendment may be accepted as it is subject to my right of reopening the question again in the House; if I find that the amendment creates any difficulty: or let the thing stand over. In that event the whole Bill must stand over now.

**Mr. Chairman:** Let it be held over, so that hon. Members may have the time to study the amendments.

Clause 48 was added to the Bill.

**Dr. Ambedkar:** I would request you to take up those clauses to which there are no amendments.

**Clause 49.—(Attendance of candidate at Polling Stations)**

**Mr. Chairman:** The amendment to clause 49 (No. 383) is the same which the hon. Member has accepted.

**Shri Shiv Charan Lal:** If he has no objection I will move it Sir.

**Dr. Ambedkar:** I have no objection.

Amendment made:

In sub-clause (2) of clause 49, after the words "A candidate" insert the words "or his election agent".

—[Shri Shiv Charan Lal]

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

"That clause 49, as amended, stand part of the Bill."

The motion was adopted.

Clause 49, as amended, was added to the Bill.

Clause 50 was added to the Bill.

**New Clause—50A**

**Shri S. N. Das (Bihar):** I have an amendment standing in my name suggesting a new clause, 50A, re the candidate's right to send election address post-free.

**Dr. Ambedkar:** If I may intervene at this stage to save time, Sir, you will remember that last time this matter was discussed as to whether provision should not be made for permitting the candidate to send his election address post-free and I said that I would refer the matter to the Government and see whether such a thing could not be done. I thought

[Dr. Ambedkar]

the House at that time accepted my assurance without any specific amendment to that effect.

**Shri Sidhva:** This should be held over.

**Dr. Ambedkar:** No, it is not necessary.

**Mr. Chairman:** Am I to understand that the hon. Mover does not want to move his amendment in view of the assurance given that the hon. Minister will refer the matter to the Government?

**Shri S. N. Das:** In view of the assurance given by the Law Minister, I want to know whether I might be permitted to move my amendment.

**Mr. Chairman:** There is no question of being allowed. He is at perfect liberty to move it. I only suggested to him whether, when the hon. Minister has given an assurance, it is desirable to move it.

**Shri S. N. Das:** It may be held over.

**Mr. Chairman:** There is no question of being held over. The reply will not come from the Government within such a short time. Either he should move it or not move it.

**Shri S. N. Das:** In view of the assurance given I do not want to move it.

**Mr. Chairman:** Then there is another amendment, No. 385 in the printed list, standing in the name of Mr. Das suggesting a new clause 50A.

श्री एस० एन० दास : मैं इस के बारे में कुछ कहना चाहता हूँ। जो सुझाव मैंने रखे हैं उन का तात्पर्य यह है कि चुनाव का जो आन्दोलन चलता है उस में प्रचार का विशेष असर होता है। और प्रचार करने के लिये मुख्य साधन धन है। हम सभी जानते हैं कि हिन्दुस्तान में बहुत से ऐसे लोग हैं जिन के पास धन का बहुत ही अभाव है। इस कारण योग्य व्यक्ति होते हुए भी, धन के अभाव में, बहुत से उम्मीदवार प्रचार के काम पूरे तौर पर नहीं कर सकते। इस लिये उन को चुनाव में जीतने की आशा नहीं रहती है। इस के साथ ही जो धनी हैं उन के

हुत से साधन रहते हैं। वे धन के ज़रिए से इन साधनों का उपयोग कर सकते हैं और मतदाताओं पर असर डाल सकते हैं। इसी लिये इस बात का ख्याल रखते हुए मेरा सुझाव है कि जहाँ तक हो सके राज्य की ओर से हर एक उम्मीदवार को ऐसा मौका देना चाहिये कि जिस में वह उपलब्ध साधनों का उपयोग कर सके। इन में से एक साधन रेडियो का उपयोग है। यह एक ऐसा साधन है जिसके ज़रिए से जो गरीब उम्मीदवार हैं वे वोटर्स के पास पहुँच सकेंगे। वे उन के पास अपना संदेश भेज सकेंगे और अपने चुनाव के उद्देश्य भेज सकेंगे। इस कार्य के लिये पोस्टल सुविधा का भी साधन उपलब्ध होना चाहिये।

तीसरा ज़रिया रेलवे का है। यद्यपि यह नयी चीज़ है लेकिन हमारा ख्याल है कि हिन्दुस्तान ऐसा देश है जिस में सभी जानते हैं कि बहुत से लोग ऐसे हैं जो योग्य होते हुए भी इस चुनाव की लड़ाई में रुपये के कारण असफल रहते हैं या खड़े नहीं हो सकते। हम ने यह सुझाव रखा है कि हर एक व्यक्ति को बराबर मौका दिया जाय ताकि वह मतदाताओं के सामने जा कर अपने खड़े होने के उद्देश्य को कह सके। इसलिये अगर रेलवे का सहारा दिया जायगा तो बहुत से ऐसे उम्मीदवार खर्च से बच सकेंगे। इसीलिये मैं ने यह सुझाव रखा है और यह सभा के विचार के लिये है। अगर सभा उचित समझे तो उस को मंज़ूर करे और उचित न समझे तो न करे।

(English translation of the above speech).

**Shri S. N. Das:** I want to say something on it. I submitted the suggestions because of the fact that in the election campaign propaganda wields great in-

fluence. And money is the backbone of propaganda. We all know that in India there are many people who are very much short of money and in spite of their being deserving persons, they, in the absence of money, cannot carry on propaganda work fully. So they can have little hope of winning the election. But the rich have many resources at their disposal. They can utilise these resources through the power of money and can influence the voters. With that point in view my suggestion is that as far as possible every candidate should be given opportunity by the State to make use of the available resources. One of the means is the use of radio. It is a medium through which the poor candidates will be able to reach the voters. They will be able to send them their messages and convey to the public the aims and objectives for which they stand. Postal facilities should also be made available for this purpose. The third source is the Railways. Although it is a new thing, yet I think that India is a country where all know that a large number of deserving persons fail to win the election due to lack of money or for that reason they cannot even stand for election. My suggestion is that everybody should be given an equal opportunity so that he may go to the voters to explain to them the objectives for which he stands. Therefore, many candidates would be saved of expenses if railway facility was made available to them. That is the purpose of the suggestion I have put forth for the consideration of the House. If the House deems it proper, it may accept it, if not, it may reject it.

**Mr. Chairman:** This amendment has not been moved and it has not been placed before the House. I would rather like that the reaction of the hon. Minister may be known to the House.

**Dr. Ambedkar:** I cannot agree to Government undertaking any such obligation at all.

**Mr. Chairman:** Does the hon. Member want the amendment to be put to the House?

**Shri S. N. Das:** No, Sir.

**Clause 51.—(Death of candidate)**

**Shri Ramraj Jajwara (Bihar):** I have amendment No. 90 in supplementary list No. 2 suggesting a new clause 50A which should be taken up before clause 51. The purpose of the amendment is to entitle candidates to send post-free any election matter. It is similar to Mr. Das's amendment.

**Mr. Chairman:** I have placed clause 51 before the House and the House is in possession of that clause. Has the hon. Member got any amendment to clause 51?

**Shri Santhanam:** A similar amendment was taken up and disposed of earlier.

**Mr. Chairman:** The hon. Member should have urged that his amendment be considered when the other amendment suggesting a new clause 50A was in hand. That was the proper time. I am afraid his amendment has been passed over.

**Shri S. N. Das:** I have an amendment, Sir. I beg to move:

For clause 51, substitute the following:

"51. Death of a candidate before poll.—Whenever any candidate dies after being duly nominated and before the closing of the polls, all the election proceedings shall stand cancelled and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that the nomination of the deceased candidate was valid in the opinion of the Returning Officer:

Provided further that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the cancellation of the election."

श्री एस० एन० दास : मेरा कहना यह है कि अभी जो वारा ५१ पेश की गई है उस में लिखा हुआ है कि स्कूटिनी (scrutiny) के बाद अगर किसी उम्मीदवार की मृत्यु हो जायगी तो इलेक्शन (election) कैंसिल (cancel) किया जायगा। मेरा ख्याल यह है कि नामिनेशन (nomination) के सात दिन के बाद स्कूटिनी होती है। अगर किसी उम्मीदवार को खड़ा किया गया जो कि हर तरह से योग्य है और अगर स्कूटिनी के पहले उस की मृत्यु हो जाती है तो मतदाताओं को अपना दूसरा उम्मीदवार खड़ा करने का मौका नहीं मिलता है। इस का नतीजा यह होगा कि अगर कोई उम्मीदवार

[श्री एस० एन० दास]

स्कूटिनी के पहले मर जायगा तो इलेक्शन रद्द नहीं होगा और जो बाकी उम्मीदवार होंगे उन्हीं में से चुनाव किया जायगा। मेरा ख्याल यह है कि इस प्रकार मतदाताओं की राय की अवहेलना होगी। मतदाताओं ने जिस उम्मीदवार को खड़ा किया है वह यदि स्कूटिनी के पहले मर जात है। तब उन्हें फिर अपना उम्मीदवार खड़ा करने का अवसर नहीं मिलता। इसलिये अगर नामिनेशन होने के बाद और स्कूटिनी होने के पहले किसी उम्मीदवार की मृत्यु हो जाय तो उस हालत में भी चुनाव को रद्द कर दिया जाना चाहिये। वैसी हालत में मतदाताओं को अपना दूसरा उम्मीदवार खड़ा करने का मौका मिल जायगा।

वर्तमान धारा के अनुसार यदि पोलिंग (Polling) शुरू हो जाने की तारीख के पहले अगर कोई उम्मीदवार मर जाय तो इलेक्शन (election) रद्द नहीं होगा। यह धारा दोषपूर्ण है। मान लीजिये कि चुनाव हो रहा है और चुनाव के सिलसिले में, यह खबर आती है कि अमुक उम्मीदवार मर गया है। इस का नतीजा यह होगा कि मतदाता समझेंगे कि अमुक उम्मीदवार तो मर गया उस को वोट (vote) देने की जरूरत नहीं है। इस का परिणाम आगे यह हो सकता है कि मतदाता के मन के लायक उम्मीदवार नहीं चुना जाय। इस लिये मेरा ख्याल यह है कि चुनावों के खत्म होने के पहले और नामिनेशन के बाद अगर किसी उम्मीदवार की मृत्यु हो जाय तो चुनाव रद्द हो जाना चाहिये और फिर से चुनाव का सारा काम शुरू होना चाहिये। इस में एक शर्त मैं ने यह रखी है कि अगर कोई ऐसा उम्मीदवार है कि जिस

का नामिनेशन का परचा नाजायज़ था और जो खड़ा होने के योग्य नहीं था अगर वह मर जाय तो फिर चुनाव नहीं होना चाहिये। इस लिये मैं ने यह प्रावाइजो (Proviso) दिया है कि अगर किसी का परचा ठीक है और अगर वह मर जाता है तो उस हालत में फिर से चुनाव होना चाहिये। यही मेरे संशोधन के तात्पर्य हैं।

(English translation of the above speech).

**Shri S. N. Das:** My submission is that there is a provision in clause 51 which has been moved today, that the election will be cancelled if a candidate dies after the scrutiny has been made. I think, scrutiny takes place after seven days of the submission of the nomination papers. If a candidate who is qualified in all respects stands as a candidate for the election, and dies before the scrutiny takes place, the voters are left with no opportunity to nominate another candidate. The result of this provision would be that if a candidate would die before the scrutiny takes place, the election will not be cancelled and the election will be held between the remaining candidates. I am of the view that the choice of the voters will be neglected due to this measure. If a candidate, whom the voters have selected for contesting the election, dies before the scrutiny takes place, they are left with no opportunity to select another candidate of their choice. Therefore the election should also be cancelled in case where a candidate dies after the nomination papers have been filed and before the scrutiny takes place. If such a provision is made, the voters will have a chance to select another candidate of their own choice.

According to the present clause the elections will not be cancelled if a candidate dies before the polling date. This clause is also defective. Suppose, if the election is in its full swing, and in the meantime the news spreads that a certain candidate has died, the result would be that the voters would think that as a certain candidate has died so they need not cast their votes. In course of time it is possible that a candidate of the choice of the voters may not come to be elected. Therefore, I am of the opinion that the elections should be cancelled where a candidate dies after filing nomination

papers but before the elections are over. Fresh election should take place in such cases. I have laid down a condition therein that if a candidate, whose nomination has been rejected and who was not qualified to contest the elections, dies in the meantime, then in that case the election should not be cancelled. This is why I have laid down this proviso that if a candidate, whose nomination paper is valid and if he dies, in that case a fresh election should be held.

That is the sole object of my amendment.

**Mr. Chairman:** Amendment moved:

For clause 51, substitute the following:

"51. *Death of a candidate before poll.*—Whenever any candidate dies after being duly nominated and before the closing of the polls, all the election proceedings shall stand cancelled and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that the nomination of the deceased candidate was valid in the opinion of the Returning Officer:

Provided further that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the cancellation of the election."

**Dr. Ambedkar:** I do not accept the amendment, but I would like to say that in view of the fact that the House has carried an amendment to sub-clause (2) of clause 35 with regard to withdrawal, there will have to be some small amendment made later on and I reserve the liberty to bring the matter up at a later stage.

**Shri J. R. Kapoor:** I take it that the proposal of the hon. Minister is to hold over this clause.

**Dr. Ambedkar:** I do not want to hold it over. The only point is that it will be necessary to add one more proviso. The point is this: that by amending sub-clause (2) of clause 35, it is now open for a candidate who had withdrawn to seek nomination if the contingency contemplated in clause 51 arises. Consequently a positive provision will have to be made in clause 51. That can easily be done by adding a proviso.

**Mr. Chairman:** As a matter of fact, in consequence of amendment No. 102 of Supplementary List No. 1 standing in the name of Shri Jaspal Roy Kapoor

having been accepted, a consequential amendment is necessary and it is only for the purpose of having that consequential amendment that an opportunity is being sought to add that amendment afterwards.

**Shri J. R. Kapoor:** I entirely agree with the hon. the Law Minister that another proviso will have to be added, in view of the amendment which has already been accepted (Amendment No. 102). But apart from that, Sir, I think that the suggestion contained in the amendment just moved by my hon. friend Shri S. N. Das deserves serious consideration. As a matter of fact, the acceptance of that amendment either in its present form, or in any other suitable form, appears to be very necessary and I am sure the hon. the Law Minister, if he applies his mind a little more carefully to this amendment, will readily agree to it.

There are two points contained in the amendment of Shri S. N. Das. His first contention is that if a particular candidate dies after scrutiny, but before the commencement of the poll, then the electorate should be given an opportunity for making another nomination in place of the candidate who is dead. This is an accepted principle.

The next question that arises is that why should this principle be confined to cases of candidates who die only after scrutiny? A candidate may die between the date of nomination and the date of scrutiny.

**Dr. Ambedkar:** That is not the position.

**Shri J. R. Kapoor:** A person, for instance, dies after filing his nomination papers, but before the date of scrutiny. In that case the electors who had subscribed to the nomination papers do not have an opportunity of nominating a substitute candidate. If a candidate dies after scrutiny of the papers the electorate is given that opportunity. Why should the opportunity not be given to the electorate to nominate a new person if the previously nominated candidate dies before scrutiny.

**Shri Santhanam:** The hon. Member has not understood the clause. If a candidate dies at any time between the scrutiny of the nomination papers and before the date of polling, power is given according to the clause.

So far as Mr. Das's amendment is concerned, the only point is that if the Returning Officer finds the nomination of a dead candidate invalid, then this

[Shri Santhanam]

proceeding shall not be annulled. That is the main point of his argument. He is under a misapprehension, because if a candidate dies before scrutiny somebody may raise a frivolous objection and the Returning Officer will be in a difficult position. The validity of his nomination should not be brought into question at all. The fact that he is dead should give the electorate an opportunity. The fact of death must be sufficient to reopen the whole thing. That is what the clause attempts to do. He wants to limit the right of the electorate which is not proper.

**Shri J. R. Kapoor:** My simple difficulty is this. If a candidate whose nomination paper has been filed dies before the date fixed for the scrutiny—what will happen? Will the electorate have an opportunity to file a fresh nomination paper nominating a new candidate? That is the simple question and according to my interpretation a new nomination paper cannot be filed by the electorate if the nominated candidate dies between these two dates, the date of filing of the nomination paper and the date of the scrutiny.

**Shri Santhanam:** There is no interval.

**Mr. Chairman:** There is an interval of several days between the nomination and the scrutiny.

11 A.M.

**Shri J. R. Kapoor:** It is a simple lacuna.

**Shri S. N. Sinha (Bihar):** I am also inclined to agree with Mr. Jaspal Roy Kapoor and Mr. S. N. Das that after the date fixed for the scrutiny of nomination means after the scrutiny is over and not before that. It does not cover the amendment suggested by Mr. S. N. Das.

**Mr. Chairman:** As a matter of fact in clause 51 the contingency of a candidate dying between the date of due nomination and the date of scrutiny has not been contemplated.

**Pandit Munishwar Datt Upadhyay:** The amendment of Mr. S. N. Das says "Whenever any candidate dies after being duly nominated", that is after the scrutiny has been held and the Returning Officer has found him validly nominated. It covers only those cases. The first proviso in his amendment says, "Provided that the nomination of the deceased candidate was valid in the opinion of the Returning Officer". So the case to which Mr. Jaspal Roy Kapoor refers is not, I think, covered by this amendment.

**Mr. Chairman:** What is 'due nomination'? Is it after or before scrutiny?

**Dr. Ambedkar:** In view of the fact that this clause will come back again to the House for the purpose of considering the proviso to which I have already referred, the whole thing might be held over.

**Mr. Chairman:** Very well. Clause 51 is held over.

**Shri J. R. Kapoor:** There is one amendment seeking to insert a new clause, 51A, after clause 51. It is No. 91 in Supplementary List No. 2. I am just drawing your attention to it.

**Mr. Chairman:** It is in the name of Mr. S. R. Naidu. He is not here I think.

**Clause 52.—(Procedure in elections)**

Amendment made:

In sub-clause (3) of clause 52, for the words "the members of the State Legislative Assembly or electoral college concerned" substitute the following:

"the elected members or the members of the State Legislative Assembly or the members of the electoral college concerned".

—[Dr. Ambedkar]

Further amendment made:

In the Proviso to sub-clause (3) of clause 52, for the words "the members of the State Legislative Assembly or of the electoral college" occurring in lines 1 and 2, substitute the following:

"the elected members or the members of the State Legislative Assembly or the members of the electoral college".

—[Dr. Ambedkar]

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

"That clause 52, as amended, stand part of the Bill."

The motion was adopted.

Clause 52, as amended, was added to the Bill.

Clause 53 was added to the Bill

Clause 54 was added to the Bill.

**Clause 55.**—(Fixing time for poll)

**Mr. Chairman:** There is an amendment seeking to insert a new clause after clause 54, but the Member is not here.

**Shri Shiv Charan Lal:** There is an amendment to clause 55 in the name of Mr. Sidhva.

**Mr. Chairman:** He is also not in the House. The question is:

"That clause 55 stand part of the Bill."

The motion was adopted.

Clause 55 was added to the Bill.

**Clause 56.**—(Adjournment of poll)

**Pandit Munishwar Datt Upadhyay:** I have an amendment. No. 389 in the Consolidated List to include the words "on other polls" after the words "such election" in sub-clause (2). I think these three words would be necessary because otherwise you do not define to what election it refers.

**Dr. Ambedkar:** Election means election under the Act.

**Pandit Munishwar Datt Upadhyay:** You mean election in respect of the same constituency. Then you have got to say "on other polls". The sub-clause reads:

"and fix the polling station or place at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed".

"...at such election on other polls" makes the thing clear. Otherwise it is ambiguous.

**Shri Santhanam:** "Such election" covers it.

**Dr. Ambedkar:** I do not think it is necessary.

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

"That clause 56 stand part of the Bill."

The motion was adopted.

Clause 56 was added to the Bill.

**Clause 57.**—(Fresh poll)

**Shri Shiv Charan Lal:** May I be permitted to move amendment No. 390 standing in your name, Sir?

**Mr. Chairman:** It would be better to know the reaction of the hon. Minister.

**Shri Shiv Charan Lal:** It seeks to substitute the words "before the votes are counted" for the words "at any election" in sub-clause (1).

**Shri Santhanam:** It may be at any stage.

**Dr. Ambedkar:** I do not think it is necessary.

**Pandit Munishwar Datt Upadhyay:** I have an amendment (391) that in sub-clause (1) after the words "presiding officer" the words "or any other person on their behalf" be inserted. It may be that the boxes are in transit, they might be placed somewhere else, they might be in the custody of someone else. And these things may not be covered, by the present working. I consider that the introduction of these words appears to be necessary.

**Shri T. T. Krishnamachari (Madras):** The other words which follow are: "or is or are in any tampered with..." That covers that condition. It is unnecessary.

**Dr. Ambedkar:** I do not think it is necessary.

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

"That clause 57 stand part of the Bill."

The motion was adopted.

Clause 57 was added to the Bill.

Clause 58 was added to the Bill.

**Clause 59.**—(Voting by certain classes of persons).

**Shri Shiv Charan Lal:** I have two amendments standing in my name, i.e., Nos. 116 and 117. The clause as amended by amendment No. 116 would read: "Provision may be made by rules made under this Act for enabling any of the following persons to give his vote by postal ballot, or to the presiding officer or the polling booth, where he is working on the polling day etc." This is a provision for those persons who are not at the polling stations where their names are entered but are at some other polling stations. This means that those persons should tender their votes by postal ballot. My submission is that they also be permitted to give their vote to the Presiding Officer where they are working at that time. The present rule is the election agents or any polling officer who have got his vote in some other polling station, should give their votes to the Presiding Officer at the end of the day



[Shri Shiv Charan Lal]

and those votes are kept separate and they are transferred to those polling stations and they are added on the votes of those polling stations. That is why, I suggest that after the words "postal ballot" the words "or to the Presiding Officer of the polling booth, where he is working on the polling day" should be added.

**Shri Santhanam:** A voter may be in another state where the Polling Officer may not have the lists or anything.

**Shri J. R. Kapoor:** Clause 59 (e) covers your point.

**Shri Shiv Charan Lal:** That is all right. You are giving the right to that man to vote. But along with the postal ballot you should give him the right to vote before the Presiding Officer. That is done even now, i.e., those persons who are working in some other polling station give their votes to the Presiding Officer there, although their names are not there.

**Mr. Chairman:** The hon. Member must realise that in clause 59 a list of those persons who are entitled to vote by postal ballot is given and therein the names of those persons whom he has in view are not mentioned. That is why amendment No. 396 was tabled, suggesting that those persons should be given the right to give their votes.

**Shri Shiv Charan Lal:** They come under clause 59 (e).

**Mr. Chairman:** It refers to polling officers, not the candidates, their election agents etc.

**Shri Shiv Charan Lal:** I am only asking for those people who come under sub-clause (e).

**Dr. Ambedkar:** It is there.

**Mr. Chairman:** The hon. Member's objection seems to be that in clause 59 the words are: "for enabling any of the following persons to give his vote by postal ballot and not in any other manner". The hon. Member wants to suggest another manner, that is at the time of polling another set of papers may be there and those persons may be allowed to vote at the polling stations at which they are serving.

**Shri J. R. Kapoor:** This amendment merely suggests the continuance of the existing practice as it obtains in some parts of the country, at least, if not in all. In the Uttar Pradesh, the rule hitherto has always been that those

persons who are deputed on official duty to work on the polling day at any polling station are authorised to record their vote then and there and give it to the Presiding Officer of the polling station. They are not under the obligation to record their vote and send it by post.

**Dr. Ambedkar:** I do not see what harm this does.

**Shri T. T. Krishnamachari:** There is an express prohibition from recording the vote in any other manner except by the postal ballot. That has also got to be amended.

**Mr. Chairman:** There is no doubt.

**Shri Santhanam:** The difficulty will be that the Returning Officer will not know anything. I think that a person must send it only by postal ballot; otherwise administrative difficulties will arise.

**Mr. Chairman:** According to the present rules of the Assembly elections those who officiate at the polling stations give their vote just before the close of the polls to the presiding officer and their votes are separately taken. Similarly the candidates and their agents etc. are also to give their votes at any place they happen to be and they are kept separately. This was the rule in the past elections. These amendments seek to continue the present practice.

**Shri Karunakara Menon (Madras):** This does not stand in the way of any person, at any rate, on official duty from giving his vote just as any other commoner would do. This does not prohibit him. The clause says: The Government are entitled to make rules for enabling any of the following persons.....

**Mr. Chairman:** The words that follow are: "not in any other manner".

**Shri Karunakara Menon:** If he is unable to vote in the proper manner, the Government shall make rules.

**Mr. Chairman:** Order, order. The words are: "for enabling any of the following persons to give his vote by postal ballot, and not in any other manner".

**Shri Karunakara Menon:** The words are "to enable any of the persons to give his vote," that is to say if he is not able in the ordinary manner to vote, then the Government shall make rules by which he is enabled to vote in a particular manner but then, he cannot vote in any other manner.

**Mr. Chairman:** The words are "by postal ballot and not in any other manner."

**Shri Karunakara Menon:** I emphasize the words: "to enable a person to vote in a particular manner".

**Dr. Ambedkar:** The clause as it is is quite all right.

**Shri Shiv Charan Lal:** If the hon. Law Minister does not think that these words are necessary, then I do not press it.

As for amendment No. 117, I find that clause 59(d) reads as follows: "the wife of any such person as is referred to in clauses (a), (b) and (c) to whom the provisions of sub-section (b) of the said section 20 apply" I do not know why we are giving this right to the wife.

**Dr. Ambedkar:** Because she may be with him.

**Mr. Chairman:** Supposing she is not with him, she is not given any right to vote in any other manner?

**मास्टर नन्द लाल** I beg to move:

In part (d) of clause 59, after the words "such persons" insert the words "if she is living with him at that time".

यह एक नामूली सा संशोधन है। मेरा ख्याल है कि ला मिनिस्टर साहब (Minister of Law) का यह मंशा नहीं होगा कि ऐसी स्त्रियों को इजाजत दी जाय डाक से वोट देने जो कि अपने घर में मौजूद हैं। उन की भी यही मंशा है कि सिर्फ उन को ही इजाजत दी जाय जिन का जिक्र क्लॉज (ए.) (बी.) और (सी.) में है कि वह डाक के जरिये वोट दे सकें। जिन की स्त्रियां उन के साथ होंगी यह रियायत उन स्त्रियों के लिये ही है। इस लिये मैं इस में इस को साफ़ करा लेना चाहता हूं। यह साफ़ कर दिया जाय कि जिन की ओर उन के साथ होंगी वही डाक के जरिये वोट दे सकेंगी। लेकिन जो कांस्टीट्यूएन्सी (Constituency) में होंगी तो वह उसी तरह वोट देंगी जिस तरह कि

और लोग देंगे। मैं समझता हूं कि आनरेबल मिनिस्टर साहब इस को मंजर कर लेंगे।

(English translation of the above speech).

**Master Nand Lal (Punjab):** I beg to move:

In part (d) of clause 59, after the words "such persons" insert the words "if she is living with him at that time". It is quite an ordinary amendment. I do not think the hon. Minister of Law proposes anyway to give to such women as are actually present in the houses a right to cast their vote by post. He too entertains the same view that only the classes of women specified in (a), (b) and (c) should be permitted to exercise this right of voting by post. This concession can be availed only by such women who are actually residing with them. I, therefore, want this point to be cleared. It should be made clear that only such women, who are actually residing with them, shall have this right to vote by post. But those who are residing in the constituencies, will have to vote just like others. I hope the hon. Minister will accept it.

**Mr. Chairman:** Amendment moved:

In part (d) of clause 59, after the words "such persons" insert the words "if she is living with him at that time".

This amendment seems to be quite reasonable; otherwise they would be deprived of their vote if they are living in the constituency.

**Dr. Ambedkar:** This does not refer to wives.

**Mr. Chairman:** This refers to wives. If they are not living with their husbands, they will be deprived of their right.

**Shri Santhanam:** They will not be deprived of their right; they will be entitled to vote in the ordinary manner. Their right is not taken away. It is only for the sake of convenience that a provision is made here. Wherever they may be, they may give their vote by postal ballot.

**Shri Shiv Charan Lal:** This is only an enabling section. The hon. Minister is right when he said that it would not debar them.

**Shri Karunakara Menon:** This is what I submitted in regard to the other amendment also.

**Shri Shiv Charan Lal:** May I just point out one thing, although there is no amendment? The practice even now is that a candidate and his agents, if they are in the other polling stations,

[Shri Shiv Charan Lal]

there is no provision for them to give their vote as in the case of others. They should also be permitted to send their vote by postal ballot.

**Shri J. R. Kapoor:** We may now take up the amendment which stands in your name, Sir.

**Mr. Chairman:** We are now on amendment No. 394. Please refer to that amendment only. I shall put it to the House. The question is:

In part (d) of clause 59, after the words "such persons" insert the words "if she is living with him at that time".

The motion was negatived.

**Shri J. R. Kapoor:** I beg to move:

After part (e) of clause 59, add the following new part as part (f):

"(f) any person subjected to preventive detention under any law for the time being in force."

This is one amendment. Another amendment, which I would like to move with your permission, Sir, is No. 396 in the printed list, which has the privilege of standing in your name. I beg to move:

After part (e) of clause 59, add the following new parts:

"(f) the candidates, their election agents and polling agents;

(g) the President, the Governors and the Rajpramukh of the States."

**Dr. Ambedkar:** Why does he want specifically reference to them? They are voters.

**Shri J. R. Kapoor:** So far as amendment No. 396 is concerned, there are two parts which are intended to be inserted, parts (f) and (g). You may take them separately, because it is just possible that while the insertion of part (f) may be agreed to, perhaps part (g) may not be agreed to for reasons best known to the hon. Law Minister.

Speaking on my own independent amendment, I would submit that while one can easily understand that a person who is undergoing any sentence of imprisonment should not have the right to vote through the post office, because such a person may be suppos-

ed not to be a free agent and his vote therefore may not be a free vote even if he is allowed to record it, so far as persons who are under detention under the Preventive Detention Act are concerned, who are under detention for some political reasons, as they generally are, it would not be fair to deprive them of this right. In their case it cannot be said that the exercise of the right of voting would be under any duress or undue influence by the Superintendent of Jail, or the Jailor or any other person in authority. I submit that such persons who are detained, most of them, would be detained for political reasons, for their political activities and they should have their right to record their vote, because such a right is virtually their very breath.

With regard to the amendment which stands in your name, Sir, I submit that a candidate will have to be roaming about from place to place on the election day. So also would be the case of the election agent and polling agents. So far as polling agents are concerned, of course, a very large number of them would not be acting as polling agents at the particular places in the area where their names are recorded. It is very likely that they would be acting as polling agents in places other than those where their names are recorded. I therefore submit that, a candidate, the election agent and the polling agents should also have the right to record their votes in the same manner as other persons mentioned in sub-clauses (a), (b) and (c) of clause 59; or preferably at the polling stations where they may be working.

Then, there is the last part, (g), which is proposed to be inserted that the President, the Governors and Rajpramukhs should also have this right. Holding these dignified positions, they may not like to exercise this right and associate themselves with any political party. That is a different thing. It should be left to their discretion, good sense and convention. So far as the right is concerned, there seems to be no reason why these persons should not be given the right to vote through the Post Office. I do not think you would expect them to come to the polling stations and record their votes. But this is a minor point. I am not very particular about the insertion of part (g). But, so far as the other parts are concerned, one contained in my amendment and other part (f) contained in amendment No. 396, they must be inserted. That is my submission.

One thing more: that is, with regard to the amendment of my hon. friend Shri Shiv Charan Lal, No. 116 of Supplementary List No. 1, which suggests that these persons should have the right to record their votes at the places where they are working. I do not see any reason why this existing facility should be taken away. Not only would this facility be taken away, but an additional impediment would be placed in the way of their recording their votes. The easier way to have their votes recorded would be to accept the amendment of Shri Shiv Charan Lal. Why should it be necessary for persons who can easily record their votes at their constituency in any polling station, to be compelled to record their votes through the post office? That is such an elementary and simple proposition that I fail to see why it should not easily be accepted. We do not feel happy that an amendment which appears to be so very necessary and so very essential, consistent with the existing practice should be so summarily brushed aside because it does not come in the name of an official Member of Parliament.

**Mr. Chairman:** Amendments moved:

(i) After part (e) of clause 59, add the following new part as part (f):

"(f) any person subjected to preventive detention under any law for the time being in force."

(ii) After part (e) of clause 59, add the following new parts:

"(f) the candidates, their election agents and polling agents;

(g) the President, the Governors and the Rajpramukh of the States."

**Shri Sonavane (Bombay):** I rise to support part (f) of the amendment standing in the name of Pandit Thakur Das Bhargava. I also support the addition of the new part (f). It is necessary to allow a candidate to vote through the post because he may be in a place which is not a constituency in which he is registered as the candidate. It may not be possible for him to go to that particular constituency and so he should be allowed to vote through the post. Similar circumstances may arise in the case of the election agents and polling agents also and so they also must be allowed this facility. When they have to work as election or polling agents, they may have to go to different places and they may not be able to be present in the constituency in which their names occur in the electoral rolls. So it is but proper that this facility should be extended to them also.

**Dr. Ambedkar:** Sir, Mr. Kapoor has placed before us three propositions, namely, that the facilities for voting by post may be extended to persons under detention, and to candidates, their election agents and polling agents and thirdly, to the President, the Governors and the Rajpramukhs of the States.

I should like to say at the very outset that postal ballot is a very dangerous thing—one of the most dangerous things that I have come across. I have noticed candidates appointing persons to go to various individuals who become entitled to voting by post, collect their ballot papers, get their signatures, and just post it themselves and thus a vast amount of illogical pressure—something like requisitioning—is brought about. I therefore, think that this system ought to be confined to the shortest extent possible.

**Shri J. R. Kapoor:** Then do not extend it to the wives of voters who live far away.

**Dr. Ambedkar:** They are only (a), (b) or (c).

As regards the candidates, election agents and polling agents, I do not see why the rule of postal ballot should be applied to them. I can quite understand that the candidate may not be present in the constituency in which his name is enrolled, because we have given the facility that a candidate can stand anywhere he likes. It is also possible that the various persons whom he engages such as the election agents, polling agents and so on, may not be able to work in the constituencies in which their names are enrolled. In such cases it is perhaps desirable to make it possible for them to vote in a constituency where they are working although that is not their constituency by registration. But that is a matter which must be considered separately and not under the postal ballot section.

With regard to Rajpramukhs, Governors and the President, I do not see what valid ground there is for permitting them to cast their vote by postal ballot, except the fact that they are certain dignitaries of the State. But I do not think that the law in the matter of election should recognise any such distinction at all.

**An Hon. Member:** They may be living far away from their constituency.

**Dr. Ambedkar:** I do not think so. They can arrange their tours in such a way as to be in their headquarters at the proper time. That is not a very difficult thing.

**Shri Sidhva:** They have all the facilities for that.

**Dr. Ambedkar:** With regard to persons under detention, I think the general rule of law is this. First of all, whoever is under detention is not in a position to exercise the rights that are given to him. That is the rule under the English Law. The English Law makes no provision for what might be called "convicts" to vote, by reason of the fact that they have placed themselves, so to say, beyond the pale of the electoral law.

**Shri T. T. Krishnamachari:** But that disqualification would not operate in this case.

**Dr. Ambedkar:** I do not know. Our disqualification would arise if the period is 2 years or if the detention is an indefinite sort of thing. So I would not commit myself to the proposition suggested now. I feel that we are really breaking a very salutary principle that a man if he wants to exercise his legal rights of voting, he must be within the pale of the law and not outside it. Therefore, on that ground I am not prepared to accept the suggestion with regard to persons under preventive detention.

As I said I am prepared to consider the question as to whether a candidate, his polling agents and other agents who are working for him and who are not registered as the voters in that particular constituency in which they are present, should be permitted to vote in that very constituency notwithstanding the fact that they are not registered there. But that is a matter which cannot come under this clause.

**Mr. Chairman:** The present rule is then that they are allowed to vote wherever they happen to be?

**Dr. Ambedkar:** If necessary, that will be provided for separately.

**Shri T. T. Krishnamachari:** Sir, I would like the House to be permitted to discuss this matter more fully, in regard to the persons under preventive detention. At the time the amendment was moved, we thought that as a matter of course, it would be accepted. Several Members hold that the persons detained under the

Preventive Detention Act under the Constitution are detained for something for which they are not responsible, and Government fight shy of taking these persons to a court and get them convicted. And so long as they are not convicted, they must be held to be innocent of all crimes. And therefore, you may not disenfranchise such a person or those persons whom the State has not courage enough to take to a court of law and get a conviction. On a matter like this, the bulk of the Members of the House will be in favour of accepting the amendment moved by Shri J. R. Kapoor. It is a matter of principle. We cannot concede that the position of persons who have been detained under the Preventive Detention Act is analogous to that of a convict merely because in a country where there is no preventive detention as such everybody in jail is treated a convict. If we do, I am afraid we would be giving away a fundamental tenet which most of us hold in this country, that the Preventive Detention Act is something fundamentally wrong which has to be resorted to only in the extreme cases. It is a matter of principle with many of us and in view of the importance of this question we want a separate vote taken so that we can voice our opinion on this matter.

**Mr. Chairman:** There are two questions—not only the question whether these persons should be allowed to vote.

**Dr. Deshmukh:** I very strongly support this amendment specially so far as it refers to the detenus. Some arguments have already been advanced by Shri T. T. Krishnamachari and I will not repeat them. This is a matter of utmost importance. Unfortunately some of the Members have already complained that even the existing Governments have not behaved very well in this respect and at least I have certain instances where for the Assembly elections all manner of difficulties are put in the way of people who have been detained in jails without trial. There are instances of people who have been detained for 12 or 15 months. There were, among them, some who were elected on the Congress ticket and the only suspicion against them was that they were having sympathy for Communists. Every possible obstacle was put in their way. There are many allegations in this respect.....

**Mr. Chairman:** Even of attending the Assemblies.

**Dr. Deshmukh:** Yes and because they could not attend the Assemblies as a result of causes beyond their control, their absence was considered and counted against them and their seats were declared as vacant and when they offered themselves for re-election, every manner of obstacle was thrown in their way so as to deny them the privilege of standing. Not only that, but they were prevented from even correctly nominating themselves for elections. Under these circumstances and especially when we are trying to give the power to Parliament to legislate so as to interfere in such matters and because these persons are not going to be detained on any other ground except political or that the Government is not prepared to see eye to eye with them—it is absolutely imperative that they should not only have the right to vote but they should have every facility for offering themselves as candidates. We have had examples that many Congressmen during the British rule were elected as Members of the Assemblies and other local bodies. We knew the foreign Government did not throw any obstacle in the way of these people and we should be really condemning ourselves if we do not take care to see that as much facilities to all these people who are detained in this fashion are available to them not only for offering as a candidate but also for recording their votes. Whatever amendment or change is necessary in this connection should be brought about.

**Mr. Chairman:** What about under-trials?

**Dr. Deshmukh:** I would like the amendment to be widened as much as possible.

**Pandit Krishna Chandra Sharma (Uttar Pradesh):** There are two questions—one is to form an opinion. The hon. Mover should know that it is not always possible under the Jail Rules that a detenu can have access to newspapers or know all the facts beyond it. Jail itself is called 'Jail' and the world outside is called 'Dhunia'.

**Mr. Chairman:** Under the Rules, newspapers are supplied to the detainees.

**Pandit Krishna Chandra Sharma:** The Rule-making power rests with the local Government. It is not a matter of Constitution. It is a matter of framing rules by the local Government with regard to persons in the jail. One local Government may not permit the newspapers being supplied to them. Secondly one has to form a

free opinion. Those facilities are not necessarily to be available to the man in detention. The second question arises as to whether they would be able to vote freely. (*Interruption*). The hon. Member should not try to behave in a manner that will not benefit a Member of this House.

Then it is not only the political alone that will be kept under detention. Others like black-marketeers are also likely to be kept under detention and in their case a free voting would not be possible for them. Because in jails there are so many influences and we may be very free and independent here but jail has quite a different atmosphere and for little things people say 'goodbye' to independence. So forming an independent view is not possible in detention. Then it will not always be possible for free voting. On these grounds I do not think this right should be conferred on the men under detention.

**Shri A. C. Guha (West Bengal):** Sir, I strongly support this amendment. I had been in detention for many years and I know of several cases where detenues are allowed to stand as candidates. Under free India they should be allowed to vote by some arrangement—either by post or some other suitable arrangement. In any case political detenues should not be debarred from standing as candidates or even from voting. The British Government was allowing this facility at least for standing and there should not be any reason why free India should not extend this facility. My friend who preceded me cited the case that in the British days the people who were detained were better class people than those who are now in jails. This is a dangerous and fallacious argument. Now politics is dominated by party considerations—today Congress Party may be in power, tomorrow another party may be in power.

**Dr. Deshmukh:** Mr. Sharma himself may require this privilege.

**Shri A. C. Guha:** This argument will come as a boomerang against him. So for our self-interest, in the interest of the political parties and of democratic institutions, this provision should be made.

**Pandit Munishwar Datt Upadhyay:** I was surprised at the remarks of my hon. friend Mr. Sharma when he said that the detenues in the jail were not in a position to form any independent opinion about the things that were going on in *Dhunia*. As a matter of fact when we were in jail in 1942: for a few months we had no newspapers. Otherwise afterwards—even in that

[Pandit Munishwar Datt Upadhyay] time—we had a number of papers and we knew everything about the things that were happening outside. Not only that; probably we are inside in a better position to know and study things and we have better facilities to know of every thing that is going on outside the jail. To say that these people have no time and cannot have an independent opinion nor know what is going on outside the jail is rather surprising. Also to say that these persons should have no right even to vote is equally surprising. They are only detained for a certain period, no charge of any offence is made against them and it is very likely that the grounds on which they have been detained may be found absolutely baseless or meaningless. To say that such persons should not even have the right to vote when they are inside the jail as detenus will be highly improper. Persons detained will be generally political persons (*Interruption*) there may be black-marketeers here and there, but generally they are political persons who are men of education and standing. They are persons who will be personally interested in elections and would like to vote and may even like to be candidates. What we are allowing them is only the right to vote and if they are denied that right it would be highly improper.

It is said that they would not be independent and might be influenced by the jail authorities. We have been in jail and we know how much we are influenced by any authority. They are not at all influenced by any jail authority. Knowing the position of the detenus as we do, to say that they should not have the right to vote, simply because they are inside the jail is highly improper.

The other aspect of the question is whether they should be allowed to vote by post. Not by post but if some other arrangement could be devised by which they can vote it would be better.

**Mr. Chairman:** I think it has been sufficiently discussed and no further argument is necessary.

**Shri Satish Chandra** (Uttar Pradesh): Nobody has spoken against the clause.

**Mr. Chairman:** It is not necessary. At least one Member has spoken against it. But if the House is anxious to continue the debate I have no objection.

**Shri R. K. Chaudhuri** (Assam): If I have followed correctly, there are three

aspects to this matter which we are considering. One is whether we should allow the Rajpramukhs the benefit of this clause, secondly whether we should allow the wives of the persons mentioned here to send necessarily their votes by post and thirdly, whether we should allow also the franchise to those who have been detained under the Preventive Detention or any other Acts.

As regards the first point I entirely agree with the Law Minister that the Rajpramukhs should not be given any sort of privilege of recording their votes otherwise than in the ordinary way. They must understand the spirit of democracy and jostle shoulders with the common people at the time of the elections. It will be for their own benefit and only in this way they will be able to make themselves popular as democratic leaders in future.

As regards wives, two points have to be considered. I want to know whether this is an enabling provision or it is a restrictive clause. I want to know whether the wives who are not living with their husbands will have the right of recording their votes without going to the polling booth by sending their votes by post. Though they may be with their husbands at a place away from the polling station, I want to know whether they should be allowed to record their votes by post or in the ordinary manner. So far as wives who are residing with their husbands are concerned—I can speak frankly since I see no lady Members here—even if they are away from the place of polling they should not be allowed to record their votes by post. These are not the days of the Ramayana, when Sita accompanied Ramachandra. On account of the mere fact that they are with their husbands they should not be allowed to record their votes by post. Nobody compelled them to go with their husbands to a distant place. So far as the husband is concerned he is duty bound under the law to go to a particular place. Therefore he may be allowed the privilege. But I do not think the wife should be allowed to record her vote by post. Most of the Members who have the temerity to acknowledge the fact will agree that if the woman is going to exercise the right of voting she should exercise it just like any man. There should not be any special privilege for them. If they want to record their votes they should come to the polling booth and set an example to the other women voters.

**Shri C. Subramaniam** (Madras): How is this relevant to the discussion of this clause?

**Mr. Chairman:** Under (d) of clause 59 the right is given to the wives.

**Shri R. K. Chaudhuri:** The wives mentioned in the clause are the wives of distinguished persons. If they set an example other women who are generally shy will also go to the polling booths. I would therefore strongly oppose this privilege to record votes by post given to wives.

Under this clause wives of absentee husbands who are in America or elsewhere, are not called upon to record their votes by post. They have the inherent right of a voter to come to the polling booth and recording their votes. I want to know whether that is qualified by this clause. The wife of a person who is exempted under this section, if she is living near the polling booth, I want to know whether she also gets that privilege and she is debarred from going to the polling booth, merely because her husband is away and there will be nobody to chaperon her to the booth or she may be misled and hence she is given the privilege of recording her vote by post. If I am a candidate in a particular constituency, if there is a woman whose husband is away—whose privilege is to record her vote by post—can I take her along with me to the polling station and ask her to vote in my favour? I hope the hon. Law Minister will explain this point, and not laugh it away, as to whether this clause will stand in the way of my ensuring that I will get the vote of that particular woman voter and I will be able to take her to the polling booth.

12 Noon

The third point is with regard to detenus. I can quite understand the strong feeling against some of those detenus who, we know, were mixed up in various crimes against the State. But many persons are detained on suspicion; many are detained for the mere sake of interrogation and are released after one or two weeks. My question is whether such persons also will suffer disability and will not be allowed to record their vote. You should remember on this occasion the well-known saying that you should do unto others what you wish others should do to you. Sir, in similar circumstances we had always demanded that we should be allowed to get the benefit of the votes of the detenus. We went to the length of saying that even persons who were convicted and undergoing imprisonment should not lose their right to vote merely because they were in jail. The case of those who have not been convicted for any specific offence, or at any

rate against whom there is no clear evidence of their complicity in anti-social crimes, should be considered and they should not be deprived of the right of voting. I would submit a *via media* for consideration. I would say that in those cases which have not been submitted to the Advisory Board and those cases in which the Advisory Board have not pronounced against the detenus, in such cases at least they should be given the right to vote because there is no conviction against them nor a report that their detention is justified.

**Shri Sidhva:** I want to have some clarification from the hon. Law Minister. My hon. friend, Mr. Chaudhuri has drawn attention to sub-clause (d) of clause 59. I can understand a wife who is staying with her husband outside India sending her vote by post, but does this sub-clause mean that even if the wife is staying in India and is near the constituency she will be permitted to vote by post? I would like to have clarification on this point. This right should be given only to women who are outside India, living abroad with their husbands. It should not be given to wives who are living in India—I do not think even my lady friends here would like to make such a provision.

Coming to the amendment of Mr. Kapoor, I entirely agree with that part of it relating to detenus. We have always been stating that a detenu is a detenu, irrespective of whether the charge against him is political or otherwise, for instance, black-marketing. They are innocent until convicted. Therefore, you cannot make a distinction between political and other detenus by saying that you would give the right to vote only to political detenus and not to others. My point is that a detenu has been detained for certain reasons of suspicion and therefore until conviction is ordered that right of voting should not be denied to him. I remember, Sir, how when I was in jail I was not only given the right to vote but when there was an Assembly session in my Province the summons was sent to me in jail by the Governor that I should attend the session. I did not attend because that was one of the principles of my organisation, but we were told that if I wanted to attend all facilities will be given. I only want to say that while the previous Government gave all these facilities it is wrong on our part to deny the right which was given to us. The hon. Minister, I hope, would bear this point in mind and accept it. If it is not acceptable to him, I would request him to postpone the matter for further consideration.



[Shri Sidhva]

I do strongly feel that these detenus should be allowed the right of vote. Whether voting should be done in person or by post is a different matter which should be considered. I certainly would like them to record their votes in person, but if there is any administrative difficulty that can be overcome. By post or in person, these persons should be given the right to vote. That is my point. With these remarks I support that part of the amendment. I entirely oppose his amendment that everybody should be given the right to vote by post. Sir, earlier I have asked for clarification of sub-clause (d) and I would like to get that clarification from the hon. Minister.

श्री भट्ट : माननीय सभापति जी, आम तौर से नजरबन्दों को मत देने का अधिकार दिया जाय इस के इक् में बहुत से लोग होंगे। यह सबाल जब हमारे सामने सिलेक्ट कमेटी (Select Committee) में आया था उस समय भी हमारे सामने बहुत सी दिक्कतें पेश आई थीं। जैसा कि अभी भी कुछ मित्रों ने कहा है, वैसा ही उस समय भी कहा गया था कि अगर आप नजरबन्दों को वोट का अधिकार देना चाहते हैं तो बेचारे अंडरट्रायल्स (under-trials) ने क्या गुनाह किया है कि उन को वोट का अधिकार न दिया जाय।

श्री सिधवा : दीजिये।

श्री भट्ट : तो अगर हम इन सब लोगों को यह अधिकार देते हैं तो जो आदमी हिरासत में हैं वह भी एक फ्री वोटर (Free Voter) हो जाता है और अपने अधिकार को अमल में ला सकता है। एक फ्री वोटर को माने क्या है। हो सकता है कि एक जगह का वोटर किसी दूसरी जगह जेल में हो या एक कांस्टीट्यूएन्सी (Constituency) का वोटर दूसरी जगह जेल में हो। इस हालत में उस को वोटिंग (Voting) की जगह पर लाने का इन्तिज़ाम करना

होगा, वोटर्स लिस्ट (Voters' List) का इन्तिज़ाम उस के लिये करना होगा और यह भी इन्तिज़ाम करना होगा कि कौन जेलर (Jailor) या सुपरिण्टेंडेंट (Superintendent) उस का इन्तिज़ाम करे और पोलिंग अफसर (Polling Officer) कैसा रहे इस का भी इन्तिज़ाम करना होगा। मान लीजिये कि यह सब इन्तिज़ाम हो जाता है, तो तीसरी दिक्कत जो हमारे सामने आती है वह यह कि फ्री वोटर होने की हेसियत से उस को इलेक्शन पिटीशन (Election petition) करने का भी हक रहता है। वह यह भी चाहेगा कि हर तरह के इलेक्शन पेपर्स (Election papers) और मैनीफेस्टोज (Manifestoes) उस के पास आयें। तो ऐसा अधिकार देने के पहले हम सोचें कि अगर उस को यह अधिकार न दिया जाय तो कितना फर्क पड़ेगा और अगर उस को यह अधिकार दिया जाय तो सरकार के लिए कितनी झंझटें बढ़ जायंगी।

श्री जे० आर० कपूर : मैं यह निवेदन करना चाहता हूं कि मेरे संशोधन में तो उन को यह सब अधिकार देने की बात नहीं है। मेरा संशोधन तो केवल यह है कि उन को एक ही अधिकार दिया जाय कि वह डाक द्वारा अपना वोट भेज सकें।

श्री भट्ट : जब आप एक अधिकार देते हैं तो उस के पीछे दूसरे अधिकार भी फलित होते ही हैं। जब आप उन को वोट देने का अधिकार और कंडिडेट (candidate) की तरह खड़े होने का अधिकार देते हैं तो उस के साथ कई और चीजें भी दाखिल हो जाती हैं उन को भी हमें ध्यान में रखना चाहिये। इसलिए

मेरा निवेदन है कि यह अधिकार देने के ब्रत यह सब झंझटें और यह सब चीजें हमारे सामने आनी चाहियें। मैं यह मानता हूं कि यह सब करमा बहुत मुश्किल होगा। जब हम ने बालिग मताधिकार दे दिया है तो मैं समझता हूं कि चन्द हजार नजर-बन्दों के वोट न देने से शायद कोई ज्यादा फर्क नहीं पड़ने वाला है। (एक सदस्य : फर्क पड़ेगा)। मेरे मित्र कहते हैं कि फर्क पड़ेगा। पर इन को यह अधिकार देने में कितना इन्तिजाम करना पड़ेगा। वैसे ही जो काम हम करने जा रहे हैं वह बड़ी दिक्कत की चीज है। तो अगर हम इन सब का इन्तिजाम करने लगेंगे तो हमारी झंझटें बहुत बढ़ जायेंगी। इसलिये अगरचे मैं हमदर्दी रखता हूं तो भी मैं कहता हूं कि यह व्यावहारिक नहीं होगा।

(English translation of the above speech)

**Shri Bhatt:** Sir, I think, many people will be of the opinion that detenus should also be given the right of voting. When this problem was raised during the Select Committee stage even then we had to face many difficulties. The same arguments were adduced at that time as have been put forward at present by some of my friends that if you want to grant the right of voting to the detenus then what stands in your way is not granting the same rights of voting to the under-trials.

**Shri Sidhva:** Grant them.

**Shri Bhatt:** Therefore, if we grant the right of voting to the under-trials and detenus then they will all become free voters and would exercise their right. What is the meaning of a free voter? It is possible that a person of a certain constituency may be in jail in some other place, then arrangements will have to be made for bringing that person to his own constituency and the voters' list will have to be provided. Besides all this, you will have to select a particular Jailor or Superintendent and a Polling Officer for him. Suppose, all these arrangements are made, still we will have to face a third difficulty and it is that being a free voter he will have the right of submitting election

petitions. He would also like to have all the election papers and manifestoes concerning the elections. Therefore, before granting this right to him we should consider as to what difference would it make if we do not grant him this right and the additional difficulties which the Government will have to face, if it is granted.

**Shri J. R. Kapoor:** I would like to submit that there is no mention of all these rights in the amendment moved by me. My amendment stands only for this that they should be granted the right of sending their votes by post.

**Shri Bhatt:** If you grant a certain right others follow. We should keep this in mind that when we grant them the right of voting and contesting election as a candidate, then naturally other things also follow. Therefore, I submit that we should bear in mind all these difficulties while granting the right to them. I admit that it will be difficult to do all this. I think, when we have made provision for adult franchise, it would, perhaps, make little difference if a few thousand detenus do not cast their votes. (An Hon. Member: It will make much difference). My friend says that it will make much difference. But, what an elaborate arrangement you will have to make for them. It is already a very difficult job which we are going to undertake. Therefore, if we undertake to make all these arrangements for them, our difficulties will increase enormously. Though I have got every sympathy for them, yet I think, it will not be practicable to do so.

**Shri S. N. Sinha:** Just as the 'wife' is mentioned in sub-clause (d) of clause 59, I want 'husband' also to be provided for. Now women have become eligible for government service, with the result that the concession should be extended to husbands of wives employed similarly.

**Shrimati Durgabai (Madras):** I heard the hon. Member, Mr. Rohini Kumar Chaudhuri taking exception to sub-clause (d) of clause 59, as is usual with him. He does not study the clause properly. In this case also he has not understood the provision at all. Any mention of a woman, or any reference to a woman excites him to get up and say something. Even this has now lost its effect, because it has become too frequent.

**Shri R. K. Chaudhuri:** My hon. friend seems to imagine that I am always opposed to women and their

[Shri R. K. Chaudhuri]

interests. I can tell here this—I do not know whether she knows it—that there are two ways of pleasing God: one by worshipping and another by being his declared enemy.

**Shrimati Durgabai:** I do not know what exception he can take to the wives of persons referred to in sub-clauses (a), (b) and (c) being given the right to vote. Sub-clause (a) refers to a member of the Armed Forces. A woman happens to be the wife of an officer serving in the armed forces. These armed forces are stationed at various places and they cannot leave the station. It is therefore only in the fitness of things that the wife of such an officer should be permitted to vote by letter or by post.

**Shri R. K. Chaudhuri** rose—

**Shrimati Durgabai:** I am not going to give way.

**Shri R. K. Chaudhuri:** On a point of information.

**Mr. Chairman:** Order, order. This is not fair.

**Shrimati Durgabai:** If he objects to the wife of the officer of the armed forces being given this right, he will be opposing his own principle and contradicting his own ideology. It only shows that he does not want the wives to be with their husbands. It is only to save this, that this provision is made.

The second category (b) is the wife of a person holding any office in India declared by the President to be an office to which the provisions of sub-section (4) of that section apply. They are essential services, where a person is not expected to leave the station. In such a case his wife is enabled to vote by post.

The third category (c) is the wife of a person who is employed under the Government of India in a post outside India. I do not know what objection he can have to this. Does he want that a wife should leave a person and come to vote?

**Dr. Ambedkar:** I think I could set matters right?—at any rate put them in a proper perspective so that the House may come to its own conclusion.

I first of all wish to dispose of the point with regard to sub-clause (d) of clause 59, relating to wives. I think in order to understand what exactly sub-clause (d) seeks to do, it is necessary to go back to section 20 of the Representation of People Act.

Section 20 of that Act deals with the question of the meaning of the words "ordinarily resident". What is the meaning of the words "ordinarily resident"? Now, the words "ordinarily resident" are quite clear with regard to persons who are residing in India. But with regard to persons, for instance, who are in the armed forces of the Union and who under the Army Act and Regulations can be transferred from one place to another, they cannot be presumed to have any particular fixed place of residence. They are in one place for a few months. They are then transferred to some other place. They are there for a few months and again they are transferred. They are so to say a mobile force with no particular attachment to any particular area. In that case, the question arises as to what is to be their constituency.

Similarly, there is another class of people who are employed in the service of the Government of India outside India. In regard to these persons the provision that is made in section 20 of the Representation of People Act is this: that option would be given to them to make a statement as to which constituency they regard to be their constituency and whatever choice they make is accepted by the Registration Officer for the purpose of recording their names in the electoral roll. That is the position.

Obviously along with that the question of wives of such persons also arises, because they are also sometimes living with their husbands who are either in the armed forces of the country or in the services outside India. Just as the question arises with regard to the males who are employed, the question also arises with regard to their wives. The answer given in section 20 is that the constituency of their husbands shall also be deemed to be the constituency of the wives. Consequently it is necessary to make a provision for voting by postal ballot with regard to the wives also.

**Shri R. K. Chaudhuri:** If the wife is here in India?

**Dr. Ambedkar:** If the wife is here, that will be the constituency, because she will be entered in the electoral roll independently of the provisions contained in section 20 of the Act.

Suppose she is outside and her husband selects a particular constituency. If the husband has a right to vote by ballot, obviously the wife must be given the same right and I do not see any reason why my hon.

friend Mr. Chaudhuri got so excited over such a simple proposition.

**Shri R. K. Chaudhuri:** Supposing the wife is employed? Will the husband get the same privilege?

**Dr. Ambedkar:** That is a contingency that may arise.

Now I am coming to the question of detenus. Personally, I do not mind saying that I have a great deal of sympathy with the proposition that no person in India who has got the right to vote should not be free to vote. But I would like the House to consider what actually we could do in order to ensure that the detenus will be able to vote. There are three possible ways of doing it. One is this that we have to set up a polling station in each jail so that all persons who are placed in that particular jail may have the right to vote and to constitute the Jailor either the Returning Officer or the Presiding Officer or the Polling Officer. That is one way of doing it. The second way is that we should allow the detenus to be taken to the general polling booth, undoubtedly accompanied by police, and probably handcuffed and taken out of the jail walking two or three miles. And the third way would be by the postal ballot. Obviously it would be very difficult in my judgment to constitute a polling station in each jail, because there may be in some jail quite a large number of detenus, in some other jail there may be one or two, in some there may be none.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** It will be possible.

**Dr. Ambedkar:** I think the Home Minister might be in a better position to enlighten the House as to how it could be done.

**Shri Satya Narayan Sinha:** I have consulted the Home Minister.

**Dr. Ambedkar:** With regard to the second method I do not think that any detenu would like the alternative of being taken under police escort, handcuffed and paraded for a distance of two or three miles.

**Mr. Chairman:** Why two or three miles? It may be fifty miles or more because the constituency may be very far from the jail.

**Dr. Ambedkar:** That is another difficulty. The only other method that is therefore left for consideration is the postal ballot. I want to point out what is likely to happen under the

postal voting system. It is quite obvious that the ballot paper will have to be distributed a long time before the date of polling takes place. For that purpose the Election Commissioner will have to write a circular to the various Jail Superintendents to find out how many detenus there are under their custody and in accordance with the information so obtained he will, on the estimate made on that day—this is important—distribute the ballot papers. The circular must certainly go to the Jail Superintendents at least some time before, may be a month or three weeks before the actual polling takes place, and then accordingly the ballot papers may be sent to the Jail Superintendents to be distributed to the various detenus under their custody. The question that the House has to consider is this: what is to happen to the detenus who are brought into jail custody between the date on which this enquiry is made and the date on which the polling takes place? Obviously there could be no ballot papers in respect of them because the ballot papers would have been sent to the jailor on the basis of the estimate that he has submitted on that particular day. It may be that after that date is over fifty more detenus are sent to the jail. They are there. Therefore, by adopting this system of postal ballot you are not giving effect to a general desire that every person under detention should get the right to vote. (*Interruption*). Most of them will get, but some will not. If you are keen that every person who is under detention shall get an opportunity to vote...

**Shri J. R. Kapoor:** So far as is physically possible.

**Dr. Ambedkar:**...that purpose is not going to be carried out. There are some people who are bound to be omitted. And it is perfectly possible, so far as I can imagine, that the number of people who may be sent under preventive detention after or just nearer the time when the polling takes place may be much larger than before. I do not want to anticipate anything, but my fear is that this sort of thing may happen. Therefore you are really not making a provision which is, shall I say, either fool-proof or knave-proof. (*Interruption*). This matter really has been raised without reference to the clause. This matter can arise only under clause 61 because there is a specific provision in sub-clause (5) of it. It cannot come under clause 59. Sub-clause (5) of clause 61 says that "No person shall vote at any election if he is confined in a prison, whether

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under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police, or is subjected to preventive detention...". Therefore, if any amendment is to be made, it must be made to sub-clause (5) of clause 61. I think this matter is quite outside the scope of clause 59.

**Shri Sidhva:** If we pass it, it will go under 61.

**Dr. Ambedkar:** How can we pass it now? I have told you what difficulty is likely to arise. If notwithstanding it you want it to be done, it is a different matter. It is not a matter of conscience with anybody. I do not know what arrangements Government can make.

**Shri Bharati (Madras):** One difficulty is that some of them may be illiterates.

**An Hon. Member:** They are too literate!

**Dr. Ambedkar:** I have only pointed out the administrative difficulties. If supposing for instance there is a very large concentration of detenus in a particular jail, and a candidate comes to know that a good many of them are illiterate and not able to sign, it is perfectly possible that he may approach the jailor and say "Get these things signed for me".

**Shri Sidhva:** There are so many officials. There is a Superintendent, jailor and so many officials are there. Should we assume that all of them are going to be corrupt?

**Dr. Ambedkar:** If the evil exists on a small scale, should we tolerate it on a large scale? (*Interruption*).

**Several Hon. Members:** Put it to vote.

**Mr. Chairman:** Order, order.

**Shri T. N. Singh (Uttar Pradesh):** I would like the Law Minister to explain as to what will be the position of a husband whose wife is employed outside, in government service, and whether he will exercise the right of vote or not?

**Dr. Ambedkar:** So far as the law is—my women friends in the House will forgive me—the husband does not carry the status of the wife; it is the wife that carries the status of the husband.

I cannot consent to this kind of irregularity. I said there is a regular clause for it, namely 61(5). When you want to move an amendment, move

an amendment to that. But there is no text of amendment before us.

**Mr. Chairman:** There is an amendment which has been moved. This amendment has not been ruled out of order. At the same time the acceptance of this amendment involves two things, not only the right of voting but voting in a particular manner, that is by postal ballot. Therefore, even if this amendment is not accepted by the House it would not preclude its consideration under clause 61. So I would rather prefer, if the House agrees, that it may be taken under clause 61.

**Shri J. R. Kapoor:** May I submit that I have tabled an amendment to the same effect under clause 61 also? But if I have tabled an amendment there also it is because I consider it necessary that the amendment here also should be made. The other amendment is a consequential one. Because clause 59 relates to the manner of voting and clause 61 relates to the right to vote. Now, if we do not accept this amendment under clause 59, the effect of this would be that we are not enabling the Government to make any provision for laying down in what manner a detenu would vote. That means that a detenu, if at all he is entitled to vote under clause 61 will have necessarily to be taken in person to the polling booth. If my amendment is accepted, it will mean that the Government will be seized of the power to make rules laying down in what manner the detenu shall vote. When we come to clause 61 the following words occurring in sub-clause (5) "or is subjected to preventive detention under any law for the time being in force" should be deleted there.

**Mr. Chairman:** Order, order. Unless and until we succeed in getting it established that the detenu has a right to vote we cannot do anything. The manner how he would vote would naturally come after that. In the present arrangement, clause 59 precedes clause 61. So, it would be better first of all if the House establishes that a detenu has got a right to vote. Then the question will arise how he should vote. If the House is of the opinion that the detenu has the right to vote, then the Government shall have to make some arrangements as to how he should exercise the vote.

**Shri J. R. Kapoor:** But not without this law authorising the Government to make any such arrangement.

**Mr. Chairman:** Order, order. Let us hear the hon. Minister.

**Dr. Ambedkar:** If the House adopted it, what I would do would be to delete the last sentence, namely "or is subjected to preventive detention under any law for the time being in force" and then say "that for purposes of enabling persons under preventive detention to cast their votes, the Government may make provision either by establishing polling stations or by ballot paper" or put something like that.

**Shri J. R. Kapoor:** The other course will be to take clause 61 and then clause 59.

**Shri T. T. Krishnamachari:** It does not preclude this House from deciding on the amendment proposed by Mr. Kapoor because the acceptance of the amendment will naturally involve a deletion in clause 61. I am afraid that the hon. Law Minister is talking about something which is not practical politics. Nobody wants polling stations in a jail. What we feel is that a detenu will have to vote in regard to an election somewhere far away from the jail and the only method by which he can possibly do so will be by a postal ballot and if that principle is accepted, the only thing to do is to accept Mr. Kapoor's amendment if the House so chooses. Then we may take up the consequential amendment of the deletion of the words in clause 61 for which he has given notice of an amendment. The procedure is quite right. I think you can put Mr. Kapoor's amendment to vote...

**An Hon. Member:** What about the illiterate voters?

**Dr. Ambedkar:** I would prefer this matter to be considered under 61 (5) which is more direct rather than to do it in this indirect fashion.

**Mr. Chairman:** I think that so far as the right to vote is concerned, first of all it should be established by the House. As Mr. T. T. Krishnamachari pointed out there is no rule precluding us from considering clause 59, because the acceptance under clause 59 also establishes two things, namely, the right to vote as well as the right to vote in a particular manner. All the same it is an accepted principle that before we take to the latter course, it would be better to get the right to vote established. Then the Government shall have to prescribe the manner in which that right is to be exercised. Then when the amendment comes in, it will be right for us to say whether the particular mode which the Government proposes for obtaining the vote of the detenu is proper or not.

We shall have occasion then to consider whether establishing polling stations or the voting by postal ballot would be a preferable method. Then, we shall have occasion to agree to that method. I think Mr. Jaspat Roy Kapoor has already agreed that this may be taken up when we consider clause 61.

**Shri T. T. Krishnamachari:** My suggestion is that the House should decide this matter. If you think that the House had better decide clause 61 first leaving clause 59 without being decided on now, I am quite agreeable to that. But, we do not want this House to leave it to the tender mercies of the mover of the Bill either to move a similar amendment or not. We would like clause 61 to be disposed of first before clause 59.

**Mr. Chairman:** Order, order. It is not right to suggest like that, because the matter is in the hands of the Chair. The Chair has to find which thing has to be moved first and which thing next. The Mover has expressed his sympathy with the amendment. Why should it be said that the matter be left to his tender mercies?

**Shri J. R. Kapoor:** I would submit that there does not seem to be any difference of opinion with regard to the acceptance of the principle of my amendment. So, I would say nothing on that. The only question is how the substance of it should be incorporated, and where. I would submit, Sir, that it would simply not fit in in clause 61 for the simple reason that there seems to be some misapprehension, if I may say so, with all respect to hon. Members, that clause 61 confers any right. It is nothing like that. The right to vote already exists under the existing statutes. Clause 61 is a disqualifying clause. It does not confer any right of voting. It takes away the right of voting from certain persons who are enumerated in clause 61. A detenu *per se*, in his own right has the right to vote. The only question is whether he should be deprived of that right or not. When we come to clause 61, we shall see that he is not deprived of that right. Or rather, when it is said that he is being deprived of his right, we shall see that the deprivation of his right is not incorporated in clause 61. But, here, we must specifically provide for that because here we are laying down the procedure by which various classes of persons are enabled to vote, and this is the proper place.

**Mr. Chairman:** Order, order. The point is absolutely clear. There is no dispute about that. The right of vot-

[Mr. Chairman]

ing and the method in which the vote will be recorded, are the two matters before the House. There is provision in clause 61 which takes away the right of a detenu. We have first to see whether we succeed in seeing that that right is not taken away. Then the question will arise as to the method in which that vote is to be recorded. Then we can revert to clause 59, to see whether we can adopt this method of recording their vote or the other methods suggested by the hon. Law Minister.

With the concurrence of the hon. mover of the amendment, I am not putting this amendment to the House now. We can come back to clause 59 again if necessary.

Several Hon. Members: All right.

Mr. Chairman: I shall put the other amendment to the House. No. 396.

Shri Shiv Charan Lal: About that. I want clarification on one point.

Mr. Chairman: All the points have been clarified.

Shri Shiv Charan Lal: The hon. Minister while replying to amendment No. 396 said that this is not the place for bringing in the candidates, their election agents and polling agents. My submission is that the heading of this clause is "Special procedure for voting by certain classes of persons" and I think this is the proper place to bring them in.

Mr. Chairman: The hon. Member will realise that herein the special procedure is given for postal ballot. The hon. Minister has already explained that this is not the proper method. It is for the hon. Minister to make provision somewhere to see that these persons get the right to vote.

Dr. Ambedkar: If my friend wants an explanation, I would like to give this explanation to him. This clause 59 makes special reference to provision for voting by postal ballot by certain persons. It does not take away the right of the Government or the Election Commissioner to make provisions by rules for the method of voting of some other classes of people. If he wants specifically any rule, he can do so when we come to clause 167 where power to make rules is given.

Mr. Chairman: I shall put amendment No. 396 to the House.

Shri J. R. Kapoor: I would request you, Sir, to put it in parts separately (f) and (g).

Mr. Chairman: The question is:

After part (e) of clause 59, add the following new part:

"(f) the candidates, their election agents and polling agents;"

Shri J. R. Kapoor: The Ayes have it, Sir.

Mr. Chairman: I will again put it to vote.

Shri J. R. Kapoor: Sir, most of the Members have not understood what is being put to vote.

Dr. Ambedkar: This matter will be provided for separately, and I do not understand why my friend should insist on introducing this clause for the purpose of postal ballot.

Shri J. R. Kapoor: Then I take it that it will be provided for somewhere else?

Mr. Chairman: Then I think the hon. Member wants to withdraw his amendment?

Shri J. R. Kapoor: Yes, on that assurance. I beg for leave to withdraw my amendments.

The amendments were, by leave, withdrawn.

Mr. Chairman: The amendment is withdrawn, subject to our right to revert to clause 59, if the right is established in clause 61. We shall consider this amendment subsequently. The amendment is held over.

Shri T. T. Krishnamachari: There is no point in proceeding with it now. It may be held over.

Clause 60.—(Prevention of personation)

Shri Shiv Charan Lal: I want to move my amendment No. 120 in the Supplementary List 1, asking for the deletion of the clause.

Mr. Chairman: That is a negative amendment.

Shri Shiv Charan Lal: Then I shall only speak on the clause.

This clause 60 requires the finger of the elector to be marked by some ink when the ballot paper is given to him. This is a new thing we are going to introduce in our country and it is something unknown in any civilised State in the world. Every voter going to the polls has to get his thumb marked by some ink. This will be a very odd thing and the civilised world will laugh at our country and say that

the voters here are such unreliable people, such dishonest people and such backward people that they have got to get their thumbs marked so that they may not ask for the ballot paper again. This will be a slur on the good name of our country and there is no need for it at all. There has been no such provision in our country till now and I do not think there is the slightest need for it even now. So we need not have this clause 60.

**Shri T. T. Krishnamachari:** The position seems to be that the hon. Member has not understood the implication of clause 60. We are now experimenting with adult suffrage and we are not having registration of voters followed by giving them identification cards. I believe certain State Governments contemplated taking photographs of voters and giving them identification cards, but the cost involved was tremendous and so we have to make some other arrangements. False personation is an inevitable factor associated with votings, especially when such huge numbers are involved and so we have the method suggested in clause 60. There is nothing wrong about it, when the rich man and the poor man have all to get their thumbs marked. There is nothing *infra dig* about it. Because of our poverty as a country we cannot give registration or identity cards to everybody and you cannot expect every voter to sign in a particular place either for purposes of identification as many would be illiterate. So we have this device—a temporary expedient as I hope—during the first two or three elections. There is no use importing sentiment into this matter. It is just a wholesome provision against impersonation which is a common feature in all elections where such large numbers are involved. Dishonesty has to be provided against and if for that purpose we have to put ourselves to some inconvenience, I do not think there is anything seriously wrong. The arguments that have been quoted in support of the amendment to delete this clause are made wholly without considering all aspects of the situation. Therefore I support the clause as it stands.

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

"That clause 60 stand part of the Bill".

The motion was adopted.

Clause 60 was added to the Bill.

# **Clause 61.—(Right to vote)**

Amendment made:

In sub-clause (5) of clause 61, omit the words "or is subjected to preventive detention under any law for the time being in force".

—[**Shri J. R. Kapoor**]

**Dr. Ambedkar:** The House should also take into consideration what I stated that although postal ballot appears to be the easiest method to adopt, as I said, unless elections are to be indefinitely postponed, we will have to make some provision for administrative difficulties and not being able to give ballot paper to everyone. That has to be borne in mind. What I thought was,—as I am not in a position to at once suggest an amendment which would give the persons under preventive detention the right to vote and also to meet the administrative difficulties,—I wanted to put it to the House whether it would not be desirable to deal with this matter under clause 167 which gives power to make rule.

**Mr. Chairman:** Two courses are open—either it may be provided in the rules or since the amendment of Mr. Kapoor is before the House, any amendment to that may be moved.

**Dr. Ambedkar:** What I wanted to say was this that some such words 'as far as practicable' would be necessary. The words 'as far as practicable' do not occur in any of the clauses of 59.

**Shri T. T. Krishnamachari:** The clause itself reads like this:

"Provision may be made by rules made under this Act".

There is nothing mandatory about it.

**Dr. Ambedkar:** My point is under this rule it would be obligatory to provide a ballot paper for everyone of the voters who is covered by this while so far as detained persons are concerned, on account of the difficulties that I have mentioned it may not be possible to provide a ballot paper for everyone. Otherwise the detenu may file a suit.

**Mr. Chairman:** Supposing the words "so far as practicable" are put in here along with the amendment.

**Dr. Ambedkar:** I do not think the words "so far as practicable" should be made applicable to any of the other categories specified, because it is possible to provide a ballot paper for every one who comes under these categories. Only in regard to this



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category of the detenus it may not be possible.

**Mr. Chairman:** Then it shall be held over and the hon. Minister may consider the point. We shall take it up when the Bill is taken up next.

**Shri T. T. Krishnamachari:** You have not put clause 61 as amended to the House, Sir.

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

"That clause 61, as amended, stand part of the Bill."

The motion was adopted.

Clause 61, as amended, was added to the Bill.

**Clause 62.—(Method of voting)**

**Shri Sonavane:** I beg to move:

To sub-clause (1) of clause 62, add the following Proviso:

"Provided that in a plural-member constituency where the seats to be filled include one or more seats reserved for the scheduled castes or for the scheduled tribes, every elector shall distribute his votes in such a way that the number of votes cast in favour of candidates belonging to the scheduled castes or the scheduled tribes is equal to the number of seats reserved for the scheduled castes or the scheduled tribes, as the case may be."

This amendment is very important inasmuch as clause 62(1) as it stands enables a voter in a plural-member constituency to give both or all his votes by distributing them to such of the candidates who do not contest the reserved seats. I would illustrate my point. When a seat is reserved in a plural-member constituency there may be two candidates for a reserved seat and two candidates for a non-reserved seat. If a voter has to vote under the existing provisions it will be possible for him to give both of his votes, one each to the candidates who are not contesting the reserved seat or *vice versa*. The voter can also exercise or distribute both his votes to the candidates who are contesting the reserved seats. This provision fails to provide for the principle of joint electorate. It might so happen that every voter might give his votes either to the candidates contesting non-reserved seat or to the candidates for the reserved seat. To avoid this and to adopt the principle that wherever there is a reserved seat in a plural-member constituency one vote should

necessarily be given to a candidate contesting the reserved seat and the other vote should necessarily be given to a candidate contesting a non-reserved seat, I have brought this amendment before the House. Sir, we have already cast off separate electorates and have introduced the principle of joint electorates. If my amendment is accepted I am sure it will be a further step towards unity between the various sections of the public; by laying down that a Scheduled Caste or Tribe candidate should also get enough general votes and *vice versa* we will be introducing closer co-operation and contact between the candidates and the different sections of voters. This will be an objective and it will be in the fitness of things whereas if the present provision is allowed to remain this objective may not be achieved. The Scheduled Castes candidates may not get enough non-Scheduled Caste votes. I know that even then one candidate will be elected if he wins a majority or is returned uncontested, but the aim which I have laid before the House in my amendment will not be achieved.

Sir, I would commend my amendment for acceptance of the House.

**Mr. Chairman:** Amendment moved:

To sub-clause (1) of clause 62, add the following Proviso:

"Provided that in a plural-member constituency where the seats to be filled include one or more seats reserved for the scheduled castes or for the scheduled tribes, every elector shall distribute his votes in such a way that the number of votes cast in favour of candidates belonging to the scheduled castes or the scheduled tribes is equal to the number of seats reserved for the scheduled castes or the scheduled tribes, as the case may be."

श्री रामराज जजदारे : सभापति जी, श्री सोनावने ने जो संशोधन रखा है, उस से यह खतरा होगा कि जो ज्वायन्ट ऐलक्टोरेट (Joint electorate) का प्रिन्सिपल (principle) है, वह मारा जायगा। ज्वायन्ट इलेक्शन (joint election) में जहाँ एक क्षेत्र में एक से ज्यादा सीट्स होती हैं प्लूरल-मेम्बर-कांस्टीट्यून्सी (Plural-Member Consti-

fluency) में वहां यह रखना कि एक वोट (vote) तो जरूर उस रिजर्व सीट (reserved seat) के कैंडिडेट (candidate) को देना चाहिये और दूसरा वोट उस उम्मीदवार को दिया जाय जो नानरिजर्व सीट (non-reserved seat) को कंटेस्ट (contest) कर रहा हो, मेरी समझ में उचित नहीं है। अगर शेड्यूल कास्ट (scheduled caste) या शेड्यूल ट्राइब (scheduled tribe) वाले को वोट नहीं आते हैं, या कम आते हैं, तो भी शेड्यूल ट्राइब की जो सीट (seat) रिजर्व (reserve) है, वह तो उस को मिलेगी ही। लेकिन अगर उस को यह कहा जाय कि वह अपना वोट इस तरह डिस्ट्रीब्यूट (distribute) करे तो वह सेपरेट सीट (separate seat) होनी चाहिये, ज्वायन्ट सीट (joint seat) नहीं हो सकती। यह कैसे संभव है कि शेड्यूल कास्ट या शेड्यूल ट्राइब के पक्ष में डाले गये वोटों की तादाद रिजर्व सीट्स के बराबर हो। यह वोटर को कैसे कहा जा सकता है कि अपना वोट इस में दो और इस में दो। इस से असदभावना बढ़ेगी और यदि ऐसा कहा गया तब तो लोक प्रिय शेड्यूल कास्ट वाले को जनरल सीट (general seat) कंटेस्ट (contest) करने में बाधा होगी और उस का यह राइट (right) कि वह जनरल सीट में कंटेस्ट कर जीत सकता है मारा जायगा। और इस बात को ब्याल में रख कर मेरा ब्याल है श्री सोनावाने को सोचना चाहिये और ऐसा संशोधन नहीं पेश करना चाहिये जो जातीय तफ़रक़ और असदभावना को बढ़ाने वाला हो और जो शेड्यूल ट्राइब, शेड्यूल कास्ट के लिये ख़तरनाक हो सकता है। मेरा ब्याल है कि एक तो चाहे वह कम वोट भी पाये

तो भी शेड्यूल ट्राइब की जो सीट रिजर्व है, वह तो उस को मिलेगी ही और दूसरे सीट में यदि उस को ज्यादा वोट मिल गये, तो वह रिजर्व सीट और जनरल सीट दोनों को हासिल कर लेगा। इसलिये या तो सेपरेट सीट (separate seat) कर लेनी चाहिये, ज्वायन्ट सीट (joint seat) में यह नहीं हो सकता। और अगर प्लूरल कान्स्टीट्यूएन्सी में ज्यादा सीट रहे तो वोट देने का अधिकार वोटर को रहेगा, उस में जनरल सीट के लिये हरिजन और नान-हरिजन (non-Harijan) उम्मीदवार दोनों एक स्तर पर रहने चाहिये और अगर हरिजन उम्मीदवार को वोटर्स ठीक समझेंगे और योग्य समझेंगे तो उस को नान-हरिजन वोटर्स के भी वोट प्राप्त होंगे और वह वहां से चुन जायेगा। लेकिन अगर वह कम वोट भी पाता है तो शेड्यूल कास्ट और शेड्यूल ट्राइब की जो रिजर्व सीट है, वह तो उस को मिलेगी ही।

(English translation of the above speech)

**Shri Ramraj Jajwara (Bihar):** Sir, the amendment of Shri Sonavane entails the hidden danger of frustrating the very principle of joint electorate. In my opinion it is not at all fair in joint elections to keep this condition that in a plural-member constituency one vote should definitely be given to the candidate who stands for the reserved seat and the other one to the candidate who would be contesting elections for the non-reserved seat. Even if the candidate from scheduled castes or scheduled tribes would not get votes, or sufficient votes, he would at least get the seat which would be reserved for the scheduled tribe. But in case he is called upon to distribute his vote in this manner, then it should certainly be a separate seat and not a joint one. How could it be possible that the number of votes cast in favour of the scheduled castes or scheduled tribes candidates would be equal to the number of voters of the reserved seat? How can a voter be advised to give his vote this way or that way? It

[Shri Ramraj Tajware]

will only cause bitterness among people. And if it is done it would only produce obstacles in the way of a popular scheduled caste candidate in contesting elections for the general seats. Not only this much but his right to contest elections for the general seats and win them would also be nullified. Keeping this in view, I think, Shri Sonavane should realize that he should not move such an amendment which may result in accelerating communal differences and bitterness, and which might prove dangerous for the scheduled tribes or scheduled castes themselves. My impression is that even if he does not get sufficient votes after contesting for the general seat, he would at least get the seat reserved for the scheduled tribes. And in case he gets sufficient number of votes while contesting for the general seat then he would be elected on both the seats, the general as well as the reserved one. We should therefore declare it a separate seat, because this procedure cannot be followed with respect to a joint seat. And if the number of seats would be more in a plural constituency the voters only will have a right to give vote in the manner they like; of course the Harijans and the non-Harijans should have an equal footing for contesting elections for the general seat. In case the voters think that the Harijan candidate is a proper one and is capable, he will get votes of non-Harijans too and will be elected from that constituency. But in case he does not poll more votes then

also he would be entitled to get the second seat that has been reserved for the scheduled castes and scheduled tribes.

1 P.M.

**Dr. Ambedkar:** I am not prepared to accept this amendment.

**Shri Sonavane:** I beg for leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

**Shri J. R. Kapoor:** I beg to move:

For sub-clause (2) of clause 62, substitute the following:

"(2) If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (1), both the votes will be rejected."

**Dr. Ambedkar:** This matter was considered at great length in the Select Committee.

**Shri J. R. Kapoor:** Many a thing was very seriously considered by the Select Committee. But you find what that careful consideration has come to when the report is scrutinised here.

I would, therefore, like to argue it out.

**Mr. Chairman:** The hon. Member will do it tomorrow.

*The House then adjourned till Half Past Eight of the Clock on Tuesday, the 22nd May, 1951.*