

[Sardar Hukam Singh]

of the sittings (Thirty-third and Thirty-fourth) of the Committee on Subordinate Legislation held during the Fourteenth Session.

TWELFTH REPORT

Sardar Hukam Singh: I beg to present the Twelfth Report of the Committee on Subordinate Legislation.

12.19 hrs.

BUSINESS OF THE HOUSE

Mr. Speaker: I have to inform the House that the Business Advisory Committee met on the 1st September, 1961, to consider the allocation of time for Government business, but did not make any formal report as there was no quorum. I request hon. Members who are on the Business Advisory Committee to see that at least there is quorum for the meeting. There was, however, consensus of opinion among the Members present that the time may be allotted as follows:

- (1) The Deposit Insurance Corporation Bill, 1961 (Consideration and passing) 3 hours
- (2) The High Court Judges (Conditions of Service) Amendment Bill 1961 (Consideration and passing) 1 hour
- (3) The Sugarcane Cess (Validation) Bill, 1961 (Consideration and passing) 3 hours
- (4) The Industries (Development and Regulation) Amendment Bill, 1961 (Consideration and passing) 2 hours
- (5) Consideration of motions by Shri Vidya Charan Shukla for modification of Mineral Concession Rules 2 hours

I take it that the House agrees with this allocation of time.

Shri Braj Raj Singh (Firozabad): This should be circulated and we should have time to consider it. This may be taken up tomorrow.

Mr. Speaker: By which time all the Bills would have been passed? I will circulate it, but why do not the representatives of the various groups attend the meeting?

I will have it circulated and bring it up tomorrow.

12.22 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL—Contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri R. M. Hajarnavis on the 31st August, 1961, namely:

“That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, and to make certain minor amendments in the Two-member Constituencies (Abolition) Act, 1961, as reported by the Select Committee, be taken into consideration.”

The time allotted is 3 hours and time taken already is 2 hours and 20 minutes. Time left is 40 minutes. Time allotted for clause-by-clause consideration is 1 hour. How long does the hon. Minister require for his reply?

The Minister of Law (Shri A. K. Sen): About half an hour, at the most.

Shri C. D. Pande (Naini Tal): That half an hour may be excluded from the 40 minutes left.

Mr. Speaker: I will call Shri Raghuramaiah for a couple of minutes and then I shall see.

The Deputy Minister of Defence (Shri Raghuramaiah): Mr. Speaker, Sir, during the discussion on the 1st in connection with this Bill, Shri Surendranath Dwivedy in his speech referred to the purchase of some jeeps for the Orissa election. Shri Deo interjected and said that they were sold to the Ministry of Defence. I would like to state emphatically here and now that there is absolutely no truth in that allegation.

For the information of the House, I might add that we do not purchase second-hand jeeps. The army purchases only new jeeps. Furthermore, we do not purchase from Mahindra and Mahindra directly. We place our order with the Director-General of Supplies and Disposals. Presumably, because Mahindra and Mahindra are the only manufacturers of jeeps in this country, the order is placed on them. I would like to add that the last order for army jeeps—600 in number—was completed by Mahindra and Mahindra through that procedure in December, 1960, long before the election.

What is more, the jeeps we buy for the army are subjected to very strict inspection by army inspectors. So, there is no question of any second-hand jeep passing through. Therefore, I would submit that the accusation is unfounded.

Shri Hem Barua (Gauhati): On a point of order. The hon. Deputy Minister said that the army does not purchase second-hand jeeps. He forgets the case that was pending in London against us where the purchase of second-hand jeeps was involved. So, he cannot make a categorical statement like that.

Mr. Speaker: There is no point of order. The only point is whether there has been an accusation that second-hand jeeps belonging to the army

have been used in the elections. The first-hand jeeps purchased by the army become second-hand after a time. The only question is whether they were used in the elections. The hon. Deputy Minister has categorically denied the use of such vehicles belonging to the army in the elections. If he has further said that they do not purchase second-hand jeeps . . .

Shri Hem Barua: That is what he said.

Mr. Speaker: We do not go into that.

Shri Surendranath Dwivedy (Kendrapara): I said that the administration conveniently made it possible for the Congress Party to get jeeps. That was my accusation.

Mr. Speaker: Does the hon. Member still say that any of the Defence Ministry jeeps have been used during the elections?

Shri Surendranath Dwivedy: No, Sir; how can I say that?

Mr. Speaker: Then he must keep quiet. It is no good making allegations.

Shri Surendranath Dwivedy: He has explained the procedure through which they purchase the jeeps. Through that procedure, they rejected some jeeps, which were made available to the Congress Party and they were conveniently used. That was my accusation.

Mr. Speaker: It is very wrong. If a company produces jeeps and the Defence Ministry purchases some and rejects the others, that means, is it for the benefit of others that they reject some jeeps? Otherwise, they would force the Defence Ministry to take up any number of jeeps and on the way if the jeeps collapse, the war also comes to an end along with that? Is that the point? (Interruptions).

Shri Chintamani Panigrahi (Puri):
On a point of information.

Mr. Speaker: He also spoke on this Bill.

Shri Chintamani Panigrahi: I did not speak.

Mr. Speaker: Order, order. I am not going to allow him to speak. Shri Ranga.

Shri Ranga (Tenali): Mr. Speaker, Sir, my complaint against this Bill is that it does not go far enough in certain directions and it goes too far in certain other directions. It seeks to create a new offence so far as elections are concerned. Anybody can be held for having done propaganda to the prejudice of the interests of any candidate or in favour of any particular candidate on grounds of religion, race, caste, community or language. Only the other day the House passed the Indian Penal Code (Amendment) Bill to deal with cases where the very same grounds are made use of in order to create bad feelings between different groups of people.

So many of our friends, belonging to different political parties including the ruling party, have made it clear to the House that there was no need at all for that Bill and that no particular utility could be gained by increasing the quantum of punishment to be given to the offenders, because the existing Penal Code provision is more than enough, if only the Government were keen on enforcing it. It was because the Government have been remiss in their duty in enforcing the existing Indian Penal Code that so many offences came to be indulged in by mischief-mongers. They were able to do so much mischief that the Government are now obliged to give serious consideration to the need for what is known as the national integration.

Having passed the new amending Bill to the Indian Penal Code, I won-

der where there is need for this additional offence that the Government want to create by including sub-sections (3) and (3A) of clause 23. What is more, I raised the point the other day that so much depends on the manner in which these laws are enforced and I asked whether they would be enforced in an entirely non-partisan, non-political and impartial manner they would be enforced for deriving political advantages. So many people had complained and some even adduced some proofs to prove, that the ruling party has been utilising in certain States these powers to its own advantage. But my hon. friend, the Home Minister was so very anxious that nobody should attribute any motives and was prepared to give the assurance that such improper use would not be made of these laws. But even supposing the Government were so very keen of being impartial and non-political-minded, how would it be possible for them to do even justice as between different people professing different religions, races, castes, communities or languages, when they happen to be ranged on opposite sides, in different States over these issues which have become very live indeed in our political controversies? It is going to be extremely difficult for the administrators, even more difficult for the political leaders who would be in charge of the administration—that is, Ministers—and their supporters to enforce this law and at the same time be free from being accused of partiality, of taking undue political advantage in their own favour.

Some of our hon. friends quoted the other day as well as on Friday when this Bill was under discussion, how in Assam, for instance, over this language problem there have arisen grave controversies. It would be very difficult for Bengalis, for instance, to ventilate their grievances and appeal to the voters to vote for those people who would work for the safeguard, for the safety, for the promotion, for the protection of Bengali language

and Bengali culture without at the same time offending this particular clause. Similarly, in various other parts of India where you have these linguistic minorities this difficulty is likely to be met with.

Not to speak of language alone, you have other considerations, other points of difference also as between different classes of people, and it is for this very reason, and for various other reasons too, that some of us have been suggesting for some time, under the leadership of Rajaji, that it would be much better to have, just as you have a non-political and impartial election commission, also a non-political and impartial administrative machinery for about six months before the elections in order to enforce all these laws and maintain an atmosphere of impartiality as between all those different political parties, so that at the time of elections and six months before that there would be even justice done to all the political parties and all their contending candidates.

Now, it might be said, after all, we have had two general elections and in those elections the ruling party had scales even; therefore, why do you not expect them to do the same this time also. But things have arisen, controversies have arisen and have gone to such a pitch that it is no longer possible for so many of us to continue to put that faith in the present ruling party. Then, it may also be said that nowhere else has there been such a precedent, why should we have it here. But nowhere else, Sir, have such powers been vested in the President to dismiss a State Ministry and establish a President's regime there for six months, sometimes even for one year, and thereafter hold the elections under the Presidential regime. So we have already established a precedent because our conditions differ from the conditions prevailing in other countries. Similarly, in this regard also I suggest that deep consideration be given by Praliament as well

as the Government to the suggestion that I have made, that the present ruling party should vacate office as soon as possible, because it is only six months now before the next general elections, and hand over the administration. Let the President have complete control over the administration. Let us all thrust the President and his non-political administration to maintain a non-political, non-partisan and impartial atmosphere in the country on the eve of the elections.

Mr. Speaker: Under the Constitution, the President cannot rule without the Ministers.

Shri Ranga: I would like, Sir, the necessary legislation to be brought forward at a special session of Parliament for suitably amending the Constitution if that becomes necessary.

Secondly, I wish a provision had been made here as was suggested by Praliament itself to the Select Committee for limiting the expenditure to be incurred by political parties. Some of our hon. Members who have appended their minutes of dissent have also referred to this matter. Those hon. Members who have already spoken have also referred to it. They have also referred to the enormous amount, monstrous amount of money spent by the ruling party in the recent Orissa elections. More than Rs. 40 lakhs is supposed to have been spent. No denial till now has been forthcoming from the ruling party, that they have not spent Rs 40 lakhs but they have spent only Rs 10 lakhs or Rs. 20 lakhs or something like that. Somehow or other they have kept mum, thinking that silence would be the better part of discretion.

Shri Sadhan Gupta (Calcutta-East): They might have spent Rs. 50 lakhs.

Shri Ranga: So many others have also pitched it as Rs. 60 lakhs. But my hon. friend Shri Asoka Mehta of

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the Praja Socialist Party has mentioned the figure as Rs. 40 lakhs—he said that more than Rs. 40 lakhs has been spent.

Shri Tyagi: I hope the accusation is not that the Party has spent it from Government funds.

Shri Ranga: It is for my hon. friend to put that question to himself and show to the people's satisfaction that they have not spent it from Government funds. But here is evidence to the fact that in Andhra Pradesh the Audit Report itself has revealed the fact that Rs. 1,30,000 was contributed by one of the State enterprises to a political party, and it is concluded, it is taken for granted by those people there who know the facts, that that political party, that blessed political party must be the present ruling party. The other day my hon. friend the Home Minister was giving an assurance to this House that he would see to it that any State enterprise would not make contributions to political parties. Of course, necessarily, if at all there is any political party to which they would make contributions, it can only be the ruling party. Anyway, he gave that assurance, but I do not know whether he was then aware of the fact that already there was a State enterprise which had made such a contribution. There was also another instance of a government-owned. . . .

Shri C. D. Pande: Which is that State enterprise which has contributed to any political party?

Shri Ranga: I have not followed the hon. Member's question.

Shri C. D. Pande: The hon. Member said that a State enterprise had made some contributions to a political party, which, according to him, could only have been the ruling party. Can the hon. Member give a single example where a certain State

enterprise run by the State has made any contribution to any political party?

Shri Ranga: I have the instance of contribution made by a State enterprise run by the State. I do not know what more the hon. Member wants from me.

Mr. Speaker: He has referred to the Audit Report of the Andhra Pradesh Government. The hon. Member draws the attention of the House to the fact that therein it has been mentioned that some State enterprise contributed more than Rs. 1 lakh to the ruling party.

Shri Ranga: He has got it already.

Mr. Speaker: Does Shri Pande want to know the name?

Shri Ranga: It is not given here. If you question what is said in the Audit Report, it would amount to questioning the Audit Report itself.

Shri C. D. Pande: I want to know the name of the State enterprise under reference.

Shri Ranga: This is all that I have got here. I have not got any other information. Let them ask and get the information. I may mention here that it was quoted in the *Amrita Bazar Patrika*, dated Saturday, 26th August, 1961. This was also stated in the Andhra legislature. I know that certain hon. friend are feeling so unhappy because it is their Government and their ruling party which has been found to be guilty.

Shri Tyagi: I challenge it.

Mr. Speaker: Order, order.

Shri Ranga: I have not referred to details or the detailed references made in the local newspapers nor have I referred to the discussion that had taken place in the local legislature. I wanted to make it as soft as possible for my hon. friends, so that they

may give some thought to it and do not get excited.

Shri Tyagi: Sir, it is the wildest allegation that can be made.

Shri Ranga: I hope my hon. friends would be wise enough to keep mum.

Mr. Speaker: Order, order. I expect every hon. Member to base his remarks here on something which he has on which he can rely. When once he makes a statement, if any hon. Member has got something else to convince the House that that statement is not correct, I am prepared to allow him. Merely to get up and say that a particular statement cannot be believed and so on is not the right thing to do.

Shri Tyagi: The name has not been given by him.

Mr. Speaker: It is not necessary. I expect every hon. Member to make a correct statement to this House as far as possible. If any other hon. Member wants to contradict him, he must have some other authority before him. It is open to any hon. Member to ask on what authority a particular statement is made. **Shri Ranga** refers to some passage in the *Amrit Bazar Patrika*. Does it contain an extract of the Audit Report?

Shri Ranga: Yes.

Shri A. C. Guha (Barasat): I think he should read out the passage here.

Shri Ranga: It says:

"The Audit Report revealed that Rs. 1,30,000 was made over as donation to a political party."

Shri Tyagi: By whom?

Shri Ranga: This is all the information I have got.

Mr. Speaker: The name is not given. What is the good of pursuing it. Either accept it or reject. I will

allow any other hon. Member to make it out and then say that the Audit Report does not contain this.

Shri A. C. Guha: The passage that he quoted does not mention that it was given by a State enterprise.

Mr. Speaker: Then you may accept or reject it.

Shri Ranga: Then there was the decision of the election tribunal which gave its decision against a sitting Minister and unseated him because he was accused and he was found to have received material assistance on a large scale from one of the State enterprises, and he was obliged to resign from the Legislature and, therefore, he lost his ministership also.

Mr. Speaker: Who is this gentleman?

Shri Ranga: Shri Basavaraju.

Mr. Speaker: How is the Government, or any other hon. Member, connected with this?

Shri C. D. Pande: When the hon. Member referred to the State enterprise you were kind enough to ask if the hon. Member had anything to substantiate his point, but he had none. May I say that this contribution is by a sugar factory which was run by a managing agency firm? No doubt, the Government of Andhra Pradesh had certain shares in that firm, but it was a private firm; not a Government enterprise.

Shri Ranga: He has given additional information, and I am thankful to him for that. This is also another way of getting money for political purposes.

Now I am coming to the other point. I am anxious that the Government should...

Shri A. K. Sen: I understand that the hon. Member's party is in the fray now.

Shri Ranga: Now I am going to give the other case, because my hon. friend has now given additional information, and that is, not very long ago, the Hindustan Motors, went in for an advertisement....

Mr. Speaker: Does he mean that other political parties would not go in for subscriptions at all?

Shri Ranga: I can give you the assurance, on behalf of myself and my successors later on in my position, that we certainly would not make ourselves guilty of such an offence when we are running the Government.

Mr. Speaker: Till then they will collect subscription to overthrow the Government, is it?

Shri Ranga: I have indicated the view of my party this session as well as earlier.

Mr. Speaker: Would the hon. Member like to have a general direction that no party shall receive any contribution except contribution by its own members?

Shri Ranga: That is what I have suggested.

Mr. Speaker: If that is so, is it the hon. Member's point that it must be adopted only by one party and not other parties?

Shri Ranga: My answer to that was already given on the floor of the House several times and my hon. friend, Shri Masani, formally moved an amendment to the effect that Government or any other political party should not receive any donations under the law from any of the joint stock companies when the Companies Amendment Bill was on the anvil but, unfortunately for us, Government would not agree with us of the opposition when we made this demand.

Shri Naushir Bharucha (East Khanshpur): I moved a Bill about it.

Shri Ranga: There was a Bill and that was negated. Though Shri Masani from our side and all of the opposition parties supported it, it went to the credit of the Government that they did not accept it. Thereby, they have kept the powers with themselves for all these donations to come to the coffers of the political parties.

One particular manufacturing concern advertised for objections or support, whatever it is, for their proposal to give a donation of Rs. 25 lakhs to political parties. Everybody knows how the Hindustan Motors is beholden to the Government, and so it is left to us to conjecture to which political party they are likely to give this Rs. 25 lakhs. I do not think we would be able to get even Rs. 1 lakh out of that. In this way, money is flowing into the coffers of political parties, including the ruling party.

The assurance that I want from the Government is that they would take sufficient care, every possible care, to see that they do not get, directly or indirectly, any donations from, first of all, all those people who are going to be benefited from the operations of the State enterprises, all those people to whom they supply various commodities, all those people from whom they will be making purchases and all those people to whom contracts would be given for raising the Tuglak structures all over India and, secondly, they would not try and receive these donations from those State concerns which have been conveniently or otherwise handed over to private concerns, as my hon. friend has just now told this House.

Shri C. D. Pande: From whom are you getting your funds?

Shri Ranga: You do not know that I have not received any donation from anybody. My hon. friend puts this very impertinent question, if I may say so. I have not received anything.

Shri C. D. Pande: Swatantra party has received money.

Shri Ranga: Swatantra party has not received any money from such companies and it is not likely to receive any donations. What is the use of this hon. friend interrupting like this?

Mr. Speaker: I do not know how all this is relevant to this amending Bill.

Shri Ranga: My hon. friend has put an irrelevant question to me.

Mr. Speaker: How does it all arise out of this?

Shri Ranga: It arises out of this.

Shrimati Renu Chakravarty (Basir hat): Congress party and the Swatantra party are fighting for bagging the money bags.

Mr. Speaker: The hon. Member must satisfy me how all this is relevant. Is there any clause in the amending Bill, whether before the Select Committee or not, which regulates the amount of contribution?

Shri Ranga: I have already prefaced my remarks by saying that it was a pity that the instruction or advice given by the House to the Select committee was not heeded to, by the Select Committee to consider the question of donations to political parties and expenditure being incurred by political parties. They have not made any recommendation at all with the result that very question is not placed before us for consideration. That is why I have mentioned all these things. I am not even making an accusation. I am asking for an assurance that they would not collect donations in this manner, directly or indirectly, from State enterprises and the clients of the State enterprises, and also those State enterprises whose management would be handed over to private concerns and that they would not try to take advantage of their influence over those private concerns to get money from them. If they have done anything till now to that effect, let them be good enough to take the House into

their confidence in this session or any other future session and state that such and such funds have been received by such and such parties from such and such persons or concerns and so on.

Shri C. K. Bhattacharya (West Dinajpur): The donations by the companies are to political parties. How can the Law Minister give an assurance that they will not be received.

Mr. Speaker: The Law Minister will give an answer. Why should the hon. Member worry about it?

Shri Ranga: My hon. friend ought to know that the Law Minister is a part of the Government, and a Cabinet Minister too.

Shri C. K. Bhattacharya: How can he give an assurance?

Shri C. D. Pande: May I point out to him....

Shri Ranga: How many times am I to assure to my hon. friend, who is very much at heart with me but finds himself in the wrong place most unfortunately for him, that....

Shri C. D. Pande: I sympathise with you that you are not getting any donation.

Shri Ranga: To his chagrin he finds that I am not getting any donation and I am as poor as I was.

Then, it is no good for the hon. friends on my right, the Communist Members to be very enthusiastic about it, because there were some capitalists in Bombay who would like to insure themselves with both this party as well as the ruling party. They have done it on former occasions and when the Home Minister himself taunted them on a previous occasion, they had no answer.

I personally feel that this Bill, when it becomes an Act, is likely to get a

[Shri Ranga]

large number of people into trouble for no fault of their own, because of the various offences that they are creating for it becomes almost impossible for anybody to prove that he has not committed these offences.

Therefore, all that I can ask my hon. friend, the Law Minister, and the Ministry as a whole on this occasion is that either they should make up their mind to ban such of these communal parties as they consider to be communal parties and then stand before the bar of this House to take the censure or the approval of this House or they should not enforce this clause and put so many people into jail. Even if they were to put anybody into jail who really is an offender, there is the possibility of the general public to heed to any complaint that may come to be made that they are using their power wrongly and for political purposes.

First of all, there is no need for this Bill being passed in this manner. Secondly, if they were to pass this Bill, as they are bent upon passing it into an Act, it would be best for them not to enforce it before the elections. After the elections are over, if they were to find that such and such people, groups or organisations indulged in these offences during the course of the elections, when the elections were going on, it might be a lesser offence on their part to proceed against those people. Then it would also be safer for them to stand up to the public's criticism, right or wrong, however it may be.

Shri C. D. Pande rose—

Mr. Speaker: Shall we proceed to the clause-by-clause consideration?

Shri Bal Raj Modhok (New Delhi): Sir, I would like to speak.

Mr. Speaker: All right, five minutes.

Shri Bal Raj Madhok: Mr. Speaker, Sir, free and fair elections are the

very essence of democracy and it is very important that steps are taken to see that this thing is achieved. This can be possible only if the following four pre-requisites are there. One is that there should be uniform rules for the whole country. Secondly, there should be no check on the freedom of the use of vote. Thirdly, no appeal should be made to such emotions which can affect the free judgment of the voter. Fourthly, election expenses should be reduced to the minimum so that the common man can also stand for elections.

We have an Election Commission. We have also the People's Representation Act for this purpose. But I am sorry to say that these needs are not being fulfilled by the Election Commission or by this Act. In the first place, we find that the rules are not uniform, Jammu and Kashmir State is a part of India, but the rules that are made for elections are not applied there. There is a continuous demand from the people of that State that the marking system should be applied to that State also, but so far that is not being done. The result is that the people there feel that elections there may not be fair or free.

Again, the people from that State have no right to elect their Members to this House. Hon. Members who come from there are not elected but are nominated by the Government there. They represent only the man who nominates them. This is something wrong. I would submit that there should be uniform rules for the whole country and Members for this House from all States should be elected. If the marking system is good for the whole country, it is good for Jammu and Kashmir State also. Therefore, the marking system should be introduced in that State also.

Secondly, there should be no hitch or restriction placed on the freedom of voting. I find that recently a circular has been issued by the Government of India to the Government em-

ployees that they are advised not to attend election meetings. May I know if this circular is not an infringement of the fundamental rights? If the Government servants are given the right to vote, they must know for whom and for which Party they have to vote. Government servants are mainly concentrated in certain colonies in which they alone live. If a public meeting is held by a political party there, do you want them to put cotton in their ears so that they may not hear what is being spoken? This is a most retrograde and undemocratic thing that has been done. I would, therefore, appeal to the hon. Law Minister that this kind of a circular must be withdrawn. You may as well disenfranchise them and say that they have no right to vote. But if they have the right to vote, they must be given a full freedom to listen to the speeches also and decide for themselves as to for whom and for which party they have to vote.

Then there is the question of appeal to religious sentiments and emotions which may affect free judgment. This amendment Bill mainly deals with that and says that any appeal made in the name of religion, caste or language will be reprehensible. But before we do so, we should be clear about what religious or communal appeal is. It is a very wide question. It is a very good stick to beat anybody with. But we must clearly understand what communalism or religious appeal is. In the name of religion so many things are being done. Today some people even carry on anti-national activities and preach disloyalty to the country in the name of religion. Is it not proper to condemn such activities and preaching of disloyalty, whether during or before the elections? Here I have to point out that there are people who justify such activities in the name of religion.

Some time back, as you know, there were An'ī-Ahmedia riots in Pakistan. The Pakistan Government appointed a commission under the Chairmanship of Justice Munir to enquire into those

riots. The evidence that was given by the Maulanas there about the Muslim view was published in the *Hindustan Times* of the 6th May, 1954. There it is said:

"When the court asked Syed Ata-Ullah Shah Bukhari (one of the top-most Muslim divines of Pakistan and a close collaborator of Congress during the Khilafat movement) whether a Mussalman was bound to obey the orders of a Kafir (non-Muslim) Government, his answer was that it was not possible for a Muslim to be a faithful citizen of a non-Muslim Government. Asked specially whether the four crore Indian Muslims could be faithful citizens of their state, his answer was 'No'.

Asked what would be the duty of Indian Muslims in case of war with Pakistan another Maulana replied, 'Their duty is obvious, namely, to side with us and not to fight against us on behalf of India'."

These are the replies given by the top-most Maulanas of Pakistan to the Enquiry Committee appointed by the Pakistan Government. Anybody who has studied Quranic Law knows that Muslims divide countries in two groups, namely, *Dar-ul-Islam* and *Dar-ul-Harab*. *Dar-ul-Islam* is where Muslims rule. *Dar-ul-Harab* means land of war. The religious duty of Muslims is to carry on war and fight against such a country. If this kind of anti-national propaganda being carried on in a mosque, 'Pakistan Zindabad' slogans being raised and Pakistan flags being raised is attacked, would it be considered communal propaganda or appeal to religious sentiments? I, therefore, want that we should be very clear as to what we aim at. If you make this kind of a general law then if a sporadic remark is made by somebody, it is a corrupt practice and you will have a spate of election petitions.

[Shri Bal Raj Madhok]

The word 'systematic' was used in the original Act. That word has now been dropped. That should have been retained or replaced by the word 'continuous' or 'planned' so that if a kind of planned propaganda is done inciting religious or caste enmity, it is made reprehensible. There I am one with the Government. But if in the name of religion and caste, certain things are done which are anti-national and anti-country, they must be condemned and that should not be considered as appeal to religious sentiments.

Then you talk of symbols. You say that symbols that appeal to religious sentiments should not be used. Cow and bull are also regarded sacred in this country. There was a report on the First General Elections sponsored by the Political Science Conference. It was edited by two great political scientists, Richard L. Park and Khogekar. In that report about the First General Elections, they say:

"Appeals were made to the religious susceptibilities of the Hindu agriculturists on the ground that a vote for the bullock box was a vote for "Go mata" (mother cow) and also for luxuriant crops. In some cases Gandhiji was said to have taken up residence in the boxes to watch the people voting. This propaganda was responsible for illiterate voters walking to the polling booths with their own bullocks and offering Bhog or lying prostrate in front of the boxes before casting votes."

Shri Tyagi: Who is the writer of the book?

Shri Bal Raj Madhok: Richard L. Park and Khogekar. It is a publication of the Indian Political Science Conference. They have written a report on the First General Elections. If this kind of propaganda and making use of bullocks as election symbols which have a definite religious and sentimental appeal to the Hindus, is

not a corrupt practice, how can an appeal that cow slaughter should be called a corrupt practice?

Shrimati Ila Palchoudhuri (Nabadwip): How can a sign as easily recognised as that of a bullock incite feelings of any particular religion?

Shri Bal Raj Madhok: It is a common fact that common people are influenced like this. Therefore, I say that this Bill is going to create more difficulties than to solve them. Therefore, I would appeal to the hon. Law Minister that he should reconsider the whole thing.

Shri Tyagi: I wonder if the hon. Member has noticed that it is the pair of bullocks that is used in the plough and not the Nandi bull which is a religious symbol.

Shri Bal Raj Madhok: All bullocks have religious sentiment for the common man in the rural areas at least. He must be knowing better because he comes from a village.

Lastly, I want to stress the point of election expenses. Now, in the amended Bill, there is no reference to election expenses. In the original Bill, there is clause 77 dealing with election expenses. A limit has been fixed as to what can be spent. Even that limit is too high. For a single-Member constituency in a city like Delhi, it is Rs. 10,000. For a single-member constituency in other areas it is Rs. 15,000, 18,000, Rs. 20,000. May I ask, how a common man can spend this much and come to Parliament? The result is, election has become costly and a common man, even though he may be popular, cannot think of entering the election arena. It has become a game of the rich people, a game of people who can afford to spend money, or spend money and try to get back that money out of corrupt practices. Both these things are wrong. To spend money is wrong. To try to get back that money when one gets into Parliament by misusing influence, by cor-

rupt practice, is still worse. What is worse is, now, political parties are using their own resources also. What has happened in Orissa? From what has appeared in the newspapers is very clear that the ruling party spent a lot of money. Such money is not accounted for. A candidate may have spent Rs. 10,000; but the party may have spent, as has been reported in the papers upto Rs. 40,000 per candidate. In that way, the whole provision that there should be a maximum limit on election expenses becomes a farce. I, therefore, submit that some limit should be put on the expenses that are incurred by parties on their candidates.

13 hrs.

Secondly, steps should be taken to minimise or cut down election expenses. For that, I have made certain suggestions. For example, public meetings should be cut down to the minimum. Let there be joint meetings. Candidates may come and speak from the same platform. The people listen. Similarly, posters may be issued by the Election Commission. They may charge money from the candidates. Unnecessary expenses on postering and meetings can be avoided. This is a very important question, because, unless election expenses are cut down, even though we have democracy in this country and we have given the vote to everybody, the common man who is illiterate and who does not know much about voting, may be swayed by money or by other factors and democratic methods may get converted into plutocracy or something else. Therefore, I suggest that some thing should be done to cut down election expenses, and the suggestions that I have made should be considered.

Mr. Speaker: The hon. Law Minister.

Some Hon. Members rose—

Shri Hynniewta (Autonomous Districts—Reserved—Sch. Tribes): May I submit....

Mr. Speaker: Already the time has been extended, I have called the Law Minister. Every one cannot be called.

Shri A. K. Sen: Sir, whenever a Bill is brought forward to amend the Election law, all sorts of questions are brought up and most of them bear upon supposed issues of authority by what is usually called the ruling party. I do not suppose there is a ruling party in democracy. It may be a party which is in the majority for the time being and that is called the ruling party.

Shri Ranga, as usual, has raised this question of donations and so on, meaning thereby that the Congress, if it is shorn of donations, would cease to be the successful party in the election. Memories are not very short. Possibly, it will not be forgotten very soon how sincere efforts are made by all parties to raise donations. I have no doubt that Shri Ranga's own party will not be unmindful to the question of raising donations. There are other parties who raise donations from their own sympathisers and supporters. It all depends on who the sympathisers and supporters are on a particular occasion or on a particular cause. Peasants' parties get donations from peasants. Workers' parties get donations from workers. Hindu parties get donations from Hindus. The Muslim League used to get donations from Muslims of all denominations in the name of religion. I remember the olden days. It goes on like this, I do not think it will be possible for any party to give an assurance or any Government to give an assurance that any party would not take donations.

Shri Vasudevan Nair (Thiruvella): Capitalist parties will get from capitalists.

Shri A. K. Sen: That is so. If there is a capitalist party, they will certainly take it from capitalists. It follows automatically. As I said, just as workers' parties get donations from workers and trade unions, so are those who believe in private

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enterprise and they get donations from those people who believe in private enterprise. I understand Shri Ranga's party believes in private enterprise themselves. I have no doubt that it will seek to draw sustenance from those who believe in private enterprise. So far as the Swatantra party is concerned, I have read speeches and writings of Rajagopalachari himself characterising the Congress party as hidden communist. I do not remember the exact language. But, the insinuation was that in the guise of socialism, the Congress party is seeking to introduce communism in this country.

Shri Tyagi: Why should these people oppose them all this time?

Shri A. K. Sen: I suppose from Shri Vasudevan Nair's interjection that by capitalist party, he meant the Congress party.

Shri Vasudevan Nair: Not only the Congress party.

Shri A. K. Sen: Possibly he wanted to include the Congress party in the capitalists' party. I have no doubt he knows how staunch capitalists are mighty hostile to the Congress party's actions. I have no doubt that there are amongst all parties people who believe in unfettered private enterprise as there are so many people in this country, and a majority of them, who believe in controlled economy, in what we called in the Avadi Resolution, a socialist pattern of society. We need not go into all those questions, because, they are really outside the point, if I may say so with respect to those who have raised those points.

All of these speeches, I must admit frankly, left the impression that they were made with an eye to the outside world and having regard to the fact that the elections are very near. Therefore, much of the discussion has been influenced by the prospect of the impending elections

and the world outside the House. Therefore, issues have been brought in, which, I am afraid, are not even remotely connected with the question now before us.

The question of doing away with election expenses limit, honestly as some people have said, has been raised. Well, it was open to the members of the Opposition to bring such an amendment. They have not done it.

Shri Surendranath Dwivedy: What is the Government's view in the matter? The Election Commission has recommended it.

Shri A. K. Sen: Government's view is completely free in the matter. I asked the Opposition parties to bring an amendment to do away with what they call the farcical election expenses limit. Nobody has brought it. They thought, let the Congress bring this amendment and do away with any limit, so that the Congress will again be blamed for doing away with that.

Shri Surendranath Dwivedy: There is a misconception. I do not think there was any demand for omitting election expenses whatsoever. There was a demand that the party expenses must be included in the amount prescribed for election expenses.

Shri A. K. Sen: There was a demand that the farcical limits should be done away with. That is why we had widened the scope of the Select Committee in order to embrace that question also within the jurisdiction of the Select Committee. But, as I said...

Shri Bal Raj Madhok: Not to expand it.

Shri A. K. Sen: I appreciate that there is no one to bell the cat, to say openly, to bring forward an amendment that this limit of elec-

tion expenses may be done away with, though it is argued by many that this limit is hardly adhered to.

Shrimati Renu Chakravartty: I think there is some explanation needed. I was the person who strongly objected to doing away with the submission of election expense accounts because some Congress Members and other friends had proposed that. I opposed that. This is even a small, slight check. There is this new proposal which we did not consider and which, it is for the House to consider, that the total expenses which is spent also by political parties should also be included in the general expenses and a ceiling should be put on that.

Shri Surendranath Dwivedy: That is what the Election Commission has recommended.

Shri A. K. Sen: In my earlier speech, I entirely agreed with the point made by Shimati Renu Chakravartty, which I remember very well. Because, I feel that though in many cases, this limit may be ignored and the returns filed may not disclose the true state of account, yet, I entirely agree with Shrimati Renu Chakravartty's feeling that this statutory limit does, in fact, put some check on the question of extravagant and reckless expenditure. If we did away with the limit, there will be extravagant expenditure, openly and without any compunction. I am, therefore, one of those who fail to agree, and with regret, with the Election Commission's recommendations that we should do away completely with the fixation of a limit on the expenditure.

Shri Surendranath Dwivedy: They have not recommended that. They have discussed it and they have said that they are against it; in fact, they have argued against it. What they have said is that the expenditure incurred by the political parties should also be included.

Shri A. K. Sen: That is a different point. I am on the question of keeping the present limit. The other point, as I had said before, is such a complicated question, of including the party's expenditure within the individual's expenditure and then allocating it. There are many who may get all the advantage of the party expenditure and others who may not get any advantage of the party expenditure. Those who have run elections know it very well that party expenditure might favour a few or some to the total exclusion of others who may not be so favourably viewed by those who are in charge of party funds.

Shri Sadhan Gupta: Their returns would be less.

Shri A. K. Sen: Anyway, this is such a complicated matter, and such a complicated question of accounting and allocation and so on that even the Election Commission did not think that it was feasible to do so. Therefore, that question really does not arise.

I am one of those who feel very strongly that there should be a limit kept on election expenses, and though it is ignored possibly in many cases, it has nevertheless served its usefulness.

Now, I come to the main question with regard to clauses 23 and 24, that is, the new provision in clause 23 seeking to prohibit the appeal to communal or linguistic sentiments, and also clause 24 which penalises the creation of enmity between different classes. Those hon. Members who feel that we should have kept the word 'systematic' have really failed to appreciate the very purpose of this amendment. There would have been no necessity of this amendment if the old section with the word 'systematic' had served its purpose. It is well known that the old section was as good as dead. There could have been no possibility of preventing an appeal to commu-

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nal, religious or other sectarian interests, with the word 'systematic' in the section, because it is impossible to prove that a person or a candidate or his agent was doing it systematically; and one or two cases would not be regarded as systematic. We feel, and I think it has been the sense of this House without any exception, that even a stray appeal to success at the polls on the ground of one's religion or narrow communal affiliation or linguistic affiliation would be viewed with disfavour by us here and by the law. Therefore, I think that when we are grappling with a very difficult disease, we should be quite frank with our remedy and not tinker with the problem, and we should show our disfavour openly and publicly even of stray cases of attempts to influence the electorate by appealing to their sectarian interests or passions. I think that this amendment follows as a consequence of the amendment which we have already made in the Indian Penal Code. Some hon. Members have said that it is unnecessary. In my submission, it follows automatically that we extend it to the sphere of elections and say categorically that whoever in connection with an election creates enmity between different classes of citizens shall be punishable. The other thing is a general thing. If our whole purpose is to penalise all attempts at influencing elections by creating enmity between different classes and communities then we must say that in connection with the election, no person shall excepting at the peril of violating our penal law, shall attempt to influence the electorate by creating such enmity or hatred between communities. I think that these two provisions, if followed faithfully, would go a long way in eradicating or at least in checking the evil which has raised its ugly head in so many forms all over the country in recent years.

Shrimati Renu Chakravarty: Again, I would raise this point. Will

not the recital of the grievances which one caste or one community suffers from also be interpreted as trying to create enmity and hatred?

Shri A. K. Sen: I appreciate the apprehensions expressed by many hon. Members that this might affect the legitimate exercise of one's own individual freedom to give expression to grievances legitimately felt or suffered from by many communities, especially the backward communities. I think Shrimati Renu Chakravarty raised that point, and many other hon. Members also, including Shri S. M. Banerjee in particular, raised this point. I would say again, that if one says that 'This is my right; I am being prevented from exercising this right; or, I am entitled to this right as a citizen; I am entitled to have equal opportunity or opportunities for education or for uplifting myself' and so on, it can never come within the mischief of this section. What is penalised is only this; whoever in connection with an election promotes or attempts to promote on grounds of religion, race, caste etc. will alone be punished. That is quite a different thing. I remember that Shri Tangamani, while speaking in connection with the other Bill seeking to amend the Indian Penal Code raised the point that.....

Shri Tyagi: The new clause (3) of section 123 of the 1951 Act reads thus:

"The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language.....".

Shri A. K. Sen: The words are 'his religion, race.....'.

Shri Tyagi: Supposing a person says 'On the ground of my language, you vote for me', will he come within the scope of this section?

Shri A. K. Sen: If that is so, then, I think that we are absolutely right in providing against it.

Shri Tyagi: My hon. friend was not here when I gave the analogy. Suppose my hon. friend Shri Ranga stands from my constituency; and I say 'Please do not vote for him; he does not know your language. But I know your language. Therefore, vote for me'. Will that come within the mischief of this provision?

Shri A. K. Sen: It will come.

Shri Tyagi: Then, I am in trouble.

Shri A. K. Sen: Yes, of course, my hon. friend is. Why should my hon. friend appeal in this fashion? All over the country, any Indian is entitled to go and stand anywhere he likes, and a candidate cannot appeal to the electorate by saying 'He speaks a different language, and, therefore, do not vote for him'. Suppose my hon. friend Shri Tyagi goes to Garhwal; since he cannot speak Garhwali, therefore, the Garhwalis will say 'Do not vote for him'. Then, what will happen?

Ch. Ranbir Singh (Rohtak): Then, where will Acharya Kripalani stand?

Shri A. K. Sen: If that is the objection, then that objection is rightly covered by this amendment. We do not want a man to appeal to his electorate to vote for or against a particular candidate simply because he speaks a particular language. That is why I have made it quite clear here.

Mr. Speaker: I think that all that is prevented is only this, that there cannot be an appeal on the ground that the mother-tongue of a particular person is different. But does the hon. Law Minister mean to say that it is not open to me to say that 'This man cannot represent you; he does not know your language; he does not know your customs and manners' and so on?

Shri A. K. Sen: That is a different matter. If he says 'Do not vote for him because he does not speak your language', then it will be penalised.

Mr. Speaker: If he speaks a different language, that does not matter. But he must know the local language. Otherwise, how can he be a representative?

Shrimati Renu Chakravartty: The wording is:

"The appeal by a candidate.... on the ground of his religion, race.....language.....".

Shri A. K. Sen: The words are 'his religion,....language'.

Mr. Speaker: That means 'mother-tongue'.

Shri A. K. Sen: I added the word 'his' in the Select Committee in order to make quite clear as to what was the mischief which was sought to be prevented under this provision.

Shri Tyagi: Minorities have been given the right under the Constitution to preserve their culture and so on. I want to know if they are prohibited from preserving their culture or language etc. through the legislatures.

Mr. Speaker: The hon. Minister has put in the words 'his...language'.

Pandit K. C. Sharma (Hapur): The judge will decide that. My hon. friend the Law Minister is stretching the meaning too far. It is open to a man to say 'I know your language; I know your life, and I am your representative. The other man does not know your way of life, he has no sympathy for you, he does not know your language'. He is perfectly entitled to do that. What he is not entitled to say is only this namely "The language that this man, namely the opponent, speaks is not to be the State language, or it is a

[Pandit K. C. Sharma]

bad language, or it is against your interests; therefore, do not vote for him'.

Mr. Speaker: That is what the Law Minister says.

Shri A. K. Sen: What the hon. Member says is something quite different from what Shri Tyagi was saying. What he says now is quite different, because a man is quite entitled to say that this man does not speak your language, and, therefore, he cannot represent the people. That is a different matter.

Shri Balraj Madhok: How is it a different matter? It is covered by this clause.

Mr. Speaker: I would even say that the words 'does not speak your language' may mean that he does not speak 'your language at home'; that does not mean that he does not know that language.

Shri A. K. Sen: That is a different matter.

Mr. Speaker: It is open to anybody to say 'This man does not know your language; he cannot understand it', but he cannot say 'He does not speak your language at home'. Take, for instance, a Member like Shri S. M. Banerjee. He comes from Kanpur, and he stays there. His mother-tongue may be different, but he is as good a Hindi-speaking gentleman as any other person. I think that the meaning is quite clear that a candidate can say 'This man does not know your language', but to say that, 'He does not speak this language at home, his mother-tongue is different' etc. is objectionable.

Shrimati Renu Chakravarty: Let him read the language of this particular clause.

Shri A. K. Sen: "His language" is there.

Mr. Speaker: That is all right.

Shri A. K. Sen: I have put in the word 'his' for that reason.

Mr. Speaker: 'His language' means his mother tongue.

Shri A. K. Sen: That is why I put in the word 'his' in the Select Committee, that is to prevent any misunderstanding on this point. In fact, even under the old law, the decisions are quite clear, as to what this particular section aims at. There is an appeal by a person saying: 'Look here. You are an Assamese. He is a Bengali. His language is Bengali. Do not vote for him'. It is this that is prevented. Or take another instance. Shri S. M. Banerjee comes from Kanpur. If somebody were to say, 'he is a Bengali and so do not vote for him,' that is objectionable. In fact, the decisions are to this effect. I showed the decisions on this point to Members in the Select Committee. Nevertheless, I felt that the words as they were originally might lead to a little misunderstanding.

Shri Tangamani (Madurai): The Hon. Minister was referring to the other Bill where the identical matter was discussed. It was then that these interruptions came.

Mr. Speaker: He has made it clear.

Shri A. K. Sen: He raised the point. He asked if he could not say that Tamil was a better language than Sanskrit and he was entitled to propagate it, and if he would be prevented from doing so. I say, certainly not. But what he will be prevented from saying is if he says that Sanskrit is a wretched language and you must ban all Sanskrit books; it is an instrument used by the Aryans to suppress the non-Aryans. All that will be prevented, because there he is propagating not his language, but really vilifying somebody else's language which is held sacred by some communities, even in the south.

Dr. M. S. Aney (Nagpur): Is it not better in such a case to give one or two illustrations to clarify as to what is and what is not covered by the wording used? This used to be generally done in old laws.

Shri A. K. Sen: The apprehension was expressed if one's right was going to be curbed by this section. If such a right was going to be curbed by the section, I would have been against such an amendment, because after all, it is the right of a person to propagate his own language, his own particular culture and various other matters. But that does not mean vilifying another language or creating enmity between communities.

Shri Tyagi: Suppose he were to say negatively, 'Do not vote for him, because he does not represent your culture or your language. He will not be able to follow your sentiments. I understand them better and I will do it'?

Shri A. K. Sen: If he says that he will do better than the other man, that is a different matter. It is a question of competition between two as to who will represent better. That is not condemning the other man's language or culture.

Mr. Speaker: It will be understood properly by the courts after so much explanation.

Shri A. K. Sen: Even in the case of the hon. Member from Assam, Shri Amjad Ali—even without the word being there—it is reported that this very interpretation was given notwithstanding the absence of the word 'his' in the original section. I showed it to some hon. Members in the Select Committee. Anyway this amendment really does away with all scope for misunderstanding as regards the point.

These are my submissions. I think this is a very healthy amendment that we are going to introduce. It should receive the unanimous sup-

port of this House so that the country outside feels that our elections should not be influenced by any one seeking support only on communal or other sectarian considerations.

Mr. Speaker: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961, as reported by the Select Committee, be taken into consideration".

The motion was adopted.

Mr. Speaker: The House will now take the Bill clause by clause. Clause 2—no amendments.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—Insertion of new sections after section 23).

Shrimati Renu Chakravartty: I beg to move:

Page 2,—omit lines 3 to 5. (17).

My amendment seeks to omit the clause regarding the prescribed fee for registration of the voter's name in the electoral rolls after the final date. As we come nearer the date of elections, every political party will find that the rolls are very defective. Already we get so many letters saying that sometimes a whole village or part of a village or a whole area have not been enrolled. The reason for that is of course that there is a general lack of political consciousness among the voters to come and get themselves enlisted, and that the electoral offi-

[Shrimati Renu Chakravartty]

cers or those who collect particulars of names for the electoral rolls are not sincere enough to put down every name. What we find is this. Take the labouring class. When these enumerators go to these houses, they find that they are away; sometimes they might have gone to some other village for work. At that time, the enumerator comes. So the name is not included. Later on, there may be a notification. But our people are illiterate. We have to make our electoral laws in keeping with conditions in our country; we cannot think of conditions prevailing in countries of Europe or America. We have to think of our people. We find that this is a real hardship when the election comes about two months before polling date. I am not talking of 7 days or 10 days before. When all the political parties start going from house to house, they find that a very large number of voters are left out. If at that time, the question of enrolment comes up, it is very difficult to get the names enrolled. Either it can be done by the payment of one rupee each for a name by political parties who can afford to do it, on the understanding that they will vote for those parties, or by the payment of the fee by the voters concerned. In the case of an agricultural labourer who is working in a village, he has to go to the subdivisional headquarter incurring expenditure and in the process wasting a whole day's or two days' wages, and then on top of that paying one rupee. It is not possible for them to do it individually.

That is why we plead here over and over again that since we have discussed the whole matter and we find that it may be difficult to lay down a last date because we do not know when the prescribed date of the election will be and therefore, we say that there should be no prescribed fee. If we fix a prescribed fee, we are really weighting it in favour of corruption or we are taking away the

right of franchise from a very large number of people who for certain very legitimate reasons have not been included in the voters' list.

Therefore, while all political parties are agreed that this is a very great difficulty which all are facing, we find the Government and the Election Commission saying that it will mean a lot of expenditure etc. But I feel that if we take into account the total expenditure which is incurred in elections right throughout India, it will not be difficult to waive the prescribed fee. After all, this is not a very big amount for Government. The important point is to see that the largest number of people have the right of franchise and no one is disenfranchised.

13.29 hrs.

[SHRI MULCHAND DUBE *in the Chair*]

Shrimati Ila Palchoudhuri: I am also inclined to agree with the point raised by Shrimati Renu Chakravartty that the prescribed fee should not be there because it gives opportunity for political parties to go round and agree to have the names of the voters who have not been included in the list incorporated there quickly on condition that they vote for them. This is a practice that should not be allowed. So I think the fee should be waived. This can easily be considered by the Ministry even at this stage.

Shri A. C. Guha: May I ask for a clarification? At what stage is it—after the provisional roll or after the final roll?

The Deputy Minister of Law (Shri Hajarnavis): I oppose this amendment. The reasons for opposing the amendment will make it clear to my hon. friend Shri A. C. Guha why Government think that the amendment ought not to find a place in the statute.

The provisions of the Act are that, to start with, electoral rolls are prepared and published. The law insists

that the widest possible publicity should be given to the electoral rolls. They are hung at a prominent place in the village. Then proclamation is made inviting objections. These objections are made without any fee; they are heard and decided, and then the roll becomes final. After the roll has become final and before the proclamation of elections, a fee of one rupee is charged. If political parties take it upon themselves to see that all the electors who are entitled to vote are brought on the electoral roll, then I think the proper time for them to begin their work is as soon as the provisional rolls are published. Why should the political parties which seek to enroll the voters wake up only after the election is announced, and not before?

What actually happens, and what the Elections Commission experiences, is that after the election is announced, large wads of forms are thrown at the electoral officers, and within the short time that is allotted, that remains at their disposal, they have got to make a large number of enquiries. In many of these cases the persons on whose behalf the claims are made are imaginary persons, they cannot be traced, they are not interested at all; so that, a large part of the energy and expenditure is wasted. So, there must be some fee which will compensate for the expenditure, the extra expenditure, that the Election Commission makes.

The hon. Mover of the amendment will recall that at her insistence we have halved the fee. As a matter of fact, we originally came out with the proposal that the fee should be prescribed by the Election Commission, but actually the fees prescribed in the Act were Re. 1 and Rs. 5. At the suggestion of the mover of the amendment, the Select Committee cut it down to half.

Shri A. C. Guha: What is the present fee?

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Shri Hajarnavis: Re. 1 and Rs. 5 have been brought down by the Select Committee to Re. 0.50 and Rs. 3 respectively. After the election is announced and before proclamation of the election is made, if any one wants to get enrolled, he has got to pay a prescribed fee of only Rs. 3, which is not much, because the whole enquiry has got to be completed within seven days according to this Bill. Therefore, a special machinery has to be employed for that purpose. The fee is not heavy at all.

Where, of course, there is a large scale exclusion for any reason, I may point out that the Election Commission is empowered to direct a special revision in the particular area, and it often does. As the hon. Mover of the amendment will recall, such a special revision was ordered in Calcutta last time when a complaint was received about a certain section of the electorate. That is often done, and when such a special revision is undertaken, no fee is charged at all.

This refers only to cases of individuals who wake up late, long after the electoral rolls are made final. They have to pay a fee of Rs. 0.50 which I think is not prohibitive at all.

Therefore, I oppose the amendment.

Mr. Chairman: The question is:

Page 2,—

omit lines 3 to 5. (17)

The motion was negatived.

Mr. Chairman: The question is:

"That Clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Chairman: The question is:

"That Clauses 4 to 6 stand part of the Bill".

The motion was adopted.

Clauses 4 to 6 were added to the Bill.

Clause 6A—(Amendment of section 7)

Shrimati Renu Chakravartty: I move amendment No. 18.

Mr. Chairman: It is beyond the scope of the Bill, and therefore it is out of order.

Shrimati Renu Chakravartty: At the time we discussed it, when the matter was referred to the Select Committee, it was said that the whole query would be open for discussion.

Shri Hajarnavis: Not the whole query. The scope of the Bill was enlarged only at three points. This does not fall within that.

Shrimati Renu Chakravartty: My amendment is in order because we are going to take up the original clause in Chapter III and Chapter III is open for amendments.

Mr. Chairman: It is out of order.

Shrimati Renu Chakravartty: Why? Please tell me why it is out of order.

Mr. Chairman: Because it is beyond the scope of the Bill.

Shrimati Renu Chakravartty: That is a very simple, laconic answer.

My point is, it is not outside the scope of the Bill because it is an amendment to section 7, and section 7 is open for discussion. The whole section regarding disqualifications we can raise under this. That is why I raise it.

Shri Hajarnavis: I submit it is not so. As far as I remember, this was also not raised in the Select Committee.

Shrimati Renu Chakravartty: It was raised. The hon. Deputy Minister does not remember. It was definitely raised in the Select Committee. If he looks into the papers, he will see that my amendment is there, officially circulated and discussed, and now I am very surprised how it can be considered to be outside the scope of the Bill.

Shri Hajarnavis: As far as I know the only questions that were referred to the Select Committee outside the

Bill were: election expenses, disqualifications arising out of orders made by the election tribunals—not disqualifications generally.

Shrimati Renu Chakravartty: When I raised it in the Select Committee it was on the understanding that the whole Act was open for discussion, that the House had given us permission to go into the entire Act and to find out if we wanted to modify anything which was of importance.

Shri Hajarnavis: No, no: Such a vague, unlimited power was not given to the Select Committee. As far as I remember, it was enlarged only at three points.

Shrimati Renu Chakravartty: Was any resolution passed by the House? Let me know that.

Shri Hajarnavis: Yes.

Shrimati Renu Chakravartty: What was the wording of the resolution?

Mr. Chairman: The terms of reference to the Select Committee were:

“ . . . to examine the provisions of the Representation of the People Act, 1951 dealing with (1) election expenses, (2) election petitions, and (3) disqualifications for membership and voting, and to suggest and recommend such amendments to the aforesaid provisions as may be considered necessary, and to report by the 19th August, 1961.”

Shrimati Renu Chakravartty: That is why I plead that it is absolutely within my rights to move an amendment to disqualifications.

Shri Hajarnavis: If I may remind the hon. Member, the word “disqualification” there was not used in a general sense, including disqualifications of candidature, but disqualifications arising out of the orders made

by the election tribunal. The three subjects were; election expenses, election petitions and disqualifications for membership and voting arising out of the orders made by the election tribunal.

Shrimati Renu Chakravartty: That is why I wanted very specifically to hear what we had passed in this House. What we have passed in this House is in regard to disqualification of membership of this House. That is the point that we had asked should be open for revision. As you will see, in the Act of 1951 there are so many disqualifications. I have tried to raise this point on that question of disqualifications. Therefore, I plead this is a correct amendment.

Mr. Chairman: There seems to be some doubt about it. Therefore, I will allow the amendment to be moved.

Shrimati Renu Chakravartty: I beg to move:

Page 3, after line 19, insert—

‘6A. Amendment of section 7.—

In section 7 of the Representation of the People Act, 1951, in clause (b),—

(i) after the words “of any offence”, the words “concerning moral turpitude or offences of immorality, bribery or corruption” shall be inserted; and

(ii) the words “ and sentenced to imprisonment for not less than two years” shall be omitted.’ (18)

Section 7 of the Representation of the People Act, 1951 lays down the various disqualifications of membership. One of the disqualifications is that if anybody has been convicted of a criminal charge and sentenced to more than two years imprisonment, he shall automatically stand disqualified to stand as a candidate for Lok Sabha for a period of five years. That is the clause we have passed earlier. I feel that this is a clause which really

redounds against certain political persons because of their political work and not because of their criminal acts. Because of their political work, they have been charged and sentenced for 2 years under some section of the Penal Code, and thus disqualified.

You know there are many cases in which political workers are not convicted under the Preventive Detention Act because of the public outcry against it. Therefore, they are naturally charged under some criminal section. The idea is to prevent people who are guilty of such offences as immorality, bribery and corruption to stand for Parliament and not to prevent other political people. I say that if such charges as immorality, bribery and corruption are brought against people and they are convicted even for less than 2 years, say one year or six months, because they are on charges of moral turpitude, they should be prevented from standing for election to Parliament. I am given to understand by my lawyer friends that it is very difficult to define moral turpitude. Therefore, I have specifically mentioned immorality, bribery and corruption. It is not necessary that the conviction should be for 2 years; it may be even for a year or six months. But to say that any person convicted for any offence under the Penal Code and sentenced to two years should be disqualified would automatically go against persons in the Opposition. I think it should not be so and the disqualification should be removed, and my amendment accepted that only those who have been convicted of offences of moral turpitude, namely, bribery, corruption and immorality should be disqualified; only they should be debarred from standing as Members of Parliament.

Dr. M. S. Aney: Sir, I want to know whether this amendment which has been moved here was moved in the Select Committee; and, if it was moved in the Select Committee what was the view of the Chairman of the Select Committee. Did he deem it to be within the scope of the Bill or outside the scope? I do not under-

[Dr. M. S. Aney]

stand the Law Minister raising an objection that it is not within the scope of the Bill at all and that it should not be allowed. If the matter was allowed to be discussed there in the Select Committee and no objection was raised about its admissibility as being outside the scope of the Bill, the question does not now arise. The proceedings of the Select Committee ought to disclose it.

Pandit K. C. Sharma: Mr. Chairman, Sir, I am sorry to differ from the hon. lady Member. She should know that it is impossible to cook the food and break the pot. It is impossible for a gentleman to come to Parliament and make the laws and, at the same time, break them. One of the constitutional duties of a citizen in a country which is ruled by a Constitution is that the citizen will respect the law and obey it. The moment a citizen refuses to obey the law and breaks it he is disqualified to be a Member of the House which makes the laws (*Interruption*). He cannot be entitled to lay down the law for other people.

Shrimati Renu Chakravarty: The hon. Member forgets that the Congress broke lawless laws and all that.

Pandit K. C. Sharma: Those were lawless laws because they were not supported by the people or the will of the people. (*Interruption*). Now most of the laws are supported by the people and they must be respected by the citizens.

Shri B. Das Gupta (Paurulia): We have some examples in other countries. For example, in England persons like Bertrand Russel had disobeyed some law and were prosecuted for that. So, there may be some law which may have to be disobeyed ...

Shrimati Renu Chakravarty: Some of your laws are lawless laws.

Shri Sadhan Gupta: And will compel citizens to break them.

Pandit K. C. Sharma: Russel may break the law but he cannot be a Member of the House of Parliament.

Shri Hajarnavis: As the hon. lady Member herself has accepted, the expression 'moral turpitude' is very difficult to be defined and it would certainly be very difficult to administer. Supposing the question is raised before the Returning Officer that a certain candidate was guilty of an offence involving moral turpitude, what is the criterion he is going to lay down. Similarly, there is no definition of offences of immorality or corruption. What is corruption and what is not? Where a disqualification is being created against a candidate for seeking election, there must be a precise definition of the act which will disqualify him from seeking election. In the absence of such a clear definition, I submit, the whole clause is unworkable. I oppose it.

Mr. Chairman: The question is:

Page 3, after line 19, insert—

'6A. Amendment of Section 7.—
In section 7 of the Representation of the People Act, 1951, in clause (b),—

- (i) after the words "of any offence", the words "concerning moral turpitude or offences of immorality, bribery or corruption" shall be inserted; and
- (ii) the words "and sentenced to imprisonment for not less than two years" shall be omitted.' (18).

The motion was negatived.

Mr. Chairman: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 18 were added to the Bill.

New Clause 18A

Shri Naushir Bharucha: Sir, I beg to move:

Page 5, after line 25, insert—

“18A. Amendment of section 86. —In section 86 of the 1951 Act, in sub-section (1), for the words “a copy” occurring for the first time, the words “a full summary thereof” shall be substituted.” (29).

In the Bill as it was first presented to the House, there was a clause under which proceedings had not to be published at all. I suggest that instead of taking the extreme view on either side, one party saying that the entire proceedings should be published and the other saying that nothing need be published, a *via media* should be struck, so that a full summary of it is published in the gazette. I, therefore, submit that my intention is only to see that the full summary of the proceedings is published instead of the entire proceedings.

Shri Hajarnavis: Sir, I oppose this amendment, though it is nearer to our original proposal than the report of the Select Committee. In the Select Committee we agreed to the retention of the original clause and I would abide by the decision of the Select Committee.

Mr. Chairman: I shall put amendment No. 29 to the Vote of the House.

Page 5, after line 25, insert—

“18A. Amendment of section 86. In section 86 of the 1951 Act, in sub-section (1), for the words “a copy” occurring for the first time, the words “a full summary thereof” shall be substituted.”

The motion was negatived.

Mr. Chairman: The question is:

“That Clause 19 stand part of the Bill”.

The motion was adopted.

Clause 19 was added to the Bill.

Shri Naushir Bharucha: I do not move my amendment No. 30 in view of what hon. Minister in charge of the Bill has said. If there was an understanding in the Select Committee, I do not want to move this amendment.

Mr. Chairman: The question is:

“That clauses 20 to 22 stand part of the Bill”.

The motion was adopted.

Clauses 20 to 22 were added to the Bill.

Mr. Chairman: We shall now take up clause 23. There are some amendments.

Shrimati Renu Chakravartty: I beg to move:

(i) Page 6, lines 13 and 14,—
after “or the use of” insert—

“places of religious worship or religious congregations for election propaganda”. (19).

(ii) Page 6, line 14,—

after “religious symbols” insert—

“sacred books and religious sentiments by priests and religious dignitaries”. (20).

(iii) Page 6, line 22,—

omit “or language”. (21).

(iv) Page 6,—

after line 26, add—

“Provided that no expression or grievances under which any caste or community or minority group may suffer, or any criticism of practices based on caste or

[Shrimati Renu Chakravartty]

community resulting in social oppression will be regarded as an offence." (22).

(v) Page 6,—

after line 26, add—

"(ii) the first proviso to clause (5) shall be omitted." (23).

Shri Naushir Bharucha: I beg to move:

Page 6,—

after line 26, insert—

"*Explanation.*—It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters are producing or have a tendency to produce, feelings of enmity or hatred between different classes of the citizen of India." (33).

Shri B. Das Gupta: I beg to move:

Page 6,—

(i) line 13, after "community" omit "or language".

(ii) line 22, for "caste, community, or language" substitute "caste and community". (9).

Shri Tyagi: I beg to move:

Page 6, line 13,—

after "language or" insert—

"the use of any place of worship for holding meetings of voters or workers, or". (31).

Mr. Chairman: These amendments are now before the House.

Shrimati Renu Chakravartty: Sir, this clause is the most important and it is here that I have my grievances

and suspicions that this law does not at all want to stop communal propaganda or the utilisation of the religious sentiments for rousing the people against the opposing candidate. I feel very strongly on this point. If it is not lip service that is paid to anti-communalism and the fight against communalism by the Congress Party, why is the Government unable to accept that places of religious worship and religious congregations shall not be utilised for purposes of election? I feel very clearly now that the Congress Party does not want to do this because they have seen how much communal propaganda has helped them in the Kerala elections through the Catholic Church. I have very strong feelings that these places should not be used for political purposes. The encyclicals of the Pope and the speeches of the Bishops were used for political matters and elections and you do not want to lose that opportunity of utilising these Churches for propaganda in favour of the Congress Party and that is why this is not being inserted. It makes it very clear. We know in our own parts also how the Mosques are utilised. I have myself met a group of young Muslims who got up and said: we do not want our religious dignitaries to come to our mosques and to use them for purposes of political propaganda. There are other sections who use them consistently for that purpose. We know that in the Calcutta elections, when the Chief Minister was standing in the last elections, he went to the Nakhuda mosque. I was surprised that a person who did not believe in all the Gods and Goddesses of the Hindu Dharma—we are Brahma Samajists went to the mosque for the purpose of elections. It was a shocking thing. Today we are seeing how the gurudwaras are being used. Starting from Catholic church, you go to the mosques and then to the gurudwaras. These are the places where you are able to move the masses in their blind faith of religious sentiments.

Do we really want to stamp out communalism? I personally agree with Shri Tyagi and we cannot fight communalism only by passing a law and making it an electoral offence. But at the same time if nothing can be done to make it a clear electoral offence, the only thing we should be able to do is at least to put these places of religious worship outside the bounds. My friend Shrimati Ila Palchoudhuri asked me: what was a religious congregation? I have seen in my constituency how Muslims gather in thousands in one place and they come for listening to the dignitaries preaching to them. If you like, I can give the name of the festival. It is a pure religious congregation. It is not a mela. It is used for this purpose of election propaganda also. Fortunately for the Congress it comes round about February and so it is very handy; it is utilised for political propaganda in favour of the Congress Party because huge mass of people come here. If my amendment is not accepted, it is clear to the people of this country that it is nothing but an eye wash to say that they are passing these amendments to fight communalism. On the other hand, it will become also clear that it is to put a curb on the people who want to put forward democratic ideals on the question of language, on the question of minority rights and on the question of curbing communalism. On the other hand, those who will be doing communal propaganda in these places will be permitted to continue their nefarious activities. I feel that this is one of the best ways where the election law can be amended in order to ban communal propaganda in favour of political parties by the utilisation of places of worship.

Shri C. K. Bhattacharya: May I speak on this occasion? Shrimati Chakravartty has repeatedly made this charge that the Congress party wanted to take advantage of communal propaganda in the election. She made it in consideration stage and

she has referred to it now and she had brought in the poor Chief Minister of West Bengal.... (Shri Braj Raj Singh: Poor?) I want to place before you the communal propaganda launched by the Communist Party which he had to face.....

Shrimati Renu Chakravartty: You ban that also, if it is true.

Shri C. K. Bhattacharya: She knows that there is a preponderance of Muslim voters in Dr. Roy's constituency who speak Urdu—upcountry Muslims.... (Interruptions). This is the placard that was issued in Dr. Roy's constituency and I collected it from there. It is in Urdu and I do not know Urdu. I had it read out and the placard says:

“मुसलमान भाईयो, कांग्रेस ने आप को क्या दिया है? दिया है भूत, बेकारी, दहशत और लानत”

I do not know the meaning of the word (लानत) and I wanted the help of Mr. Raghunath Singh who is expected to know this language. He told me: do not use that word: it has a bad meaning. This is the type of propaganda which the Chief Minister had to face. This poster was issued with the stamp of the Communist Party but Mrs. Chakravartty says here that it is the majority party that had recourse to communal propaganda in the election.

Shri Indrajit Gupta (Calcutta—South-West): How is it communal propaganda?

Shri C. K. Bhattacharya: To appeal to the Muslims in these terms—if that is not communal propaganda, I do not know what 'communal propaganda' is; then the meaning of that expression in the English dictionary should have been changed... (Interruptions.)

Shri Indrajit Gupta: Some body is appealing to them in the name of religion—not in the name of Lanat, Bekari Gharibi.

Shri C. K. Bhattacharya: This is the Urdu portion of the pamphlet. I collected it from Calcutta. It is published by the West Bengal Committee of the Communist Party of India and printed by Ganashakti Printers, Ltd. Shri Indrajit Gupta may be knowing this press. It has been published by this press.

14 hrs.

Shrimati Renu Chakravartty: What is the meaning of *Lanat*?

Shri C. K. Bhattacharya: That is for the Urdu-speaking Muslim. So far as the Bengali-speaking Muslim is concerned there is another pamphlet and here is the pamphlet. It was distributed in the mofussil places. I collected it from Calcutta. In this pamphlet, they make a case that this entire administration is anti-Muslim; that it deprives the Muslims of the opportunities of services, of their religious and other advantages. Even the Prime Minister himself is not spared. The Prime Minister himself is charged with being actuated by communalism and using communalism for the purpose of elections and for the purpose of getting votes and by putting the Muslims under threat. I am reading it:

वोट भिक्षाय नामिथा श्रीमतीशक्ति
काश्मीर समस्या के सामने राखिदा
नेहरूजी संख्यालघुके दंगार
आशंका तुलिया प्रकारान्तरे अत्यन्त
चतुरभावेई भीति प्रदर्शन कारिलेनू
दंगाबाज देर अनिये दिलेन ये ।
ताहादेर षड्यंत्र अप्रतिरुध्य ।
संख्यालघु मुसलमान ककि हमेशाई
मंत्रसुन थाकिते हईवे ?

The English translation of it would be as follows:

"Coming to vote-begging, Pandit Nehru has kept the unsettled Kashmir question before the minority and is terrorising it very cleverly by raising apprehensions of riots, and also intimating to the riot-markers that their con-

piracy is irresistible. Is the Muslim minority always destined to live under a terror?"

I put it to Shrimati Renu Chakravartty herself. I do not read the other part. If the entire pamphlet is read, yourself and the whole House will be surprised that such a propaganda is used for the purpose of elections. The heading of the pamphlet is, "In the general elections, it is the leftists who are entitled to have Muslim votes." That is how the pamphlet begins. The entire pamphlet is devoted to this type of propaganda. I only want to draw the attention of Shrimati Renu Chakravartty to this aspect, and would submit that this sort of thing should not be repeated in the next elections. (*Interruptions*)

Shri N. B. Maiti (Ghatal): By whom has it been published?

Shri C. K. Bhattacharya: By the same printers—The Ganashakti Printers Ltd.

Shrimati Renu Chakravartty: I have moved amendments Nos. 19, 20, 21, 22 and 23. Amendment No. 20 reads as follows:

Page 6, line 14, after "religious symbols" insert,

'sacred books and religious entitlements by priests and religious dignitaries.'

I shall also answer the point made by Shri C. K. Bhattacharya while speaking on this clause. The point is this: why should one not appeal to the Muslims or the Hindus or the Jains or the Sikhs. (*Interruption*). I will tell you this: in my own State, especially in the border areas, the widespread propaganda of the Congress Party is that unless the Muslims vote for the Congress, they will be beaten out into Pakistan. It is widespread.

An Hon. Member: Never.

Shrimati Renu Chakravartty: In my own constituency, and in the constituency of my hon. friend, Shrimati Ila Palchoudhuri,—ours are border districts—such widespread propaganda is taking place. Let them put their hands on their hearts and say that this is not done. If they cannot do so, then,—obviously I cannot use an unparliamentary term—I can only say that it is a wrong statement. But this is the widespread propaganda which is going on. It is because of this that it has got to be replied and we have to replay to it by saying that the minorities have a right to be able to live here without fear. The minorities' rights must be protected and the leftists will be there to protect them.

The hon. Member has not read the whole pamphlet. It is not possible also to do so. But, if you allow the whole pamphlet to be read, then it will be very clear that they are not making any sort of appeal like that,—appeal to religious sentiments which were referred to by hon. Members over there. There is no use saying that you cannot appeal to the Muslims or Jains or the Sikhs or the Hindus. It is done, and it is being done, and in future, if it is done, naturally, the Communist Party also will do that. If that is done, this is the reply which I should make. (*Interruption*).

Shrimati Ila Palchoudhuri: We do know if the Communist Party does it. We do not do it.

Shrimati Renu Chakravartty: The hon. Member over there has not answered one point. If, today, the Communist Party says, "In the name of unemployment, in the name of grievances, you should not vote for the Congress", is that communal propaganda? We will have to fight it. The leader of the Congress Party, the Chief Minister of Bengal is reported to have gone to the Nakhanda mosque. I know that he has never been to a mosque before. But because of elections, I do not know why, he went to

the Nakhanda mosque or masjid. Is that the right way you to fight the elections and make propaganda, and appeal to the Muslims that you should vote in a particular way? Well, if in the name of unemployment, caused by the Congress Party, because of the shame inflicted by the Congress Party, we ask Muslims not to vote for the Congress. If that is considered to be very communal, then, have I to say that going to Nakhanda masjid is completely uncommunal?

Shrimati Ila Palchoudhuri: Absolutely.

Shrimati Renu Chakravartty: It is very funny. It is absolutely not so. That is why I say that religious worship in these matters, an appeal to religious worship, appeal to sacred books and to religious sentiments should not be permitted. My hon. friend may say that the word "*Lanat*" is very bad. I do not know. It may be very bad. But the point is, it is not a communal thing. If he agrees with me on that point, he should support my amendment.

My amendment No. 21 is for the deletion of the word "language". This, I feel, is an absolutely impermissible introduction into the body of this enactment, because, language, questions regarding the language of minorities, their culture, etc., are absolutely democratic issues which should be fought out politically. They cannot be fought out in any other way. Take, for instance, the worst example, namely, the Assam trouble. Certainly, it was a language question. In the coming elections, it will be made major question: whether the Congress Party, the party in power, has been able to evolve a formula and protect the languages of the minorities or not. Does anybody in this House think that anybody is going to fear election tribunals, and so this question of language will not be raised? It is going to be raised and it will be raised not once but a thou-

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and times right throughout the country. The question is why are we afraid to make it a political issue. You do not want it to be made a question of hunger-strike. The Congress says that hunger-strikes are very bad. Well, are we going to be intimidated by that? You do not want it to be made a political issue. But then how are you going to do that? Are you going to allow such issues to be fought out in the streets? If you are making it an electoral offence? It is going to be fought out in the streets.

Mr. Chairman, many times the Sikhs outside have said that we have no Sikh representatives. We may not appreciate their sentiments, but the Akalis have said so. The important point is, if they have the opportunity of being able to get somebody in, and bring a representative here, it is all to the good. Let them come to the House; let them get the vote of the people and come to the House. Why cannot it be done like that? The Samyukta Maharashtra Samiti came here like that and they fought out the issue of language. And on that score of language many have resigned from this House. Why are the Congress Benches there—the seats from Silchar and Cachar—empty today? Why? It was on the language issue that they resigned. Even Shri C. D. Deshmukh's case is there. Of course, he is a *persona non-grata* at the moment with the Treasury Benches and the Congress Party. So, I do not raise that point. But this is an issue which you cannot avoid; you must permit it to be made a political issue. The issue of language cannot be made an electoral offence. We have seen the worst of the riots in Assam and we have strong feelings of the way in which the minorities have not been protected. The people in power have got enough instruments and powers within the armoury of the Indian Penal Code to be able to put down the riots and communal tensions. They have the powers to do it, but whe-

ther they want to do it or not is another matter. They can use all the powers which they have, but instead of doing that, they are trying to make this an electoral offence and trying to outlaw this question of language.

Whether you should have linguistic States or not, what should be the rights of minorities in regard to language in what form you will do it, when you will do it, etc. are questions which are not to be discussed here. We are not concerned with discussing them within the scope of this Bill. But if you do not allow that to be made a political issue, and if you make it an electoral offence, all that I can say is you are not permitting a democratic demand, which has been raised from the time of the national movement, you are trying to outlaw it and put it on a par with communalism, which is barred by our Constitution. Ours is a secular State and communalism is barred by our Constitution. But the question of linguistic States, questions relating to language, culture, minority rights, etc. are things that cannot be barred and made electoral offences. Therefore, these must be taken out from the body of the Bill.

Regarding amendment No. 22, no doubt the hon. Minister has given the assurance again and again that if there are some grievances of, say, adivasis or scheduled castes and scheduled tribes against caste Hindus or some grievances of Brahmins against those who are in a majority and in power—I have seen that in the south—and if those grievances are raised at the political level and made an issue of electoral campaign, they will not fall within the mischief of the Act. Although the Minister has given this assurance, I feel that they will fall under it. I have read the clause again and again and I feel definite that under clause (3A) this can be interpreted as promoting or attempting to promote feelings of en-

mity or hatred, because let us not get away from the fact that for generations there is a feeling of embitterment between the scheduled castes and tribes and the caste Hindus. You say this will not be an electoral offence, but people will go in for litigation and send so many of our future parliamentarians to election tribunals and harass them.

Therefore, I have suggested a proviso. Granting that your interpretation is correct, it may not be upheld in a court of law. I do not know the intricacies of law, but I have consulted lawyer friends like Shri Bharucha, saying "According to our common sense, we feel that this thing also can fall within the mischief of this section". They tell me, "There is a lot in what you say. This is a wide and sweeping clause and all sorts of interpretation might be brought forward". In order to prevent that, I want a proviso to be added, saying:

"Provided that no expression of grievances under which any caste or community or minority group may suffer, or any criticism of practices based on caste or community resulting in social oppression will be regarded as an offence."

After all, there will be charges against the ruling party, because this is a question of policies of the Government versus policies of other parties. I am afraid my hon. friends do not understand what an electoral battle means. It is a battle of policies of those who rule and of those who have had no chance to rule. They will put forward their policies before the people and it is for the people to decide. Do you mean to say we have every time to preface our remarks "for the sake of love and amity the caste Hindus have been doing this, oppressing us in that way etc." in order to escape falling into the purview of this clause? It is not possible. It can be interpreted to mean that by enumerating all these evils, you have created a feeling of

tension. It may be so. I am happy to see that certain other friends of mine have also tabled amendments to minimise the mischief and to limit the wide scope of this clause. If you do not want to accept my amendment, at least I shall be happy if some of their amendments are accepted, because I know my amendment will not be accepted. We do not want that expression of legitimate grievances about social oppression should be made an offence. Therefore, I again plead for the acceptance of this proviso and I think on this point many hon. Members will agree that some sort of proviso is necessary for this.

By amendment No. 23, I seek to omit sub-section (1) regarding the use of vehicles. By the electoral law of 1951, cars and all vehicles which use power are not permitted. But you can use a cycle rickshaw or hire bullock carts. We know they are hired in large numbers in rural constituencies, especially. Everybody in the village knows who is the owner of a bullock cart. Everybody knows that these people are not using their own bullock carts. So many people come in these bullock carts; the whole area comes. We know that it is the richer parties who are able to hire them. So, it is better that we also put a ban on hiring of vehicles other than those using power.

Shri Tyagi: Sir, I submit, as I said the other day, that the absence of any positive propaganda against communalism which should have been undertaken by all the political parties together, this amendment will only serve as a teaser to minorities in India, because after all, ultimately it will be they who will suffer. Minorities should generally be given a longer rope in the matter of elections, because it is they who have to propagate and survive. Majorities are majorities and they are not so much afraid. Actually elections are fought by minorities and in India, there are political as well as communal minorities. Under these circumstances, my fears are that this amending Bill will have its impact

[Shri Tyagi]

more on the minorities and the worst consequence would be that this communal tension, which is on the surface today will go underground and it will be difficult for us to root it out afterwards.

I cannot see the consistency of the Government. Only the other day I read in the Press that the hon. Home Minister had offered to Master Tara Singh and to the Akalis to make this Punjabi Suba or the Gurmukhi linguistic suba an election issue. I wonder how that is consistent with this. Only about a week or 10 days ago, it was offered to become an election issue. So, the whole election was conceived to be fought on the basis of language. If that was the Government's view, I cannot really understand where is the consistency. Only a fortnight ago this offer was made. This Bill had already been reported by the Select Committee.

Pandit K. C. Sharma: It was not passed.

Shri Tyagi: Not passed, of course; it is not yet passed. But the Government knows their mind and knows what the policy is that they are going to adopt. If that is their policy, with what consistency did they announce the other day that the Punjabi Suba linguistic question can be made an election issue in the Punjab? This is something which is contradictory, I submit.

My submission, therefore, is that the Government are not really sticking to their policy and it is on that account that law is losing its force and respect for law in the public mind. I gave an instance. Only because there is a popular man and he must be appeased, the highest, the best and the biggest leaders of the Government gave accommodation to Vinoba Bhave's Pada Yatra. Despite the fact that the Indian Penal Code was not amended, dacoits against whom there were warrants, dacoits who had committed 50 to 60 dacoities and murders were allowed to march in day light with

their illicit weapons on their shoulders with the police simply looking on. The police could not help it because it was done by means of an executive order. That means, by means of an executive order you can suspend all laws of the land. This is what has brought things to such a pass.

Shri Hajarnavis: Were they not taken to jail?

Shri Tyagi: Of course not, because it was said that there was some relation of a big person who was going to be hanged, his pardon was sought for and therefore all this drama was enacted. There is no more Pada Yatra of dacoits. They are not in penance now. But they were permitted to march in day light despite the law, and the men who did it stand today as a first-class criminal before the nation. The correct procedure would have been for you to have come out with an Ordinance saying that such and such a section of the Indian Penal Code stands amended or suspended for such and such a time when the dacoits were permitted to take out their illicit arms on their shoulders and join the Pada Yatra with Vinoba Bhave.

Shri Hajarnavis: Sir, I rise to a point of order. All this happened in the State Government. The whole matter fell within the purview of a State. The action taken was that of the State Government. I do not think the hon. Member is entitled to refer to it here.

An Hon. Member: How is it relevant here?

Shri Hajarnavis: Apart from the fact that it is not relevant here, as far as my information goes all the persons were marched to the jail, lodged in jail and were prosecuted.

Shri Tyagi: Well, Sir, this is a food plea, but I know that the Government of India's sanction was there.

Shri Hajarnavis: Whether they were taken to the jail manacled or free

depended upon the individual officer who dealt with the matter.

Shri Tyagi: I understand that the sanction of the Government of India was there. I have had the privilege of protesting against this to those persons who gave the sanction, and they confessed before me that they did give their sanction. I am annoyed on that account. No government, whatever be its popularity, is entitled to act in such a cheapish manner, and it is on that account that law is fast losing its respect.

Coming to this Bill, Sir, it is very pious and well intentioned, no doubt, but I am afraid this again will serve as a teaser. We can do the needful otherwise.

14.24 hrs.

[SHRI HEDA *in the Chair*]

Now, there are certain amendments which have been tabled by hon. Members. I will appeal to the Government in all humility to consider one thing. Most of these measures are not to be got through only because the party in power thinks in one way. In such measures the Opposition must be most accommodated. In the first place, this is an election issue, and here the voting must be as free as in the Constituent Assembly because it is a part of the Constitution. The whole structure of Government is formed through elections. The formation of Government is only through elections and, therefore, the elections must be free and with the consent of all the parties concerned. Therefore, there should be no question of a small, petty thinking of prestige etc. in this matter. The Government will add to its prestige if they are readily prepared to accept any healthy suggestion coming even from the Opposition benches. That should be the attitude of the Government, particularly in regard to this measure, because it is not a party measure, it is not a question of party policy, it is a question of more or less the whole Constitution where minori-

ties particularly are involved. Up till now the attitude of the Government has been that they pay little heed to the suggestions made, because once the seal is given they think that every little change is a slur on them. It is not so. It adds to their honour, it adds to their popularity, if a Minister comes forward and says that he is very much convinced by what an hon. Member from the Opposition said and that he is prepared to accept his amendment. Let them also thank such hon. Members for tabling such healthy amendments. That is the best way of running a government. I would once again insist that that should be the attitude and it should be adopted.

There is one suggestion given by Shrimati Renu Chakravartty. She is our opponent, I know, but a very soft opponent all the same, and quite docile as far as reason and logic are concerned. She has given a suggestion. I must say that that suggestion is, although a very highly diluted dose, a homoeopathic dose of wisdom, because this is a slightly indirect method by which you can eschew all religious bias from elections, by declaring that any meeting held of voters or workers in a place of worship will disqualify the candidate concerned and it will be deemed to be a corrupt practice. If this little suggestion is accepted by you, no communal or linguistic question can come in. If communal type of meetings are held in the open maidans where everybody can come in such communal virus would not be vomitted. You can rest assured on that point. I have got the experience of public meetings. Communal meetings of that nature are generally not held in open maidans where all types of people can come and put questions. They can even obstruct such meetings. Therefore, such meetings are generally held in places of worship where only people belonging to that community come and they have a peaceful propaganda. Why not eschew that? why not say that such election meetings held in places of worship are banned and they will be deemed to be a corrupt practice? Then all these communal

mind ed people will have to come out in the open field and talk about their communal virus, their communal poison, with the result that they will lose most of the votes. Therefore, for the sake of the success of the candidate, it will indirectly have a check, and their tendency to talk in a valorous manner of their communal virus will be reduced to a great extent. Therefore, my submission is, as this would not go against the policy of the Government—I find that the Deputy Minister of Railways is talking to the Deputy Minister of Law; the Railways always obstruct— . . .

Shri Hajarnavis: I am following his speech. I can repeat his words.

Shri Tyagi: My submission is that you may kindly agree to this, because this is absolutely in conformity with the policy you are now following. Now that the hon. Law Minister has come, I hope he will consider my suggestion. I was saying about the amendment where it is suggested that any meeting held in a place of worship, any meeting of voters or workers held in a place of worship should be declared a corrupt practice so far as elections are concerned. My submission is that your purpose will be served only if you accept this, because all such meetings of which you are afraid, which you want to stop, are held in the respective places of worship. Therefore, if such meetings are banned and you say that candidates who hold such meetings will be disqualified, there will be no such meetings. If they are to come out in the open—I hope the House will pardon me for repeating this, because I want the Law Minister to hear this—maidans and then talk of such types of communal poison, then they themselves will suffer. Our people are conscious enough. They will know the actual position and they will prevent a good lot of other voters too from voting to their candidates. Therefore, automatically the meetings will become healthier from the communal point of view.

The other day the Prime Minister said in so many words that religious places or places of worship should not be used for political purposes. If that is so, why not incorporate it here now so that the whole purpose is served. I, therefore, submit that this amendment—it contains only a few words—may kindly be accepted. Therefore, when this is accepted, I am quite sure there will be no such difficulty as we are just facing today. Otherwise, all these meetings will be held. We have practically declared all places of worship as sanctuaries. Today that is what has happened by our sheer policy, indirectly, although we have not announced it. Every gurudwara is a sanctuary and you cannot arrest any offender of law inside a gurudwara. That you have agreed to. In Mandirs also you have agreed to it and, automatically, in mosques and churches also it will be followed. That is our policy. I am not talking of the law. If you do not bring in a law, then it becomes a convention and if for ten years you follow this convention, it will be a hell of a task to enforce any law. If a law stands suspended in practice, it will die out. My submission is that at present your policy seems to be to declare all these religious places as sanctuaries for offenders of law, whether they are temples, mosques, gurudwaras or churches. If that is so, and that becomes the practice, then they will hold their meetings safely there, talk about enmity or anything they like, there will be no complaint and no evidence would be forthcoming, and the effect of this legislation will be lost. Because, by these very meetings, what you want to prevent, namely, hatred and all that will be created in the heart of those people. Therefore, if this amendment banning the holding of such meetings is accepted, I feel that your purpose will be served better.

Shri Jogindra Sen Mandi: Mr. Chairman, I must thank you for giving me a few minutes to speak on this amendment. I stood up on more

than one occasion to speak on the general discussion, as I have several points to make regarding clauses 3 and 33, but, unfortunately, due to lack of time an opportunity was not given to me. Even now, but for your indulgence, I would not have been able to speak at all. Though there are several points to cover, I would touch upon only one or two points.

I will first come to the banning of political meetings in a place of religious worship. In a secular State like ours, especially when we know what harm communalism has done and is doing in India, I am myself surprised why this provision was not included in the Bill in the very beginning. I would give my full support to the hon. Members who have spoken before me that this is a very salutary provision that no religious place of worship belonging to any religion should be used for these purposes. Neither have the Government been able to convince us as to what their objection is in having such a provision when, on the face of it, it appears that places of religious worship should not be used for any other purposes. Of course, under the law, officers can enter even places of religious worship to arrest offenders etc. But I am one of those who believe that the sanctity of places of religious worship should be maintained and respected by all, i.e., neither political parties should be allowed to enter such places nor any officers of law should be allowed to enter such places. If once we accept that the places of religious worship are places where persons can enter and arrest people, although technically the law may permit it, it will do incalculable damage. So, I feel that Government have acted wisely on this point and they have maintained the sanctity. But that sanctity is definitely affected when we allow them to be used for political purposes. So, I would lend my full support to the amendment and would request the hon. Minister that the small amendment which has been

moved by the opposition, as well as by an hon. Member from our side, may kindly be accepted.

Another point I would like to mention is, when we do not permit any kind of vehicles to be used for bringing in the voters, I see no reason why we should allow bullock carts, bicycles, for this purpose. After all, if the voters are interested in exercising their vote and coming to the polling booth, they will come in any case. And when we have prohibited modern mechanical vehicles, we should prohibit other ancient modes of conveyance also, because the principle is the same. If you permit these vehicles, then there is no reason why you should not permit motor vehicles also. Once you prevent the modern mechanical vehicles, I personally feel that all other vehicles should also not be permitted.

Then, I think—I do not know; I am open to correction—as things stand at present, Government servants are not permitted to take part in political meetings or to become members of political parties. But when they are to exercise their votes, I feel it may be difficult for them to exercise their votes intelligently if they are not allowed to attend political meetings. As long as they do not take part in the meeting, or organise or address the meeting, what is the justification in excluding them from hearing both the sides? After all, it is after hearing both the sides that they can exercise their votes usefully. Whether this provision is there or not, they are going to vote wherever they want. Just because they happen to be in service, they are not going to vote for the Government, because the Governments change. So, it is in their own interests that they should be able to hear both sides at the election meetings so that they may take their final decision to vote after hearing all sides on matters of public importance.

I would again thank you very

[Shri Jogindra Sen Mandi]

much for giving me a few minutes. I would like to stress the other one or two points when we come to that particular section.

Shri Naushir Bharucha: This is by far the most important clause in this Bill. I am afraid, the House has still not appreciated the very considerable difficulties to which the candidates will be put at the time of the elections if they are prevented from arguing on matters on the ground of religion, caste, community or language. As was rightly pointed out by my hon. friend, Shrimati Renu Chakravartty, language will be the dominant election item, and a very controversial item at that. So, it will be very necessary in such cases to have some sort of explanation at the end of this clause on the lines which I have indicated, an explanation which has been adopted verbatim from section 153A of the Indian Penal Code. The framers of the Indian Penal Code appreciated the difficulty when they sought to enact that the creation of feelings of enmity between communities should be penalised, and then they have added:

"It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce, feelings of enmity or hatred between different classes of the citizens of India."

I submit that unless some such safeguard is adopted, the effect of this particular clause will be that no candidate will be able to speak on any of the most controversial issues. What is penalised here is merely the factum of creation of feelings of enmity and hatred, and it is not in the hands of the candidate, however reasonable he may be in his speech, not to produce feelings of enmity or hatred. For example, if I were in Punjab and if I speak that Punjabi is the

dominant language, immediately I create the feelings of enmity in the Hindi-speaking people of Hariyana. The court will not look into the fact whether my speech is capable of creating feelings of enmity or not; it will look to the fact whether feelings of enmity have in fact been generated. I submit what is true about language will also be true about the various other aspects, namely, race, community or religion and I, therefore, submit that the amendment which I have moved should be accepted by the House. I again say here that I have taken the amendment verbatim from the explanation to section 153A of the Indian Penal Code.

Shri Tangamani and Shrimati Ila Palchoudhuri rose—

Mr. Chairman: Shri Tangamani. Hon. Members will get a chance.

Shri Tangamani: Sir, I beg to move:

(i) Page 6,—

for line 13, substitute—

"ground of his religion or caste or the" (11)

(ii) Page 6,—

for line 22, substitute—

"on ground of his religion or caste by a" (12)

(iii) Page 6,—

after line 26, insert—

"(b) the provisos to Clause (5) shall be omitted." (14)

Sir, these amendments of mine as also No. 14 are more or less similar to the amendments already moved by Shrimati Renu Chakravartty, namely, amendments Nos. 21, 22 and 23. Many of the hon. speakers have emphasised these points and I would like to make only a few observations.

Amendment No. 14 is for the deletion of the proviso to sub-section (5)

of section 123 of the Representation of the People Act, 1951. Sub-section (5) reads as follows:

"The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll."

Then there is the proviso.

"Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or places fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause."

I want the deletion of these two provisos for obvious reasons.

In the first case it will not prevent them from using vehicles not propelled by mechanical power. It is very difficult to find out whether the money has been raised by the electors or whether the vehicles have been provided by the candidate himself because in every case they can say that these vehicles were hired by the electors themselves.

1128(A) LSD—9.

The second proviso is much wider. It provides for any kind of conveyance provided the money for that has been paid or the arrangement has been made by the electors themselves. Because this is likely to lead to a lot of mischief I am moving this amendment. In the dissenting note of Shrimati Renu Chakravarty, this point has already been emphasised.

Regarding amendments Nos. 11, 12 and 13, I would like to submit that in the original Act, section 123, sub-section (3) reads as follows:

"The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election."

This sub-section, that is section 123(3) itself, is explanatory and what the new clause, namely, clause 23 provides is that it merely includes the word 'language' and also adds the following words:

"or for prejudicially affecting the election of any candidate."

Merely adding the words "or for prejudicially affecting the election of any candidate" is not going to improve matters. The material change that has really been made is the inclusion of the word 'language'. That is why several hon. Members have addressed themselves to this question of language. I do not want to repeat the arguments. I made it very clear on the previous occasion also how when there is a language controversy or where people are very fond of that particular language any expression of opinion may lead to the detriment of another language. In that way this will come under the mischief of corrupt practices.

[Shri Tangamani]

Another question may be there. We are extending this to language. Although the hon. Minister said that his language is his mother tongue and that will give him some protection, I am afraid that the mischief may be extended in areas where the language controversy is still there. Actually, although it is provided that certain languages are included as national languages, there may be a case for other languages being included, like Sindhi for example. In advocating Sindhi people may say certain things about other languages which have already been included as not being up to the mark. It may, in a way, really come as criticism of that language.

Another point will be the question of Urdu. I can well understand how people may come forward and say that Urdu has been more or less suppressed and those who were speaking Urdu are now forced to adopt the Devanagari script. This may be attached to that candidate or that particular group which is favourable to the Urdu language. Languages like Urdu, Sindhi, Bengali and Tamil are the languages which are likely to come under the mischief of these corrupt practices. That is why the inclusion of this particular word 'language' is pregnant with mischief and I submit that it should be deleted.

There has been another safety clause to which many hon. Members have referred. The minorities or people of the Scheduled Castes and those who are very backward and people of the Hill Tribes also must be in a position to ventilate their grievances and attack the policy of the Government for the way they have been neglected. That is why I submit that the amendment of Shrimati Renu Chakravarty or this amendment of mine or anyone of those amendments dealing with 'language' may be accepted.

Shri B. Das Gupta rose—

Some Hon. Members rose—

Mr. Chairman: Shri Nath Pai. Every hon. Member will get a chance, but one after the other.

Shri Nath Pai (Rajpur): Mr. Chairman, Sir, I rise to second the amendment moved by Shri Bharucha. At the very outset I should like to draw the attention of the hon. Law Minister to the very cogent and reasoned plea that was made to the House, particularly addressed to the Treasury Benches, by my hon. friend, Shri Mahavir Tyagi. Only it will be setting a very high precedent for our Parliamentary democracy if Government tried to view at submissions made by the Opposition not from the point of view of prestige but judging them purely on their merit.

This amendment is trying to bring to the Government's notice a mischief which, if allowed to remain in the amendment as proposed by the Government, will not only be harming some Opposition Members but it may do incalculated harm to all of us. The mischief which this Bill will be doing is almost unlimited. Anybody can bring litigation against anybody and we can almost think of a day when all the next 501 MPs will be facing some kind of a suit in some court.

I am afraid, it must not be allowed to be said of you what Burke said of his Government, namely, that reason was exhausted but obstinacy was not won. During the consideration of the amendment to the Penal Code we tried to raise the same plea and appealed to the Government that nothing will be lost, heavens will not be crashing, India's security will not be threatened if we extend the time for consideration and come before the House and the country with a more exhaustive and comprehensive Bill in which the best talent of the country will have given us the benefit of its advice and counsel as to how to deal with these fissiparous tendencies. Once again, within two days, the same provision is being made as if we have been talking to empty halls and we were not confronting the wise, intelligent

leaders of the Government. They have not produced a single reasonable and cogent argument as to what is the propriety of incorporating this thing.

May I point out the mischief that will be done? Though I never like to make any personal references, last year on this issue, I was put in a prison for more than three months. I was a member of the Karnatak Provincial Congress committee as a boy and I have the highest regard for those colleagues of mine with whom I grew as a school boy, as a college student. It will be farthest from my mind to try to create any feeling of animosity or bitterness. Language is not so superficial as some of the leaders of the Government are trying to make out. An artist tries to express himself through some medium. To an average man, the only medium is language. It, therefore, becomes a vital part for him. The superficial attitude which we see very often propounded from those Benches is a clue for the failure to solve the issue. May I plead with the Law Minister that failure to show statesmanship cannot be made good by resort to statute? What is being done today is to try to cover that failure by arming themselves. I think it may be a short-cut, very tempting to the politician. But, in the long run, do we succeed in eradicating the causes of this?

Here is a question to my mind. I very much beg of my colleagues from Mysore not to misunderstand me. There is the question, as you are aware, Sir, of settling the border issue between Mysore and Maharashtra. Invariably, the issue will be coming. Not because anybody wants to generate feelings of enmity between one people and another. Nothing will be farther from it. After all, what does democracy mean? It will be meaning or it should mean, in any case, expression of the will of the people. In this area, as you, Mr. Chairman, are aware, through every conceivable means, medium, criterion, available to the people, they have given their verdict that they would like to be incorporat-

ed in the State of Maharashtra. I know this is not the forum for advocating any parochial causes. We should basically concentrate in this House on issues of national importance. What will be wrong if these people, to whom you are denying their right very nearly for 10 years, raise this issue till you give them justice? The Belgaum Municipal Corporation raises this issue and passes Resolution after Resolution, on 11 occasions by a vote of 38 out of 46. Shall we send all these 38 City fathers to jail? Within the purview of this law, they can be made offenders.

Chr. Ranbir Singh: In the elections.

Shri Nath Pai: Yes; there will be election there. Ch. Ranbir Singh thinks that he is serving his party by interrupting. I like interruptions provided they are relevant.

Earlier, I drew your attention to a provision identical with this which was incorporated in the criminal law. This is a continuation. There will be litigation. All the 36 can be made the subject of litigation. What shall we gain? Six M. L. A.s were elected. Let us apply our mind to this kind of thing. They have been elected on the single issue which they raised. They did not raise anything else. They were elected with a preponderance of votes, with a tremendous majority, on the single issue that the whole area represented by these Members of the Mysore Assembly should be incorporated in the State of Maharashtra. Once again, the issue has not been solved in spite of the fact that a committee of four has been appointed. That Committee has failed. Why has it failed? We have a Congress Government in Maharashtra. We have a Congress Government in Mysore. Why does not the Centre give leadership, try to bring them together and solve this? This failure is sought to be made good by punishing those who will have the democratic instinct, urge, compulsion to give expression to the disappointment, frustration of

[Shri Nath Pai]

these people. Is this fair? Is this correct? Is this right?

We may pass this law on the strength of the majority. I am appealing to him that he, a student of jurisprudence, and an eminent jurist, should not bring a party mind to such issues but to look at what we are trying to correct by this kind of thing. Any way, this kind of incorporation in the election law of our country is a slander on the people as a whole. It means that there is a necessity. Nobody tries to inculcate hatred among the people. Hatred becomes possible because there is cause for hatred. This is failure to solve the issue in a statesmanlike way, in a wise way, to bring broad vision, generosity, sympathy, understanding, appreciation to those who are feeling hurt, who are suffering under a feeling of being hurt. Why not try to solve this question in the proper way, rather than to penalise those who will try to bring the attention of the society, of the nation, of Parliament to this issue? I should like therefore, to strongly oppose this, because, the remedy sought will be worse than the disease. The remedy, normally, should go some way at least for mitigating the illness, disease, malady. If we allow this particular remedy, I am afraid, this will be worse. I am very happy, therefore, to hear the cogent plea coming from some Members on the Congress Benches. Even at this late stage, let the Law Minister, who was quoted as saying—I hope he was wrong; I think he was wrong—about Assam, that if the issue is not solved,—I think a very inauspicious reference was made to something like a civil war. How did a man with so much restraint—he is the embodiment of restraint—feel compelled to make such a reference? I do not know if these were his words; something like that, I think, must have escaped his lips. If that could happen to the Law Minister of India, what of ordinary mortals who deeply feel on this issue and want to express? There will be the long stick of this law to browbeat.

There are several other aspects. I know I must abide by your ruling. Once again, I plead with him, let us not allow ourselves to be tempted to make good by law, by punitive law, by adding punitive provisions to the statute book what we have failed to provide through our wisdom and statesmanship.

Shrimati Ila Palchoudhuri: Mr. Chairman, I would, first and foremost, like to say one or two things over the issues that have been raised. Shrimati Renu Chakravarty has raised this question of propaganda in religious places. But, one forgets the fact that propaganda in a religious place is very different from propagating anything that you want to propagate outside a religious place. Because, after all, I do not think anybody goes to have an election meeting inside a Mosque, inside a Church or inside a Mandir. It is only after you come out from there that you do have any kind of a meeting. The name of the Chief Minister of West Bengal was brought in. I would like to say this. The Chief Minister of West Bengal, when appealing for the last general elections was appealing after he had been the Chief Minister of West Bengal. He was the Chief Minister of all minority communities and the majority communities. If he went to the Nakoda Mosque, met the people there and put his point of view, I do not think there is anything wrong that has been done.

Shri A. K. Sen: The Election Tribunal has found that the allegation that he was appealing for their vote was not substantiated.

Shri Sadhan Gupta: Pictures in newspaper is not evidence before a tribunal.

Shri A. K. Sen: This story was rejected.

Shrimati Ila Pal Choudhuri: I do not think he appealed that they should vote for him. He put forward the Congress point of view.

I would also like to contradict Shrimati Renu Chakravartty when she said that the ruling party has done propaganda in the border areas, where she has her constituency and I also have mine. It would imply that the minority community there are told that unless they vote with the Congress, they can go to Pakistan or some such thing. She said something like that; I am not giving the exact words; but that was implied. This, I think, is preposterous. I, as a Congress candidate, have never gone to the minority community and said anything to this effect. They never needed going to. I come from the border district myself. The minority community do not need to be approached that way. They are with India. Nor is there any such propaganda and bringing of the Prime Minister's name into it as the C.P.I. has done. They have said, "By keeping the Kashmir issue alive, the Prime Minister is trying to terrorise the minorities" Sir, The minorities in India know who has their good at heart. They will always deal with the Congress and the party that has protected them and has their good at heart. It does not mean that we have to propagate this to them. we do not have to propagate to them. We have to counter, on the other hand, one thing that the Communist party go and put in their vicious propaganda that 'the Congress will not protect you, you better see what is going to happen to you after the next election!" The Congress is there to protect every shade of opinion and every kind of minority. It stands by it. If there are backward classes and we suffer from the backwardness of those classes it is not the ruling party that is to be blamed for it. It is a legacy of India which the ruling party, if it happens to be in those Benches, is trying to correct. I would certainly contradict all this vicious propaganda that is being indulged in, in this House in the name of the ruling party. I would certainly say that if we have propaganda outside these places of workshop.....

Shri Tangamani: On a point of order. Is it proper on the part of the hon. Member to say that what another hon. Member says is vicious propaganda?

Shrimati Ila Palchoudhuri: Is it a point of order?

Mr. Chairman: A point of order has been raised. I think that the words used are not unparliamentary.

Shrimati Ila Palchoudhuri: I also do not think so. Thank you, Sir.

Shri A. K. Sen: Especially when two ladies are battling.

15 hrs.

Shrimati Ila Palchoudhuri: I would also like to bring to the notice of the House another point, and that is a cogent point namely that after all, we have to look to the election expenses. We cannot go into religious places and have propaganda; that is true. After all, there are only religious meetings taking place inside a mosque or a *mandir* or a church, and after the prayer is over, people come out; then, it is no longer a religious meeting. We can always have a meeting outside, and we often do that. I do not see what harm there can be in that. Shrimati Renu Charkavartty wanted to know what a religious gathering was. We have *melas*, for instance, where people gather in thousands and lakhs; for instance, there is the *Janmashtami mela* in Nadia. After the *mela* is over, in the evening, if any candidate takes the opportunity to address the people that he finds there, I do not see how he is doing anything wrong, and I do not think that that should be barred.

[Shrimati Ila Palchoudhuri]

At the same time, I would plead earnestly regarding one thing, for, I have my own amendment in this regard, namely that the word 'language' should be deleted. Language is a thing which you cannot really have in this section. When you speak, you are using language only. Therefore, whatever it is, language forms a vital part of our expression, and language will form a part of political propaganda, whether it is there in the Bill or not; we shall be harassed beyond words, if this word is there in this provision. We shall have to answer some of the Opposition propaganda in this connection; according to the temper of the Leaders of the Opposition, we see that they are proposing to go to any length and bring up this language question. So, if we have to answer them, then we shall also have to bring up the question of language. Therefore, I have got an amendment in this regard. Actually, it is not my amendment only; it stands in the names of Shri N. R. Ghosh, Shri C. K. Bhattacharya and Shri A. C. Guha, and I also support that amendment. It seeks to omit the word 'language' in line 31 at page 6 of the Bill. I think that this will solve many of the troubles that we are facing now.

I would also plead that if the documents are to be supplied immediately, it would be a very difficult thing to do. So, let the word 'immediately' be substituted by the words 'within a reasonable time'.

Shri Naushir Bharucha: The hon. Member is speaking on the wrong clause now.

Shrimati Ila Palchoudhuri: I want to put forward that viewpoint when we come to that clause. But in case I do not get a chance, I would like to put it forward right now.

So far as this clause is concerned, I would submit that the word 'language' should be deleted, and the amendment in this regard should be accepted, because otherwise it will lead to untold harm, and it will not serve the object

that we are trying to serve through this Bill, which in its spirit is laudable, but which may run into difficulties if we retain some of the clauses that it embodies as they are.

Shri Hynniewta: I thank you very much for having given me a chance to speak on this question which I consider to be the most fundamental question for the existence of the minorities and particularly the linguistic minorities in India.

The ruling party—take, for example, in the State of Assam—need not say anything that may generate feelings of hatred or enmity. They can simply go silently about with their executive orders. For example, at present, a circular has been issued by the State Government to the effect that no schools in the State should be named after a particular community or a particular language spoken in the State. The effect of that circular will be that I, being a Khasi, can no more name my school a Khasi school, or somebody else, being a Bengali, can no more name a school after his language or his community. We shall have to fight against such policies which are aimed at destroying our identity, which are aimed at destroying our language.

With one breath, the rulers in the State of Assam are saying 'We want to protect your language, we want to give you the right of existence,' but with another, through their administrative and executive policies, they are saying quite the opposite.

You will be surprised to know how a resolution of this kind can be passed in a building of the State Government of Assam. I shall read out the resolution, as reported in the press. It reads thus:

"The last resolution stressed that if a group of people living in Assam do not like to learn the language and oppose the proposal for making Assamese the State language, the area where such a group of people live should be excluded from the political map of India and its boundaries re-fixed."

Shri N. B. Maitl: Is this from a publication by the State Government?

Shri Hynniewta: This is a report of the resolution passed at a Government building, the State Central Library Hall.

Shri Tyagi: Who was the person who passed this?

Ch. Ranbir Singh: Any bloody fool might have passed it.

Shri Hynniewta: Who passed it does not matter. The point is whether such a policy resolution should be passed in a building belonging to the State Government. And yet those people are never punished. They will never be punished because they have the State Government to protect them. But if I go to the electorate and say 'Vote for me, because I shall fight for the protection of our identity as tribes, and our language and our culture', then I come within the mischief of this provision.

I do not know how far this Bill will be in keeping with the spirit of the Constitution. I am not a legal expert, and, therefore, I do not know whether a court of law will decide that such laws are in keeping with both the letter and the spirit of the Constitution. Article 29 of the Constitution says:

"Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same."

If I cannot go before the electorate and say 'Vote for me, because I shall fight for the conservation of my language, the Khasi language, the Mizo language or whatever it is', how can I take advantage of this right given to me as a member of the minority community, under article 29 of the Constitution of India?

I would, therefore, humbly appeal to the Law Minister, who, I know, has

got the interests of the Bengali in his heart, the interests of the tribal community in his heart....

Shri A. K. Sen: Of all minorities.

Shri Hynniewta: ... of all the minorities in his heart, to agree to the deletion of the word 'language'. This appeal has not come only from me. It has come from a fair cross-section of this House and all parties in it.

As a matter of fact, I am very happy to see that many Members of this House have not taken a narrow political outlook on this question. Champions of minorities' rights from all parties have reasoned in this House on this point. I am happy that **Shri Tyagi**, **Shrimati Ila Palchoudhuri** and some hon. Members in the Opposition have made a fervent appeal to the Law Minister to accept this amendment to delete the word 'language' from this clause. If I am not free to fight out this issue of language in an election, where shall I fight it? **Shrimati Renu Chakravarty** said that after this the only place where we could fight out this issue would be the streets. I will go farther than that and say that it will have to be fought also in the jungles, as the Nagas are doing today. What is the cause of the Naga trouble? What is the reason for all the violent activity of the Naga hostiles? Do not think that **Phizo** is such a great criminal that he is prepared to sacrifice even his wife and children. His wife and children are living separately from him. He had sacrificed everything because he sincerely felt that the very existence of the Naga people was in danger. He might have been wrong. But that was his sincere conviction. This trouble was caused by the Assam Government. A free hand was given to that Government by the Central Government, and it was they who caused this conflict in the Naga Hills.

Sometime back, the Nagas sent a goodwill delegation which went round the State of Assam pleading for the acceptance of the demand. I was never

[Shri Hynniewta]

a supporter of this demand. But at that time, the 'Naga independence' leaders were never thinking in terms of the adoption of violent means. But the State Government must have said to themselves at that time: 'No. We should not give these people the right to make this demand; otherwise they will become very bold. Let us 'teach them a little lesson. Then they will be silent for ever'. You have seen the disaster that has followed such a narrow outlook on the part of the State Government of Assam.

You cannot prevent the current of a river from flowing. You can construct a dam, but you cannot prevent the river from flowing. You can contain it for some time, but the river will have its own sway. If it cannot sweep away the dam, it will circumvent it by flowing either underneath or above it. But the current will flow. A certain authority has described language this way:

"Language is a solemn thing; it grows out of life, out of its agonies, its ecstasies, its wants and its weariness. Every language is a temple in which the soul of those who speak it is enshrined".

Mr. Chairman: I expected the hon. Member not to exceed five minutes. But he has already taken ten minutes.

Shri Hynniewta: You have been very kind, I shall take only one or two minutes more.

If you study the life of a person, you will find that as a child he will think first of himself, then of his immediate circle of relatives and after that of his community, his village, his State and his country. You take a child and put him in a jungle or do not teach him to speak. You can prevent him from speaking, but you cannot prevent him from giving vent to his feelings and emotions. In the same way, by preventing me from speaking in defence of my language, you cannot obliterate the love that I have for my language in my heart.

In conclusion, I make this appeal. Let us allow all the linguistic streams and rivers to flow into the broad ocean of Indian nationhood. Do not say to them, 'Be first the river Bengali, be first the river Assamese, be first the river Hindi, and then you can flow into the ocean of Indian nationhood'. Although they may be small streams, they can separately be part of the ocean. Let them, therefore, flow freely into it. You cannot also reverse the process. If a watershed or line separating two rivers is very big, no amount of human labour spent to join the two will ever be successful and any attempt to do so will be a Himalayan blunder.

Shri A. K. Sen: I did not think I would rise to reply to the discussion relating to clause 23 again as the discussion on the Motion for consideration centred mainly on clauses 23 and 24, and I had taken infinite pains to explain the purpose and design of these two clauses.

I am pained to hear Shri Hynniewta giving expression to an apprehension, which to me seems entirely baseless. That apprehension is to the effect that clause 23 will deprive him of his right to propagate his language or preserve his language, which cannot be taken away from him as he himself has quoted the relevant article of the Constitution. If that right is taken away by the Bill, it will be struck down as contravening article 19 and the section will not be given effect to by any court. Fortunately, this country is still governed by the rule of law and the courts of law have the last say in these matters.

Shri Sadhan Gupta: In an electoral law, the question of contravention of fundamental rights is irrelevant, as held by the Supreme Court. What the Supreme Court has held is that a man is free to keep out of the election, if he does not like the law; it is not a hindrance to the exercise of his fundamental right.

Shri A. K. Sen: That is a different matter. With due respect to the hon.

Member, he has not really appreciated the rationale of the Supreme Court's decision. With regard to election matters, Parliament is free to enact such legislation as it thinks best and Chapter III does not come in. That is the decision of the Supreme Court. But in the guise of framing an electoral law, no fundamental right of the citizen can be taken away. That is what I am saying. The right to preserve one's language cannot be taken away by an election law. That is as clear as daylight.

Shri Sadhan Gupta: You cannot make it an election issue.

Shri A. K. Sen: You cannot make it an election issue if you say, 'Do not vote for him. He is a Bengali' or 'Do not vote for him. He is a Khasi'. I made it unequivocally clear that it is the purpose and design of this House and of the country to ensure that. No man shall appeal only because he speaks a particular language and should get voted for that reason; or no man shall appeal against a particular person to the electorate solely because that opponent of his speaks a particular language.

Shri Tyagi: If it is made an election issue, if language is made an election issue in the Punjab for instance, do you think that would be permissible under law?

Shri A. K. Sen: Election issue is a different matter. It is a question if Punjabi Suba is an election issue. We are not concerned with that now. I know that there are many persons eager now to support the Punjabi Suba,—that is a different matter—whether they are Sikhs or not, whether they ever had any connection with the Punjab or not.

Ch. Ranbir Singh: They can do so.

Shri A. K. Sen: They are entitled to do so. The Constitution gives them the right to do so. But we are on a very narrow point, whether we shall

extend the right to a person, to a voter, to say: vote for me because I speak Hindi, I speak Gharwali, or I speak Nepali or I speak Khasi; or in the alternative, do not vote for my opponent because he is a man who speaks this particular language, his own language. It is on that sole narrow point that the prohibition is sought to be made.

I know that in the guise of raising many political issues, language has been distorted. To quote the poetic expressions of Shri Hyāniewta—he spoke in beautiful language—the purpose and function of language is to give expression to the mute or what is inside him, and possibly also to do, through his words, what the painter does with his brush on the canvas, or the sculptor does with his chisel on a piece of stone. But we are not here on the aesthetics of language or the philosophy of language; nor are we here to debate the fundamental rights of a citizen to preserve his own language and culture. Fortunately; that is guaranteed to every man and woman in this country as it not elsewhere. Those who raise their voice of protest against the ruling party forget that this great right has been, for the first time, given by the ruling party which was responsible for framing the Constitution.

Shri Braj Raj Singh (Firozabad): Not the ruling party alone.

Shri A. K. Sen: Yes, Sir.

Shri Braj Raj Singh: No, no.

Shri A. K. Sen: If the ruling party opposed it, there would have been no chance of having it.

Shri Braj Raj Singh: Let me tell him that the Constituent Assembly did not comprise of the ruling party alone; there were other people also.

Ch. Ranbir Singh: There were only 13 Members in the Constituent Assembly from the Opposition.

Shri A. K. Sen: I know that it has now become almost the universal fashion to lay everything that is vicious inside our body politic against the Leader of the House, whose heart bleeds for the minorities, if I may say so. I have lived near the Prime Minister for quite some time, and when I hear people raising the voice of protest against the Prime Minister as if he is the murderer of minority rights, I feel so shocked, and I wonder sometimes whether there is sincerity behind such assertions, or whether it is merely a political manoeuvre. He may be right or he may be wrong, but in certain matters he voices the expression and the vital feelings of the entire nation, and by trying to pull him down, we shall never progress anywhere. For, after all, he has given a certain purpose, a certain design and certain impartiality to our political thinking which possibly for many, many years to come none else would be able to give us. Let us hope we have others to follow him. So, when I find that his policies and his intentions are made suspect, I feel really shocked, because I know how untrue they are.

When the hon. Member appealed to me to rise above party alignments and speak in tune with the rest of the House for the vindication of minority rights, his appeal really was made not to me, because I am a small man, but was meant to be conveyed to the Prime Minister, I take it.

Shri Sadhan Gupta: Future Prime Minister!

Shri A. K. Sen: And if I may tell him, that appeal is unnecessary, because in these matters I think it will be conceded by the House that so far as backward classes are concerned, so far as the Scheduled Castes are concerned, so far as the economically backward communities are concerned, so far as minorities are concerned—and of all minorities, the hill people—there has been never such consideration given to their problems as after the Constitution by

a Government freely elected by the people. For the last 200 years the Britishers ruled this country. We knew what the plight of these backward communities was under their rule, and what it has been during the last 12 years. For that the House, the entire House, itself must take credit, because the House itself is responsible, as the free Parliament of the country, for formulating certain policies whose only aim is to lift the communities which have been oppressed and suppressed for the last 200 years.

What is there therefore to say except just raising a red herring across the entire political context, as if to say that this Government, that this Parliament, are completely oblivious of the true and genuine aspirations of the tribal people? And I do not consider the Khasis or other hill people as backward people. In fact, as the Prime Minister also said once, they are more advanced in many ways than ourselves. That is a different matter.

Shri Hynniewta: But they are very backward in many ways.

Shri A. K. Sen: There are many Bengalis who are backward. All Bengalis are not like this. Let us not forget that there are backward classes, thanks to the rule of colonialism for 200 years, everywhere in this country. Let us not forget that education is still unknown in many places even in advanced States like Bombay or West Bengal. So, let us not think that it is only those who live in the hills or in certain far-off areas who are the sufferers. The problem of food, of education, of health, is universal all over the country.

Shri Basumatari (Goalpara—Reserved—Sch. Tribes): May I say something?

Shri A. K. Sen: We are not divided by Chinese walls in these matters.

Therefore, as I said, such appeals, if I may say so, rightly for a good cause, are unnecessary, because this Parliament has not only expressed itself on this, but is truly pledged for all time to come to the upliftment of all those whom we regard today as economically backward. And this Parliament is also the guardian of the fundamental rights of the people, pledged to uphold the right of any one here or outside to speak for his language, or for the preservation of his own culture. Who is going to take away all that right?

As I said, it is really a mistake to cloud the real issue, to forget how language has been perverted in order to serve purposes which are completely alien to language. Don't we know how in the name of language Sanskrit books have been burnt in certain parts of the country. Don't we know how in the name of preservation of Tamil, Hindi books have been thrown into the dust? Is it really preservation of Tamil language; or can Tamil language prosper only at the cost of burning Sanskrit books? Or, Assamese must prosper at the cost of closing down Bengali schools? Let us not get away from this fact. This Parliament must squarely and truly face this problem of the linguistic hostility that divides our country and possibly seeks to disrupt the very integrity of this country.

Shri Tangamani: May I make a correction? Although I have not referred to it, I may say that at no time was a Sanskrit book burnt? There were certain stories in Tamil which were burnt. I do not think any party ever burnt a Sanskrit book.

An Hon. Member: The Ramayana was burnt.

Shri A. K. Sen: I am very glad to hear that, because I thought.....

Shri Tangamani: Ramayana in Tamil.

Shri A. K. Sen: It makes it worse I should imagine.

Shri Tangamani: There is animosity towards a particular story. I do not think any group in the South has animosity towards a language.

Shri A. K. Sen: Some people have come to think that one language in India must prosper only at the cost of the other language, or cannot prosper without the destruction of the others, forgetting that most of the languages have either sprung from Sanskrit or are largely influenced by Sanskrit traditions. Linguistically and culturally this country has always been one, though languages were different. As I have said so many times, no one in the ancient past—though politically we were divided—travelling from the North of India to the South to the ancient places of pilgrimages ever felt he was in a foreign country, though possibly the language of the common man there was different. And similarly, when a southerner came to Banaras or Mathura or Brindaban or Amarnath, never did he feel a stranger. How else, then, can we explain the presence of Nambudri Brahmins in the temples of Amarnath, Kedarnath and Badrinath? Therefore, let us not be absorbed in these irrelevant issues.

Shri Tangamani: Adi Sankaracharya was a Namboodri.

Shri A. K. Sen: That is what I am saying; and you will find a Namboodri Brahmin performing pujas in Amarnath and other places. This is a different matter.

But the problem is, are we going to allow a man to go to the electorate and ask for votes because he happens to speak a particular language or ask the electorate to refrain from voting for a particular person merely on the ground of his speaking a particular language or following a particular religion and so on? If not, we have to support this. The preservation of the minority's rights

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and so on is a different and a wider question.

Shri Tridib Kumar Chaudhuri (Berhampore): May I seek a clarification from the Law Minister? The language of the sub-clause is:

"The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language" etc.

That makes the scope of this clause very narrow. Only an attempt to promote hatred on the basis of religion or race is made an offence. Let us assume it is made an election issue. If I go to the electorate and say, 'those who love the Bengali language will vote for me or for a particular party', will that be permissible? I am not preaching hatred or creating enmity. I am only preaching the love of the language and I appeal on that ground.

Shri A. K. Sen: The example is very clear to me. If you say, you have formed a party of only people speaking the Bengali language as opposed to others who do not speak that language and go to a particular area where Bengali is spoken, that will only succeed where Bengali is the spoken language. Of course, you are really asking people to vote for a particular person who is speaking a particular language as opposed to others who are speaking any other language. But, if you say that Bengali language in this area is being suppressed or the schools are being closed, as Shri Hynniewta was saying, because they bore a particular name, then, you are speaking not only to fight in an election but you are also really seeking to protect your fundamental rights, to preserve your own language and culture. That is a different matter.

But, if you say, 'I am a Bengali, you are all Bengalis, vote for me', or 'I am an Assamese and so vote for me because you are Assamese speak-

ing men', I think, the entire House will deplore that as a hopeless form of election propaganda. And, no progressive party will run an election on that line. Similarly, on the ground of religion. In the olden days, what speeches we used to hear in Muslim League gatherings! They were purely appeals on the ground of religion. So, the issue is too narrow and not a wide issue in which the life and death of minorities are involved as Shri Hynniewta sought to make out. It is not at all in question. Therefore, it is not a question of merely inserting a word. By inserting these, the matter is made perfectly clear. There is no doubt now as to what sort of corrupt practice we are really aiming at.

Dr. M. S. Aney: May I ask one question of the hon. Minister? What is the meaning and real object of reproducing this section 123 (3A) from the Indian Penal Code? You virtually reproduce the amendment you have made in the Indian Penal Code. You want to make quite sure of the offence.

Shri A. K. Sen: Section 123 (3A) is a corrupt practice which will vitiate an election. That has nothing to do with the amendment that has been in the Penal Code. That is to create an offence against people who try to create enmity between different classes.

Shrimati Renu Chakravarty: The hon. Minister has not replied this very important question as to why they are opposed to banning places of religious worship for being used for electoral propaganda. That is a very important point.

An Hon. Member: He is finding it inconvenient.

Shri A. K. Sen: I do not think it is necessary. It is nowhere doubted that all of us are opposed to the use of places of religious worship for election propaganda or for holding election meetings.

In fact, the House will recall that we are seeking to introduce certain new provisions in the Indian Penal Code and also in the Representation of the People Act for the first time and we want to see how far, given a fair trial and properly enforced, this will not tackle the problem fairly successfully. The problem is to make a law; and the other and more important problem is to see that the law is really enforced.

It is true that in many places today, very near our Lok Saba itself, places of religious worship are used entirely for political purposes sometimes; so much so that even a fast for a political purpose, namely, for creating a particular Suba, is undertaken inside the best temple of a particular community.

Shrimati Renu Chakravartty: What happened in Kerala? The same thing.

Shri A. K. Sen: If it is so, it is equally pernicious.

Shri Maniyangadan (Kottayam): In Kerala no religious institution was used for a political purpose or for any political activity.

Shri A. K. Sen: That is a different matter. The hon. Member seems to be more affected by Kerala than by what is happening in the Golden Temple.

Shri Tyagi: If holding election meetings are said to be corrupt practices, they won't hold such meetings. Therefore, there is no question of enforcement because the candidates will always see that there is no cause given for election petitions.

Shrimati Renu Chakravartty: That is the only enforcement.

Shri Maniyangadan: The hon. lady Members was saying that Pope's Encyclical is read in churches. I do not think any law can prevent this. That is not election propaganda.

Shri A. K. Sen: Whether it is done inside a place of religious worship or outside it, it comes within the mischief of the section because whoever appeals in the name of religion and so on will be committing a corrupt practice. We do not specify inside the temple or outside it. If he takes to activities that are within the mischief of this section he is committing a corrupt practice. We are doing it without being specific about places of religious worship.

Those who run Government run a risk. There are many today who are protesting against us for not using the word specifically. The moment we do it, people will not be wanting, here and outside, who will use it against Government by saying, 'Look, here, even your places of religious worship are not beyond the pale of governmental interference!' I am not saying that they will deter us if we knew that by specifically mentioning these words we will go any further.

My own impression is that the section is wide enough to bring within its scope all sorts of activities, whether inside the temple or outside, which are done for the purpose of influencing elections on the ground of religion.

This is connected with the other amendment which will come in the other section in which the question of places of religious worship is sought to be brought. Let us be quite frank. As I said, many things are being done inside places of religious worship. As the Home Minister said the other day, could we always send our police forces and arrest those people and prosecute them?

Shri Braj Raj Singh: That is not the question here. (Interruptions).

Shri A. K. Sen: The name of the Chief Minister of West Bengal was introduced and an election petition was presented. I state this because this was mentioned, without men-

[Shri A. K. Sen.]

mentioning, at the same time, that the Election Tribunal, after hearing the evidence, rejected that.

Shrimati Renu Chakravartty: Because that clause was not there.

Shri A.K. Sen: The Election Tribunal disbelieved that story that Dr. Roy had used the Imam of Nagodha Mosque to appeal in the name of religion to vote. The allegation was that the Imam said, 'If you do not vote for the Congress, you will go to *Jahannum*.' That was the petition. *Jahannum* means hell.

Shri Tyagi: I hope I can quote your speech here in elections.

Shri A. K. Sen: That is in the election petition itself; that the Imam of Nagodha Mosque, with Dr. Roy next to him, told his hearers who had gathered on that occasion that if they did not vote as true followers of Islam for the Congress, then, they will go to *Jahannum*. The word is 'Jahannum.'

In the petition, it is written *jahallum*..... (Interruptions).

Shrimati Renu Chakravartty: He is using the Bengali form.

Shri A. K. Sen: That is the allegation and that particular allegation was disbelieved. Therefore, I am sorry that the allegation is brought forward on the floor of the House after it was rejected by the tribunal, to be repeated here as if some such thing had in fact happened. Whoever does it, whether he is a Chief Minister or anybody else, in our own view, does it very wrongly and we do not want any one to do it. In fact it is prohibited. After the amendment, we put in, when the word 'systematically' will be removed, one stray appeal on that ground will bring the candidate within the mischief of the corrupt practice. Therefore, I think those who have given that example should welcome the new amendment.

Shrimati Renu Chakravartty: We want the amendment to clearly state it.

Mr. Chairman: A number of amendments have been moved. Shall I put all of them together?

Shrimati Mafida Ahmed (Jorhat): I want to say a few words.

Mr. Chairman: He has already replied to the debate. I am sorry.

Shrimati Mafida Ahmed: Not on the clause but on a point of order. I want to draw your attention to the remarks made by the hon. Member, Mr. Hynniewta. He made some adverse comments on the Assam Government. I take strong exception to it. I protest and I request you to expunge those words from the proceedings of the House. I think it is beyond the scope or jurisdiction of power of this House to criticise the State Government.

Mr. Chairman: I have heard the point of order. The hon. lady Member would have done better had she raised the point when the hon. Member, Mr. Hynniewta was speaking.

Shrimati Mafida Ahmed (Jorhat): Anyway, those words may be expunged.

Mr. Chairman: I do not agree with the point raised by the hon. lady Member and I rule that there is no point of order.

Now, shall I put all these amendments together?

Shrimati Renu Chakravartty: No, Sir, 11, 19, 21 and 22 may be put separately and the rest together. Each one may be put separately.

Mr. Chairman: The question is:

Page 6,—

for line 13, substitute—

"ground of his religion or caste or the" (11)

The motion was negatived.

15.46 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker: The question is:

Page 6, lines 13 and 14
after "or the use of" insert—

"places of religious worship or
religious congregations for elec-
tion propaganda." (19)

The Lok Sabha divided.

Shri N. B. Maiti: I voted for Noes,
but it has been shown as abstention.

श्री मती सत्यभामा देवी: (नवादा): अद्यक्ष
महोदय, मेरा मत बौद्ध पर अंकित नहीं हुआ
है। मैं संशोधन के विरोध में हूँ।

Mr. Speaker: So, I will add two
more for Noes.

Division No. 6

AYES

15.50 hrs.

Beck, Shri Ignace
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chakravarty, Shrimati Renu
Chaudhuri, Shri Tridib Kumar
Dasaratha Deb, Shri
Deo, Shri P. K.
Elias, Shri Muhammed
Gaikwad, Shri B.K.

Ganpat Sahai, Shri
Ghosal, Shri Aurobindo
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Hynniewts, Shri
Kodiyam, Shri
Mullick, Shri B. C.
Nair, Shri Vasudevan
Panigrahi, Shri Chintamani

Parvathi Krishnan, Shrimati
Rajendra Singh, Shri
Rao, Shri D.V.
Reddy, Shri Nagi
Sampath, Shri
Tangamani, Shri
Thakore, Shri M. B.
Warior, Shri

NOES

Abdul Latif, Shri
Abdu Salam, Shri
Achit Ram, Lala
Ambalam, Shri Subbiah
Ancy, Dr. M. S.
Ayyakannu, Shri
Babunath Singh, Shri
Banerji, Shri P. B.
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhattacharya, Shri C. K.
Bidari, Shri
Birbal Singh, Shri
Bist, Shri J.B. S.
Biewas, Shri Bholanath
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramanathan
Damani, Shri
Dasappa, Shri
Desai, Shri Morarji
Dindod, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Eacharan, Shri V.
Elayaperumal, Shri
Ganapathy, Shri
Ghodasar, Shri Fatchsiah
Ghosh, Shri M. K.
Gounder, Shri K. Periaswami
Govind Das, Dr.

Hajarnavis, Shri
Harvani, Shri Anasir
Hansda, Shri Subodh
Heda, Shri
Hukam Singh, Sardar
Jedhe, Shri G. K.
Jena, Shri K. C.
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Kamble, Dr.
Koyal, Shri P. N.
Kesar Kumari, Shrimati
Khan, Shri Sadath Ali
Khna, Shri Shah Nawaz
Khwaja, Shri Jamal
Kiledar, Shri R. S.
Kotaki, Shri Liladhar
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnaswami, Dr.
Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Maiti, Shri N. B.
Majithia, Sardar
Malhotra, Shri Inder J.
Malvia, Shri K. B.
Mandal, Dr. Pashupati
Maniyangadan, Shri
Manjula Devi, Shrimati
Mathur, Shri Harish Chandra
Mehta, Shri J. R.
Minimata, Shrimati
Mishra, Shri Bibhuti

Mishra, Shri R. R.
Misra, Shri B. D.
Misra, Shri R. D.
Mohammed Imam, Shri
Mohideen, Shri Gulam
Morarka, Shri
Muniswamy, Shri N. R.
Murmu, Shri Paika
Muthukrishnan, Shri
Nadar, Shri Thanulingam
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Nallakoya, Shri
Nanjappa, Shri
Naraindin, Shri
Narasimhan, Shri
Nayar, Dr. Sushila
Nehru, Shrimati Uma
Onkar Lal, Shri
Oza, Shri
Palchoudhuri, Shrimati Ila
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Patel, Shri P. R.
Prabhakar, Shri Naval
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Rai, Shrimati Sahodrabai
Ram Subhag Singh, Dr.
Ramaswamy, Shri S. V.
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Ramaul, Shri S. N.

Ramdhanj Das, Shri
Ranbir Singh, Ch.
Rane, Shri
Raut, Shri Bhola
Reddy, Shri Ramakrishna
Roy, Shri Bishwanath
Rungsung Suisa, Shri
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Samantsinhar, Dr.
Sambandam, Shri
Sarma, Shri A. T.
Satyabhama Devi, Shrimati
Selku, Shri
Sen, Shri A.K.

Shankaraiya, Shri
Sharma, Pandit K.C.
Shastri, Shri Lal Bahadur
Shastri, Shri Prakash Vir
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddiah, Shri
Singh, Shri C. Saran
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri Ramesh Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Snatak, Shri Nardeo
Somani, Shri

Subramanyam, Shri T.
Sugandhi, Shri
Sultan, Shrimati Maimoona
Sumat Prasad, Shri
Surya Prasad, Shri
Tahir, Shri Mohammed
Tiwari, Shri R. S.
Tyagi, Shri
Uike, Shri
Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Varma, Shri Ramsingh Bhai
Vijaya Anand, Maharajkumar
Vyasa, Shri R. C.
Wadiwa, Shri
Wodeyar, Shri

Mr. Speaker: The result is as follows: Ayes 26; Noes 154.

The motion was negatived.

Mr. Speaker: I now take up amendment No. 21.

Shrimati Renu Chakravartty: This is a very important amendment. We want the votes to be recorded. The proviso and the word "language" are both important, and fundamental.

Mr. Speaker: The question is:

Page 6, line 22, omit "or language"
(21)

The Lok Sabha divided

Shri Amjad Ali: My vote has not been recorded. I am for Ayes.

Mr. Speaker: He was not in his seat.

Some Hon. Members: He is now in his seat.

Mr. Speaker: Very well; I allow it as a concession.

Shri Bal Raj Madhok: I am for Ayes. My vote has not been recorded.

Shri Mulchand Dube: My vote has not been recorded. I am for Noes.

Division No. 7]

AYES

[15.54 hrs.

Amjad Ali, Shri
Beck, Shri Ignace
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chakravartty, Shrimati Renu
Chaudhuri, Shri Tridib Kumar
Dasaratha Deb, Shri
Deo, Shri P.K.
Elias, Shri Muhammed
Gaikwad, Shri B. K.
Ganpat Sahai, Shri

Ghosal, Shri Aurobindo
Godsora, Shri S.C.
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Hynniewta, Shri
Kodiyar, Shri
Krishnswami, Dr.
Madhok, Shri Balraj
Majhi, Shri R. C.
Mohammed Imam, Shri

Nair, Shri Vasudevan
Panigrahi, Shri Chintamani
Parvathi Krishnan, Shrimati
Rajendra Singh, Shri
Rao, Shri D. V.
Reddy, Shri Nagi
Sampath, Shri
Tangamani, Shri
Thakore, Shri M. B.
Warior, Shri

NOES

Abdul Latif, Shri
Abdul Salam, Shri
Achint Ram, Lala
Ambalam, Shri Subbiah
Aney, Dr. M. S.
Babunath Singh, Shri
Birman, Shri
Barupal, Shri P. I.
Bassappa, Shri

Basumatari, Shri
Bhattacharya, Shri C. K.
Bidari, Shri
Birbal Singh, Shri
Bist, Shri J. B. S.
Biswas, Shri Bholanath
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chaturvedi, Shri
Chavda, Shri

Chettiar, Shri Ramanathan
Damani, Shri
Dasappa, Shri
Desai, Shri Morarji
Dindod, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Escharan, Shri V.
Elayaperumal, Shri

Ganapathy, Shri
 Ghodasar, Shri Fatehsainh
 Ghosh, Shri M. K.
 Gounder, Shri K. Periaswami
 Govind Das, Dr.
 Hajarnavis, Shri
 Harvani, Shri Ansar
 Hansda, Shri Subodh
 Heda, Shri
 Hukam Singh, Sardar
 Jedhe, Shri G. K.
 Jena, Shri K. C.
 Jinachandran, Shri
 Jogen dra Sen, Shri
 Joshi, Shri A. C.
 Joshi, Shrimati Subhadra
 Kamble, Dr.
 Kayal, Shri P. N.
 Kesar Kumari, Shrimati
 Khan, Shri Sadath Ali
 Khan, Shri Shahnawaz
 Khwaja, Shri Jamal
 Kiledar, Shri R. S.
 Kotoki, Shri Liladhar
 Krishna, Shri M. R.
 Krishna Chandra, Shri
 Laxmi Bai, Shrimati
 Mafi da Ahmed, Shrimati
 Maiti, Shri N. B.
 Majithia, Sardar
 Malhotra, Shri Inder J.
 Malvia, Shri K. B.
 Mandal, Dr. Pashupati
 Maniy angadan, Shri
 Manjula Devi, Shrimati
 Mathur, Shri Harish Chandra
 Mehta, Shri J. R.
 Minimata, Shrimati
 Mishra, Shri Bibhuti
 Mishra, Shri R. R.
 Misra, Shri B. D.
 Misra, Shri R. D.

Mohideen, Shri Gulam
 Morarka, Shri
 Muniswamy, Shri N. R.
 Murmu, Shri Paika
 Muthukrishnan, Shri
 Nadar, Shri Thanulingam
 Nair, Shri C. K.
 Nair, Shri Kuttikrishnan
 Nallakoya, Shri
 Nanjappa, Shri
 Naraindin, Shri
 Narasimhan, Shri
 Nayar, Dr. Sushila
 Nehru, Shrimati Uma
 Onkar Lal, Shri
 Oza, Shri
 Palchoudhuri, Shrimati Ila
 Panna Lal, Shri
 Parmar, Shri Deen Bandhu
 Patel, Shri P. R.
 Prabhakar, Shri Naval
 Radha Raman, Shri
 Raghur Sahai, Shri
 Raghunath Singh, Shri
 Raghuramaiah, Shri
 Rai, Shrimati Sahodrabai
 Ram Subhag Singh, Dr.
 Ramaswamy, Shri S. V.
 Ramaswamy, Shri K. S.
 Ramaswamy, Shri P.
 Ramaul, Shri S. N.
 Ramdhani Das, Shri
 Ranbir Singh, Ch.
 Rane, Shri
 Raut, Shri Bhola
 Reddy, Shri Ramakrishna
 Roy, Shri Bishwanath
 Rungsung Suisa, Shri
 Sahu, Shri Rameshwar
 Saigal, Sardar A. S.
 Samanta, Shri S. C.
 Samantsinhar, Dr.

Sambandam, Shri
 Sarma, Shri Ananta Tripathi
 Satyabhama Devi, Shrimati
 Selku, Shri
 Sen, Shri A. K.
 Shah, Shrimati Jayaben
 Shankaraiya, Shri
 Sharma, Pandit K. C.
 Shastri, Shri Lal Bahadur
 Shastri, Shri Prakash Vir
 Shree Narayan Das, Shri
 Shukla, Shri Vidya Charan
 Siddiah, Shri
 Singh, Shri C. Saran
 Singh, Shri D. N.
 Singh, Shri D. P.
 Singh, Shri Ramesh Prasad
 Sinha, Shri Jhulan
 Sinha, Shri K. P.
 Sinha, Shri Sarangdhara
 Sinha, Shri Satya Narayan
 Snatak, Shri Nardeo
 Somani, Shri
 Subramanyam, Shri T.
 Sugandhi, Shri
 Sultan, Shrimati Maimoo...
 Sumat Prasad, Shri
 Surya Prasad, Shri
 Tahir, Shri Mohammed
 Tangamani, Shri
 Tiwari, Shri R. S.
 Tyagi, Shri
 Uike, Shri
 Upadhyaya, Shri Siva Datt
 Varma, Shri B. B.
 Varma, Shri Ramsingh Bhai
 Verma, Shri Ramji
 Vijaya Anand, Maharakumar
 Vyas, Shri R. C.
 Wadiwa, Shri
 Wodeyar, Shri

Mr. Speaker: The result is as follows: Ayes 31; Noes 153.

The motion was negated.

Mr. Speaker: I now take up amendment No. 22.

Shri Naushir Bharucha: It may also be put specifically.

Mr. Speaker: Yes; the question is:

Page 6, after line 26, add—
 1128 (Ai) LSD—10.

“Provided that no expression or grievances under which any caste or community or minority group may suffer, a or any criticism of practices based on caste or community resulting in social oppression will be regarded as an offence.” (22)

The Lok Sabha divided.

Pandit M. B. Thakore (Patan): I am for Ayes. It has not been correctly recorded.

Mr. Speaker: That means plus I for Ayes.

Division No. 8]

AYES

[15.56 hrs.

Amjad Ali, Shri
Beck, Shri Ignace
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chakravartty, Shrimati Remu
Chaudhuri, Shri Tridib Kumar
Dasaratha Deb, Shri
Deo, Shri P. K.
Elias, Shri Muhammed
Gaikwad, Shri B. R.
Ganpat Sahai, Shri

Ghosal, Shri Aurobindo
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Hynniewta, Shri
Kodiyan, Shri
Krishnaswami, Dr.
Majhi, Shri R. C.
Mohammed Imam, Shri
Mullick, Shri B. C.
Nair, Shri Vasudevan

Panigrahi, Shri Chintamani
Parvathi Krishnan, Shrimati
Rajendra Singh, Shri
Ram Garib, Shri
Rao, Shri D. V.
Reddy, Shri Nagi
Sampath, Shri
Tangamani, Shri
Thakore, Shri M. B.
Warior, Shri

NOES

Abdul Latif, Shri
Abdul Salam, Shri
Achim Ram, Lala
Ambalam, Shri Subbiah
Aney, Dr. M. S.
Ayyakannu, Shri
Babunath Singh, Shri
Banerji, Shri P. B.
Barman Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhattacharya, Shri C. K.
Bidari, Shri
Birbal Singh, Shri
Bist, Shri J. B. S.
Biswas, Shri Bholanath
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chaturvedi, Shri
Chavda, Shri
Chettitar, Shri Ramanathan
Chuni Lal, Shri
Damani, Shri
Dasappa, Shri
Desai, Shri Morarji
Dindod, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Eacharan, Shri V.
Elayaperumal, Shri
Ganapathy, Shri
Ghodasar, Shri Fatehsinh
Ghosh, Shri M. K.
Gounder, Shri K. Periaswami
Govind Das, Dr.
Hajarnavis, Shri
Harvani, Shri Ansar
Hansda, Shri Subodh
Heda, Shri
Hukam Singh, Sardar
Jedhe, Shri G. K.
Jena, Shri K. C.
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Kamble, Dr.
Kayal, Shri P. N.

Kesar Kumari, Shrimati
Khan, Shri Sadath Ali
Khan Shri Shahnawaz
Khwaja, Shri Jamal
Kiledar, Shri R. S.
Kotoki, Shri Liladhar
Krishna, Shri M. R.
Krishna Chandra, Shri
Laxmi Bai, Shrimati
Maftida Ahmed, Shrimati
Maiti, Shri N. B.
Majithia, Sardar
Malhotra, Shri Inder J.
Malvia, Shri K. B.
Mandal, Dr. Pashupati
Maniyangadan, Shri
Manjula Devi, Shrimati
Mathur, Shri Harish Chandra
Mehta, Shri J. R.
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri R. R.
Misra, Shri B. D.
Misra, Shri R. D.
Mohideen, Shri Gulam
Morarka, Shri
Muniswamy, Shri N. R.
Murmu, Shri Paika
Muthukrishnan, Shri
Nadar, Shri Thanulingam
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Nallakoya, Shri
Nanjappa, Shri
Naraindin, Shri
Narasimhan, Shri
Nayar, Dr. Sushila
Nehru, Shrimati Uma
Onkar Lal, Shri
Oza, Shri
Palchoudhuri, Shrimati Ila
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Patel, Shri P. R.
Prabhakar, Shri Naval
Radha Raman, Shri

Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghubaramiah, Shri
Rai, Shrimati Sahodrabai
Ram Subhag Singh, Dr.
Ramaswamy, Shri S. V.
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Ramaul, Shri S. N.
Ramdhani Das, Shri
Ranbir Singh, Ch.
Rane, Shri
Raut, Shri Bhola
Reddy, Shri Ramakrishna
Roy, Shri Bishwanath
Rungtung Suisa, Shri
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S.C.
Samantsinhar, Dr.
Sambandam, Shri
Sarma, Shri A. T.
Satyabhama Devi, Shrimati
Selku, Shri
Sen, Shri A. K.
Shah, Shrimati Jayaben
Shankaraiya, Shri
Shastri, Shri Lal Bahadur
Shastri, Shri Prakash Vir
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddiah, Shri
Singh, Shri C. Saran
Singh, Shri D. N.
Singh Shri, D. P.
Singh, Shri Ramesh Prasad
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha, Shri Sarangdhara
Sinha, Shri Satya Narayan
Sanatak, Shri Nardeo
Somani, Shri
Subramanyam, Shri T.
Sugandhi, Shri
Sultan, Shrimati Maimoon
Sumat Prasad, Shri

Surya Prasad, Shri
Tahir, Shri Mohanamed
Tiwari, Shri R. S.
Tyagi, Shri
Uike, Shri

Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Varma, Shri Ramsingh Bhai
Vijaya Anand, Maharajkumar

Vyas, Shri R. C.
Wadiwa, Shri
Wodeyar, Shri

Mr. Speaker: The result is as follows: Ayes 31; Noes 153.

The motion was negatived.

Shri Naushir Bharucha: My amendment No. 33 may be put separately.

Mr. Speaker: The question is:

Page 6, after line 26, insert

"Explanation.—It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to

produce, feelings of enmity or hatred between different classes of the citizens of India." (33)

The Lok Sabha divided.

The Deputy Minister of Railways (Shri S. V. Ramaswamy): Mine is not working.

Mr. Speaker: The Deputy Minister of Railways has missed the train!

Shri S. V. Ramaswamy: It worked well twice. But this time, it did not. I am for Noes.

Mr. Speaker: Yes; that means plus 1 for Noes.

Division No. 9]

AYES

[15.59 hrs.

Amjad Ali, Shri
Beck, Shri Ignace
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chakravartty, Shrimati Renu
Chaudhuri, Shri Tridib Kumar
Dasaratha Deb, Shri
Deo, Shri P. K.
Elias, Shri Muhammed
Gaikwad, Shri B. K.
Ganpat Sahai, Shri
Ghosal, Shri Aurobindo

Godsora, Shri S. C.
Gupta, Shri Indrajit
Gupta, Shri Sadhan
Hynniewta, Shri
Kodiyan, Shri
Krishnaswami, Dr.
Madhok, Shri Balraj
Majhi, Shri R. C.
Mohammed Imam, Shri
Mullick, Shri B. C.
Nair, Shri Vasudevan

Panigrahi, Shri Chintamani
Parvathi Krishnan, Shrimati
Rajendra Singh, Shri
Ram Garib, Shri
Rao, Shri D. V.
Reddy, Shri Nagi
Sampath, Shri
Sugandhi, Shri
Tangamani, Shri
Thakore, Shri M. B.
Warior, Shri

NOES

Abdul Laif, Shri
Abdul Salam, Shri
Achint Ram, Lala
Ambalam, Shri Subbiah
Aney, Dr. M. S.
Ayyakannu, Shri
Babunath Singh, Shri
Banerji, Shri P. B.
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhattacharya, Shri C. K.
Bidari, Shri
Birbal Singh, Shri
Bist, Shri J. B. S.
Biswas, Shri Bholanath
Brahm Prakash, Ch.
Brajeshwar Prasad, Shri
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri Ramanathan
Chuni Lal, Shri

anani, Shri
Dasappa, Shri
Desai, Shri Morarji
Dindod, Shri
Dube, Shri Mulchand
Dwivedi, Shri M.L.
Eacharan, Shri V.
Blayaperumal, Shri
Ganapathy, Shri
Ghodesar, Shri Fatehsinh
Ghosh, Shri M. K.
Gounder, K. Periaswam
Govind Das, Dr.
Hajarnavis, Shri
Harvani, Shri Anwar
Hansda, Shri Subodh
Heda, Shri
Hukam Singh, Sardar
Jedhe, Shri G. K.
Jena, Shri K. C.
Jinachandran, Shri
Jogendra Sen, Shri
Joshi, Shri A. C.

Joshi, Shrimati Subhadra
Kamble, Dr.
Kayal, Shri P. N.
Kesar Kumari, Shrimati
Khan, Shri Sadath Ali
Khan, Shri Shah Nawaz
Khawaja, Shri Jamal
Kiledar, Shri R. S.
Kotoki, Shri Liladhar
Krishna, Shri M. R.
Krishna Chandra, Shri
Laxmi Bai, Shrimati
Maftida Ahmed, Shrimati
Maiti, Shri N. B.
Majithia, Sardar
Malhotra, Shri Inder J.
Malvia, Shri K. B.
Mandal, Dr. Pashupati
Maniyangadan, Shri
Manjula Devi, Shrimati
Mathur, Shri Harish Chandr.
Mehta, Shri J. R.

Minimata, Shrimati
 Mishra, Shri Bibhuti
 Mishra, Shri R. R.
 Misra, Shri B. D.
 Misra, Shri R. D.
 Mohideen, Shri Gulam
 Morarka, Shri
 Muniswamy, Shri N. R.
 Murmu, Shri Paika
 Muthukrishnan, Shri
 Nadar, Shri Thanulingam
 Nair, Shri C. K.
 Nair, Shri Kuttikrishnan
 Nallakoya, Shri
 Nanjappa, Shri
 Naraindin, Shri
 Naresimhan, Shri
 Nayyar, Dr. Sushila
 Nehru, Shrimati Uma
 Onkar Lal, Shri
 Oza, Shri
 Palchoudhuri, Shrimati Ila
 Panna Lal, Shri
 Parmar, Shri Deen Bandhu
 Patel, Shri P. R.
 Prabhakar, Shri Naval
 Radha Raman, Shri
 Raghuramsiah, Shri
 Rai, Shrimati Sabodrabai
 Ram Subhag Singh, Dr.
 Ramaswamy, Shri S. V.
 Ramaswamy, Shri K. S.
 Ramaswamy, Shri P.
 Ramaul, Shri S. N.
 Ramdhani Das, Shri
 Ranbir Singh, Ch.
 Rane, Shri
 Raut, Shri Bhola
 Reddy, Shri Ramakrishna
 Roy, Shri Bishwanath
 Rungsung Suisa, Shri
 Sahu, Shri Rameshwar
 Saigal, Sardar A. S.
 Samanta, Shri S. C.
 Samantsinhar, Dr.
 Sambandam, Shri
 Sarma, Shri A. T.
 Satyabhama Devi, Shrimati
 Selku, Shri
 Sen, Shri A. K.
 Shah, Shrimati Jayaben
 Shankar Deo, Shri
 Shankaraiya, Shri
 Sharma, Pandit K. C.
 Shastri, Shri Lal Bahadur

Shastri, Shri Prakash Vir
 Shukla, Shri Vidya Charan
 Sidhu, Shri
 Singh, Shri C. Saran
 Singh, Shri D. N.
 Singh, Shri D. P.
 Singh, Shri Ramesh Prasad
 Sinha, Shri Jhulan
 Sinha, Shri K. P.
 Sinha, Shri Sarangdhara
 Sinha, Shri Satya Narayan
 Santak, Shri Nardeo
 Somani, Shri
 Subramanyam, Shri T.
 Sultan, Shrimati Maimoona
 Sumat Prasad, Shri
 Surya Prasad, Shri
 Tahis, Shri Mohammed
 Tiwari, Shri R. S.
 Uike, Shri
 Upadhyaya, Shri Shiva Datt
 Varma, Shri B. B.
 Varma, Shri Ramsingh Bhai
 Vijaya Anand, Maharajkumar
 Vyas, Shri R. C.
 Wadiwa, Shri
 Wodeyar, Shri

aghunath Singh, Shri

Mr. Speaker: The result is as follows: Ayes 34; Noes 152.

The motion was negatived.

Mr. Speaker: I shall now put all the other amendments together.

All the other amendments were put and negatived.

Mr. Speaker: The question is:

"That clause 23 stand part of the Bill."

The motion was adopted

Clause 23 was added to the Bill.

Clause 24 and 25 were added to the Bill.

Clause 26—

(Insertion of new section after section 127).

Shri Tangamani: I move my amendment No. 15. I beg to move:

Page 7,—
omit lines 11 to 14.

16 hrs.

Shri Naushir Bharucha: I move my amendments Nos. 34 and 36.

I beg to move:

(i) Page 7, after line 14, insert—

"Provided that such declaration shall not be necessary where the publisher is known to the printer and the publisher places with the printer an order signed by him and giving his full name and address." (34)

(ii) Page 7, line 33, add at the end

"or routine instructions to election agents or workers." (36)

Shri C. K. Bhattacharya: I move my amendment No. 26.

I beg to move:

Page 7, line 15—
for "immediately" substitute with in a reasonable time." (26).

Shri A. K. Sen: We accept amendment No. 26.

Shri Tangamani: This is a new clause which is added, viz., section 127A, restricting the printing of pamphlets, posters, etc. I can understand the eagerness of the Government to prevent unauthorised publications during the time of elections,

but in rural parts, to get hold of two persons to identify whosoever goes to the printer will be extremely difficult. I do not want the entire clause to be deleted, but I want the following portion to be deleted:

“(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate.”

I can understand a particular hand-bill being published and a copy thereof may be ordered to be posted to the chief election officer. Or, there may be some checks to show that a particular pamphlet or poster or leaflet that has been published is an authorised one. But if you are going to restrict this, I am afraid many posters and hand-bills which are published may be completely stifled.

16.05 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

Particularly when we are approaching the elections, we will not be able to stop many leaflets and posters that are published. I can imagine certain organisations, individuals and groups which issue pamphlets supporting a particular candidate. What will be the position then? Anybody who goes for publishing a pamphlet has to go through all these rigours. It will not be easy. For instance, suddenly the people in a particular village may combine together and decide for certain reasons to support a particular candidate. It does not mean that the entire village is going to support him. But if such a leaflet is published, it will be penalised under this particular clause.

I can understand the restriction on the printers during normal times. But

during the election time, there should not be so much of restriction, because it will be only penalising and stifling the activities of those who are going in for normal election activities. That is the purpose. That is why I want only sub-clause 2(a) to be deleted. If other parts of the clause are retained, I do not think there is much mischief in them.

Shri Tyagi: If a cyclostyled circular letter or pamphlet is sent, does that also come under the mischief of this clause?

Shri A. K. Sen: Yes.

Shri Tyagi: In case a letter is addressed by the candidate to the voters, like a postcard for instance?

Shri A. K. Sen: That will not come under this, because what is “printed” is explained in sub-section (3)(a):

“(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression ‘printer’ shall be construed accordingly.”

We have taken the same thing from the Indian Evidence Act.

Shri Naushir Bharucha: Clause 26 deals with certain restrictions on printing of pamphlets and posters. One can understand the desirability of having such restrictions. As has been pointed out previously by other Members, the portion which refers to identity of the publisher being established by attestation of two persons may create hardship in remote areas. Therefore, I have put in amendment saying that:

“Provided that such declaration shall not be necessary where the publisher is known to the printer and the publisher places with the printer an order signed by him and giving his full name and address.”

[Shri Naushir Bharucha]

After all, the purpose of the clause is that the publisher must be known. Otherwise, the printer will say, "I do not know who placed the order". So, if the printer takes the responsibility upon himself, there is absolutely no reason why two persons should attest it.

There is another point to which I would like the attention of the Law Minister to be discussed, viz., the definition of election pamphlet or poster. The Select Committee has very wisely restricted the definition, excluding pamphlets which are usually distributed for announcing election meetings. That is a wise thing, because that removes from the scope of this clause a large number of hand-bills used only for the purpose of announcing meetings. In addition, I think the Law Minister having fought many elections will understand that not only pamphlets announcing meetings should be excluded, but routine instructions to election agents and workers should also be excluded, because in the course of an election, a candidate has to cyclostyle and issue routine instructions regarding election matters. There will be numerous matters about which routine instructions will have to be issued. For example, with regard to filing of nomination papers certain particular precautions have got to be taken and the agents are asked that they should follow a particular procedure. In regard to the procedure of voting, in regard to the matter of filing the accounts and in regard to so many other things, so many procedural matters connected with elections, routine instructions are issued. If we say that all those printed circulars will require to be sent to the Chief Electoral Officer or the District Magistrate and that before they are published attestation should be there, that will very considerably hold up the work at election time. I for one do not see what is wrong if we exclude from election pamphlets routine instructions to the workers. These are usually printed because there are thousands of workers at the time of election. In

my constituency alone for manning the polling stations I require a thousand workers. I can't issue them instructions except by cyclostyling or printing them. I issue instructions that they should be present at such and such time, they should give such and such facilities to the voters, they should see that no propaganda is carried on in the last 24 hours etc. All these will have again and again been brought within the purview of this provision unless my amendment No. 36 is accepted which will very considerably lessen the work of the candidate. I appeal to the hon. Law Minister to accept my amendment.

Shri A. K. Sen: I think, Madam, amendment No. 36 can be accepted. But the question is, these are never printed and circulated.

Shri Naushir Bharucha: They are cyclostyled and cyclostyling also comes within this. These are only routine instructions.

Shri A. K. Sen: I do not mind having this at the end of sub-clause (3)(b).

Shri C. K. Bhattacharya: Madam, there is amendment No. 35 standing in the name of Shri A. C. Guha. Shri Guha is not here now. I want to know from the hon. Law Minister whether he accepts that amendment.

Mr. Chairman: That is not in the name of the hon. Member. Shri Guha and Shri N. R. Ghosh are not present now.

Shri A. K. Sen: Shri Guha had a talk with me over this point and he has agreed that there is no point in pressing this amendment.

Mr. Chairman: That is all right. They are not pressing their amendment.

Shri A. K. Sen: On the other hand, this will be worse for the candidate himself.

Mr. Chairman: Does any other hon. Member want to speak on this clause and the amendments moved?

Shri C. K. Bhattacharya: I would like to speak on this clause 26 and the amendments. I want to say a few words about the matter of printing and publishing and causing things to be sent to the Chief Electoral Officer and District Magistrate. The whole matter turns upon the word 'printer'. But the word 'printer' has nowhere been properly explained. Here it is said: "the printer and publisher thereof". In certain cases things are published where the same person is the printer and publisher. It often happens. I would like to know whether where a person gives his name as printer and publisher such things would come under this clause, because here a distinction is made between printer and publisher. Both have to be different persons, and the entire safeguard lies in fixing upon the printer the responsibility of any pamphlet or leaflet that may be issued which are according to this clause not proper or not in accordance with the election rules. I would like to know whether in such cases the printer and the publisher can be distinguished each from the other and whether the responsibility fixed upon the printer will by itself prevent the publication and printing of such things.

What I feel is, if the responsibility was somehow fixed on the press itself, then this might be effective; otherwise somebody setting up a man of no substance as printer may get anything done. The printer may be a genuine person. A genuine person keeping his name as a printer may get things printed and take upon himself the responsibility of anything that comes upon him under the law and even after prosecuting him the Government will find that there is no meaning in the prosecution of a man without any substance or anything. Therefore, in this particular case somehow the responsibility should have been fixed on the press. If the press could be made responsible to take care that posters or pamphlets objected to under this clause were not printed in the press, then I think this could have been effectively prevented. Merely by putting in the responsibility of the

printer it would not help much. It is said here: "the names and addresses of the printer and publisher thereof". Firstly, it will be difficult to find them out at times, and even when found the printer may be of such a type of person the prosecution of whom will not be of any interest either to the candidate or to the Government. Of course, the matter as it stands now will have the vote of the House. I only make this suggestion to the hon. Minister to find out whether any way could be found to fix upon the press the responsibility for such things because such things are printed just on the eve of the election. I myself was a victim of such a leaflet issued just two or three days before my election. An Urdu pamphlet, was issued in my constituency saying: "Do not vote for this man. He is responsible for killing a lakh of Mussalmans in Calcutta etc". Something like this was issued, and I was taken aback as to how to check it. So a section like this is certainly very necessary. But, at the same time, it must be made effective. What I fear is that the section put as it is may not serve the purpose which the hon. Minister of Law or which the Government has in view. That is my suggestion, and it is for the hon. Minister to find out how it can be made more effective.

Shri Tyagi: May I seek one or two clarifications from the hon. Minister? In sub-clause 3(a) the wording are:

"Any process for multiplying copies of a document other than copying it by hand shall be deemed to be printing and the expression printer shall be construed accordingly."

Strictly legally speaking, if I give the draft of a pamphlet and I get three carbon copies typed—it is not done by hand—will that also come within the process of multiplying?

Shri A. K. Sen: This has arisen in judicial interpretations. It is not only a question of multiplying, but it must involve a process by which it is multiplied.

Shri Tyagi: It means, therefore, that using carbon paper and getting carbon copies would not be deemed to be printing.

Secondly, here in (b) it is said: "posters having reference to an election". These posters may be issued before the election is announced. I want to know whether these will also come within this sub-clause. For instance, the next elections have not yet been announced. If any literature is issued now in favour of a candidate, although he is not yet a candidate, will that also come within this because it pertains directly to the elections?

Shri A. K. Sen: If it pertains to the elections it will come under this.

Shri Tyagi: Supposing a person says now that he is going to stand from a particular constituency and he asks the people there to vote in his favour although it is six months now before the elections and the elections have not yet been announced, will that come under this sub-clause? This does not go into the election accounts. The election accounts are to be maintained only from the date the elections are announced. So these things are outside the purview of the election accounts. I want to know whether this section will control such activities of issuing pamphlets etc., even before the elections are announced.

Shri A. K. Sen: Election accounts are quite separate. That has reference to a particular period. Any pamphlet that is issued today but having reference to elections that are to be held next February will come within this.

Shri Tyagi: That means the parties cannot issue any pamphlets during the five years. No party can issue a pamphlet during the five years asking the people not to vote for another party because they are doing certain things, because that will pertain to the next elections. Such type of propaganda cannot be resorted to because it will pertain to the next elections. Unless this proviso is there....

Shri A. K. Sen: The only thing is when they print they have to get the printer identified by the press, that is all.

Shri Tyagi: All these propaganda for five years, all those copies will have to be sent there.

Shri A. K. Sen: Yes.

Shri Naushir Bharucha: No. If you see the definition of "election", it refers to election to fill a seat in either House of Parliament. The election to fill a seat can only take place after the notification to elect is issued, and not before that. Therefore, nothing which is done prior to the date announcing the election will come within this, and I think it should be like that.

Shri Tyagi: It must be clarified.

Shri A. K. Sen: There is hardly any point to be clarified. The whole purpose is to see that the printers do not publish pamphlets excepting on the authority of the persons whom they have come to know. Because, this is a recommendation of the Election Commissioner himself. It has been the experience of all of us to see how unauthorised pamphlets are circulated and when the printer is asked why he has done it, he says "a man came and he gave me the orders for printing and I have printed his name" and yet the man cannot be traced. In fact, in one of the recent municipal elections even my name was quoted without my authority and my signature was there without my authority.

Shri C. K. Bhattacharya: My question to the hon. Minister is whether "printer" means the person who is in charge of the press or anybody putting his name as printer.

Shri A. K. Sen: It is the same as in the Press and Registration Act, and "printer" includes the press owner. The hon. Member need not have any apprehension about this.

The point raised by Shri Tyagi was whether cyclostyling machine will

come under this clause. Because, instead of going to a press, you can get it cyclostyled. Therefore, it is necessary that even cyclostyled pamphlets should bear the stamp of authority.

Shri Braj Raj Singh: Even typed ones will, I feel, come under this clause.

Shri A. K. Sen: How can the typewriter multiply them? You can, at the most, have six or seven copies.

Shri Braj Raj Singh: The words used are "other than copying by hand".

Shri A. K. Sen: Typing is not a process of multiplying. Even by using carbon copies, at the most you can have four or five copies; not more than six. So, it does not come under the definition of printing. But mimeograph and cyclostyling are processes of multiplication.

There will be something in what Shri Bharucha says; but even that point does not hold true. If a man really tries to issue pamphlets at the end of the next election in preparation for the election coming in 1967, if he goes on circulating pamphlets either for a party or for an individual, he must get the pamphlets printed by a printer who knows the publisher.

Shri Tyagi: That is true. The difficulty would arise about clause (2) which says:

"unless, immediately after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(i) where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed."

Shri A. K. Sen: Even under the Press and Registration Act, copies are

to be sent by every press of everything that they print. What is the difficulty?

Shri Tyagi: It must be sent to the capital.

Shri A. K. Sen: Not necessarily. We have said:

"in any other case, to the district magistrate of the district in which it is printed".

I do not think there is any difficulty. This is provided so that if there is any scurrilous pamphlet circulating, the Chief Electoral Officer may take appropriate action.

Shri Tyagi: Up till now Election Acts always controlled the activities between the Gazette notification notifying the date and the actual date on which the election was held, and the middle period was not covered. Now, through this Bill, even the middle period in the five years is also covered. So, it would be rather difficult.

Mr. Chairman: It cannot be covered, because the definition of "election" is there.

Shri Braj Raj Singh: The Law Minister seems to interpret it differently.

Shri A. K. Sen: There may be something in what Shri Bharucha says.

Shri Naushir Bharucha: Sections 12 and 14 very clear on this point. If you look into sections 12 and 14 of the Representation of the People Act, 1951, section 12 refers to biennial elections to the Council of States and section 14 refers to the general election to the House of the people. Unless a notification is issued, there is no question of election at all, and there cannot be any election within the meaning of the Representation of the People Act. The pamphlets issued prior to the notification will not come under this clause. But once a general notification is issued, after that, all these provisions will apply.

Shri Tyagi: That is my interpretation.

Shri Naushir Bharucha: Because, here "election" means "election to fill a seat or seats". There is no question of "election to fill a seat or seats" unless an announcement is made that seats are to be filled.

Mr. Chairman: Does the hon. Minister accept any of the amendments?

Shri Naushir Bharucha: The hon. Minister said that he is accepting amendment No. 36. In that may I suggest a slight modification so that the amendment reads well? The amendment, as it is, reads...

Shri A. K. Sen: I prefer it as it is. Let us have it in the way in which the original amendment has been drafted.

Mr. Chairman: I will first put amendment Nos. 15 and 34 and to 36 to the vote of the House.

Amendment Nos. 15, 34 and 36 were put and negatived.

Mr. Chairman: The question is:

Page 7, line 15,—

for "immediately" substitute "within a reasonable time". (26).

The motion was adopted.

Mr. Chairman: The question is:

"That clause 26, as amended, stand part of the Bill".

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Clauses 27 to 29 were added to the Bill.

Mr. Chairman: What about Amendment No. 27?

Shri C. K. Bhattacharya: I have put in that amendment with the idea of having some clarification from the hon. Minister.

Mr. Chairman: Is the hon. Member moving it?

Shri C. K. Bhattacharya: It has been left out of the Select Committee....

Mr. Chairman: I request the hon. Member not make a speech. Is he moving it or not?

Shri C. K. Bhattacharya: No.

Mr. Chairman: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill".

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri Jogendra Sen: I find that clause 33 of the original Bill has been omitted. It should not have been omitted by the Select Committee.

Mr. Chairman: But Amendment No. 27 has not been moved, incorporating clause 33. There was amendment, No. 27, asking for its re-insertion. But that has not been moved.

Shri Jogendra Sen: I wanted to say that it should be kept.

Mr. Chairman: I am sorry.

Shri A. K. Sen: I beg to move:

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

Mr. Chairman: Motion moved:

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

श्री बजराल सिंह : सभानेत्री जी, सरकार ने जिस शकल में यह कानून रखा था और डिप्लेट कमेटी ने इस पर अपनी रिपोर्ट दी थी, इस को हम उसी शकल में पास करने जा रहे हैं। इस वक्त भी मैं सरकार से कुछ आश्वासन चाहूंगा।

मैं जानता हूँ कि कानून बन जाने के बाद सरकार द्वारा दिए हुए आश्वासन कोई विशेष महत्व नहीं रखते खास तौर पर ऐसी हालत में जबकि इस कानून का असर पड़ेगा उन लोगों पर जो इल्केशन लड़ेंगे और इल्केशन पेटिशंस द्वारा उनकी इल्केशंस को चैलेंज किया जाएगा लेकिन फिर भी मैं चाहता हूँ कि इस कानून के अन्तर्गत जो नियम बनाये जायें उनमें इस बात का ध्यान रखा जाए था और जिस तरीके से भी हो सके इस बात को ध्यान में रखा जाए कि लोगों के जो अधिकार हैं और खास तौर से दबे पिसे और शोषित पीड़ित लोगों के, या जिन की मातृ भाषाओं के उत्थान का सवाल है, उनको दबाने के लिए कभी भी इस कानून का उपयोग नहीं किया जाएगा। मैं समझता हूँ कि यदि सरकार ने इस लक्ष्य को अपने सामने रखा तो जो हम लोगों की आशंकायें हैं इस कानून के बारे में, उनको बहुत कुछ कम किया जा सकेगा।

मैं आशा करता हूँ कि सरकार इस चीज को ध्यान में रखेगी और नियम बनाते समय कुछ न कुछ इनके बारे में करेगी।

Mr. Chairman: Does the hon. Minister want to say something?

Shri A. K. Sen: There is no reply necessary.

Shri Nath Pai: But what about the assurance that is being sought so that the provisions of this law will not be abused against those who will be giving expression to the legitimate grievances. If that is the intention, I do not know what will be lost if he gives an assurance. Why is he experiencing hesitation in giving an assurance?

श्री ए० क० सेन : मेरे मित्र श्री ब्रज राज सिंह ने जो आश्वासन मांगा है, मैं

दिल से और ख़ुशी के साथ वह आश्वासन देता हूँ।

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

The motion was adopted.

16:33 hrs.

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Chairman: The House will now take up the consideration of the Indian Railways (Amendment) Bill, 1961, as reported by the Select Committee.

The Deputy Minister of Railways (Shri S. V. Ramaswamy): Madam Chairman, on behalf of Shri Jagjivan Ram I beg to move that the Bill further to amend the India Railways Act, 1890, as reported by the Select Committee be taken into consideration.

Shri Braj Raj Singh (Ferozabad): Does he not want to make a speech?

The Minister of Railways (Shri Jagjivan Ram): He was under a misunderstanding. He wanted to make a speech.

Shri S. V. Ramaswamy: The Bill, as emerged from the Select Committee, has got very few changes. Only clauses 11 and 13 have been sought to be amended.

The amendment to clause 11 is by way of an explanation. To clause 13 also there is a slight amendment. The Select Committee on the whole has accepted the Bill as it was presented. There is only a certain amount of redundancy in clause 11 which is sought to be omitted. In clause 13, section 73(e) is clarificatory in nature. Beyond that the Bill has not been amended by the Select Committee in any way.