

Dr. Ambedkar : Yes, they are just formal re-numbering the letters etc.

Mr. Speaker : That we shall take up later. If this amendment is accepted, I will put to the House the amended clause.

Shri Kamath : The first schedule to the Representation of People Act, 1950 has listed Andaman and Nicobar Islands among the part C States. I do not know what its position is now.

Mr. Speaker : It has already been cleared in the opening address that there is nothing there. It is a penal settlement only. So I will put the amendment to vote. The question is :

The motion of Shri Dwivedi was adopted.

Mr. Speaker : The question is :

After clause 11 insert the following new clause:

“11A. *Addition of new Fifth Schedule to Act XLIII of 1950.*—
After the Fourth Schedule to the said Act, the following Schedule shall be added, namely:

(Schedule as above)

The motion was adopted.

New Clause 11A was added to the Bill.

Mr. Speaker : There is no other clause to be taken up excepting 10-B.

An hon. Member : There are formal amendments.

Mr. Speaker : Formal amendments like re-numbering and re-lettering will be taken up at the end.

Dr. Ambedkar : Clause 12 has not been put.

Mr. Speaker : Yes, clause 12 remains.

Clause 12 was added to the Bill.

Dr. Ambedkar : Sir, I do not know whether you have put to the House my amendment No. 2 in Supplementary List No. 7, regarding the addition of a new clause 27-J. It has been taken as moved but it has not been put and accepted.

Mr. Speaker : That has to be put. It will be a part of 10-B.

Dr. Ambedkar : Yes, but it is on a separate list—that was why I was wondering,

Mr. Speaker : Clause 10-B was held over. I shall put that in due course after disposing of the other amendments, but it is just possible that I may forget, in which case hon. Members will invite my attention to it.

Now do we proceed to clause 10-B ?

Some hon. Members : Let us finish it.

Mr. Speaker : If it is the desire of Members to finish it, I have no objection.

Some hon. Members : No, Sir, we shall adjourn now.

Mr. Speaker : I myself have been feeling a little diffident about it. Though the amendment may be formal, yet it is a long amendment and hon. Members should have an opportunity of seeing and studying it. Therefore, we might now adjourn and re-assemble tomorrow at 2 p.m. And I may say that the longer we discuss this tomorrow the shorter the time for the other Bill because the guillotine for the other Bill will be applied at 6 p.m. sharp. We are not sitting day after tomorrow.

The House then adjourned till Two of the Clock on Friday, the 22nd December 1950.

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

New Clauses 10A and 10B

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

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

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

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

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

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

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

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

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

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

Mr. Speaker : Amendment moved : (as above).

There are other amendments also.

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

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

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

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

Shri Gopalaswami : Is it ?

Dr. Ambedkar : Yes.

Mr. Speaker : The question is :

In the amendment proposed by Dr. Ambedkar, in the proposed new clause 10B, after the proposed new section 271 of the Representation of the People Act, 1950, insert the following new section 27J and re-number the subsequent section as section 27K :

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

The motion was adopted.

Mr. Speaker : I believe the amendment to incorporate sections 27A to 27J have already been moved. I would now take the amendments in supplementary list No. 8.

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

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

Dr. Ambedkar : I beg to move :

- (i) In the amendment proposed by me, in the proposed new clause 10B, in sub-section (3) of the proposed new section 27A of the Representation of the People Act, 1950, after the words “for any State or group of States” occurring in line two, insert the words “so specified”.
- (ii) In the amendment proposed by me, in the proposed new clause 10B, in sub-section (4) of the proposed new section 27A of the Representation of the People Act, 1950, after the words “electoral college” insert the words, brackets and figure “for any such State or group of States as is referred to in sub-section (2)”.

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

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

- (a) the members of the House of the People representing that State;
 - (b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi; and
 - (c) the non-official members of every Cantonment Board, District Board, Municipal Committee and Notified Area Committee within that State.”
- (iv) In the amendment proposed by me, in the proposed new clause 10B, in the proposed new section 27B of the Representation of the People Act, 1950, after the words “any State or group of States” insert the words” specified in the first column of the Fifth Schedule”.
- (v) In the amendment proposed by me, in the proposed new clause 10B, in sub-section (1) of the proposed new section 27F of the Representation of the People Act, 1950, after the words “for any State or group of States” insert the words “specified in the First column of the fifth Schedule”.
- (vi) “That the necessary corrections for the numbering and lettering of the clauses in the Bill and of the sections inserted by the Bill be carried out together with consequential corrections of cross references.”

*** Mr. Speaker :** Amendment moved : (as above)

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

- (i) after the words “so created” occurring in line one, insert the words “jointly or”,
- (ii) after the words “then after” occurring in line three, insert the words “such body has or”; and
- (iii) after the words “constitution of” occurring in line six, insert the words “such body or”.

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

Dr. Ambedkar : There are two objections to this amendment. The first is a Constitutional objection which arises out of the

provisions contained in article 240 of the Constitution. I think it is quite clear from the amendment of my hon. friend Dr. Parmar that he supposes that it would be possible for Parliament to create one single legislature for these two areas, namely Himachal Pradesh and Bilaspur. I submit that it would not be open to Parliament to do any such thing because article 240 says :

“Parliament may by law create or continue for any State specified in Part C of the First Schedule...” which means that if Parliament wants to create legislative bodies for the States mentioned in Part C, it shall have to create for each Part C State a separate legislative body. There is no authority given by article 240 to create a joint legislature. On that ground, this amendment is not in order.

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

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

Shri J. N. Hazarika (Assam): Sir, section 27J which has now been renumbered as 27K is absolutely unnecessary, because this clause is likely to create

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

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

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

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

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

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

Dr. Ambedkar : The one about the addition of the words “so specified”.

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

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

The motion was adopted.

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

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

The motion was adopted.

Mr. Speaker : Now we come to the amendment regarding the Electoral College for the State of Delhi, and which is proposed to be added as sub-section (5) of section 27A. What does Mr. Tyagi want to say? ,

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

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

*** Shri Tyagi :** Those who have no office, they are non-official, persons like me, Sir. But persons like Shri Jawaharlal Nehru and Dr. Ambedkar they hold offices, and they are not non-officials. I hold no office and therefore, I am a non-official. Therefore, I request that a clear definition of the word “non-official” may be given, unless it be that it is given in some other Act. Otherwise this will lead to difficulties.

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

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

Dr. Ambedkar : It cannot do any harm.

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

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

* P. D., Vol. 7, Part II, 22nd December 1950, pp. 2264-65.,

***Ibid.*, pp. 2269.

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

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

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

The motion was adopted.

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

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

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

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

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

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

The motion was adopted.

Clause 1 was added to the Bill.

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

* P. D., Vol. 7, Part II, 22nd December 1950, pp. 2271.

Dr. Ambedkar : I beg to move :

“That the Bill, as amended, be passed.”

Mr. Speaker : Motion moved :

“That the Bill, as amended, be passed.”

The motion was adopted.

REPRESENTATION OF THE PEOPLE (No. 2) BILL

***The Minister of Law (Dr. Ambedkar) :** I beg to move for leave to introduce a Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal Practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

The motion was adopted.

Dr. Ambedkar : I introduce the Bill.

REPRESENTATION OF THE PEOPLE (No. 2) BILL

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

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

* P. D., Vol. 7, Part II, 18th December 1950, p. 1834.

* P. D., Vol. 7, Part II, 22nd December 1950, pp. 2283-91.

Shri Hari Vishnu Kamath, Shri S. N. Mishra, Shri L. Krishnaswami Bharathi, Shri Surendra Mohan Ghose, Shri Krishna Kant Vyas, Shri M. L. Dwivedi and the Mover, with instructions to report by the end of the third week after the commencement of the next session of Parliament.”

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

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

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

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

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

I should have been very happy myself if the provisions of the last Bill and the provisions contained in this Bill had

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

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

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

barriers, it was desirable to provide that any person who is entitled to be a candidate may stand anywhere in India, notwithstanding the fact that he does not belong to that province or to that constituency.

[MR. DEPUTY SPEAKER *in the Chair*]

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

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

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

Now I come to another matter, namely, the conduct of elections. In this connection I would like to draw the attention of the House to certain new features that are contained in the Bill with regard to nomination. As the House will remember, under the existing law the question of the validity

of the nomination of a candidate can be canvassed, discussed and decided upon on an election petition. I have always felt that that is a very harsh procedure. The question of nomination is so to say a preliminary issue and there is no reason why this preliminary issue should be kept hanging, allowing the whole election to take place, forcing people to spend their time and their energy in contesting the election, and subsequently somebody comes up and says that the elected candidate has not been validly nominated. So that, without getting into the merits of the election the practice is followed and the whole thing is disposed of on a preliminary issue. I think it is right that in the matter of election petitions it is desirable to separate this preliminary issue from the other issue as to whether the election is valid on other grounds or not. I have therefore proposed in this Bill that this issue shall be treated as a preliminary issue and the Election Commission shall make some provision for the purpose of constituting some tribunal to which any dispute as regards the validity of nomination will be referred and disposed of finally: so. that when the election takes place no such issue could be raised before the tribunal. I am sure this is a very salutary provision. I am sorry, on the advice of the Election Commissioner, it would not be possible to give effect to this provision at the time of the first election, because he thinks that he has not got sufficient time to think about forming an ad hoc tribunal which may be set up to come and give relief to the contestants. But, as I say, if the Select Committee thinks that this should also be applied then I would have no objection.

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

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

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

Now I come to the Election Tribunal.

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

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

With regard to the Election Tribunal the position is this. There are of course a variety of ways in which an election tribunal could be constituted. Either you can constitute an election tribunal whose authority will be final, without any right of appeal, or you can have a tribunal whose decision will be subject to an appeal. As I said, on this there cannot be any dogma. One has to decide in the light of public opinion. But the Bill proceeds upon the assumption that there should be some sort of a right of appeal to the High Court. It is also assumed that the public has a greater confidence in the official machinery for the disposal of election disputes. Non-officials, it is said, may have a bias which may prejudice the ultimate judgment in the case of an election dispute. Consequently what the Bill proposes to do is to have a two-member tribunal. The Chairman will be the District Judge and the other member will be a judicial officer. He may not be a District Judge. He may be some other judicial officer, but an official. The point is this that it is difficult to imagine at this stage what would be the number of election petitions. In view of the fact that the people of this country are so enamoured of politics so far as I see—having almost a passion for politics—I surmise that there might be a very large number of election petitions. If that happens and if you wish that the machinery to decide appeals should be official, the number of District Judges that may be available today would be found to be considerably insufficient to cope with the task. It is therefore that the second Member is described as a Judicial Officer. He may not be of the rank of the District Judge. In addition to that, it has been provided that the High Courts in the different provinces may prepare a list of

advocates, who in the opinion of the High Court, may be deemed to be sufficiently qualified and reliable to be employed as Members of this Tribunal. That is again on the supposition that the petitions may be so large that even the Judicial Members may not suffice. (*Interruption.*) I think it is good that we should give some employment to advocates because notwithstanding the many remarks that I have been hearing I am firm enough to say civilization cannot exist without advocates. Law is the very foundation of civilization.

As I said, the Bill provides that in the case of difference of opinion in the Tribunal a reference may be made to the High Court. Another, I think, very important feature of the Bill is this. I am not very much versed in the law relating to election petitions; I have not dealt with them on a very large scale. With what little experience I have, I have come to the conclusion that the law is in the most indefinite state that one can find. You can never definitely say what are the manners in which an election petition may be disposed of. You can never be certain on what grounds the election as a whole may be declared to be void. You can never be certain what are the grounds on which the election of a particular candidate may be declared. You are never certain under the existing law what are the cases in which the Courts may entertain what is called a plea of recrimination. I have therefore devoted considerable time and attention to the clarification of this position and I would invite the attention of hon. Members to clauses 93, 95 and 96 in which they will find that the position is made as clear as one can possibly do, and I hope that this will be a great advantage both to the Tribunal as well as to the contesting candidates themselves.

Then, I come to the law of corrupt and illegal practices. Here again, the law has been scattered in various places. I endeavoured to bring all the provisions relating to corrupt practices and illegal practices under this one Bill and you will find them codified from sections 122 onwards. Our law in a sense was defective so far as corrupt intention was concerned. The law has not made it clear that in the case of a corrupt practice what was essential was not a practice which is declared to be corrupt but the corrupt intention. With

regard to the illegal practice, there is no question of intention at all; the practice is declared to be bad, but with regard to the corrupt practice in order to give a finding of guilty, it is necessary to have a finding that the intention was corrupt. You might call your friend to a dinner or lunch during the period when your election is going on. Your opponent may say that you have corrupted him. I do not know whether such a plea could be sustained but under the existing law this proviso was not there and I have tried to square up the thing, because I find that is also the provision in the English law that in a corrupt practice there must be a corrupt intention.

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

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

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

(3) Officers performing any duty in connection with an election and police officers have been prohibited from acting for candidates or to influence voters. That you will find in clause 124.

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

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

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

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

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

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

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

An Hon. Member : Except the Hindu Code.

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

An Hon. Member : Adult franchise?

Dr. Ambedkar : I have given almost adult franchise. Secondly, as I said, this does not involve any question of policy. These are mere questions of methods of bringing about a fair deal in the election and consequently, I do not propose when the Select Committee meets to raise any kind of objection to any suggestion that might be made. It will be an open forum. I should also like to say that if those Members who have not had the luck to be included in the Select Committee also care to send any suggestions either personally to me. or to the Select Committee, I shall place them before the Select Committee and see that they are given due consideration. Sir, I move.

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

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

(25)

DEMAND NO. 13—MINISTRY OF LAW*Mr. Deputy Speaker :** Motion is :

“That a supplementary sum not exceeding Rs. 15,93,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March 1951, in respect of ‘Ministry of Law’.”

Shri Kamath : About this Supplementary Demand, in the last Session in the middle of the discussion of this, Parliament rose and Dr. Ambedkar had to reply to this particular demand placed before the House at that time. The footnote says that the excess is due to the post-budget creation of a Central Agency in the Ministry of Law for the conduct of cases in the Supreme Court on behalf of the Central and State Governments, The expenditure is to be shared between the Government of India and the Governments of the participating States. Dr. Ambedkar will recollect that he had to answer this particular point raised at that time, but Parliament rose for the day and the demand was not subsequently before the House. I would be grateful if Dr. Ambedkar can throw some light on this agency created after the Budget was passed, particularly with reference to the recoveries from other Governments. How many State Governments are contributing to this agency and in what proportion, and what exactly is the work to be transacted by this Central Agency that has been created?

The Minister of Law (Dr. Ambedkar) : Mr. Deputy Chairman, I believe—in fact I am certain—that there were two questions put to me during the course of this Session one by Mr. Raj Bahadur and another by Mr. Kazmi and I have given the fullest information on this point in reply

*P. D., Vol. 7, I, Part II, 21st December 1950, pp. 3178-79.

to those two questions. If my hon. friend will take the trouble of referring to my replies, he will have all the information that he requires.

Shri Hussain Imam : Were they written replies or oral ?

Dr. Ambedkar : They were oral replies but they will appear in the record of proceedings. If required, I will give him my copy.

Mr. Deputy Speaker : It is here in the proceedings.

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