

candidate. All that is necessary is that he should exercise his choice within the prescribed time. He has been given power under this very clause to say whether he wants to retain constituency No. A. B. or C. Therefore there is no occasion or necessity for the Election Commissioner either to enquire from him or to make a decision on his behalf that he should be allowed to retain one seat. The choice is entirely in the hands of the candidate and I do not know whether such a provision is at all necessary.

Mr. Speaker: His point seems to me to be that, it is possible that this contingency may be out of sight of the candidate who is elected and therefore the Election Commissioner would do better, if he sent something by way of a reminder informing the candidate that he stands to lose all the seats.

Dr. Ambedkar: I do not think that such a contingency could be contemplated for, the simple reason that every candidate elected will certainly arm himself with a copy of the rules. And he may be presumed to have read the rules. Another difficulty which I see is this, that even if an obligation was imposed upon the Election Commissioner to make an enquiry then he must fulfil that obligation with regard to every such candidate

Pandit Thakur Das Bhargava: There will be very few who will be returned from more than one constituency—he must be a very popular man who is elected from more than one constituency.

Mr. Speaker: The contingency is more academic.

***Shri S. N. Das:** I request the Hon. Minister again to agree to the suggestion that expenses should be minimized in the elections. The whole work should be done in accordance with it and the rule-making authority as well as the Ministry should frame rules keeping all these things in view so that the real representatives of the people, even if they are not rich, may be easily elected.

Dr. Ambedkar: I do not accept the amendment.

* P. D., Vol. 12, Part II, 23rd May 1951, p. 9272.

Clause 80

***Shri Hathi** (Saurashtra): Sub-clauses (a) and (b) deal with the category of persons who have to send the petition. Sub-clause (c) deals with the method. As it originally stood, the categories of persons and the methods were connected together. It is simply in order to separate the categories of persons and the method by which it is to be sent that this amendment seems to have been moved. The amendment does not in any way alter the substance. It is only a better way of expression.

Dr. Ambedkar: Yes, that is the same thing. I need not add anything more to what the hon. Member has said.

Shri Kamath : Shall we add 'with acknowledgment due' ?

Mr. Deputy Speaker: We need not add it. All that is necessary is that it must be delivered to the other side. The question is:

For sub-clause (2) of clause 80, substitute the following sub-clause:

“(2) An election petition shall be deemed to have been presented to the Election Commission—

(a) when it is delivered to the Secretary to the Commission or to such other officer as may be appointed by the Election Commission in this behalf—

(i) by the person making the petition, or

(ii) by a person authorised in writing in this behalf by the person making the petition; or

(b) when it is sent by registered post and is delivered to the Secretary to the Commission or the officer so appointed.”

The motion was adopted.

****Mr. Deputy Speaker:** I do not think it is necessary to labour the point. What has the Law Minister to say on the amendment ?

Dr. Ambedkar: I accept the amendment.

* P. D., Vol. 12, Part II, 23rd May 1951, pp. 9280-81.

** *Ibid.*, p, 9282.

Clause 85

*** Shri Satish Chandra:** The House adjourned yesterday to discuss the amendments informally. We adjourned from that informal meeting at 1 o'clock and I gave notice of my amendment at 1 P.M. But it has been admitted in today's date.

Mr. Deputy Speaker: Was this matter discussed and agreed upon in the informal committee?

Dr. Ambedkar: Yes, it was agreed upon.

Mr. Deputy Speaker: Was it agreed that no advocate ought to be there ?

Dr. Ambedkar: Nobody wants any advocate. The matter can arise only by deleting part (b) of sub-clause (2). It cannot arise on this.

Mr. Deputy Speaker: Even accepting the clause as it stands he cannot avoid any advocate.

Shri Satish Chandra: I would suggest that this clause may be held over. The Members had no opportunity of giving any notice of amendments after yesterday's informal discussion. Notice has been given by me after the discussion but it will come up only tomorrow. If you allow me to move my amendment of which I have given notice, I shall do so.

Mr. Deputy Speaker: Not that I am bound by any of those decisions, but anyhow the hon. Member also had sat in that informal meeting which came to an agreed arrangement with reference to this matter. A contrary decision was arrived at there. Is it worthwhile my allowing the clause to stand over ?

Shri Satish Chandra: I would respectfully submit that out of the 320 Members of the House which adjourned yesterday for the specific purpose of holding an informal discussion on tabled amendments, not as many Members as the strength of the Select Committee on this Bill were present.

Mr. Deputy Speaker: Who is to blame? The Hon. Minister ?

Shri Satish Chandra: I do not blame the Hon. Minister.

Dr. Ambedkar: You yourself were present. Never mind whether others were present or not, you yourself were present.

Shri Satish Chandra: I objected to the amendment, but I was not allowed to have my full say. So, what I wish is that.....

Mr. Deputy Speaker: I am exceedingly sorry that the hon. Member has not tabled an amendment.

Shri Satish Chandra: I have tabled an amendment and its copy is with me. It could not be on the order paper today. I gave it to the Notice Office yesterday after 1 P.M.

Mr. Deputy Speaker: It is a fundamental issue as to whether lawyers are to be trusted or not. Therefore, even before this amendment was tabled he had enough time to give notice of an amendment. I am prepared to waive notice if he is able to show either in the consolidated list or in any of the supplementary lists any amendment standing in his name saying that lawyers are taboo—I would not stand on formality. But if after yesterday's discussion he thinks of a new thing I would not agree to it being moved now.

Shri Satish Chandra: I would submit that this majority of lawyers in the Election Tribunal was created only yesterday. It was not there before.

Dr. Ambedkar: In the amendment moved by my friend, Mr. Munishwar Datt Upadhyay there is no provision that there shall be a majority of lawyers. Only the chairman shall be a judicial officer, but the others may be non-judicial.

Shri Satish Chandra: The two persons out of three may be advocates. I do not know what else is a majority.

Pandit Munishwar Datt Upadhyay: His amendment, if there is any, refers to another clause—it has nothing to do with this clause.

Mr. Deputy Speaker: He does not say he has any amendment.

Shri Satish Chandra : I submit, Sir, that it may be held over. After all there is a difference of opinion among the hon. Members, some of whom feel strongly over this point. Just as other clauses have been held over. I suggest, this also may be held over and may be allowed to come up later. If it is held over it is possible there might be some agreed formula to satisfy all.

Dr. Ambedkar: I do not think there is any ground for holding it over.

Shri J. R. Kapoor: I am not entirely in favour of what Mr. Satish Chandra has been arguing, but then all of a sudden it does strike me that there is some point of fundamental importance that he has been arguing, and it is that Mr. Munishwar Datt's amendment to part (b) of sub-clause (3) of clause 85 stipulates that instead of one there shall be two members selected by the Election Commission from either of the lists maintained by it under sub-clause (2). But these two could be selected not necessarily only from the list under part (a) but from both the lists under parts (a) and (b).

Dr. Ambedkar: In which case his objection vanishes.

Shri J. R. Kapoor: So that objection goes.

Shri Kamath : May I point out that the acceptance of the amendment of Mr. Upadhyay by the Law Minister and perhaps later on by the House lends some point to the question raised by my friend Mr. Satish Chandra ? Clause 85 sub-clause (3) as it stands reads as follows:

“Every Tribunal appointed under sub-section (1) shall consist of—

(a) a Chairman who shall be either a person who is or has been a judge of a High Court or a person selected by the Election Commission from the list maintained by it under clause (a) of sub-section (2); and

(b) one other member selected by the Election Commission from either of the lists maintained by it under sub-section (2).”

The acceptance of the amendment of Mr. Upadhyay will lead to this, that the two members he proposes in place of one can be selected from either of these lists, that is to say the possibility is there that both of them can be from the list mentioned in part (b).

Dr. Ambedkar: There is also the possibility of all the three people being taken from the list mentioned under (a).

Shri Kamath: I agree, but the clause as it stands would have precluded the majority of persons mentioned in part (b) because there were only two members of which one would necessarily be a District Judge, that is from the list under (a) or a High Court Judge, and the other would have been an advocate. And therefore, both of them would not have been advocates I do agree with my friend, Mr. Satish Chandra that either the clause be held over or you waive notice for the amendment which he has given notice of. If you waive notice his amendment will be discussed in the House, otherwise it will be unfair to him and the House if his amendment is not allowed to be moved and the clause is put to the House as amended by the amendment of Mr. Upadhyay.

Shri T. T. Krishnamachari: I think quite a lot is being made about a clause which does not merit so much time.

Shri Kamath: That is in your view.

Shri T. T. Krishnamachari: That is my view and I hope it will be the view of the House.

Shri Kamath: I hope not.

Shri T. T. Krishnamachari: The merit of accepting my hon. friend, Mr. Upadhyay's amendment is that the elaborate improvisation contemplated in clause 103 is done away with and I feel to that extent it is something which is commendable. The other point, as you were good enough to suggest, is whether the operation of clause 104 should continue in view of the fact that the chance of the High Court considering it as a side issue if there is a difference of opinion, is now removed..... Notwithstanding the vehement objection of my hon friend, Mr. Kamath I would allow the whole thing to pass as it is if the House approves.

I commend the amendment for acceptance of the House.

Mr. Deputy Speaker: Is it not a fact that as the Bill originally stood in case of a difference of opinion between the chairman and the member and the case taken up to the High

Court there was a guarantee that two judicial officers will bring to bear their judgment on the case? That provision is taken away now and now it is open to the appointing authority to appoint both the members from among advocates. Why should there be such a radical change between the provisions of the Bill and the amendment contemplated, which may bring in persons who may take part in politics?

Shri T. T. Krishnamachari : So long as the appointments vest in the Election Commissioner, we can leave it to him to see that the people who are appointed are above suspicion.

Dr. Ambedkar: May I say a word, Sir to clear the matter? Really the substantial question that we have to consider is whether we should retain the provisions contained in clause 103,—that is the fundamental point,—whether we want this, matter to be so dragged as to require the intervention of the High Court. The Committee all along felt that we have no idea as to the number of election petitions and we have no idea as to whether the judicial staff that would be wanted for the purpose of disposing of the election petitions would be adequate for the purpose of constituting the necessary number of tribunals. That was the difficulty that we have all along felt. Consequently we decided in the Select Committee that sub-clause (b) be added—I think you will remember that,—on account of the difficulty that was felt that if the personnel was confined only to judicial officers in the service of the Government there may be great difficulty. Therefore sub-clause (b) was brought in.

Now, with regard to the question that a lawyer may be appointed who might have played some part in politics and may have developed some kind of a bias in favour of one party as against the other, or who may have been a candidate in an election that difficulty is sought to be met in two ways. The first is this: that it is not every advocate who would be eligible for the purpose of being appointed. The restrictions are very many. First of all he must be a lawyer who is approved by the High Court. You will see the words are: “a list of advocates of that High Court who have been in practice for a period of not less than ten years and who are in the opinion of the High Court, fit to be appointed as such members.” I

have no doubt in my mind that when the High Court recommends any particular advocate to be appointed to the Tribunal, it will take into consideration the political affiliations of the particular advocates whom it is recommending. Secondly, the High Court again is only a recommendatory body. The final appointment is to be made by the Election Commission and I have no doubt in my mind again that the Election Commission in order to maintain fair practices in election will further examine the list given by the High Court to find out whether any man is there on their list as recommended by the High Court who should be excluded by reason of the fact that he is a political individual or has been a defeated candidate or belongs to any particular party.

I agree the question whether advocates should be admitted or not to these appointments is a separate question. But the possibility of including political advocates as members of the Tribunal, I think has been for all practical purposes more or less eliminated by the two provisions, namely, that it has been made subject to the recommendations of the High Court and secondly it has been made subject to the right of the Election Commission to select any particular individual or not. I, therefore, think that the fear is more or less groundless.

Mr. Deputy Speaker: Advocates of ten years' standing are eligible to be appointed as High Court Judges—is it not? Therefore, persons who are qualified to be High Court Judges will alone be selected.

Dr. Ambedkar: Even after that if it is found out that he is politically interested in anybody, the Election Commission has got the power to exclude him. These are very rigorous and stringent conditions.

Shri Kamath: A person when he goes from the Bar to the Bench behaves differently but here the possibility is not obviated of this Tribunal being weighted by two advocates, thereby detracting from its judicial character.

Dr. Ambedkar: At that rate, why do you suppose that a retired sub-judge may not be a politician? After all he is a retired man and is free to take part in politics.

Shri Kamath: Then delete that even.

Dr. Ambedkar: That would be further reducing the available resources for appointing the Tribunal.

Shri Shiv Charan Lal (Uttar Pradesh): I think, Sir, the contingency which Mr. Kamath thinks might arise was already there. Previously also, when two persons were to be appointed, one a Chairman and the other an advocate, both could be advocates. Sub-clause (a) says “a Chairman who shall be either a person who is or has been a judge of a High Court.” You know, Sir, that at least half of the Judges of the High Court are appointed from the advocates of the High Court. Suppose a man who was an advocate last year has been appointed a Judge of the High Court and he was appointed Chairman? In that case both would be advocates.

Mr. Deputy Speaker: Once he is appointed a judge he sheds his colour of an advocate.

Shri Shiv Charan Lal: He might have been appointed a High Court Judge only a month before.

Shri J. R. Kapoor: The only apprehension that is troubling the minds of some of my hon. friends is that there is a possibility that the two members of the Tribunal other than the Chairman, may be advocates. To remove that apprehension. I would suggest a slight amendment.

Dr. Ambedkar: I have asked my hon. friend Pandit Munishwar Datt Upadhyay to move an amendment.

Shri J. R. Kapoor: I suggest that part (b) of sub-clause (3) of clause 85 be amended in the following manner, that for the present words the following words be substituted:

“(6) two other members selected by the Election Commission either from the list maintained by it under part (a) of sub-section (2), or one from each of the list maintained by it under sub-section (2).”

It means that both the non-Chairman members may be from the list maintained under part (a) of sub-section (2)..... This is my amendment and if I have your permission I might move it.

Pandit Munishwar Datt Upadhyay: This difficulty will be solved by the omission of the words “either of” occurring in part (b) of sub-clause (3). The amendment will read as:

In part (b) of sub-clause (3) of clause 35 omit the words “either of”.

Shri J. R. Kapoor: That would not meet the point.

Shri Satish Chandra: I would suggest the substitution of the word “each” for the word “either” in part (b).

Mr. Deputy Speaker: If it is understood that the hon. the Law Minister is also agreeable to this amendment, we can make it easy. Even in item (a) of sub-clause (3) we can say that the Chairman and one other member shall be persons who are either High Court Judges or who are in the list under sub-clause (2)(a) and one other member shall be a person from the list under sub-clause (2) (b).

Dr. Ambedkar: If the words “either of” remain it may be possible that both of them may be appointed exclusively from one list. We do not want that. If we drop the words “either of” then that possibility does not remain.

Shri J. R. Kapoor: Even then it remains.

Mr. Deputy Speaker: It does not prevent the Commission from appointing from either list.

Shri T. T. Krishnamachari: It should be one from each.

Shri Kamath: Instead of “from either” if you make it “one from each” it will be clear and free from doubt.

Mr. Deputy Speaker: “One from each of the lists”?

Shri J. R. Kapoor: So that the advocate must always necessarily be there !

Dr. Ambedkar: I have no objection. If people have so much prejudice against advocates what can I do ?

Mr. Deputy Speaker: I shall put the amendments in their order. I shall first put Pandit Munishwar Datt Upadhyay’s amendment. The question is:

In part (b) sub-clause (3) of clause 85, for the words “one other member” substitute the words “two other members”.

The motion was adopted.

Mr. Deputy Speaker : Now, the other amendment is that for the words “from either” the words “one from each” be substituted.

Dr. Ambedkar: It is a very tightening situation.

Mr. Deputy Speaker: I leave it to the Hon. Minister. Is it his desire that I should put it ?

Dr. Ambedkar: Yes.

Shri Karunakara Menon: May I point out that it takes away the possibility of the Tribunal consisting of all the three members being government servants ? Whether it is proper or not is a matter to be considered.

Mr. Deputy Speaker: It is pointed out that it is advantageous to the lawyers also because there must be at least one lawyer and not all Government servants.

Further amendment made:

In part (b) of sub-clause (3) of clause 85, for the words “from either” substitute the words “one from each”.

— [*Shri T. T. Krishnamachari*]

Mr. Deputy Speaker: Now I shall put amendment No. 18 (consolidated List No. 2). It is a consequential amendment.

The question is :

In the second Proviso to sub-clause (3) of clause 85, for the word “member” substitute the word “members”.

The motion was adopted.

Mr. Deputy-Speaker: The question is :

“That clause 85, as amended, stand part of the Bill.”

The motion was adopted.

Clause 85, as amended, was added to the Bill.

Clause 86 to 93 were added to the Bill.

Dr. Ambedkar: Sir, I was going to suggest that the House might adjourn now and allow me to sit with the Members who have tabled amendments, to consider the clauses from 94 and then we can meet tomorrow, so that we may not have

again the difficulty of moving amendments which subsequently may be withdrawn or amendments which I have not yet had time to consider and come to any definite conclusion. I make this humble suggestion for your consideration and for the consideration of the House whether they would agree to it, so that we could meet right now for that purpose and also, if necessary, in the afternoon.

Several Hon. Members: Yes, yes.

Mr. Deputy Speaker: Very well. I think the suggestion is acceptable to the House, but I would like to make one suggestion before I adjourn the House. I find that though the conferece was very fruitful still a number of hon. Members did not avail themselves of it. I would urge upon hon. Members, all of them, to gather in the conference so that whatever they want to say here they may thrash out there and try to reach an agreement. If in spite of it there is a difference of opinion, they can always come to the House and take a vote. But many matters or matters in respect of which their may be misunderstanding may be thrashed out at the conference in an informal way and the misunderstanding removed.

Dr. Ambedkar: Everyone is invited.

Mr. Deputy Speaker: Though it is not a formal reference to a Committee of the whole House, it is as good as that. It is for hon. Members to sit there, voice forth their views and support or oppose amendments and come to conclusions. I hope that much of the discussion will be cut off tomorrow and that many of the clauses will be carried.

Shri Kamath : Your suggestion will apply only in respect of matters where there is unanimity of opinion. If there is difference of opinion, they have to be a discussed here.

Dr. Ambedkar: The majority decision must be accepted.

Shri Kamath: Not at all.

Mr. Deputy Speaker: Unanimity is always a percentage. As far as possible, doubts will be ironed out at the conference.

The House now stands adjourned till 8-30 tomorrow.

The House then adjourned till Half Past Eight of the Clock on Thursday, the 24th May, 1951.

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

Mr. Speaker: The House will now proceed with the further discussion of the Representation of the People (No. 2) Bill. 9-00 P.M. Clauses up to 93 were disposed of yesterday when the House adjourned for an informal discussion of the amendments tabled on the remaining clauses with the Hon. Minister of Law. The House will now take up clause 94. I should like to know what has been the result of the informal conference among Members.

The Minister of Law (Dr. Ambedkar): Sir, we have gone quite a long way up to clause 135. But I would be still asking your permission and the permission of the House to adjourn at about 11, or half-past eleven, as it suits us, because I would like to have a meeting again to finish off the whole. The difficulty is that in the afternoon there is another meeting and it would not be possible for the Committee of the House to meet to discuss this matter. I hope you will grant me this indulgence.

Mr. Speaker: I am prepared even to rise earlier, provided we could finish this off.

Dr. Ambedkar: The trouble is this that every Member regards himself as a possible candidate when he is discussing this Bill and he sees all sorts of difficulties that may come in his way.

An hon. Member: Including the Minister.

Mr. Speaker: When he says every Member of course the Minister is included.

I shall follow the procedure which we followed yesterday. I shall first ask as to whether any amendments are going to be moved and if so to what clauses. There are no amendments to clauses 94 to 97.

Clauses 94 to 97 were added to the Bill

Clause 98.—(*Other orders by the Tribunal.*)

Shri J. R. Kapoor (Uttar Pradesh): There are two amendments standing in the name of Pandit Thakur Das Bhargava. He being absent, if you will permit me. I will move them with some changes in the phraseology.

Mr. Speaker: Are they accepted amendments ?

Shri J. R. Kapoor: Yes, Sir.

Mr. Speaker: The question is:

“That clause 119, as amended, was added to the Bill.

The motion was adopted.

Clause 119, as amended, was added to the Bill.

Clause 120.—(*Payment of costs.*)

Dr. Ambedkar: I have an amendment to clause 120. It merely divides the clause into two sub-clauses and the second sub-clause would begin from the words “If there is.....”, omitting the word “and” before them. The clause has been divided into two sub-clauses because it is a very big clause running into fifteen lines.

Amendment made:

For clause 120, substitute the following clause:

“120. *payment of cost out of security deposits and return of such deposits.*—(1) If in any final order as to costs under the provisions of this Part there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party under this Part, on an application made in writing in that behalf within a period of six months from the publication of such final order under section 105 to the Election Commission by the person in whose favour the costs have been awarded.

(2) If there is any balance left of any of the said security deposits after payment under sub-section (1) of the costs referred to in that subsection, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of six months, the whole of the said security deposits, may on an application made in that behalf in writing to the Election Commission by the person by whom the deposits have been made, or if such person dies after making

such deposits, by the legal representatives of such person, be returned to the said person or to his legal representatives, as the case may be.”

—[*Dr. Ambedkar*]

Mr. Speaker: The question is:

“That clause 120, as amended, stand part of the Bill.”

The motion was adopted

Clause 120, as amended, was added to the Bill.

Clause 121.—(*Execution of orders as to costs.*)

Dr. Ambedkar: I have to move a consequential amendment on account of the division of the original clause 120 into two sub-clauses.

Amendment made:

In the proviso to clause 121—

(a) for the words and figures “under section 120” in the first place where they occur, substitute the words, brackets and figures “under sub-section (1) of section 120”;

(b) for the words and figures “under section 120” in the second place where they occur, substitute the words “under that sub-section”;

(c) for the words “in that section”, substitute the words “in that subsection”.

—[*Dr. Ambedkar*]

Mr. Speaker: The question is:

“That Clause 121, as amended, stand part of the Bill.

The motion was adopted.

Clause 121, as amended, was added to the Bill.

Mr. Speaker: Then we come to the other amendments.

Dr. Ambedkar: I suggest that clauses 122, 123 and 124 may be kindly held over.

Mr. Speaker: Clauses 122, 123 and 124 are held over for the time being.

Clause 125.—(*Prohibition of election meeting on the election day.*)

Dr. Ambedkar: I beg to move:

(i) In sub-clause (1) of clause 125, for the words “political meeting” substitute the words “public meeting”.

(ii) In sub-clause (1) of clause 125, omit the words “or on the day immediately preceding that date or the first of those dates”.

Mr. Speaker: Then I shall put the clause to vote.

Shri Kamath (Madhya Pradesh): May I ask the Hon. Minister for a clarification, whether the preceding day means the day up till midnight or the day up to sunset?

The Minister of State for Transport and Railways (Shri Santhanam): Anyhow the word is being deleted and the question does not arise.

Shri Kamath: It does because meetings on the previous day will not be prohibited.

Dr. Ambedkar : It is an academic question but if my hon. Friend presists I think that ‘midnight’ would be the proper word.

The motion (of Dr. Ambedkar as mentioned above) was adopted.

Mr. Speaker: The question is:

“That clause 125, as amended, stand part of the Bill.”

The motion was adopted.

Clause 125, as amended, was added to the Bill.

Clause 126.—(*Disturbances at election meetings.*)

Amendment made:

In sub-clause (2) of clause 126, for the words “political meetings”, substitute the words “public meeting of a political character”.

—[*Dr. Ambedkar*]

Mr. Speaker: The question is:

“That clause 126, as amended, stand part of the Bill.”

The motion was adopted.

Clause 126, as amended, was adopted to the Bill.

Clause 127 was added to the Bill.

Clause 128—(*Officers not to influence voting*) Amendment made:

In sub-clause (1) of clause 128, for the words “shall act as an agent of a candidate in the conduct or the management of the election”,

substitute the words “shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate”.

[*Dr. Ambedkar*]

Further amendment made:

In sub-clause (3) of clause 128, for the words “three months”, substitute the words “six months”.

—[*Dr. Ambedkar*]

Mr. Speaker: The question is:

“That clause 128, as amended, stand part of the Bill.”

The motion was adopted.

Clause 128, as amended, was added to the Bill.

Clause 129.—(*Prohibition of canvassing.*)

Mr. Speaker: I take it that there are no amendments to this clause.

Shri S. N. Das (Bihar): I have an amendment, No. 174 in consolidated List No. 2 and that amendment was accepted yesterday.

Mr. Speaker: The question is:

“That clause 129 as amended, stand part of the Bill.”

The motion was adopted.

Clause 129, as amended, was added to the Bill.

Clause 130.—(*Penalty for disorderly conduct.*)

Amendment made:

In sub-clause (1) of clause 130, for the words “during the hours fixed for the poll”, substitute the words “on the date or dates on which a poll is taken”.

—[*Dr. Ambedkar*]

Mr. Speaker: The question is:

“That clause 130, as amended. stand part of Bill.”

The motion was adopted.

Clause 130, as amended, was added to the Bill.

Dr. Ambedkar: I would at this stage request you to adjourn the House, because we have exhausted all the clauses which we had agreed upon.

Mr. Speaker: The House may adjourn now for the informal meeting which will take place, as I am told, in the council of State hall and immediately after we disperse from here.

Shri Kamath: Have you. Sir, any objection to our meeting in this Chamber which is cooler?

Mr. Speaker: The convention up to now has been that unless the Speaker, the Deputy Speaker or the Chairman is in the Chair, no meetings can take place in this House.

Dr. Ambedkar: It is a good ground for not meeting here.

The House then adjourned till half Past Eight of the Clock on Friday, the 25th May 1951.

*REPRESENTATION OF THE PEOPLE

(No. 2) BILL.—*contd.*

Mr. Speaker: The House will now resume discussion on the Representation of the People (No. 2) Bill. Clauses upto 130 were disposed of yesterday when the House adjourned for an informal discussion of the amendments tabled on the remaining clauses with the Hon. the Minister of Law. The House will now take up clause No. 131. I should like to know how the position stands today.

The Minister of Law (Dr. Ambedkar): We have finished the whole thing except one or two clauses, which I would request to be held over.

Mr. Speaker: Then I shall follow the same procedure. I shall call the particular clause and any hon. Member who wishes to move an amendment will kindly invite my attention to it.

Clause 131 was added to the Bill.

Clause 132.—(*Penalty of illegal hiring*)

Shri Bhatt (Bombay): Further consideration of clause 132 may be postponed as it is related to clause 122. So long as clause 122 is not taken up this clause also may not be taken up.

Mr. Speaker: Has the Hon. Law Minister heard what the hon. member has stated ? He wishes that further consideration of clause 132 be postponed and be taken along with clause 122.

Dr. Ambedkar: I agree that it may be held over.

Clause 133 was added to the Bill.

Clause 134 was also added to the Bill.

Clause 135.—(*Other offences*)

Amendment made:

After part (a) of sub-clause (1) of clause 135, insert the following:

“(aa) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or”.

—[*Dr. Ambedkar*]

The motion was adopted.

Clause 135, as amended, was added to the Bill.

Clause 136.—(*Special provisions for complaint*)

Amendment made:

For clause 136, substitute the following clause:

“136. *Prosecution regarding certain offences.*—(1) If the Election Commission or a Regional Commissioner appointed under clause (4) of article 324 or the Chief Electoral Officer of the State has reason to believe that any offence punishable under section 128, or under section 133 or under clause (a) of sub-section (2) of section 135 has been committed in reference to any election within a State, it shall be the duty of the Election Commission, the Regional Commissioner or the Chief Electoral Officer, as the case may be, to cause such inquiries to be made and such prosecutions to be instituted as the circumstances of the case may appear to it or him to require.

(2) No court shall take cognizance of any offence punishable under section 128 or under section 133 or under clause (a) of sub-section (2) of section 135 unless there is a complaint made by order of or under authority from the Election Commission or a Regional Commissioner appointed under clause (4) of article 324 or the Chief Electoral Officer of the State concerned.”

—[*Dr. Ambedkar*]

Mr. Speaker: The question is:

“That clause 136 as amended, stand part of the Bill.”

The motion was adopted.

Clause 136 as amended was added to the Bill.

Dr. Ambedkar: There are no amendments to clauses Nos. 137 to 143.

Pandit Thakur Das Bhargava (Punjab): With regard to clause 139, unless clauses 122 to 124 are disposed of, it will be difficult to dispose it of. You have been pleased to hold over clauses 122 to 124 and clause 139 has relation to those clauses.

Mr. Speaker: The hon. Member wants clause 139 to be held over?

Pandit Thakur Das Bhargava: Yes, Sir.

Mr. Speaker : I will put the motion in a different way then.

Shri J. R. Kapoor (Uttar Pradesh): I suppose it will be open to move for an addition of a new clause i.e. clause 132A later on, because that will also depend upon some previous clauses. I would like to add a new clause.

Mr. Speaker: In case it does not contravene the previous decision of the House, the hon. Member is entitled to move it. I will put the motion in a different form now.

The motion was adopted.

Clauses 137 and 138 were added to the Bill.

Clauses 140 to 143 were added to the Bill.

Clause 144.—(*Disqualification for being an election agent*)

Dr. Ambedkar: I beg to move:

In clause 144, omit the words “or a polling agent”.

Shri Iyyunni (Travancore-Cochin): I have also an amendment.

Mr. Speaker: Has he anything to say on this amendment ? We will come to his amendment later.

Dr. Ambedkar: It is his amendment which I am moving.

Shri Iyyunni: My amendment is that in the marginal heading to clause 144, the words “or polling agent” be omitted and the clause 144 also the words “polling agent” be omitted.

Dr. Ambedkar: Marginal headings will be corrected afterwards.

Mr. Speaker: I am not putting the marginal headings at all to the House. hon. Members will have noticed that I am dropping out the marginal headings. That is the business of the draftsmen. It is not part of the statute. The question is:

In clause 144, omit the words “or a polling agent”.

The motion was adopted.

Mr. Speaker: The question is:

“That clause 144, as amended, stand part of the Bill”

The motion was adopted.

Clause 144, as amended was added to the Bill.

Clause 145 was added to the Bill

Clause 146.—(*Casual vacancies in Council of States*)

Amendment made:

In clause 146, for the words “the members of the Legislative Assembly or electoral college concerned” occurring in line 5, substitute the following:

“the elected members of the Legislative Assembly or the members of the electoral college concerned.”

— [Dr. Ambedkar]

Mr. Speaker: The question is :

“That clause 146, as amended stand part of the Bill.”

The motion was adopted.

Clause 146, as amended, was added to the Bill.

Clauses 147, 148 and 149 were added to the Bill.

Clause 150.—(*Vacancies in State Legislative Councils*)

Pandit Thakur Das Bhargava: An amendment was agreed that the election shall be held within four months. But, that is not here on the paper. Therefore, I would beg of you to hold over this clause.

Dr. Ambedkar: It was not accepted, I believe. My record does not show that. Let the amendment be moved, whatever it is.

Sardar Sochet Singh (P.E.P.S.U.): It was agreed.

Mr. Speaker: Let us hold it over.

Clause 151.—(*List of members to be maintained*).

Amendment made:

For sub- clause (1) of clause 151, substitute the following:

“(1) The Returning Officer for an election by the elected members of the Legislative Assembly of a State to fill a seat or for an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State shall for the purposes of such election maintain in his office in the prescribed manner and form a list of elected members or a list of members, as the case may be of that Legislative Assembly.”

—[*Dr. Ambedkar*]

Mr. Speaker: The question is:

“That clause 151 as amended, stand part of the Bill.”

The motion was adopted.

Clause 151, as amended, was added to the Bill.

Clause 152 to 156 were added to the Bill.

10-00 A.M.

Clause 157.—(*Return or forfeiture of deposits*)

Amendment made:

In sub-clause (1) of clause 157, after the words “by whom” occurring in line 1, insert the words “or on whose behalf.

—[*Dr. Ambedkar*]

Further amendment made:

In sub-clause (1) of clause 157, for all the words beginning with the words “the deposit shall be returned” to the end, substitute the following:

“the deposit shall be returned to the person by whom it was made and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.”

—[*Dr. Ambedkar*]

Further amendment made:

In sub-clause (2) of clause 157, after the words “by whom” occurring in line 1, insert the words “or on whose behalf.”

—[*Dr. Ambedkar*]

Further amendment made:

In sub-clause (4) of clause 157, after the words “deposit made by” occurring in line 1, insert the words “or on behalf of”.

—[*Dr. Ambedkar*]

Further amendment made:

In sub-clause (4) of clause 157, for the words “be returned to him” occurring in line 3, substitute the following:

“be returned to such candidate or to the person who has made the deposit on his behalf, as the case may be.”

—[*Dr. Ambedkar*]

Further amendment made:

In the first Proviso to sub-clause (4) of clause 157, after the words “deposits made by him” occurring in line 3, insert the words “or on his behalf”.

—[*Dr. Ambedkar*]

Further amendment made:

In the second Proviso to sub-clause (4) of clause 157, after the words “deposits made by him” occurring in line 4, insert the words “or on his behalf.”

—[*Dr. Ambedkar*]

Shri Bhatt: There is an amendment No. 212.

Dr. Ambedkar: I will move that separately.

Further amendment made:

In sub-clause (2) of clause 157, for the word “one-eighth” in the two places where it occurs ; substitute the word “one-sixth”.

—[*Dr. Ambedkar*]

Mr. Speaker: The question is :

“That clause 157, as amended, be added to the Bill.”

The motion was adopted.

Clause 157, as amended was added to the Bill.

Clause 158 was added to the Bill.

New Clause 158A.

Dr. Deshmukh (Madhya Pradesh): Sir, I have to move for the insertion of the following amendment. In England, they have not only a provision similar to the one. I am asking, but they have framed certain rules for regulating the granting of accommodation for this purpose and these have not led to any difficulty whatsoever. I therefore, urge that this amendment may be accepted.

Dr. Ambedkar: I am afraid this will create a lot of difficulties and I am not prepared to accept this amendment.

Mr. Deputy Speaker: Let me first of all ascertain from the hon. Member if it is necessary for me to place the amendment before the House.

Dr. Deshmukh: No, but some hon. Members may desire to speak.

Mr. Deputy Speaker: The hon. Member has moved his amendment and as I understand it, the procedure is if I place it before the House, the House gets seized of it. I asked for the reaction of the Law Minister and he said that he is not accepting the amendment. And the hon. Member has rightly said that it is not necessary for me to place it before the House. When I place it before the House, then every Member is entitled to talk on it; and at that stage the hon. Member who has moved it can withdraw it with the leave of the House.

Dr. Deshmukh: In view of the fact that there are a lot of hon. Members of this House who are keen and who are impressed by the reasonings I have given, they may be allowed to speak on this amendment and then

Pandit Thakur Das Bhargava: Sir, this will be a bad precedent. If it is not to be put to the House, it need not be discussed.

Shri Kamath (Madhya Pradesh): The hon. Member moved the amendment and it should be discussed. When an amendment is moved, the House is seized of it.