

is correct, it is not necessary for us to introduce any kind of clause in this Bill at all, because the Constitution itself lays down in article 102 that holders of offices of profit shall not be eligible for being Members of Parliament. If his contention is that they are holders of office of profit, they automatically come under article 102 of the Constitution. It has laid down this disqualification which this Parliament can neither amend nor enlarge. The only thing he can do is to act under article 103 which says that if any person who is a holder of an office of profit is a Member of Parliament, the matter may be referred to the President and the President shall after obtaining the opinion of the Election Commission, give his decision according to such opinion. To take a concrete case, suppose any particular prince—I think they call them princes—is elected to this House or to any Chamber of the State Legislature, all that is necessary to do, if my friend is correct, is to apply to the President saying that he is a disqualified person and so cannot take a seat in Parliament. Therefore, on his own argument it is unnecessary to introduce any clause for the purpose in this Bill. It is for him to say whether his contention that they are holders of offices of profit is correct or incorrect. On that subject I do not propose to express any opinion now.

Shri Sidhva: They get a sort of pension.

Dr. Ambedkar: There is vast difference between pension-holders and these cases.

Shri Hussain Imam (Bihar): What about Government pensioners? Are they holding offices of profit ?

Dr. Ambedkar: I do not wish to be dragged into this aspect of the matter. The point is very simple. The question is whether if they are holders of offices of profit, they are disqualified. If that be so, the disqualification is there under article 102. You have only to refer to the provisions of article 102 and get the person removed from Parliament.

Shri Raj Bahadur: It is a case for the lawyers again.

Dr. Ambedkar: Why not? The hon. Member is himself a lawyer. Why should he shut himself out?

Shri Shyamnandan Sahaya (Bihar): Cannot the matter be raised before the Election Commission ?

Dr. Ambedkar : It is unnecessary to go to that length; The remedy is very simple, as I have already explained.

Well, then. If my friend's contention is that the holding of an office of profit is not a good ground for disqualifying them, then the House in enacting a provision for disqualifying them, must, of course, have some justification. Referring, for instance, to the composition of the House of Commons it may be pointed out that the clergy of England are disqualified for being members of the House of Commons. Similarly a person holding a peerage which entitles him to sit in the House of Lords is a disqualification for being a Member of the House of Commons. Now, in both these cases there is ample justification why they are disqualified. If my friend were to study the history of the case, he will know that the clergy were disqualified by the Act of 1801 because it was felt that under the Protestant Revolution when the State became the head of the Church or when the Church and the State became one—what are called allow-sons—that is to say, churches where service is offered and payments made, these became a sort of gift in the hands of the State and consequently it was felt that churchmen and priests were holders of offices of profit and therefore they must be disqualified. With regard to members of the House of Lords being disqualified from being members of the House of Commons, there again the justification is quite obvious, namely that a person cannot be a member of two Houses. This is the principle which we have also embodied. Therefore the disqualification of these two classes of people, although it exists in England is founded on the two justifications which I have given. If my friend could suggest some justification other than the ground of office of profit, it would be open to consider whether such a justification is valid here,

Dr. Parmar (Himachal Pardesh): Can the Princes not be excluded on the ground that they are political pensioners ?

Dr. Ambedkar: I do not know why political pensions should be regarded a disqualification. Of course, as

hon. Members know, Dr. Johnson, the author of the first English Dictionary, defined a political pensioner as a slave of the Government. But he himself subsequently accepted a pension from Government. It is no use being too logical.

Dr. Parmar: Are political pensioners debarred from the House of Commons ?

Dr. Ambedkar : No, only Peers and lunatics, as they used to say in the days of the Reforms.

The third point raised in the Minutes of Dissent relates to the reservation of seats to the Scheduled Castes in double-member constituencies. This point is dealt with at considerable length by Mr. Sarangdhar Das and Mr. Rama Rao. It seems to me that this matter has already been concluded by the Representation of the People Act of 1950 which this House passed last year. A reference to section 6, sub-section (2), clause (d) of that Act would show that the House left this matter for the President to decide in an appropriate case. I therefore, do not think that we can do anything now, unless we go back and amend that Act.

Apart from that, I should like to draw the attention of the House to certain considerations which have prevailed upon the Government in making the sort of reservations which have been made. I think it necessary to draw a distinction between what may be called a reserved constituency and a constituency in which a seat is reserved. I think these are two very different things and the question that has to be considered is what was the intention, whether it was to adopt the system of a reserved constituency or a system of a constituency in which a seat is reserved. There again, it seems to me, if you refer to the intentions of the Constituent Assembly, the matter is more or less concluded. The first point is this. Our friends will remember—I shall refer to it presently that the Constituent Assembly passed a Resolution in favour of what is called distributive voting. Now, my submission is this. Would there have been any necessity to pass a Resolution regarding distributive voting unless it was the intention of the Constituent Assembly that the constituency should be one in which a seat is reserved ? If the intention was that it should

be a reserved constituency, no such question would have arisen, because the system of one man one vote would have applied. Secondly, although the Constitution does not expressly make any reference to this matter, the intention of the makers of the Constitution and of the Constituent Assembly appears to be clear by a reference to article 332, clause (5). My friend Mr. Chaliha must be very familiar with that article. The House will recall that a contention was raised whether a constituency should be reserved for the tribal area so that in that area only a tribal candidate would stand. On the other side the question was raised that if a constituency was so framed that only a tribal candidate could stand, the rest of the non-tribal people would be completely disfranchised. And that was not a desirable thing, the Assembly decided. Consequently in passing article 332(5) they made the special provision that if such a thing was to be done, then certain areas in which the non-tribal people were concentrated should be separated and given separate representation. I therefore concludes, from the fact that the Constituent Assembly supported distributive voting and from the fact that there is a provision in article 332, clause (5), that the intention of the Constituent Assembly was that the system to be ordinarily adopted is the system of a seat being reserved in a constituency. It was on this construction of these provisions that the Representation of the People Act, 1950, contained the provision which is embodied in section 6, sub-section (2), clause (d).

With regard to the question of distributive voting, there again both my friends Pandit Kunzru and Mr. Das have expatiated at considerable length in the vicious character of this system. As I said, it is quite open to argue that the cumulative system is better in that it enables minorities, social or political, to muster their strength and have their representative elected to the House. As I said just now, we have not got a clean slate to act upon. As my friend will remember this matter was discussed in the Constituent Assembly and a motion was moved by no less a person than the late Sardar Patel, in which he proposed that all special representation for all minorities, such as the Muslims,

Christians and so on, shall be abolished and that they shall be retained only for the scheduled castes and scheduled tribes, and wherever a seat is reserved in a constituency for these two classes the system of voting shall be distributive voting. That resolution was accepted by the Constituent Assembly. No doubt there was a certain amount of debate on that question but ultimately the decision of the Assembly was in favour of distributive voting. It seems to me that our Parliament must pay some special regard to the decisions of the Constituent Assembly, because, after all, it is from the Constituent Assembly that we have derived our power and authority. Certain decisions taken by the Constituent Assembly we have got in our Constitution, certain others which we could not embody in our Constitution remain outstanding. It does not mean that because we have not embodied those decisions in the Constitution we are not to pay any regard to them. Therefore it seems to me that whatever may be the view-point on the subject—I do not deny that there is some validity in the contention of the other side—I think personally that the matter must be regarded as concluded. It would of course be open to the House to take any step they like, if as a result of experience in the next or subsequent elections they find that the system is not a good one and ought to be substituted. But for the moment the decision of the Constituent Assembly must stand.

The fifth point raised is the declaration of the results. That is also raised by my Friend Mr. Sarangdhar Das. If I understand him correctly—he will correct me if I am wrong, for it is not quite clear to me—what he wants is that the results of the election should not be announced piecemeal, constituency by constituency, or province by province, but that all results should be announced on the same day. I take it that he has no objection to counting the votes piecemeal, constituency by constituency, and making the record of it complete. There is a difference between counting and announcing.....

Shri Gautam (Uttar Pradesh): Counting is done in the presence of the candidate.

Dr. Ambedkar: Yes, of course. Those provisions are there. The only question is as you finish your counting for the

constituency, will you publish the results in the Gazette or will you wait until all the counting has been done in all the constituencies and the result is announced in a consolidated form in one issue of the Gazette.

Seth Govind Das: What would be the use ? will it not be published in the various newspapers ? (*Interruption*)

Dr. Ambedkar: I want to understand his minute of dissent. His argument seems to me, and it is not unsound, is that people after all are carried away by what is called the herd instinct. If people had voted in one way in one constituency other people like to do so in their own constituency. It is a psychological point. He felt that if the result of the election in one constituency was announced, which was unfavourable to any particular party, then the other constituency also might say "Our neighbours have voted in one particular way and why make an experiment of voting in some other way. Let us vote in the same way."

Seth Govind Das: When the counting will take place in the presence of the candidate it would be known to all newspapers and how will you be able to withhold the result ?

Dr. Ambedkar : You cannot. As I said no electoral law can be either foolproof or knave-proof. All sorts of loopholes will remain.

Shri Sarangdhar Das (Orissa): I had put in the minute of dissent and I have also given an amendment, because there is a possibility of having the general election in some of the States, whereas other States are not ready with their electoral rolls and would like to have the elections sometime later. That is why I want that the results of the earlier elections should be held over until the later elections are over and all the results are announced simultaneously.

Dr. Ambedkar: I was only trying to understand him, because his minute deals with that in a few sentences. No doubt the matter will be considered, because there is something to be said for the point of view he has urged.

Mr. Deputy Speaker: It does not affect any individual election.

Dr. Ambedkar : It does not. I am only making a distinction between counting and announcing which is really the important thing.

Shri Naziruddin Ahmad (West Bengal): The counting will be public and the result will be known and published in the papers.

Dr. Ambedkar : As regards counting it is there in the rules. Then there is this ticklish question of the use of conveyances. The Bill does not permit the candidate to employ cars or other means of transport for conveying his voters but it does permit the voter himself, if he has got a car, to use it for the purpose of going to the polling booth and registering his vote.

Seth Govind Das: Can a voter hire a cart ?

Dr. Ambedkar : He may if he wants to pay, but our friends are rather worried over this. They say that it is perfectly possible for a candidate to circumvent this provision by putting a few pieces of money into the hands of the voter and say "You hire the car and I pay for your conveyance. Come and vote for me." Therefore they say this provision would be nugatory. I do not deny the possibility of such circumvention but the question we have to consider is whether this provision will be circumvented on such a large scale as altogether to nullify the provisions of this particular section. My reply is that it would not be so possible. That is my view. On the other hand, we have to take into consideration two other factors—I shall be very frank about it. We are making provision for our polling booths to be within two or three miles of each village. In that event perhaps it is not necessary to use a car at all. On the other hand, there is also the fact that there are many people who have got a right to vote, who are willing to vote, but who on account of their old age are not able to walk to the polling stations. There are many people who are lame or who have some kind of a physical disability which prevents them from going to the polling booths on their feet.

An hon. Member: Such as ladies.

Dr. Ambedkar: Well. I do not know. If you say ladies, yes,—women in India walk and therefore I am not concerned with them.

Dr. Deshmukh (Madhya Pradesh): What are our sisters in this House, ladies or women ?

Dr. Ambedkar: I shall leave it to them to answer.

Therefore, as I said, in determining this question we have to take into consideration these various factors. One is this that our polling booths will be much nearer than they used to be. Secondly, there may be a good many people who on account of their physical disability will not be able to go to the polls. Are you going to deny altogether any kind of physical aid by way of transport to such people to go and register their votes ?

Shri J. R. Kapoor (Uttar Pradesh): Make an exception in their case.

Dr. Ambedkar : As I said, I am not concluding the matter by expressing any dogmatic opinion. I am putting both sides of the question before the House. It is for the House to determine. Personally, I do not mind if transport is completely stopped; anybody who wants to vote may go on foot and vote. But we have got to consider this question that there are a large number of people who may not be in a position to go and we must make some kind of a provision for them.

Then I come to another point which is very important: obtaining of assistance from Government servants in the elections. That point is raised by Mr. Gokulbhai Bhatt and also, I believe by my friend Mr. Khandubhai Desai. I cannot help saying that this is a very important provision and in considering this the following points, I think, require attention. We must make a distinction between the right to vote and the right to take active part either in forming a political party or in helping an existing political party. So far as the right to vote is concerned, nobody in this country is denied that right; neither the government officers employed in the civil services nor the military personnel have any impediments placed in their way in the matter of exercising their right to vote. The only question that arises for consideration is this, whether they should be permitted to form an association of themselves for the purpose of starting a political party or

helping any particular political party. It seems to me that to allow the civil or military servants of the Government to take part in party politics is nothing short of sowing the seeds of subverting the Government. That point can never be forgotten, it seems to me. If our Secretariat servants were allowed to form a political organisation as against the existing Government that they wish to bring about, what would happen to the administration? Could they be expected to be loyal to a government which they intended to overthrow by their political activities? It seems to me the whole administration will come down to pieces. Secondly, it must be remembered—and I emphasise it because I find that it is not generally remembered as it ought to be—that whether the political party of the government, the Ministers and so on, is partial or impartial or whether they side on one side or the other is a matter of small moment. What is of importance is the impartiality of the administration. The administration, in my judgment, is far more important than government as such. And supposing the administration was permitted to associate itself with political parties, would the administration be impartial? Would they not favour those who work with them and disfavour those who do not work with them? What would happen to the administration? Therefore, I am very strongly opposed to the suggestion made by my friend. Mr. Khandubhai Desai or by Mr. Gokulbhai Bhatt that the administration should be permitted to take part in politics or to help any particular candidate by holding meetings for him, for canvassing, for collecting funds, and this, that or the other. I think it is absolutely subversive of civil and military government

Shri Bhatt (Bombay): That is not the idea behind my suggestion.

Shri Khandubhai Desai (Bombay): You were not replying to my minute regarding the activities of ordinary employees of Government in support of any candidate.

Dr. Ambedkar: I thought you were dealing with it generally, but if you were to move an amendment then the matter will be debated at a later date. I have plenty of material

on this subject and I think I shall be able to satisfy the House on this point.

Shri Bhatt: What I have suggested does not concern the officers and persons holding administrative posts but only the ordinary run of employees known as the officials.

Dr. Ambedkar: It is very difficult to make a distinction between मामूली कर्मचारी and बड़े कर्मचारी.

There is one other question and that is with regard to the use of symbols. The Select Committee has decided that religious and national symbols shall not be used. Our friend, Mr. Das, and then Mr. Man and Dr. Syama Prasad Mookerjee differ. Mr. Das is in favour of the provision but he wants to extend it. He said that there might be colourable imitations of the prohibited symbol and since they were only colourable and not actual it might be possible for members of the political party to get round this particular provision. Well, as I said. I do not know whether I can find any suitable words to prohibit colourable imitation. I have not as yet found any suitable expression to overcome that difficulty. Our friend, Mr. Man and Dr. Syama Prasad Mookerjee object to it. They say symbols should be permitted.—the Hindu Mahasabha should have its own flag to carry on the election campaign. I think that the provision in the Bill as reported by the Select Committee is a very sound one, because I think that elections ought to be conducted on issues which have nothing to do with, for instance, religion or culture. A political party should not be permitted to appeal to any emotion which is aroused by reason of something which has nothing to do with the daily affairs of the people.

Shri Kamath: What about political emotion ?

Dr. Ambedkar: Political emotion—enthusiasm—is all right, but I think that any emotion other than political emotion should not be permitted. Therefore, this is a good provision and the suggestions made are unacceptable to me,

Then I come to the last point in the Select Committee's Report which I know has caused a great deal of heart burning i.e. with regard to the return of election expenses—what

expenditure must be included in the return ? Mr. Goenka who has raised this matter in the course of his minute of dissent says that if the clause stands as at present, a political party will not be free or entitled to spend money on elections and he thinks that is a situation which ought not to be allowed. The political party should be permitted to spend money on elections, which a candidate—and this is the most important part—need not show in his return of election expenses. The last point that the candidate need not show is most important. It seems to me that his contention is founded on a misunderstanding of what is meant by election expenses. Since the Select Committee reported, I have myself gone a great deal into the cases which have been decided by the Election Tribunals in England over a long course of years and I would like to give to the House some of the results arrived at by the Election Tribunals in England. In considering this question, the first point that has to be borne in mind is that we are dealing with ‘election expenses’ and we have to understand very clearly what is meant by ‘election expenses’ of a candidate. Election expense means ‘expense incurred during a period beginning from the commencement of the election and ending with the conclusion of the election.’

Shri Kamath: Does commencement mean nomination or polling ?

Dr. Ambedkar : I am coming to that. It may be before that.

Therefore, we must bear this in mind—that the phrase ‘election expense’ has reference to a definite period, namely, the period commencing from the beginning of the election and the period ending with the conclusion of the election. Any expense incurred by anybody before the commencement of the election is not election expense.

Shri Kamath: What is the commencement—nomination or polling?

Dr. Ambedkar: I am coming to that. If you will let me proceed, I shall explain. I have spent some considerable time and taken considerable trouble over this, because I myself wanted to understand it.

Mr. Deputy Speaker: Is there any such restriction in the body of the Bill ?

Dr. Ambedkar: No such thing, but I am talking about the judicial interpretation of the phrase 'election expense'

Mr. Deputy Speaker: Does that mean 'all expenses in anticipation of the election ?'

Dr. Ambedkar: The emphasis is on the word 'election'. Election means an event which has a beginning and an end. Therefore, what I am saying is that we are only concerned with expenses incurred on an election which has a beginning and an end.

Shri Kamath: Everything has

Dr. Ambedkar: Some things probably have not. Some things are *sanatan*—they have no beginning and no end. But election is *not sanatan*. Having regard to this fact, any expenditure incurred before the commencement of the election, whether it is incurred by the candidate or whether it is incurred by the political party, does not come within the meaning of election expenses. A political party may be free to spend any amount of money before the election commences, because that would not be part of the election expenses. After the conclusion of the election, a political party or a candidate may do anything. A candidate, after he is elected, might invite people, subject of course to the food regulations, to a dinner in the Imperial Hotel. That is not part of the election expense. Therefore, barring these two things, a political party is free to incur any expenses. That is not barred by this clause.

Shri Sidhva: What about 'during elections ?'

Seth Govind Das : *rose*—

Dr. Ambedkar: Do not cross-examine me. Let me go on. If you have a complete idea of what I have to say, you will probably have no questions to ask at the end.

Now, I come to the point raised by my hon. friend Mr. Sidhva about the expenses during the event of elections. Let us examine the situation in a very concrete way, not theoretically. What happens when an election is on ? Two

things may happen. One is that there may be political meetings or political lectures.

Shri Sidhva: Also political pamphlets.

Dr. Ambedkar: I am coming to that separately. I am taking each case by itself. First let us consider political meetings and political lectures. I think everybody will agree that these political meetings and political lectures could be divided into two classes. Political meetings and political lectures may be intended for the advancement of the political principles of a particular party without reference to any particular candidate. The Conservative Party may come and say, "Well, we believe in property. We believe in freedom of industry and things of that sort," without any reference to any particular candidate. On the other hand, there may be political meetings and political lectures for the specific purpose of advancing the candidature of a particular individual. So far as judicial decisions are concerned, expenditure incurred on political meetings and political lectures which are not centred round the idea of promoting the candidature of any particular individual is not part of the election expenses. Therefore, a political party would be free to go to any constituency; organise meetings or a series of lectures; send lectures for the purpose of propagating its principles and faith, without mentioning names. On the other hand, as I said a meeting may be organised in which the intention is to win over the voters to the side of a particular candidate. Then obviously, it is part of the election expenses. I have now given you the line which should be drawn between expenses which are part of the election expenses and expenses which are not part of the election expenses.

Seth Govind Das: Very confusing.

Dr. Ambedkar: Yes, it is very confusing. You want a straight line, but you cannot have it.

Now take the other case—for instance the issue of books, pamphlets, posters and things of that sort. There again, you have got to make some sort of a distinction. Books, pamphlets, posters, etc. which are for the purpose of propagating the

principles of a party are not part of election expenses and need not be shown in the return by the candidate. On the other hand, if there is a book saying “20 points in favour of Mr. so and so—why he should be elected” or if a poster is put out giving the photograph of the candidate, giving below something in praise of him and recommending him to the electorate, obviously that is in furtherance and advancement of his election. Therefore, expenditure on that would be expenditure chargeable to the election and should be mentioned in the return of election expenses.

I am giving the results of the election petitions tried by the various tribunals in Great Britain. This is the distinction that they have drawn. Anything which does not promote or advance the election prospects of any particular candidate is not part of the election expenses and therefore free to be incurred by anybody, whether a political party, a philanthropist, friend or anyone who wishes to take interest in this matter. These are, as I said, the guiding principles which the various election tribunals in England have laid down for the purpose of determining what expenditure is chargeable as election returns and if our election tribunals follow the same rules, there is more than enough room for political parties to spend their money in furtherance of their political faith. If they do something for the special benefit of any particular candidate, then, of course, that becomes part of his election expenditure and must be shown in his return of election expenses. Sir, I think I have exhausted all the points which arise from the report of the Select Committee and the Minutes of Dissent that have been recorded by hon. Members.

Shri Satish Chandra (Uttar Pradesh): What about the duration of election ? What will determine the commencement and the conclusion of the election ?

Dr. Ambedkar: The courts have held that no doubt polling is one fact which is the other end of the election—the election has concluded.

With regard to the commencement of the election, courts have said that it is a question to be determined by fact.

Ordinarily, if there is nothing to the contrary, then the date of nomination would be the date of the commencement of the election. But they say it is perfectly possible for a candidate long before the election takes place to publicly announce that he is going to be a candidate. He may not only announce, but may incur some expenditure in order to steal a march over some other candidate. If that is so, then the date on which he has announced himself publicly as a candidate shall be the date of commencement of election in his case.

Dr. C. D. Pande (Uttar Pradesh): Then everybody will have his own date.

Dr. Ambedkar: I suppose so. Sir, that is all that I have to say.

Mr. Deputy Speaker: After the Minister's statement today nobody will announce his candidature openly.

Shri Sondhi (Punjab): There are some people who have already announced it in Delhi—what about them?

Dr. Ambedkar: I have nothing to add to what I have said and I commend the motion to the House.

Mr. Deputy Speaker: Motion moved:

“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 legal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, as reported by the Select Committee, be taken into consideration.”

I was the Chairman of the Select Committee on the Bill, and as such may I make a suggestion for the consideration of the House. There is no one single principle running through the whole Bill. There are various points dealt with in different clauses to which the Hon. Minister for Law referred. Therefore, to cut short the discussion on this Bill—if the House is agreeable—I will put the consideration motion to the House and then the real discussion will begin on the clauses.

Some hon. Members: No, no.

Shri Sidhva: I think it is a healthy suggestion that you have made.

Shri Gautam: It will be very difficult for the House to decide whether there is some connection between one clause and the other. If you introduce this, then the tyranny of the majority will start not today, but tomorrow. Therefore, as protector of the privileges of this House, and especially of the minorities, I would request you not to introduce this novel procedure.

Mr. Deputy Speaker: Let me not be misunderstood. I have nothing to say against the majority or the minority. I have only made an appeal to the House irrespective of the question of majority or minority.

Shri Kamath: It is very gratifying to hear Mr. Mohanlal Gautam talk of the interests of the minority.

Mr. Deputy Speaker: At any rate, I hope Members will bear my observation in mind and try to conclude before the end of the day.

Shri Gautam: I congratulate the Government for introducing the Bill, although after a long time. There is a general impression in the country and also outside created by the opponents of the Congress and other interested parties that the Congress does not want to hold the elections. I think the Government has got its difficulties; the Provincial Governments have got their problems. But I can assure you of one thing and that is that the Congress as a political party has never been in favour of delaying the elections.

We do not want to delay the elections because we are afraid of them. We want them to be completed as soon as possible. There are certain difficulties which have prevented
11 A.M. Government from holding the elections earlier. There is in some quarters a lurking suspicion that the elections might be delayed a little further. I, Sir, would request Government that the elections must be held according to the schedule in November-December as announced by the President in his address to this House and no further delay should be brooked.

***Shri Gautam:**Then I come to the last point that I want to raise and that is about illegal practices. Dr. Ambedkar has laboured very much to explain one point to us which as the interruptions of the House showed was not clear to many of us and that was with regard to the return of election expenses.....

Dr. Ambedkar: Not clear.

Shri Gautam: The clause reads as follows:

“The following shall be deemed to be illegal practices for the purposes of this Act:—

(1) The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, circular or publication.”

Mark the words, it is not publication only. If a man distributes the handbills of a candidate, it is circulation “or in any other way whatsoever” and this opens the door. I do not know to what extent and to what limit. The clause further reads:

“or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate.”

If I were a candidate, I think it will be impossible for me.....

An hon. Member: You are making an announcement.

**** Babu Ramnarayan Singh** (Bihar) (*English translation of the Hindi speech*): I thank you, Sir.....

Dr. Ambedkar: Speak in English.

Babu Ramnarayan: No. Sir, we are now a free nation. Why should we remind ourselves of our slavery by speaking in English? I will therefore express myself in Hindi.

I very much appreciated one of the observations made by Hon. Dr. Ambedkar. It was that the object of the laws that

*P. D., Vol. 11, Part II, 9th May 1951, p. 8375.

***Ibid.*, p. 8413.

are being made would be such as may ensure that no Government in the country may be able to corrupt the Members of Parliament. This is a welcome thing but some provision should also be there, and I think it is very essential to see that the Government should not be corrupt because if the Government are itself corrupt, they would corrupt the Members also. It will certainly happen. Therefore the aim should be that no opportunity be made available to corrupt them which, in other words, means that there should be no corrupt Government in the country at all.

*** Pandit Krishna Chandra Sharma :** These allegations are irrelevant in view of the fact that the other party is not here to explain the matter.

Mr. Deputy Speaker: It relates to Congress elections.

Dr. Ambedkar: The matter is now placed in the hands of the Election Commissioner under the Constitution. It is not in the hands of Government.

Mr. Deputy Speaker: The Election Commission has been made supreme and the Select Committee proceedings show that they have given further powers in respect of the notification of the dates and other things both for the general elections as well as the bye-elections. The Election Commission has been made more and more important.

Shri Kamath: He wants to support this salutary change.

Mr. Deputy Speaker: But we are not enquiring into the past. Let him come to this Bill.

**** Pandit Krishna Chandra Sharma :**Then I come to the question of election expenses. As Prof. Shah said, most of the expenses will be incurred either in propaganda and

*P.D. Vol. 11, Part II, 9th May 1951, p. 8415.

***Ibid.*, pp. 8460-61.

publicity or in carrying the voters to the booths. So far as propaganda and publicity are concerned they would be done by the party to which the candidate belongs. Situated as we are it is very difficult for an individual to stand on his own account: a candidate, I suppose must belong to one party or another and that party will in course of time evolve its own method of working. We might make mistakes in the beginning but just as other people have evolved precise methods of working we too are not likely to fall in devising proper methods of propaganda and publicity. But I do not agree with the Hon. Law Minister that expenses incurred on propaganda on a party basis would be a part of the election expenses incurred by the candidate...

The Minister of Law (Dr. Ambedkar): I did not say that—I said just the opposite.

Pandit Krishna Chandra Sharma: Then it is all right. The election expenses of a candidate must be confined to expenses incurred with regard to that candidate, which would be incurred mostly by himself, his agent or on his behalf by his friends. So, the question of the expenses coming to large sums, as Prof. Shah fears, will not arise because among other things, the polling booths will be easy of access to all the voters which will eliminate heavy expenses.....

***Dr. C. D. Pande (Uttar Pradesh):** Before I take up the provisions of this Bill. I should like to make a reference to the compliment that has been paid by Dr. Ambedkar to the Members of this House. He referred to them as chorus girls.

Dr. Ambedkar: I am sorry. I think it is quite wrong to say that I referred to the House. My observations were of a general character; they had nothing to do with the House at all.

Shri R. Velayudhan: It was not about the House.

Dr. C. D. Pande: If he did not mean that.....

Mr. Deputy Speaker: He did not want Members of the House to be mere chorus girls when they are elected.

Dr. C. D. Pande : It comes nearly to the same thing.

Dr. Ambedkar: Not at all. It refers to future Members.

Dr. C. D. Pande : Anyhow, when I heard that remark.....

Dr. Deshmukh: He has not discovered any of such characters here so far.

Dr. C. D. Pande: I felt with some Members of the House at least that that remark was not a happy one, and the remark if it was appropriate, let me extend the simile further. What he said was that the Members were chorus girls. If we are all chorus girls, then he is the matron of that establishment.

Shri Syamnandan Sahaya (Bihar): You may be one ; we are not.

Dr. C. D. Pande : He is the matron of that establishment.

Shri R. Velayudhan: Is it not an insinuation Sir?

Shri Rajagopalachari: If we talk again and again about chorus girls perhaps they may object too!

Mr. Deputy Speaker: As a matter of fact, some of the lady Members of this House expressed to me that I ought to have intervened and said that a reference ought not to be made to chorus girls. They are very touchy about these matters now-a-days.

Dr. Ambedkar : I apologise if they have taken it in offence. This is what I said : if we did not do certain things, then what might follow will be like that. I had not the slightest idea to refer to the Members of this House. I was referring to the result that will follow if certain precautions are not taken.

Babu Ramnarayan Singh (Bihar): You were right.

Dr. C. D. Pande: If he did not mean it, I leave it at that.

The main provisions of this Bill have been thoroughly discussed by previous speakers and I would touch only a few main points. To me, the most vital point is the use of the national flag in the election campaign in this country in which the Congress takes part wherein the use of the national flag could be avoided or should be avoided. The distinction between the national flag as accepted by Government and as used by the organisation is very slight and people are really confused.

It will be very difficult for the officers concerned to make a distinction whether a particular flag has got the Asoka Chakra or the Charkha on it.

Dr. Ambedkar: I think the two are perfectly distinguishable.

*** Dr. C. D. Pande :**Dr. Ambedkar said that he found no difficulty in filling the election expense returns because election expenses means expenses incurred for the election, that is, after the nomination. The question was put whether pre-nomination expenses were included there or not. He said it depends, because if you have announced your candidature from that date it will be incumbent upon you to fill it in the returns. I think it will be very very difficult and dangerous to give such wide ranges and to give new definitions for the election expenses and for the nomination expenses—to make that distinction between the two stages, that is, nomination expenses and election expenses.

Dr. Ambedkar: I did not make any such distinction.

Dr. C. D. Pande: You said that election expenses do not mean the expenses incurred before the nomination is valid, that is to say, the expenses up to the date of validation of the nomination should not be included. But so far as the terminology goes it includes all the expenses incurred on the election, whether before or after nomination.

Dr. Ram Subhag Singh (Bihar): Not before nomination.

Dr. C. D. Pande: Why not ?

Mr. Deputy Speaker : That is the judicial interpretation according to the Hon. Minister.

Dr. C. D. Pande : I myself have experience of filing election returns. There are expenses for instance of getting the voters list has to be included.

Dr. Ambedkar: That is right. But you do not want all the registers. All that is necessary is a certified entry. It will not cost you more than two pence.

Dr. C. D. Pande: What I want to make out is that the demarcation between nomination expenses and election expenses has not been observed so far, but it may be done in the future.

Mr. Deputy Speaker: Evidently the hon. Member is suggesting that there should be an explanation.

Dr. Ambedkar: All that he is suggesting is that there ought to be no such rule as presenting the election expense return and that a candidate should be able to spend any amount according to his capacity.

Dr. C. D. Pande: I do not wish to restrict the amount, it is a matter of practical difficulty when election returns are filed—whether pre-nomination expenses will be included or not, whether election expenses will be included or not, whether election expenses mean only the expenses incurred after nomination and up to the end of polling. If that is so this is a new meaning given to election expenses. That is what I want to say....

Then I want to suggest one thing and that is about withdrawal. You have said therein that nobody should be asked lawfully to withdraw from standing. So many dummy candidates are set up by parties and they are asked to withdraw. Either you say that this jargon has not got any meaning, or if it has a meaning it must be made clear and there should be no loopholes.

Mr. Deputy Speaker: The language seems to be quite clear.

Dr. Ambedkar: The Select Committee certainly did not find any difficulty in understanding it.

Dr. C. D. Pande : Clause 122 (1)(a) says “a person to stand or not to stand as, or to withdraw from being, a candidate at an election.”

Mr. Deputy Speaker: The earlier portion ought to be read along with that, namely, “Bribery that is to say, any gift, offer or promise by a candidate with the object of inducing” etc.

Dr. C. D. Pande: Suppose I suggest to a candidate that he should not stand for the Assembly because he has a better chance to be taken up in the Upper House. Does it amount to corrupt practice? It does as far as I read the provision.

Dr. Ambedkar: It does not come under sub-clause (1). You are offering him better and surer prospects.

Dr. C. D. Pande: Does it not come within this provision?

Dr. Ambedkar: You can go on doing your manipulations.

Dr. C. D. Pande: They are necessary and we should not be ashamed of them because a party cannot be run without them.

Pandit Thakur Das Bhargava (Punjab): I think it would come within the mischief of the clause.

Dr. C. D. Pande: I would very respectfully submit to Dr. Ambedkar that there are situations that have to be met in practical life and you cannot do away with the difficulties you find. We would have left this language as it is had we not the apprehension that in future all the elections will be questioned and in all the elections the basest material of human nature will come out to upset things and the courts and lawyers will conspire to do their best to undo what has been done by the franchise. To my mind, if a man secures the majority votes that is the highest tribunal for the final decision for his being elected.

Dr. Deshmukh: Lawyers will be available to conspire against that also.

Mr. Deputy Speaker: On the other hand, is there no danger of a proper candidate who is liked by the constituency being forced, by illegal gratifications offered, to withdraw his candidature after the nomination is filed?

Dr. C. D. Pande: But it remains to be decided whether a promise to set up that person for the Upper Chamber instead of the Assembly amounts to corrupt practice or not.

Hon. Members: No.

Dr. C. D. Pande: These words do not indicate that.

Mr. Deputy Speaker: I think these doubts may better be cleared when the clauses are discussed.

***Shri Raj Bahadur:**This brings me to my point and my minute of dissent that I have appended to the Report of the Select Committee. Yesterday, Dr. Ambedkar pointed out that a clause disqualifying the Rulers or all those persons who get some fixed allowances, salaries and pensions from the Consolidated Fund of India is not necessary at all. He invited our attention to the provisions of articles 102 and 103 and said that in case there is any Member against whom an objection is taken on this score, the remedy lies in appealing to the President. I would request the Hon. Minister to listen to me because he wanted me to give him the justification for asking him to include a clause to that effect.

Mr. Deputy Speaker: The hon. Member invites the attention of the Hon. Minister, particularly about the Princes, how far they hold offices of profit etc. The hon. Member wants to impress his arguments on the Hon. Minister.

Dr. Ambedkar: I am sorry, another hon. Member was asking some questions about this.

Shri J. R. Kapoor: Are all pensioners in India disqualified ?

Shri Raj Bahadur: There are amendments to that effect also.

Therefore, to sum up my objection is that these are a privileged class and they should be ineligible to contest the elections. My objection does not proceed on mere legal or constitutional grounds. It is much more fundamental. I am not at all for a moment afraid of their entering the election contest with any of us in Part B States. So far as we are concerned we should like the common man to rub shoulders with the highest. But the position is that when they come into the election contest we will have to say things.....

Mr. Deputy Speaker: If he holds an office of profit under article 102 he is disqualified for being chosen.