

Mr. Deputy Speaker: If the Chapters have a continuing number and if the Parts also are there it will lead to confusion. We will not know to which particular part it relates.

Shri Naziruddin Ahmad: But that is the practice in all Acts.

Mr. Deputy Speaker: But when the Constitution has set up a new practice, after the Constitution, that is our Bible.

Shri Naziruddin Ahmad: Not in all respects. We are going to change it very soon!

Mr. Deputy Speaker: Very good. Then this will also be changed ! Is it necessary for the hon. Member to press this ?

Shri Naziruddin Ahmad: No. Sir.

Mr. Deputy Speaker: The next amendment is No. 222 which says:

In sub-clause (1) of clause 10 for the words "the Council of States", in line two substitute the words "the first Council of States".

The hon. Member will kindly explain what this amendment is. Or, is he not pressing it ?

Shri Naziruddin Ahmad : I do not know where I am. The House is proceeding so fast that even an acrobat will not be able to follow. I will have to look into the matter.

Mr. Deputy Speaker: The brake is always there at that end !

Shri Naziruddin Ahmad: Could we not adjourn till tomorrow ? We have made very quick progress.

Mr. Deputy Speaker: This must be easy. The hon. Member will take his own time. There is no hurry. In 222 he wants for the words "the Council of States" the words "the first Council of States". Is it because he thinks there is no provision here for rotation ?

Shri Naziruddin Ahmad: Yes, Sir.

Dr. Ambedkar: Rotation is there in sub-clause (2).

Shri Naziruddin Ahmad: I have now got my bearings ! The introduction of the word “first” was suggested to me from a sample which is to be found in clause 11 in the second line—“For the purpose of the first constitution”.

Mr. Deputy Speaker: That is in respect of electoral colleges for Part C States. That relates only to a portion.

Dr. Ambedkar: They have no connection at all.

Shri Sidhva: He is puzzled.

Shri Naziruddin Ahmad: Not that they are connected, but as a sample of very good draftsmanship.

Mr. Deputy Speaker: The hon. Member must be satisfied with some bad drafting!

Shri Naziruddin Ahmad: We are already accustomed to it.

Mr. Deputy Speaker: But there does not seem to be any need for this change. So amendment No. 222 is not moved.

I take it that amendment No. 224 is going to be moved. What about 225 ?

Dr. Ambedkar: I have no objection. It can be moved.

Mr. Deputy Speaker: What about No. 228 ?

Shri Naziruddin Ahmad: I shall move that.

Mr. Deputy Speaker: No. 229 is going to be carried out. Then we come to No. 231.

Shri Naziruddin Ahmad : It is a substantive amendment and I will move it.

Mr. Deputy Speaker: Amendment No. 224. The hon. Member is absent. Shall I allow this to stand over ? What is the attitude of the Hon. Minister to this amendment which the hon. Member was discussing with him ?

Dr. Ambedkar: I do not think it is necessary to have that amendment.

Amendment made:

In part (a) of sub-clause (1) of clause 10, for the words “orders thereunder” substitute the words “orders made thereunder”.

—[*Shri Naziruddin Ahmad*]

Mr. Deputy Speaker: Then we come to amendment No. 231 standing in the name of Mr. Naziruddin Ahmad.

Shri J. R. Kapoor: That amendment is out of order, it cannot be moved as it is.

Mr. Deputy Speaker: Let me see.

Shri J. R. Kapoor: May I refer you to Article 80 of the Constitution, sub-clause 4, according to which only the elected members of any Assembly can elect members to the Council of States ?

Dr. Ambedkar: There is provision for certain nominations for Anglo-Indians.

Shri J. R. Kapoor: There may be nominated members but they have no right to participate in the election. There is article 30(4) according to which only the elected Members of any Legislative Assembly can participate in the election of the Members to the Council of States.

Mr. Deputy Speaker: I am afraid this is out of order.

Shri Naziruddin Ahmad : My amendment is out of order ; not I.

Mr. Deputy Speaker: All right, the amendment is out of order, not allowed to be moved

Shri J. R. Kapoor: But, we have come to identify the hon. Member with his amendment.

Mr. Deputy Speaker: The question is :

“That clause 10, as amended, stand part of the Bill.”

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11.—(*Notification for constitution of electoral colleges*).

Mr. Deputy Speaker: Amendment No. 238. I think this will be taken notice of by the draftsmen. Amendment No. 239. I think it is a printer's mistake. It will be corrected by the draftsmen.

Shri J. R. Kapoor: It has already been corrected by the corrigenda.

Mr. Deputy Speaker: There is nothing in the correction slip. Why should this be out to the House? It is a Printer's mistake. I will ask the office to note it and the Hon. Minister may also note it down so that it may be useful for reference later.

Dr. Ambedkar: There is no corrigenda on the subject. It may therefore be better to accept the amendment.

Shri Santhanam: It is only a printer's mistake.

Mr. Deputy Speaker: Instead of 'this', it has been printed as 'his'. That was not the intention of the framers of the Bill. It is only a printer's mistake. Tomorrow, a spelling mistake may occur in the Gazette. I shall in the end formally say that all such formal corrections may be carried out. I am not satisfied that I should bring it to the notice of the House. Once again, a spelling mistake may be committed in the final draft. However, to avoid any difficulty, I will put it to the House. The question is:

In clause 11, for the words "in his behalf" substitute the words "in this behalf".

The motion was adopted.

Mr. Deputy Speaker: Amendment No. 240.

Shri Naziruddin Ahmad: That is necessary.

Dr. Ambedkar: Singular includes plural. This amendment is not necessary.

Mr. Deputy Speaker: Yes, singular includes plural. The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12.—(*Elections to the House of the People*).

Mr. Deputy Speaker: No amendment is being moved to clause 12.

Shri Naziruddin Ahmad : I suggest amendment No. 246 may be considered.

Mr. Deputy Speaker: But the Member who has proposed it does not want to move it now. What is the particular importance of it ? It says :

In sub-clause (2) of clause 12, omit the words “in order that a new House of the People may be constituted”.

Shri Naziruddin Ahmad : We should supply the machinery only, we need not give the purpose behind it.

Dr. Ambedkar: These words do not do any harm.

Mr. Deputy Speaker : I do not give permission to the hon. Member to move this amendment. It is not necessary.

Dr. Deshmukh: Sir. I want to say some thing ?

Mr. Deputy Speaker: The hon. Member is always late. What does he want to say now ?

Dr. Deshmukh : Sir, I have given notice of an amendment to clause 15, but I find that at this stage it is relevant. There should be some provision, somewhere to say that the first general elections both for Parliament and for the State Legislatures should be held simultaneously, on one and the same day.

Mr. Deputy Speaker : That is going to be the case, to save expenditure. Subsequently there may be bye elections at different times, because some Houses may be dissolved before others and so on. I do not think such an amendment is necessary.

The question is:

“That clause 12 stand part of the Bill”.

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

*** Mr. Deputy Speaker:** Let us hear the Hon. Minister.

Ch. Ranbir Singh (Punjab): Sir, so far nobody has spoken in support of the amendment and everybody, who has spoken so far, except Pandit Thakur Das Bhargava, has opposed the amendment. I would request you to give a chance to somebody who is likely to support the amendment.

Shri Syamnandan Sahaya (Bihar): Are you supporting the amendment?

Ch. Ranbir Singh: Yes ; I stand to support the amendment.

Mr. Deputy Speaker: The Hon. Minister would like to intervene. Let us hear the Hon. Minister.

The Minister of Law (Dr. Ambedkar): Yes, I should like to make a few observations.

The object underlying this amendment is, no doubt, very laudable. I do not think that looking at the mere motive and the objective, there could be much objection to the amendment. But, added to the motive, there are certain other provisions contained in this amendment which are intended to give the motive and the object its proper effect. It is from that point of view that I find it difficult to accept the amendment.

The amendment empowers the President to carry out the objects mentioned in this new amendment. No doubt, the Mover of the amendment thinks that the amendment has no political complexion. I should have thought that the introduction of the President in this business is enough to give a political colour to it for the simple reason that although the President, as an individual, as the Head of the State, may be above all parties and party considerations, there is no doubt at all that in giving effect to this particular amendment, the President as usual will have to act upon the advice of the Ministry. No one can have any doubt that the Ministry is a political institution of the day. It is therefore very difficult.....

Shri Kamath: This is an all-parties Ministry.

Dr. Ambedkar: That is a different thing. It is therefore very difficult to be sure in the interests of fair elections that nothing will be introduced in the text of the Message which may not be objected to by some political party. I submit, therefore, that it would be wrong to bring in the President in the political arena charged with emotion and bitter feelings as it is likely to be in the course of the elections.

Another thing I find is that the amendment speaks of the purposes being carried out by a prescribed authority. There is no mention in this amendment as to what is to be this prescribed authority, or who is to prescribe this particular authority. Again, if the prescribed authority is to be the State Governments in the various parts of India or the administrative agents who are working under the State Governments, there again, we are introducing a very dangerous political instrument in a proposition which, apart from all other things, is, no doubt, as I said, very laudable. Again, the requirement that it shall be read in every village, and every *mohalla* seems to me to demand too much from the administrative machinery. What is to happen if the Message is not read in some villages and in some *mohallas*? Is the election to be held over until that requirement is satisfied? There is no mention about it in the whole of this amendment. Therefore, from political and administrative points of view, I think the amendment is a very impracticable one.

However, there is I think, another aspect of the matter which might be taken into consideration in determining one's view as to whether this amendment is to be accepted or not accepted. Supposing there was no such amendment as suggested by my friend, is it not possible to suppose that the purpose of this amendment will be given effect to by the various political parties themselves? I am sure about it that every party will cherish the underlying object and therefore, I cannot see what can prevent all the political parties and each one of them, trying to issue some kind of a message as is mentioned in the opening part of this amendment, that there is our Constitution which has got a Preamble and we

are supposed to give effect to the Preamble and to the Fundamental Rights and the Directive Principles. So let each one of us try our level best to select the proper candidates in order to give effect to the Fundamental Rights and the Directive Principles and the Preamble to the Constitution. I therefore submit that even if such an amendment were not to be carried—and I think it cannot be carried by reason of the administrative difficulties I have referred to—the purpose of it would undoubtedly be given effect to by the various political parties. I therefore suggest that rather than accept this amendment I would leave the matter to the various political parties to give effect to it in the best way they think it can be done.

Shri Kamath : Is the Hon. Minister not in favour of every political party making free use of the radio ?

Dr. Ambedkar: I think that is a matter which really requires to be considered. I have paid some attention to this question of the radio, both in England and in Australia. When the question is raised at the appropriate stage. I shall be glad to make such observations as I can profitably make for the House.

Mr. Deputy Speaker: Is it necessary to pursue this matter after what the Hon. Minister has just now stated ?

Clause 14 to 16 were added to the Bill

Clause 17.—*(Definition)*

***Shri Naziruddin Ahmad** (West Bengal): The point is we have two Councils. In order to prevent confusion we should call the State Council as Legislative Council as we call the Upper House as Council of States.

Dr. Ambedkar: I do not accept it. All these terms are defined in the Representation of the People Act.

Shri Naziruddin Ahmad: Then I do not press the amendment.

Mr. Deputy Speaker: The question is :

“That clause 17 stand part of the Bill.”

Clause 17 was added to the Bill.

Clause 18.—(*Returning Officer for each Constituency*)

Sardar Hukam Singh (Punjab): I beg to move.

In clause 18, for “who shall be such officer of Government as” substitute “whom”.

* **Dr. Ambedkar:** It is difficult to accept this amendment. I agree with my friend Sardar Hukam Singh that we might to some extent depend upon non-official agency. Certainly our election would be much quicker if we can expand the staff under the Election Commissioner by drawing upon people who are not in the administrative service of the Government. But at the same time we have to recognise that all the Governments and bodies whom the Government of India had consulted in this matter have insisted that the machinery should be entirely official. That being so I am afraid it is not possible to accept the amendment.

****Shri J. R. Kapoor:** I beg to move:

In the proviso to sub-clause (2) of clause 20, at the end, add :

“In which case the seniormost Government servant among the Assistant Returning Officers shall perform the said functions.”

Mr. Deputy Speaker: Who is to decide as to who is the seniormost ?

Shri J. R. Kapoor: The answer is very simple. There is a civil list which gives the seniority of officers.

Mr. Deputy Speaker: But if they are from different Departments ?

Shri J. R. Kapoor : If the point is that my suggestion does not solve difficulty, we can find out some method by which

*P. D. Vol. 12, Part II, 15th May 1951, p. 8765.

****Ibid.,** pp. 8774-75.

it could be specifically laid down as to which one of the Assistant Returning Officers should perform the functions. If there is any difficulty in accepting my amendment in the present form, this might be kept in mind in forming rules. My object is that nothing should be left to uncertainty.

Dr. Ambedkar: I do not accept this amendment. It should be remembered that we are dealing with three functions; acceptance of nomination paper, scrutiny of nomination papers and the counting of votes in certain contingencies. It does not seem to me that any of these functions are of such a special character as to require an officer of such a type that in him only we can put confidence and in no other. Unless my friend is able to satisfy me that these functions are such that they require some kind of a special character or confidence in the officer, I do not see why one assistant Returning Officer should not perform these functions in the same manner as any other.

Shri J. R. Kapoor: That is the presumption in the proviso.

Dr. Ambedkar: The idea of my hon. friend is to grade officers ; the seniormost, the next seniormost, the juniormost, etc. I do not understand why this should be done unless the functions are of such a character that we must be sure that the man in whom we can lodge the highest confidence is the man who should perform it. And it might create administrative difficulties as well.

Mr. Deputy Speaker: I think there is one point in the amendment. The Election Commission may appoint one or more Assistant Returning Officers to assist the Returning Officer. Let us assume that two persons are appointed and suddenly the Returning Officer stays away without leaving any instructions. There are two persons on the spot. Which of them is to Act ?

Dr. Ambedkar: Any one of them may

Mr. Deputy Speaker: Suppose each one thinks it is the duty of the other man. What happens ?

Dr. Ambedkar: Suppose there are two Benches. Whichever Bench is there, the Registrar of the High Court puts the case before the Bench and the Bench hears it. One may go to one and another to the other.

Pandit Munishwar Datt Upadhyay: One may pass one order and another may pass another order.

Mr. Deputy Speaker: How can that be ?

***Shri Raj Bahadur (Rajasthan):** That word 'unavoidably' is very important. In my humble opinion, the amendment that has been moved by Mr. Kapoor is not worthy of acceptance, in so far as it is specifically provided that no assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions. The Returning Officer has got to supervise and control in the discharge of that function. He can nominate one of his Assistants to perform a particular job. It is perfectly within his competence as a Returning Officer and in the exercise of his control to select one out of so many of his assistants to do a particular job. Where there is a difficulty, he can appoint one of them.

Shri P. Basi Reddi: How could he authorise ? Suppose by accident he is prevented on the way, what will happen ?

Dr. Ambedkar : I am afraid that a large number of bogeys are being raised in order to press a point to which some people seem to be quite attached. The position is this and I think lawyer Members would understand what I am saying.

Shri Sidhva: Quite the contrary.

Dr. Ambedkar: We know in law the distinction between what is called 'court' and what is called *persona designata*. In certain cases although a person may be a member of the court or forming a court for certain other purposes, he is specifically designated, so that he himself must perform the functions and he is not a 'court'. The same principle

underlines this. The Returning Officer—whoever is appointed becomes a *persona designata*—must perform personally those functions. Then the proviso says that although he is a *persona designata* and must perform some of the functions mentioned in the proviso, in certain circumstances, namely, those mentioned in the last sentence of the proviso, the other persons who are working under him, that is, the Assistant Returning Officers shall become *persona designata* and step into his shoes. That is what it means.

Pandit Manishwar Datt Upadhyay : Which of them ?

Dr. Ambedkar: Any of them may step into his shoes. I do not understand it but my hon. friend Mr. Santhanam said that at the most there might be one. Well we will take the other contingency that there are two. Supposing if two are sitting, both of them are *persona designata*. Any one can go to A or to B and both of them can discharge the functions of a Returning Officer.

Pandit Thakur Das Bhargava: The difficulty will arise about scrutiny of the nomination papers by each Assistant Returning Officer acting as Returning Officer.

Dr. Ambedkar: I am sorry and I want to draw attention to the fact that rather inadvertently I accepted Mr. Naziruddin Ahmad's amendment for substituting the word 'functions' for the word 'function' I think that is not correct. The original word is singular, that is, 'function' is the correct one and that is where the difficulty has arisen because he may be absent on the day of nomination. The Returning Officer may be present on the day of scrutiny and so the scrutiny will be done by him.

Mr. Deputy Speaker: This can be corrected only in the third reading by amendment.

Dr. Ambedkar: I want to draw attention to the fact that because an Assistant Returning Officer accepts the nomination papers he must also perform the function of scrutiny and he must also perform the function of counting. That is not so.

Shri Hanumanthaiya: The difficulty is about the words “unavoidably prevented” and that may be a subject for interpretation in a court of law.

Dr. Ambedkar: What is the other word that you will supply?

Shri Hanumanthaiya: I will suggest a solution. Instead of the words ‘unavoidably prevented’ let the word ‘absent’ be used. Then there will be no controversy.

Dr. Ambedkar: I do not want him to be absent. That is my point. Once he is appointed to perform the duty and especially when he is regarded as a *persona designata* it should be obligatory upon him that notwithstanding other functions, he must attend to this function first.

Shri Hanumanthaiya: Then it can easily be answered in a court of law. ‘Unavoidably prevented’ is a matter of proof.

Dr. Ambedkar: It may be a matter of proof.

Shri P. Basi Reddi: Why not give previous authorisation to one of the Returning Officers ?

Mr. Deputy Speaker: He has answered that point. This argument is getting endless. If he was not really unavoidably prevented and if it is only a question between the Returning Officer and the Assistant Returning Officer, it does not matter. The point is that the election may be called in question. Is there any possibility to rectify this?

Dr. Ambedkar: I think that is a matter between the Election Commissioner and the Returning Officer so far as I can interpret it.

Shri T. T. Krishnamachari (Madras): In sub-clause (2) the words are: “Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all the functions etc.” So this is the only limitation.

Dr. Ambedkar: The last portion is not the enacting portion; the earlier portion is the enacting portion. The Election Commission may take the Returning Officer to task if it came to know that he absented himself without any unavoidable reason.

Shri Hanumanthaiya: As the Deputy Speaker pointed out, it may be between the Returning Officer and the Assistant Returning Officer but what about the candidates in the election ?

Dr. Ambedkar: It is quite enough for the candidate to prove that the Returning Officer was absent. Whether he was absent for any unavoidable reason or not is a matter to be regulated by the Election Commissioner.

Pandit Thakur Das Bhargava: It has to be proved whether he was unavoidably prevented or not.

Shri Raj Bahadur: May I put a question to Mr. Hanumanthaiya ? Who will decide whether the absence was unavoidable or not; Election commissioner or the officer concerned ? The Election Commissioner knows whether he was unavoidably absent or not.

Pandit Thakur Das Bhargava: The Tribunal shall have to decide if he was unavoidably prevented.

Shri Shiv Charan lal (Uttar Pradesh): I think it will be all right if only one line is added, that if there are more than one Assistant Returning Officer, the Returning Officer shall nominate one of them as the seniormost one.

Mr. Deputy Speaker: That has already been said. That is Mr. Kapoor's amendment. Now, I shall put Mr. Kapoor's amendment to the House.

Shri Hanumanthaiya: I want to make a motion...

Mr. Deputy Speaker: That we will come to later.

Shri Hanumanthaiya : With respect to this clause I make a definite motion that this clause may be taken up later for consideration.

Mr. Deputy Speaker: The question is:

“That further consideration of clause 20 be postponed.”

The motion was negatived.

***Shri Barman :** Let me make the position clear, from my personal experience. In my constituency, two districts are tagged together and the Divisional Commissioner is the Returning Officer. We have all along been submitting our nomination papers to the personal assistant. This has gone so for a very long time.

Dr. Ambedkar : If I Understand the hon. Member correctly, what the amendment means is this. In the Proviso as it stands, three functions can be performed by the Returning Officer, or the Assistant Returning Officer in the absence of the Returning Officer. They are : acceptance of nomination paper, scrutiny of nominations and the counting of votes. What my hon. friend wants by his amendment is that only two functions may be performed, that is scrutiny of nominations and counting of votes.

Mr. Deputy Speaker : The wording is, shall not perform these two unless the other is unavoidably absent.

Dr. Ambedkar : There is no such thing in amendment No. 284.

Shri Barman : I want elimination of that clause only.

Dr. Ambedkar : That is the sub-clause relating to acceptance of nomination paper and the rest will remain ?

Shri Santhanam : Both the Returning Officer and the other Assistant Returning Officer will be *persona designata*. That will be the result.

Shri Barman : So far as scrutiny and counting of votes are concerned, they are important and they should remain with the Returning Officer. In case he is unavoidably absent, some other Assistant Returning Officer may do them.

Dr. Ambedkar : There is a vast difference between the two sides.

Shri Barman : But, so far as acceptance of nomination paper is concerned, my submission is this. This filing of nomination papers goes on for days together. If the Returning

Officer alone is authorised to accept them, then he will have to be present all the 24 hours in the station. That is not always possible.

An hon. Member : It is only from eleven to three.

Shri Barman : But, it goes on all the days. Even the assistant receives the nomination papers. He will only have to scrutinise whether the nomination paper tallies with the voters' list, and whether the deposit has been made. Scrutiny is done by the Returning Officer on a fixed date.

Dr. Ambedkar : I do not understand why my friend is objecting to the acceptance of the nomination paper by a highly important officer such as the Assistant Returning Officer and prefers to lodge the paper with an assistant.

Shri Santhanam : The point is that the Assistant Returning Officer should be able to accept the nomination paper at any time without reference to the Returning Officer.

Mr. Deputy Speaker : The proviso says that the Returning Officer alone shall perform these functions. Three categories of functions are taken away from the Assistant Returning Officers. Normally, all the functions which a Returning Officer can discharge, can also be discharged by the Assistant Returning Officers. The earlier portion of the proviso says that these following three functions shall not be discharged by the Assistant Returning Officers except under an extraordinary circumstance, namely, that the Returning Officer is unavoidably prevented from performing the said function. Out of these three categories, he wants to remove one category. That means, that it is only in the case of scrutiny and counting of votes that the Assistant Returning Officers shall be prevented from discharging them unless the Returning Officer is unavoidably prevented. With respect to the acceptance, even if the Returning Officer is there, the Assistant Returning Officer may receive. Or, if he is not there, his unavoidably being prevented from performing the said function does not arise. Let us assume that he is not unavoidably prevented. He may come in at any time. The Assistant Returning Officer may receive. There is no harm. With respect to scrutiny and

counting of votes, he must be satisfied that the Returning Officer is unavoidably prevented. Let not the Assistant Returning Officer but in and exercise the functions of the Returning Officer which are of a more onerous nature. For receiving nomination papers, simultaneously he can receive. Suppose the Collector is the Returning Officer. The Deputy Collector who may be the Assistant Returning Officer will say, the collector is there and he will receive. That would normally happen. This appears to be reasonable. I leave it to the Hon. Minister.

12-00 NOON

Dr. Ambedkar : No change in the proviso is necessary. As we know, a lot of *gol-mal* takes place.

Shri Bharati : We would like to know what acceptance means really. Does it mean merely receiving the nomination or the final acceptance of it, which implies final rejection also in some cases ?

Mr. Deputy Speaker : It merely means scrutiny immediately at the first stage and receiving it. It is not the final acceptance.

Clause 22.—(General duty of the Returning Officer)*

Shri Naziruddin Ahmad : I beg to move :

In clause 22, for “It shall be the general duty” substitute “It shall be the duty”.

Mr. Deputy Speaker : There is a presiding officer at a polling station and it is the special duty of the polling officer to receive papers. Likewise those are special duties. It is the general duty of the Returning Officer to arrange for these.

Shri Naziruddin Ahmad : If we say “It shall be the duty” of the officer, it will be general duty.

Dr. Ambedkar : I do not think that any harm can arise by the retention of the word ‘general’. I have examined the matter and have seen that this clause is an exact verbatim reproduction of the English law. That also contains ‘general’.

Mr. Deputy Speaker : The question is :

In clause 22, for "It shall be the general duty" substitute "It shall be the duty".

The motion was negatived.

Mr. Deputy Speaker : The question is :

"That clause 22 stand part of the Bill".

The motion was adopted.

Clause 22 was added to the Bill.

Clause 23.—(*Provision of polling Stations etc.*)

Shri Venkatraman : As regards amendment No. 294 in the Consolidated List, I thought the Hon. Minister might say that he would include it in the rules.

Dr. Ambedkar : Such a provision will be made in the rules.

Shri Venkataraman : Then I do not move it.

Dr. Ambedkar : As regards amendment No. 295 of the Consolidated list, this also will be considered in the framing of rules.

Shri J. R. Kapoor : With regard to the second part of my amendment No. 293 of the Consolidated List, I understand that Law Minister is prepared to incorporate such a thing in the rules in which case I will not move the amendment.

Dr. Ambedkar : Yes.

Mr. Deputy Speaker : I will now put the clause to the House.

***Shri Shiv Charan Lal :** What I submit is this. If the Government is going to be very strict about any sort or conveyance being prohibited, the distance should be shortened. The polling stations should be more in number.

Dr. Ambedkar : Five points have been raised and I have been asked to make a statement on each one of them. The

first point is, the number of polling stations. I have been asked to say whether the Government would so arrange the polling stations that not more than a certain number of voters would be clustered or fixed for a particular station. It is very difficult for me to commit to any particular figure. But, I can say this that the Government will undertake to fix the number of polling stations on such a scale that from the point of view of the capacity of a polling station to put through a certain number of voters and from the point of view of distance, the polling stations would be so arranged in their numbers that no voter who is willing to vote and present himself to the officer for voting will have to go disappointed either on account of distance or on account of over-crowding.

The second question that has been raised is the fixation of the polling stations. I have been asked to say whether the authority of the election Commissioner in this matter would be final or whether there would be an opportunity for the persons interested to make representations to the Election Commissioner. It is quite obvious that persons, either voters or candidates, might be interested in having a particular polling station fixed at a particular place from the point of view that that suits them or gives them an advantage over certain other candidates. Obviously, no candidate or no voter could be allowed to have the final say in this matter. The ultimate authority must remain with the Election Commissioner. But, I am prepared to say this that arrangements would be made whereby before the election Commissioner finally fixes the polling stations, he will either invite representation or consult the people concerned in the matter before he makes his final decision.

Then I come to three other points which relate to the conduct of elections. One is the despatch of a voting card by Government to each voter. The second is the despatch on account of Government of an election manifesto of a prescribed length to each voter and the third is the supply of electoral rolls on a concessional basis. The House will realise that it is very difficult for me to commit the Government on this matter, by giving a definite opinion or assurance, for it involves finance. But speaking not as a member of the

government, but as a Member of the House. I have great sympathy with the first two proposals, namely, the despatch of the voting card and the despatch of an election manifesto. With regard to the supply of the electoral roll, it seems to me that if Government were to undertake the despatching of a voting card to such individual voter, the necessity for the supply of electoral rolls on a concessional rate or more copies than one, does not appear to me to be urgent. After all what a candidate does after putting the electoral roll is to come into contact with the voter and tell him his number and also the polling booth at which the elections will take place.

Dr. Deshmukh : What about the canvassers ?

Dr. Ambedkar : Well, I do not know whether any particular candidate will be so lucky and fortunate as to have the means to employ such a large number of canvassers as to put the candidate actually in touch with each voter. It seems to me quite an impossible task. The candidate must rely upon his own individual personality and depend on how far he is known to the public, and if he is already not known, do something by which he becomes notorious in the district so that everybody may know him (*an Hon. Member :* Notorious ?) Famous or notorious, whatever it may be.

I can quite understand that each candidate must have at least one set. Without that he cannot manage and that must not be prohibitive in price. Although I said that it involves financial consideration and I could give no assurance without consulting Government on this matter, I feel that the task of undertaking this responsibility has considerably eased on account of the suggestion made by Mr. Kapoor that there should be no great objection for distributing the cost between the Government and the candidate. I think that is a very reasonable and feasible proposal and I can assure the House that I will put this matter before Government and ask them to come to their own conclusions.

Dr. Deshmukh : Will this decision be announced during the course of the passage of this Bill ?

Dr. Ambedkar : Well, before you stand for election I will announce it.

Mr. Deputy Speaker : Order, order. I take serious objection to the Members moving about like this. A certain degree of decorum has to be maintained here.

The question is

“That, clause 23 stand part of the Bill.”

The motion was adopted.

Clause 23 was added to the Bill.

Mr. Deputy Speaker : And the new clause 23A is not moved. Is there time to take up clause 24 ?

Hon. Members : No, Sir.

The House then adjourned till Half Past Eight of the clock on Wednesday, the 16th May, 1951.

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

***Clause 24.**—(*Presiding officer for polling stations*)

Mr. Speaker : Amendment moved :

In sub-clause (1) of clause 24, for the words “in or about the election” substitute the words “in the election in question”.

The Minister of Law (Dr. Ambedkar) : I do not accept it.

Mr. Speaker : Shall I put to vote both the amendments Nos. 299 and 300 ?

Shri Naziruddin Ahmad : I should like amendment No 299 alone to be put to vote. If that is rejected, amendment No. 300 does not arise.

Shri T. T. Krishnamachari (Madras) : May I ask the Hon. Law Minister to explain what he means by the words ‘about the election’ in the amendment ?

Dr. Ambedkar : The answer is simple. The word ‘election’ may be used in a narrower sense, that is to say the act of election, when polling takes place. On the other hand an election may have a larger context, of other acts relating to an election, that is to say other than polling. This is the reason why the words are there. They are exactly the words from the English statutes.

Prof. Ranga (Madras) : May I ask for an elucidation ? There are a lot of people who are Presidents and Vice-Presidents of Local Boards and also Ministers and Deputy Ministers. They have a number of these subordinates in the constituencies in which they stand as candidates. Would it be open to a Returning Officer to appoint such of the employees who are directly under their control as Polling Officers according to this provision ?

Dr. Ambedkar : I do not think any difficulty arises so far as this particular clause is concerned. All that it says is that any person who is employed by the candidate in or about the

election shall not be appointed as polling officer. If there is a servant of the District Local Board or the Municipal Board who is not so employed, he is free to be appointed.

Dr. Ambedkar : I do not think this amendment is necessary because the Returning Officer shall be a Government officer and if he fails to discharge his duty, he would certainly be liable to action either under the rules of conduct for the Government servants or under any law for misconduct.

Prof. Ranga : Or under the Rules under this Act.

Mr. Speaker : Does the hon. Member want me to put the amendment to the House ?

Shri S. N. Das : No, Sir.

Clause 28.—(*Appointment of dates for nominations*)

Mr. Speaker : Let me take the printed list. Master Nand Lal is absent. Mr. B. K. Das.

Shri B. K. Das (West Bengal) : Not moving, Sir.

Shri M. V. Rama Rao (Mysore) : Not moving. Sir.

Mr. Speaker : There are a number of amendments to clause 28 in the Supplementary List No. 1. I think the better course for me would be to put all the amendments of hon. Members that are here and then if any Member is left out, it will be his business to rise up. Amendment No. 76 in Supplementary List No. 1. Mr. Naziruddin Ahmad.

Shri Naziruddin Ahmad : Not moving.

Dr. Ambedkar : This has been disposed of already. This is an amendment which he has been moving all along for the purpose of changing the Chapters.

Mr. Speaker : He is not going to move it.

Shri Hussain Imam : Sir, the Hon. Minister of Parliamentary Affairs himself is standing when the Speaker is on his legs.

Shri R. K. Chaudhuri : Only small fries are caught.

Mr. Speaker : No question of big or small fries.

Dr. Ambedkar : I think Mr. Chaudhuri may devote his attention to more serious matters.

Mr. Speaker : In view of the time taken and in view of the points of order raised here. I think I had better say that those hon. Members who want to move their amendments may please stand up. No other ?

Several Hon. Members : No, Sir.

Shri Naziruddin Ahmad : I beg to move :

In part (c) of clause 28, for the words “date for the scrutiny” substitute the words “date appointed for the scrutiny”.

My reason for bringing in this amendment is that the words “date for scrutiny” are rather loose and the words that I have suggested, *i.e.* “date appointed for the scrutiny” are more precise.

Dr. Ambedkar : I do not accept it.

Mr. Speaker : The question is :

In part (c) of clause 28, for the words “date for the scrutiny” substitute the words “date appointed for the scrutiny”.

The motion was negatived.

Shri Naziruddin Ahmad : I beg to move :

In part (d) of clause 28, for the words “if necessary” substitute the words “where necessary”.

The existing words “if necessary” indicate a condition precedent; but the words suggested by me, *i.e.* “where necessary” refer to the occasion.

Dr. Ambedkar : I am not accepting it.

Mr. Speaker : The question is :

In part (d) of clause 28, for the words “if necessary” substitute the words “where necessary”.

The motion was negatived.

Shri Meeran : I now move amendment No. 328 standing in my name, in a slightly amended form which is acceptable to the Hon. Law Minister. I beg to move :