

After sub-clause (5) of clause 31, insert the following new sub-clause :

“(5a) If at the time of the presentation of the nomination paper the Returning Officer finds that the name of the candidate is not registered in the electoral roll of the constituency for which, he is the Returning Officer, he shall for the purposes of sub-section (5) require the person presenting the nomination paper to produce either a copy of the electoral roll in which the name of the candidate is included or a certified copy of the relevant entries in such roll.”

I don't think I need say much on this because the Hon. Minister has agreed to this amendment.

Mr. Chairman : Amendment moved.

Dr. Ambedkar : I have also given notice of an amendment to the same effect. So I agree to this amendment.

Shri Syamnandan Sahaya : I also had an amendment to clause 5 in this connection. My feeling is, why should the huge cost of supplying copies of the electoral rolls which is going to be heavy, be borne by the candidate ? Why should not a copy of the relevant entries of the electoral roll of the constituency only be produced ?

Dr. Ambedkar : The word there is “or”.

Shri Syamnandan Sahaya : Yes, I am trying to explain. The option in this case lies with the Returning Officer.

Shri R. K. Chaudhuri : I strongly object to the amendment which has been moved by my hon. Friend. But in order to bring about a uniformity of decisions of all the Returning Officers in different places, it would I think be better to substitute the word “shall” for the word “may”.

Shri Shiv Charan Lal (Uttar Pradesh) : I do not think that there is room for any fear, as expressed by my hon. friend Prof. Ranga and Shri Syamnandan Sahaya that the Returning Officer may not correct nomination papers, because it has been clearly laid down in section 34 that no nomination paper will be rejected on the ground of any technical mistake. Therefore,

whether he corrects it or not, it is not in his power to reject a nomination paper on the ground of technical mistake.

Shri Rudrappa (Mysore) : There may be so many cases in these nomination papers where the date of birth has to be filled and if the candidate is living in the village he cannot get the date of birth.

Mr. Chairman : Date of birth ?

Shri Rudrappa : That will be one of the items. I am giving an instance. There will be the required age—above thirty or twenty years. How he may find out and put the correct date of birth, if necessary There must be some scope for the Returning Officer to rectify these clerical errors and technical mistakes. If such a provision is not included, I think it will result in very great injustice to many and it will also result in great litigation even after the election. Therefore this provision is quite necessary in the interests of the candidates as well as in the interest of the elections and the electors themselves.

Dr. Ambedkar : I do not accept the amendment.

Shri Syamnandan Sahaya : Then I would like to withdraw it.

The amendment was, by leave, withdrawn.

Shri Syamnandan Sahaya : There is another amendment in my name (No. 14 in Supplementary List No. 3). This also is an attempt to clarify the position. The amendment reads :

In the first Proviso to sub-clause (3) of clause 31, after the word “candidate” occurring in line 2. Insert the words “for the reserved seats”.

The proviso reads like this :

“Provided that in a constituency where any seat is reserved for the Scheduled Castes or for the Scheduled Tribes, no candidate shall be deemed to be qualified to be chosen to fill that seat unless his nomination paper is accompanied by a declaration verified in the prescribed manner that the candidate is a member of the Scheduled Castes or of the Scheduled Tribes for which the seat has been so reserved.....”

Now, we have in our experience found that sometimes the Returning Officers take queer views. Otherwise many difficulties in the matter of these nominations would not have arisen and there might not have been so many election petitions and cases. I therefore desire to clarify the position by adding the words “ for the reserved seats” after the word “candidate”.

Mr. Chairman : Has the hon. Member seen the words “to fill that seat” in the proviso ?

Shri Syamnandan Sahaya : Yes, Further on also it is said “for which the seat has been so reserved”. I have seen all that. But I am suggesting the addition just to clarify the matter, because after all wherever there is a reservation there is one seat reserved and the other is a general seat. So if we add these words it appears to me to be a little clearer.

Dr. Ambedkar : There is no ambiguity and no such clarification is necessary.

Shri Syamnandan Sahaya : Then I will not press it.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh) : I do not wish to move my amendment No. 317 in the Consolidated List but I want to make a suggestion to the Hon. Minister which he may accept.

My submission is that the phrase “and who is not subject to any disqualification mentioned in section 16 of the Representation of the People Act, 1950” is redundant and absolutely unnecessary Why should we have so many words and so many lines unnecessarily although they do not add anything to the meaning ? That is what I would like to submit.

Dr. Ambedkar : It is an economy measure, I understand.

Pandit Munishwar Datt Upadhyay : As a matter of fact these words are absolutely unnecessary, because if he is an elector then he is not disqualified in that manner. Because that is the qualification of an elector given in the section to which it refers, that is section 16 of the Representation of the People Act, 1950. So I submit that it is absolutely redundant.

Dr. Ambedkar : It is better to be redundant than to be ambiguous.

Pandit Munishwar Datt Upadhyay : I do not think there would be any ambiguity.

Mr. Chairman : The Hon. Minister does not accept it.

***Pandit Munishwar Datt Upadhyay :** Before the existing proviso to sub-clause (2) of clause 31, insert the following new proviso :

“Provided that any person whose name is registered in the electoral roll of the Constituency can subscribe as proposer or seconder on more than one nomination paper for the same candidate.”

That point has not been provided for. It may be that he has signed one nomination paper. There may be some doubt about the entries. The same person as proposer can file more than one nomination paper in respect of the same candidate. I think that that should be allowed, and has been allowed in all the Election laws wherever they have been made. I think the Hon. Minister will have no objection to accept this.

Dr. Ambedkar : I cannot accept that.

Mr. Chairman : I am not going to put it to the House.

Shri A. C. Guha (West Bengal) : I want a clarification on this point.

Mr. Chairman : The point has been disposed of. The amendment has not been moved.

Shri A. C. Guha : I want a clarification whether it is the intention of the Government that a person cannot sign more than one nomination paper for the same candidate.

Mr. Chairman : The amendment has not been moved and it is not put to the House.

Shri Sonavane (Bombay) : I want some explanation as regards the first proviso to sub-clause (3) of clause 31, which says :

“...unless his nomination paper is accompanied by a declaration verified in the prescribed manner that the candidate is a member of the Scheduled Castes or of the Scheduled Tribes for which...”

Dr. Ambedkar : That was discussed.

Shri Sonavane : I want some explanation. As regards the nomination of a Scheduled Caste candidate. I would like to know what would be the procedure of this verification in the case of a reserved seat. It is stated here, “declaration verified in the prescribed manner”. The procedure may be laid down by the rules. As far as I know, the rules will not come before the House in spite of the wish expressed by me. Therefore, we would like to know what would be the procedure for the verification. Otherwise it would be very difficult for us. Suppose, we were asked to go before a magistrate, and sign an affidavit it will take a long time. If it is a simple procedure, say, obtaining a certificate from Dr. Ambedkar, who is a leading Member of the Scheduled Castes, that should be a sufficient and acceptable, that should be a sufficient verification. We should not be asked to go to a tout, wait there, and do all sorts of things. Suppose there is a local J.P. and if he gives a certificate to the effect that a person belongs to the Scheduled Castes, such a certificate may be accepted. At the eleventh hour, a person may choose to send his nomination and contest the elections. If he has to go through all this procedure, it would be very hard for him. Therefore in the interest of the simplification of the procedure. I would request the Hon. Law Minister to see that such an ordinary procedure is followed. If a respectable person of the locality or a Justice of the Peace gives a certificate that should be accepted.

Shri Ramaswamy Naidu (Madras) : In the second proviso to sub-clause (3) of clause 31, the last portion reads as follows :

“..... unless the nomination paper is accompanied by a declaration verified in the prescribed manner that the candidate is a member of any of the Scheduled Tribes of that district.....”

I wish to know whether the wording “of that district” does not imply that he must be a resident of that district.

Dr. Ambedkar : Yes. that is so.

Shri Ramaswamy Naidu : I want to know whether any resident of another district, even though he belongs to one of the Scheduled Tribes of that district would be excluded from seeking election in that constituency.

Dr. Ambedkar : Not at all; that is provided.

***Ch. Ranbir Singh :** (*English translation of the Hindi Speech*) Sir, I have a doubt regarding it and I want to get it clarified. There is a provision in it :

“Provided also that where any person having held any office referred to in clause (f) of sub-section (1) of section 7 has been dismissed and the period of five years.....”

I think the soldiers and officers of the Azad Hind Fauj are not affected by it, I want to know this thing. Whether this provision debars them as well? And if this provision debars them then there should be some provision so that they may also acquire the right of participating in the elections.

Dr. Ambedkar : I did not quite follow what the last speaker said. I would like to make some observations with regard to the point raised in relation to the proviso to sub-clause (3) relating to the procedure that might be adopted for ascertaining whether a particular candidate was Scheduled Caste candidate. The hon. Member who referred to this point, has had, of course, no experience as to how many people have been trying to pass themselves on as members of the Scheduled Castes in order to obtain some of the advantages that have been prescribed for them under the law.

Shri Syamnandan Sahaya : Larger numbers are likely to come in.

Dr. Ambedkar : And larger numbers are likely to come in. I, as a Member of the Government have had some experience about this, as to how for instance. Hindus also

would grow a beard for six months, present themselves as Sikhs and obtain a job reserved for the Sikhs, and subsequently shave themselves clean up and return to the Hindu fold. Consequently, a rule has been made by the Government of India that any person for whom any reservation has been made, shall produce a certificate from certain recognised authorities that he belongs to that particular class. Such a provision, undoubtedly and beyond question, would be in the interests of the Scheduled Castes themselves. I think I cannot say what exactly is the procedure that the Commissioner would think of himself in order to ensure that nobody other than the Scheduled Castes stands for these reserved seats. I should have thought that there could be no harm if a provision was made that every person who wants to put in his nomination paper for a reserved seat should obtain a certificate from a magistrate on the basis of an affidavit signed in his presence that to their knowledge this man belongs to the Scheduled Castes.

It might be a laborious or troublesome process ; but I think it would be better to have it rather than leave loop-holes for any other person to come in a fight for the seat.

Mr. Chairman : The question is :

“That clause 31, as amended, stand part of the Bill”.

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Mr. Chairman : Does the hon. Member wish that I should put his amendment to the House ?

Ch. Ranbir Singh : I want to know the reaction of the Hon. Minister.

Dr. Ambedkar : I do not accept it.

Ch. Ranbir Singh : Then I would like to have the leave to withdraw it.

The amendment was by leave withdrawn.

Clause 32, as amended, was added to the Bill.

Clause 33 was added to the Bill.

Clause 34—(*Scrutiny of nominations*)

* **Shri Syamnandan Sahaya** : I have an amendment to this clause. It is No. 22 of Supplementary List No. 3. I beg to move :

In sub-clause (2) of clause 34, for the word “refuse”, substitute the word “reject”.

Mr. Chairman : Amendment moved.

Dr. Ambedkar : I have no idea. It is a draftsman’s point. My hon. friend will see that the draftsman seems to be using ‘refusal’ in respect of nomination and ‘rejection’ in respect of nomination paper.

He is making a distinction and I think that a distinction is consistent made by him throughout the clauses. I therefore think it is better to retain that now.

Mr. Chairman : Does the hon. Member want me to put his amendment to vote ?

Shri Syamnandan Sahaya : There may be others who may want to speak. I beg for leave to withdraw the amendment.

The amendment was, by leave withdrawn.

****Pandit Kunzru** (Uttar Pradesh) : I beg to move :

To sub-clause (5) of clause 34, add the following Proviso :

“Provided that in case an objection is made the candidate concerned may be allowed to rebut it not later than the next day but one following the date fixed for scrutiny and the Returning Officer must record his decision on the date to which the proceedings have been adjourned.”

Shri Sonavane : On a point of order. The hon. Member has given no notice to the Members of this House and it was held by the Speaker previously and that no surprise should

*P. D., Vol. 12, Part II, 19th May 1951, pp. 9156-57.

** *Ibid.*, pp. 9158-59.

be sprung upon the House. May I know whether this amendment moved at this juncture is admissible?

Pandit Kunzru : Sub-clause (5) requires that

Dr. Ambedkar : To shorten the proceedings, I would say that I am accepting the amendment.

Mr. Chairman : The Hon. Minister in charge is going to accept the amendment.

* **Pandit Munishwar Datt Upadhyay :** I will not repeat the objections taken by some hon. Members. In view of the difficulties that arise on account of the acceptance of this amendment. I would suggest the acceptance of amendment No. 348 in the printed list, namely the insertion of the words "beyond second day" after the words "adjournment of the proceedings." That will solve all the difficulties.

"The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 28 and shall not allow any adjournment of the proceedings beyond second day except....."

I do not think any such difficulty would arise in accepting that amendment.

Dr. Ambedkar : Apart from the question whether the existing rules in U.P. and other provinces contain such a rule as is stated in the amendment. I think it is possible for the House to consider this matter independently on its own merits. What is the Returning Officer's job? His job is set out in sub-clause (2) of clause 24 that he shall decide upon the points stated there from (a) to (e). Those are the possible objections that a candidate may raise against another. It does seem to me that if one candidate is confronted with an objection falling, for instance under (b), namely "that the candidate is disqualified for being chosen to fill the seat under the Constitution or this Act" or if he is confronted with the objection falling under (e) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud, it seems to me somewhat difficult that he should

* P. D. Vol. 12, Part II, 19th May 1951, pp. 9163-66.

be required to meet those charges immediately then and there. Therefore sheer equity would require that some time may be given to him in order that the candidate may either produce some documentary evidence or the oral evidence of some witnesses to disprove the allegation and it is on that ground that I felt inclined to accept that amendment, because otherwise it would be permitting one candidate to take another by complete surprise by not giving any time to disprove the allegation. I think that this is an amendment which certainly appeals to me and ought to appeal to everybody.....

Shri Santhanam : Will it be possible for the Returning Officer to accept those nominations for which no objections had been raised. He has to decide all the nominations at the same time.

Dr. Ambedkar : Where is the hurry for the man accepting some nominations. After all he has to accept the nominations on the final date after the adjournment. There is no harm. This will be done on the final day and that is what the amendment says. The amendment is very clear. The Returning Officer must record his decision on the date to which the proceedings have been adjourned. There is no discretion given to the returning officer to postpone decision.

Shri Santhanam : Cannot objection be taken on the postponed day also? It must be made clear. Supposing on the other day some objection is raised.

Dr. Ambedkar : Objection must be raised on the day on which the scrutiny begins—there can be no objection on any other day except the date of scrutiny.

Mr. Chairman : The question raised by Mr. Syamnandan Sahaya and Mr. Hussain Imam is : is there any provision for such a contingency?

Dr. Ambedkar : There is no provision. Can anybody make any provision? Can anybody know how long the riot will last? In Bombay the riot lasted sometimes for twenty-nine days. Therefore it must be left to the Returning Officer to be convinced that matters are peaceful and he can hold the scrutiny. How can anybody say in a law that if the Returning

Officer adjourns the scrutiny on the first day because there is a riot he should hold the scrutiny on the second day or the third day? The riot may continue.

Mr. Chairman: That is so far as the time is concerned. But there should be some provision that the Returning Officer should make his scrutiny.

Dr. Ambedkar: It seems to me that it is quite implicit in the clause. Our dramatists have a habit. If I may say so. If somebody is dead they must carry the corpse on the stage, otherwise the audience does not understand it. As I said most of these things are implicit in the clause.

Mr. Chairman: I will now put Pandit Kunzru's amendment to vote.

The motion (as mentioned earlier) was adopted.

Shri Syamnandan Sahaya: I have an amendment to move, No. 24 in supplementary list No. 3. I beg to move:

In sub-clause (4) of clause 34, for the word "refuse" substitute the word "reject".

The Hon. Minister pointed out that the word "refuse" has been used in reference to nominations and the word "reject" has been used in relation to nomination papers. I would like to draw his attention to sub-clause (4) of clause 34 where the word "refuse" has been used with reference to nomination papers. Perhaps "reject" may be accepted here.

Mr. Chairman: Amendment moved :

In sub-clause (4) of clause 34, for the word "refuse" substitute the word "reject".

Dr. Ambedkar: If my friend's aesthetic sense is affected I am quite happy to give him satisfaction.

Shri Syamnandan Sahaya: As a matter of fact, in this House we have to care for the aesthetic sense of people sitting opposite—nobody cares for our aesthetic sense.

Dr. Ambedkar: In this case I will accept my hon. friend's amendment.

Shri. T. T. Krishnamachari: As regards scrutiny of nominations, may I point out, Sir, that direction may be given that clause 28(c) which has been passed by this House may be suitably amended in the third reading?

Dr. Ambedkar: Yes, I have another amendment also to move at that, stage.

Mr. Chairman: I will now put Mr. Sahaya's amendment to vote. The question is:

In sub-clause (4) of clause 34, for the word "refuse" substitute the word "reject".

The motion was adopted.

***Dr. Deshmukh :** I beg to move :

In sub-clause (4) of clause 34, after the word "substantial" insert the words "and vital". .

Sir, the reason why I wish that the words "or vital" should be added is, the meaning of the word substantial is not very definite. I referred to the dictionary and found a variety of meanings attached to the word 'substantial'. It can mean having substance, material, stout, strong, bulky, real, solid, conforming to what is essential, involving essential etc.

Dr. Ambedkar: What is the meaning of vital?

Dr. Deshmukh: That which will affect the candidature in a very direct and a vital manner.

I have also an alternative to suggest which I hope the Hon. Minister will accept. If we omit the words "which is not of a substantial character" that will serve the purpose—that is, if we merely say that the Returning Officer shall not refuse any nomination paper on the ground of any technical defect. By the addition of the words "which is not of a substantial character" we make it still more ambiguous and give scope for interpretation in different ways. Hence I suggest that

either the words “and vital” be added, or the words “which is not of a substantial character” be omitted. A technical defect is understandable.

I now come to my second amendment. I beg to move:

In sub-clause (5) of clause 34, omit the words “or obstructed by riot or open violence”.

Why should we limit the obstruction of the proceedings to only riot and open violence? I think it is very tantalising, Sir, to refer to only two causes. There might be a variety of causes by which the proceedings may be interrupted. Hence I suggest the deletion of these words. In fact this is in my view an invitation to riot and open violence, if some candidate chooses to do it.

Shri Sidhva: What about a cyclone?

Dr. Ambedkar: That would be covered under “causes beyond his control”.

Dr. Deshmukh: If you omit the words “or obstructed by riot or open violence or” I do not think any harm would be done. I therefore hope that both of my amendments will be accepted.

Mr. Chairman: Amendment moved :

In sub-clause (4) of clause 34, after the word “substantial” insert the words “and vital”.

In sub-clause (5) of clause 34, omit the words “or obstructed by riot or open violence or”.

Dr. Ambedkar: I do not accept them.

***Mr. Chairman:** I will now put the clause.

Shri Meeran: I have two amendments to this clause—Nos. 343 and 349 in the Consolidated List.

Mr. Chairman: May I know whether the Hon. Minister is prepared to accept any of them?

Dr. Ambedkar: I am not accepting any amendment.

Shri Shiv Charan Lal: I have an amendment—No. 99 of Supplementary List No. 1.

Dr. Ambedkar: I am not accepting it.

Shri Shiv Charan Lal: That is about the appeal—that the appeal should be finally decided about the nomination paper and it should not be a subject of an election petition later on.

Dr. Ambedkar: That matter is still under consideration. We will come back to it.

Mr. Chairman: The question is:

“That clause 34, as amended, stand part of the Bill”.

The motion was adopted.

Clause 34, as amended, was added to Bill.

The House then adjourned till Half Past Eight of the Clock on Monday, the 21st May, 1951.

Clause 35

*** Mr. Speaker :** Amendment moved :

In sub-clause (1) of clause 35, for the words, brackets, letter and figures “and delivered to the Returning Officer either by such candidate in person or by his proposer or seconder before three o’clock in the afternoon on the day fixed under clause (c) of section 28” substitute the following:

“and delivered before three o’clock in the afternoon on the day fixed under clause (c) of section 28 to the Returning Officer either by such candidate in person or by his proposer, seconder or election agent who has been authorised in this behalf in writing by such candidate”.

Shri Shiv Charan Lal (Uttar Pradesh): I would suggest the addition of the word “duly” before the word “authorised” in the amendment so that the meaning may be more clear.

Dr. Ambedkar: I have no objection.

Mr. Speaker: The Chair will have no objection to add anything. But here it is expressly stated “authorised in this behalf in writing”. By the addition of the word “duly” it might create doubts that something else is required.

Dr. Ambedkar: I agree. Let us not be over-precise.

Mr. Speaker: So I put the amendment as it is.

The motion was adopted.

Pandit Thakur Das Bhargava: There is one amendment in the name of Mr. Jaspat Roy Kapoor—No. 102 in Supplementary List No. 1.

Mr. Speaker: But is he here ?

Pandit Thakur Das Bhargava: No. But if you permit me I would like to move it.

Mr. Speaker: Is it an agreed amendment?

Dr. Ambedkar: Yes. It is to drop those words “or to be renominated as a candidate for the same election in the same constituency”.

Mr. Speaker: I will allow it.

Further Amendment made:

In sub-clause (2) of clause 35, omit all the words occurring after the words “to cancel the notice” to the end.

—[*Pandit Thakur Das Bhargava*]

Mr. Speaker: The question is :

“That clause 35, as amended stand part of the Bill.”

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36 was added to the Bill.

Clause 37.—(*Nomination at other elections*)

Dr. Ambedkar: I have four amendments—Nos. 26, 27, 30 and 31 in Supplementary List No. 3.

The Minister of State for Transport and Railways (Shri Santhanam): In the last portion of clause 37(1) the wording is “qualified to be chosen to fill that seat under the Constitution and this Act”. I would like to suggest that the words “under the constitution” may be omitted, they seem to be wholly unnecessary because no parliamentary enactment can override the provisions of the Constitution.

Mr. Speaker: I think it should be left to the examination of the draftsman. The implications are not yet clear to me.

Dr. Ambedkar: This is a matter more or less for the draftsman and the Draftsman thinks that for the sake of clarity, certain words should be introduced. I think his wishes should be respected.

Shri Santhanam: I merely pointed it out.

Mr. Speaker: The Chair will have the authority of amending this, as advised by the Draftsman. We shall proceed to the other amendments.

Amendment made:

In sub-clause (1) of clause 37, for the words “the members” occurring in line 3, substitute the words “the elected members”.

—[*Dr. Ambedkar*]

Further Amendment made:

In sub-clause (2) of clause 37, for the words “the members of the Legislative Assembly” occurring in lines 1 and 2, substitute the words “the elected members or the members of the Legislative Assembly”.

—[*Dr. Ambedkar*]

Further amendment made:

For the first Proviso to sub-clause (4) of clause 37, substitute the following:

“Provided that any person who is entitled to vote at any such election as is referred to in sub-section (1) shall be qualified to subscribe as proposer or seconder as many nomination papers at the election as there are vacancies to be filled but no more.”

—[*Dr. Ambedkar*]

Further amendment made:

In part (a) of the second Proviso to sub-clause (4) of clause 37, for the words “by the members of the Legislative Assembly of a State, as references to the list of members of that Assembly” substitute the following:

“by the elected members or by the members of the Legislative Assembly of a State as reference to the list of elected members or to the list of members, as the case may be, of that Assembly”.

—[*Dr. Ambedkar*]

Shri Ghule (Madhya Bharat): I have amendment No. 28 standing in my name. I do not want to move but I want to speak on it.

According to the present clause, a candidate should file his nomination within five days of the notification issued by the Provincial Government. I think that the period of 5 days is insufficient for a man who is living in the remotest corner of the Province to receive the gazette in which a notification is issued and send in his nomination to a place where the election would take place. As provided for the elections to the Lower House of parliament in clause 31, the same provision should be made in this clause also *i.e.*, that the nomination would not be required to be filed before the 8th day.

Mr. Speaker: The phraseology is “not earlier than the fifth day”.

Shri Ghule : It may be issued on the 5th day and this period is insufficient and in the present state of communications in India, a man may require 3 days at least to get information about the notification and three days at least would be required to send the letter of nomination..... From this point of view I think that the period of 5 days, the minimum period referred to in this clause is insufficient and I suggest 8 days instead.

Dr. Ambedkar : No. I do not think there is such a necessity for this amendment.

Mr. Speaker: The question is:

“that clause 37, as amended, stand part of the Bill.”

The motion was adopted.

Clause 37, as amended was added to the Bill.

Clause 38 to 43 were added to the Bill.

Clause 44.—(*Polling Agents*)

Amendment made:

In clause 44, before the word “may” occurring for the Second time in line 4 insert the words “or his election agent”.

—[*Pandit Thakur Das Bhargava*]

Pandit Thakur Das Bhargava: With regard to the other amendment No. 380. I would request you kindly to
 10-00 A M suspend it for the time being. After you dispose of clause 45, this amendment will be relevant.

Mr. Speaker: It means that we leave this clause alone and dispose it of after disposing of clause 45.

Dr. Ambedkar: This may be disposed of because that deals with the question of time.

Mr. Speaker: Then, I take up clause 45 at this stage.

Shri Iyyunni (Travancore-Cochin): I have an amendment to clause 44.

Mr. Speaker: I will take up clause 45 first and then come to clause 44.

Clause 45.—(*Disqualification for being a polling agent*).

Pandit Manishwar Datt Upadhyay (Uttar Pradesh): I have an amendment No. 381.

Mr Speaker: It is a negative amendment, he may appose the clause when the clause is put.

***Pandit Thakur Das Bhargava:** We have only lists 1 to 6.

Mr. Speaker: Lists 1 to 7 have been consolidated. Supplementary List No. 1 contains the remark "Incorporating List Nos. 7". this is No. 112 on page 18.

Shri Iyyunni: What I submit is that in the case of a polling agent, he has very little work to do? He has to come there early in the morning and stay there till six or seven o'clock in the evening and watch the proceedings. If there is any case of false personation etc., he has to examine whether the persons actually coming are the persons entitled to vote. That is his work. There is no need to ask him to satisfy all the conditions that are required of a candidate, who, if he succeeds, would go either to the Assembly or the Parliament as the case may be. I submit that it is enough if he is a voter. That would meet the requirements of the case. I therefore submit that my amendment may be accepted by the Hon. Law Minister.

Dr. Ambedkar: I do not know. I am not very much interested in these matters. But, in view of the difficulties raised that a large number of polling agents would be reduced and that if we were to subject them to certain disqualifications the number available may be very few and that it may create a lot of difficulty in conducting the elections. I am prepared to accept the amendment of my hon. friend Pandit Munishwar Datt Upadhyay.

Mr. Speaker : That is for dropping the clause altogether ?

Dr. Ambedkar: No. the point is this. I am told that our friends who propose to contest the elections wish to draw upon the college students who are younger than the prescribed age and may not be even voters. I have told them privately that they have already done a great mischief to young college boys by drawing them into the political arena and that they had better not repeat the same thing. They said that they must have this facility. I am prepared to allow that.

Mr. Speaker: It comes to as I was saying, if I mistake not, dropping and negating clause 45 altogether. I shall put the clause first. The question is :

“That clause 45 stand part of the Bill *.

The motion was negatived.

* **Clause 44.**—(*Polling agents*)—contd.

Mr. Speaker : Now we come to clause 44.

Pandit Thakur Das Bhargava: I beg to move:

In clause 44, for the words “three days” substitute the words “one day”.

Sir, now that we have dropped clause 45, the work of scrutiny does not require 3 days. It is enough if the Returning Officer gets the names one day previous. Therefore I have suggested that instead of the words “three days”, the words “one day” may be put in.

Mr. Speaker: Amendment moved :

In clause 44, for the words “three days” substitutes the words “one day”.

* P. D., Vol. 12, Part II, 21st May 1951, pp. 9180-84.

Dr. Ambedkar: Mr. Speaker, *prima facie* it does appear that in view of the abolition of clause 45, one day ought to be sufficient. But frankly speaking. I have not had an opportunity of discussing this matter with the Election Commissioner and obtain his views whether this would or would not create any difficulty. Therefore, I suggest that so far as this point is concerned, the clause may be permitted to remain as it is. I can return to it afterwards by suggesting a suitable amendment if I am convinced that one day really is quite sufficient and nothing more is necessary. I do not want to rule it out for the moment.

Mr. Speaker: That means that this clause is kept over?

Dr. Ambedkar: Yes.

Mr. Speaker: Then we can dispose of the other amendments.

Shri Ramalingam Chettiar (Madras): Before you leave this amendment, let me suggest that a polling agent may have to be appointed at short notice..... From the point of view of practical working of the thing, it may be inconvenient to have three days put in here. This point may be considered by the Law Minister.

Dr. Ambedkar: I will, certainly.

Now, I will move my amendment I beg to move :

- (i) In clause 44, for the words “one agent and two relief agents and not more to act as his polling agent” substitute the words “such number of agents and relief agents as may be prescribed to act as polling agents of such candidate”.
- (ii) In clause 44, omit the words “and to such other officer as may be prescribed”.

Shri Shiv Charan Lal: I could not hear the second portion.

Sir.

Mr. Speaker: I am reading it again. (Amendment of Dr. Ambedkar as above moved.

So I request the Hon. Law Minister that the words in the clause may be left as they are and not omitted.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

May I draw, the attention of the Law Minister that the words 'such other officer as may be prescribed' should be allowed to remain so that the Returning Officer may prescribe, as usual, the presiding officer to take the application for appointment of the polling agents.

Shri J. R. Kapoor (Uttar Pradesh): May I know what is the second amendment ?

Dr. Ambedkar: My friend will see that the last words of clause 44 are as follows:

"that notice of the appointment shall be given in the prescribed manner to the Returning Officer and to such other officer as may be prescribed."

The Rules may prescribe that either the notice of the appointment of polling agent may be given to the Returning Officer and to such other officer as may be prescribed. I am trying to delete by my amendment that sentence—"such other officer as may be prescribed" be omitted so that the result will be that the intimation shall be given to the Returning Officer only.

Mr. Chairman : Now it is the discretion of the Government to appoint another officer also. This amendment is taking away the discretion. In practice it is the Presiding Officer to whom this notice is usually given or the polling officer at the time. Therefore I would request the Law Minister to consider if these words are rather enabling.

Dr. Ambedkar : You know the internal history about these things. I am personally content with the words as they are in the Section; I am prepared to withdraw my amendment and leave the words as they are.

Shri J. R. Kapoor: I would suggest that it may be 'Returning Officer or such other Officer'

Dr. Ambedkar: The Returning Officer ought to know everything.

Mr. Chairman: Has the Hon. Minister anything to say to that suggestion?

Dr. Ambedkar: I am not prepared to accept that.

Shri J. R. Kapoor: If 'or' is not substituted, the whole object of retaining the words 'such other officer' goes away. Our intention is that there should be facility to the candidate to submit the name of his polling agents to the presiding officer. I would prefer that these words should be deleted rather than both should remain if my amendment is not to be accepted.

Mr. Chairman: It does not necessarily mean that notice is to be given to two officers.

Mr. Chairman: The question of period is yet in suspense. Till then this cannot be decided.

Shri J. R. Kapoor: The whole clause 44 may be held over.

Dr. Ambedkar : My suggestion is that my first amendment may be considered and the second be held over.

Pandit Munishwar Datt Upadhyay: Why not hold over both because we have not defined whether two agents, one agent and one relief agent, will be appointed for every polling booth.

Dr. Ambedkar: The first has no integral connection with the second amendment.

Mr. Chairman: The question is :

In clause 44, for the words "one agent and two relief agents and no more to act as his polling agent" substitute the words "such number of agents and relief agents as may be prescribed to act as polling agents of such candidate".

The motion was adopted.

Mr. Chairman: The second amendment is held over.

Clause 46.—(Counting agents)*

Shri Shiv Charan Lal: There is an amendment—No. 382 in Consolidated list No. 1 in the name of Pandit Bhargava. I may be permitted to move it.

Mr. Chairman: I would like to know the reaction of the Hon. Minister.

Dr. Ambedkar: It may be permitted.

Mr. Chairman: Yes, the hon. Member may move it.

Amendment made:

In clause 46, before the word “may” occurring in line 2, insert the words “or his election agent”.

—[*Shri Shiv Charan Lal*]

The motion was adopted.

Clause 46, as amended was added to the Bill.

Clause 47.— (*Revocation of appointment of polling agent etc.*)

Dr. Ambedkar: I beg to move.

For clause 47, substitute the following clause:

“47. *Revocation of the appointment or death of a polling agent or counting agent.*—(1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer and in the event of such revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the prescribed manner another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning Officer and in the event of such revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate may appoint in the prescribed manner another counting agent at any time before the counting of vote is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.”

Shri J. R. Kapoor: It is very difficult to follow the amendment without a copy before us.

Shri Santhanam: As consequential to the previous amendment after the word “candidate” wherever it occurs the words “or election agent” should be inserted.

Dr. Ambedkar: I have no objection.

Mr. Chairman: I shall now read the amendment in the amended form and it will be clear to hon. Members. Amendment (of Dr. Ambedkar as above) moved.

Shri Shiv Charan Lal: As I have pointed out previously with regard to clause 44 if the words “or such other officer as may be prescribed” are put after the words “Returning Officer” in paragraph 1, it will make the position clearer and easier; because at the time when the polling is going on it is very difficult to search out the returning officer and get the name changed.

Shri Santhanam : The words “Returning Officer” are not there; the only words are “in the prescribed manner”.

Mr. Chairman: The returning officer may not be found at every polling station. If this is inserted, that notice may be given to any other officer, it would be better.

Shri Santhanam: Does it refer to the counting agent or the polling agent ? So far as the counting agent is concerned it has to be only to the returning officer.

Mr. Chairman: The wording is “may appoint.....another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.” This is not practicable. Either the mere giving on notice is sufficient or the notice may be given subsequently to the returning officer or such other officer or polling officer.

Shri Santhanam: The words “in the prescribed manner will do”. The words “Returning Officer” may be dropped.

Dr. Ambedkar : All these things have come upon me rather suddenly. I have not had time to go through them. This amendment was handed to me in the morning. I must safeguard my own position. My amendment may be accepted as it is subject to my right of reopening the question again in the House, if I find that the amendment creates any difficulty; or let the thing stand over. In that event the whole Bill must stand over now.