

[Shri Jaisukhlal Hathi.]
should also fall in line and increase the number of working days to 210. Now if we want the arrears to be decreased, if we want that there should not be delays, if we want that there should not be many pending cases, if we appoint additional Judges and even then the cases are there, the other way, namely, the increase in the number of working days, has to be done and if even indicating that is taken to be an interference, I am sorry that kind of interference is not really an interference. It is a suggestion and that is what we have done.

I think I have dealt with all the points that have been raised. Maybe that some of the points may not have been covered but all the points that are important, which are major points, which require due consideration, I think, I have dealt with and I do not think I have much to add. I move.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 1, the Enacting Formula, and the Title were added to the Bill.

SHRI JAISUKHLAL HATHI: I move:

"That the Bill be returned."

The question was put and the motion was adopted.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1964

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI JAGANATH Rao): Madam, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as passed by the Lok Sabha, be taken into consideration."

Madam, this is a simple measure and non-controversial. At present a member of the Armed Force of the Union, is by virtue of section 20(3) of the Representation of the People Act, 1950, deemed to be ordinarily resident in his home constituency and therefore is eligible for registration as a voter in the electoral roll for such constituency, although on account of exigencies of service he may be away from, and not ordinarily resident in the home constituency at the time of the preparation of revision of the electoral roll. As a corollary to this, a member of the Armed Forces of the Union is, by virtue of section 60 of the Representation of the People Act, 1951, entitled to give his vote by postal ballot.

These facilities are however, not available to the members of an Armed Police Force of a State even when they are serving outside the State. At present one battalion of the Malabar Special Police Force and one battalion of the Special Armed Police Forces of the State of Kerala have been deputed for operational duties in the border areas of the State of Nagaland. But the members of these Forces (including the camp followers) numbering about 3,000 cannot avail themselves of the facilities offered by the aforesaid sections of the Representation of the People Acts. The denial of franchise to such a large number of members of the State Armed Police Forces who are serving outside their State is patently unfair and may

give rise to legitimate discontent. The Government of Kerala have, therefore represented that the above-mentioned facilities may be made available to the members of these State Armed Police Forces who are serving in Nagaland. It is not only the Armed Police Forces of Kerala that have been drafted for duty outside the State but also a number of Armed Police Forces of several other States have been drafted for duty outside their parent States and there is a likelihood of a further increase in their number. As there is hardly any difference between the members of the Armed Forces of the Union and the members of the Armed Police Force of a State when they are employed outside that State, there does not appear any sufficient reason why such members of the Armed Police Force of a State should not be placed on a par with the Armed Forces of the Union with respect to the enjoyment of the electoral facilities offered by our election law.

I may point out here in this connection that it is not proposed to extend these electoral facilities to the members of the Armed Police Force of a State who are not employed outside that State, as there is no reason why the members of the Armed Police Force of a State who are not employed outside the State should be given a favoured treatment in preference to the employees of the Government. It is accordingly proposed to amend section 20 of the Representation of the People Act, 1950, to provide that a member of the Armed Police Force of a State who is employed outside that State shall be deemed to be ordinarily resident on any date in his home constituency in which but for his service in the Armed Police Force he would have been ordinarily resident on that date and to amend section 60 of the Representation of the People Act, 1951, to enable such a member of the Armed Police Forces to give his vote by postal ballot. In order to enable the members of the Armed Police Forces of the State of

Kerala who are employed outside that State to avail themselves of the above-mentioned electoral facilities, and also they enable the members of the Armed Police Forces of other States who are serving outside their States, it is proposed to bring forward these amendments. Madam, I move:

The question was proposed.

SHRI LOKANATH MISRA (Orissa): Madam, on the face of it, the Bill looks very simple and I support the Bill—the spirit of the Bill—but when we come to its practical implementation, only complications arise. This Bill is being sought to be passed just prior to the Kerala elections.

There cannot be any two opinions about the fact that it is the birth-right of every Indian citizen to be a voter. But the impression now is that only because in Kerala the Congress does not have a solid backing, this is being sought to be brought at such a time. It may be accidental; all the same the feeling is there and you cannot deny that feeling.

Then, Madam, the Representation of the People Act is being dealt with piecemeal with only these amendments sought to be incorporated therein. If really you intend to make it a fool-proof legislation, then there must be a comprehensive legislation. I would indicate certain facts which are serious and which should have been brought in and covered along with these amendments. The other day, Madam, I had raised, in the shape of a question, in this House the findings of the Chief Election Commissioner. It was in connection with a case which the Governor of Orissa referred to the Chief Election Commission for their findings against the present Chief Minister, Mr. Biren Mitra, and the Minister in charge of Law conceded on the floor of the House that it was very important. But suprisingly enough, I do not find that any legislation is sought to be brought forward for meeting that situation.

SHRI JAGANATH RAO Please wait and see —

SHRI LOKANATH MISRA I shall have to wait and see until you bring it up. The Chief Election Commissioner, who is the highest authority, recommends in his findings that unless the Chief Election Commissioner is given more powers, it is impossible for him to go into facts in detail. He wanted the powers that are enjoyed under the Commissions of Inquiry Act but for which he could not decide the case on its merits. If he had the powers under the Commission of Inquiry Act I have no doubt in my mind that the findings would have gone against the present Chief Minister, but because the scope was limited, he got through under plea. Again there is another point in his findings where he says that because of the present character of the Representation of the People Act he cannot hold the Chief Minister responsible for his wife's business. It has been clearly indicated in their findings that the wife of the Chief Minister is directly . . .

SHRI N PATRA (Orissa) How is it relevant here?

SHRI LOKANATH MISRA It is relevant because the Minister said

"Wait and see." So they are examining the point. But there are certain other points which also must be brought to their notice and that is why I am pointing out these points lest they should overlook them.

SHRI JAGANATH RAO All these facts are before the Government.

SHRI LOKANATH MISRA All the facts are before the Government, I have no doubt about it, but I emphasise it here only because I want the attention of the Government to be drawn to it.

SHRI MULKA GOVINDA REDDY Even your charge-sheet is before the Government which is not acted upon.

SHRI LOKANATH MISRA Now the Chief Election Commissioner's findings are clearly indicative of the fact that the present Orissa Chief Minister's wife is a contractor of the Government of Orissa and earns money from the Government of Orissa, and that should have disqualified the Chief Minister, because he also shares the earnings of his wife, they stay together, they are an undivided Hindu family, and as such that by itself should have been enough to disqualify the Chief Minister. But because of the lacuna in this Representation of the People Act, it could not be possible. Naturally, when an amendment is sought and it is before the House, the House is seized of the matter and I would like to indicate this.

It is very important when a Chief Minister goes cot-free when he carries on a business in the name of his wife. Therefore through you, Madam, I would like the Minister to be a little more attentive.

SHRI JAGANATH RAO I am listening with both my ears.

SHRI LOKANATH MISRA And through you, Madam, I would like the Minister to kindly look into this matter seriously.

SHRI JAGANATH RAO We are examining it.

SHRI LOKANATH MISRA And he should not take it lightly because . . .

SHRI JAGANATH RAO No.

SHRI LOKANATH MISRA because one of his party members in the State is affected.

SHRI JAGANATH RAO We take it very seriously, why do you presume like that?

SHRI LOKANATH MISRA It should be taken up seriously if we are going to do something for keeping up the democracy in this country.

Now everybody in the country has the feeling that the Chief Minister can go scot-free even if he robs the entire exchequer of the State, than, probably, democracy will not thrive. So, for the purpose of strengthening democracy, this is also very necessary, this is a very salient point, a very valid point, a very important point which must be looked into. Thank you.

SHRI JAGANATH RAO Madam Deputy Chairman, I am happy that only one hon Member took part in this debate and he too agrees with the spirit of the Bill though he expressed some fears, and he found an occasion to mention the name of Mr Biren Mitra, which he tries to do every day, in season and out of season.

SHRI LOKANATH MISRA Till you set up an inquiry commission

SHRI JAGANATH RAO May I assure him, Madam Deputy Chairman, that we are examining the position and all that is necessary will be done, that too very soon?

Regarding bringing forward a comprehensive legislation, I may assure the hon Member and the House that we are examining all the aspects, and where amendments are necessary, certainly they are being considered and they will be brought soon. It is not that Government is not alive to the necessary amendments that have to be brought forward. We are examining them and they will be brought forward very soon. I am glad that no other hon Member has anything to say, and since I find that no other hon Member is taking part in the debate, I take it that the House accords full support to the measure.

Madam I move

THE DEPUTY CHAIRMAN The question is

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, as passed

by the Lok Sabha, be taken into consideration"

The motion was adopted

THE DEPUTY CHAIRMAN We shall now take up the clause by clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI JAGANATH RAO Madam Deputy Chairman, I move

"That the Bill be passed"

The question was proposed

SHRI MULKA GOVINDA REDDY (Mysore) Madam Deputy Chairman, Mr Lokanath Misra has suggested that a comprehensive legislation should have been brought forward with regard to the election law in India. Many a time, when the Representation of the People Act was being amended, we have brought it to the notice of the Government that this piecemeal legislation is no good and that a comprehensive legislation is necessary so that the entire election law, with regard to conduct of elections with regard to election expenses etc could be gone into and amended. I would therefore urge that a parliamentary committee, if possible, otherwise the leaders of opposition parties, of all political parties represented in Parliament, and the Government should sit together and think of a comprehensive legislation. Then only all the pitfalls or evils that are there can be rectified. He has brought one instance to the notice of the Government. There are similar instances, there is an instance where a Chief Minister and his son have got into a fictitious deal of partnership and the Chief Minister gets away with the idea that he is not at all responsible and he does not incur any disqualification under the

[Shri Mulka Govinda Reddy.]
election law. These are things which have got to be gone into, and it is necessary that the Election Commission should be clothed with the necessary powers. Therefore it is necessary that a comprehensive legislation, in consultation with the other political parties should be brought forward before this House.

SHRI JAGANATH RAO: I have already stated that the Government is considering the various amendments that may be required for the election law. I am not agreeable to the suggestion of the hon. Member that a committee of Members of Parliament should be appointed. There is no need for such a committee and, as and when necessary, the Government will always bring forward the necessary amendments.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

SUPPLEMENTARY STATEMENT ON FLOODS

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI S. D. MISRA): Madam Deputy Chairman, on behalf of Dr. K. L. Rao, I beg to lay on the Table a supplementary statement on the floods in the country. [See Appendix XLIX, Annexure No. :6B.]

HALF-AN-HOUR DISCUSSION RE LOANS TO TISCO AND IISCO

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam, I propose that since we have finished the business for the day, the half-an-hour discussion be taken up now.

THE DEPUTY CHAIRMAN: All right, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Madam Deputy Chairman, this is a discussion with regard to the loans that have been advanced by the Government to the Tata Iron and Steel Company and the Indian Iron and Steel Company. The Government owes an explanation why the money has not been recovered and not even the interest on the loans advanced a decade ago. Under an agreement in 1953, a sum of Rs. 10 crores was advanced to the Indian Iron and Steel Company, and then again in 1955 under a special agreement another sum of Rs. 18,26,470 was advanced to the same company, i.e. The Indian Iron and Steel Company. In 1954 under a special agreement, a sum of Rs. 10 crores was advanced to the Tata Iron and Steel Company. The purpose of this accommodation by the Government with such heavy advances was to enable them to raise resources from their internal sources for expansion of steel production in the country. And what is more important in this connection is that the Government guaranteed the World Bank Loans made to both these companies and also at the same time waived its own claim as the first mortgagee in favour of the World Bank. The World Bank became the first mortgagee in respect of the loans to these two concerns. This roughly is the position.

I shall presently deal with the terms of the agreements. I need not go into the details of these agreements, but only one or two things I shall bring to the notice of this honourable House in order to make the position very clear. The agreements for these two loans did not bear any maturity date. That is to say, it was left open as to when the capital amount that was advanced, should be recovered. With regard to the date for payment of interest and the rate of interest to be charged on these loans, it was agreed that after