

LOK SABHA

Monday, 22nd July, 1957.

The Lok Sabha met at Eleven of the Clock

[MR SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

द्वितीय सामान्य निर्वाचन

*१६८ श्री म० सा० द्विवेदी क्या विधि मंत्री यह बताने की कृपा करेंगे कि

(क) निर्वाचनों के दौरान में कितने व्यक्तियों ने सरकारी पदाधिकारियों तथा अन्य रूप में कार्य किया और

(ख) पिछले सामान्य निर्वाचनों की अपेक्षा १९५७ के निर्वाचनों की क्या विशेषताये थी और इन में किन नई कठिनाइयों को अनुभव किया गया ?

The Minister of Law (Shri A. K. Sen): The information is not readily available I understand that it is being collected by the Election Commission and will no doubt be included in its report on the General Elections

श्री म० सा० द्विवेदी मैं यह जानना चाहता हूँ कि पिछले चुनावों की अपेक्षा इस चुनाव में क्या सरकार ने कुछ विशेष खर्चा किया ? यदि हाँ, तो कितना ?

Shri A.K. Sen: As I have already said, the necessary information is being collected and will be included in the report of the Election Commission on the General Elections

Shri Shree Narayan Das: May I know by what time it is expected the report of the Election Commission will be submitted in this regard?

Shri A. K. Sen: It is difficult for us to fix a time or to anticipate it within a particular time, but I have no doubt the Election Commission will do it as early as possible.

Some Hon. Members rose—

Mr. Speaker: Hon Members will wait for the Election Commission's report

Election Petitions

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*209. { Shri Radha Raman:
Shri Bhakt Darshan:
Shri Bibhuti Mishra:
Shri N. E. Munisamy.
Shri Radheyial Vyas:
Shri Tangamani.

Will the Minister of Law be pleased to lay a statement showing

(a) the number of election petitions filed after the general elections of 1957, Party-wise and State-wise,

(b) the principal grounds of these election petitions, and

(c) the number of cases disposed of by the election tribunals so far?

The Minister of Law (Shri A. K. Sen): A statement containing the necessary information is laid on the Table [See Appendix I, annexure No 62]

Shri Radha Raman: May I know if it is a fact that there is considerable delay in appointing tribunals and whether some cases relating to the 1952 General Elections are still pending and, if so, what is then number?

Shri A. K. Sen: Well, we have no information as to whether any application relating to the General Elections of 1952 is still pending. But it is true that last time there were certain com-

plaints regarding delays in the disposal of election petitions, and the matter was duly brought to the notice of the Election Commissioner. I understand that all possible steps are being taken this time to see that the election petitions are disposed of as early as possible.

Shri Radha Raman: In the statement it is mentioned that the total number of election petitions filed party-wise is not readily available. May I know how long it will take to get this information and whether the provision about the need for speedy disposal of these cases has been brought to the special notice of the authorities so that delay is avoided in the matter?

Shri A. K. Sen: I do not know what special authorities the hon. Member has in view. The only authorities are the Central Government and possibly the election tribunals. I have no doubt that the election tribunals have been instructed to dispose of their work as early as possible. So far as the other matters are concerned, I shall make enquiries again as to when the necessary information will be available and I shall certainly place it before the House as soon as I can.

Shri Tyagi: In the matter of appointment of election tribunals, has care been taken to see that Judges who have cast their votes in a particular constituency do not sit in judgment on an election petition which ensues from that constituency?

Shri A. K. Sen: This should form the subject of a separate question, but I have no doubt that the Election Commission is taking that fact into consideration.

श्री विभूति मिश्र मैं यह जनता च हता
हूँ, क क्या सरकार ने जजों को कोई न.इ.च.त
आदेश दिया है कि श्रमिक मजदूर के अन्दर
इन तमाम कमी का फैसला कर दिया जाये ?

Shri A. K. Sen: The hon. Member ought to remember that it is not for the Government to give any directions to the Chief Election Commissioner

who is independent under the Constitution and functions independently. We can only convey to him such request of the House as the House may wish me to convey.

Shri Kasliwal: Under the Representation of the People Act it was generally a District Judge who was to be appointed as election tribunal. But we understand that in several cases a High Court Judge has been appointed as election tribunal. May I know in how many cases a High Court Judge has been appointed as election tribunal?

Shri A. K. Sen: As far as I know, in regard to election petitions relating to the election of Members who have been appointed as Ministers, the Chief Election Commissioner thought it advisable to appoint ex-High Court Judges in view of the importance attached to the particular petitions concerned.

Shri A. S. Sarhadi: May I know whether it is a fact that the Election Commission has issued a direction to the election tribunals to finish the disposal of the election petitions within a period of six months?

Shri A. K. Sen: I am not aware, but it would, I think, be highly improper to give any such direction, speaking as a lawyer. But I am sure that the necessity of speedily disposing of the cases pending before the election tribunals has certainly been brought to the notice of the election tribunals.

Shri Tangamani: The number of election petitions filed this year is given as 470. May I know how it compares with the number of election petitions filed during the 1952 General Elections?

Shri A. K. Sen: It is not possible for me to say off-hand. But I will certainly answer it if a separate question is asked.

Shri Mohamed Imam: Is it not a fact that in many cases District Judges have been appointed to the election tribunals?

Shri A. K. Sen: It is so. District Judges must be appointed. Otherwise where would we have officers with judicial training?

Marking System of Voting

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*201. { **Shri Keshava:**
 { **Shri Vajpayee:**
 { **Shri B. S. Murthy:**

Will the Minister of Law be pleased to state.

(a) whether it is a fact that the Election Commission of India is seeking to introduce a more economical and new system of voting by way of the voter recording his vote on a single paper and all votes being dropped into a single box,

(b) whether this marking system of voting has been put into practice in any bye-election, so far, and

(c) if so with what success?

The Minister of Law (Shri A. K. Sen): (a) Yes Sir

(b) Not yet

(c) Does not arise

Shri Keshava: May I know whether, apart from the State of Mysore, this practice of recording votes by way of marking has been in vogue at any time in any place in India?

Shri A. K. Sen: It is difficult for me to answer it off-hand, but it is certainly true that this practice was prevalent in the State of Mysore for some time past. Hon Members will recollect that there was an all-parties conference with the Chief Election Commissioner in August-September last year where it was decided that this novel system should be tried out for bye-elections as far as possible after the General Elections.

Shri C. D. Pande: May I know if the Government thinks it proper that such a vital decision should be left to the Election Commission and not come before Parliament for its vote?

Shri A. K. Sen: As I have already said, it must be left to the Election Commission, under the Constitution. But nevertheless the Chief Election Commissioner took good care before deciding upon the introduction of the system by convening an all-parties conference which met on the 30th of August and 1st of September, last year.

Shri Tyagi: Why was Parliament not consulted?

Shri A. K. Sen: If hon Members desire that this view of the House should be conveyed to the Chief Election Commissioner, it will be done.

Shri Keshava: Sir, there should be a half-an-hour discussion on this.

Shrimati Tarkeshwari Sinha: If there are in India today large sections of people who do not know to read or write and in view of the fact that there is adult suffrage, may I know how Government is going to overcome in five years the difficulties of voters who do not know to read or write?

Shri A. K. Sen: It is difficult to agree to the assumption.

Shrimati Tarkeshwari Sinha: It is not an assumption, he may look into the statistics.

Shri A. K. Sen: She started by saying "If" etc, and it is certainly an assumption. But I am afraid I cannot agree with all the assumptions. But, we shall be quite willing if the House desires to have a discussion on this matter.

And may I add this, Sir? I am just now reminded by my colleague, Shri Morarji Desai, that this system has been prevalent in the State of Bombay also for some time.

Shri Keshava: What is the amount of money that the Government is likely to economise as a result of this change?

Shri A. K. Sen: It is difficult to estimate the actual quantum of economy which will be achieved, but there is no doubt that it will bring about a considerable economy in the expenses.