

LOK SABHA

**COMMITTEE ON SUBORDINATE
LEGISLATION**

FIFTH REPORT

(Presented on the 13th August, 1956)



**LOK SABHA SECRETARIAT
NEW DELHI
August, 1956**

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(1956-1957)

1. Shri N. C. Chatterjee— *Chairman*
2. Shri S. V. Ramaswamy
3. Shri N. M. Lingam
4. Shri A. Ibrahim
5. Shri Hanamantrao Ganeshrao Vaishnav
6. Shri Tek Chand
7. Shri Ganpati Ram
8. Shri Nandlal Joshi
9. Shri Diwan Chand Sharma
10. Shri Hem Raj
11. Shri H. Siddananjappa
12. Dr. A. Krishnaswami
13. Shri Tulsidas Kilachand
14. Shri Hirendra Nath Mukerjee
15. Shri M. S. Gurupadaswamy.

SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

I

INTRODUCTION

I, the Chairman of the Committee on Subordinate Legislation, having been authorised to submit the Report on their behalf, present this their Fifth Report.

2. The Committee held their sitting on Saturday, the 11th August, 1956. The following were present:—

Shri N. C. Chatterjee—*Chairman*.

MEMBERS

2. Shri A. Ibrahim
3. Shri Ganpati Ram
4. Shri Diwan Chand Sharma
5. Shri Hem Raj
6. Shri H. Siddananjappa
7. Shri Hirendra Nath Mukerjee.

SPECIAL INVITEES

1. Shri K. K. Basu
2. Pandit Thakur Das Bhargava
3. Shri Sadhan Chandra Gupta.

3. The Business Advisory Committee at their sitting held on the 9th August, 1956. recommended that notices of Motions for modifications of the S.R.O.s mentioned below might be referred to the Committee on Subordinate Legislation and their Report might be presented before the matter came up for discussion in the House:—

- (i) S.R.O. 1161 amending rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, laid on the Table of the House on the 21st July, 1956.
- (ii) S.R.O. 1349 of 1956 regarding the Representation of the People (Preparation of Electoral Rolls) Rules, laid on the Table of the House on the 24th July, 1956.

4. The Committee considered the said motions (Appendices I and II).

5. The observations of the Committee with regard to the principal modifications proposed in the said motions are detailed in the succeeding paragraphs.

II

S.R.O. 1161 RE: DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES

6. The Committee are of opinion that there is no justification for the modification of Rule 19 so as to exclude the son from the benefit of getting compensation when the father is alive and when both are members of a Hindu undivided family. The Rule-making power is contained in Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954. The Central Government's power is limited to make rules for carrying out the purposes of this Act.

The Committee, therefore, recommend that sub-clause (ii) in Rule 19(3) (a) should be omitted.

III

S.R.O. 1349 RE: REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES

7. Rule 2(c).—This reads as follows:—

“ ‘revising authority’ means such person as the State Government or an officer authorised by the State Government in this behalf may appoint as the revising authority in respect of a constituency or part of a constituency”.

The Committee are of opinion that for the purpose of having free and fair elections, the revising authority should be a judicial or quasi-judicial officer. But there may be administrative difficulties in the way. The Committee consider that the appointments should be made subject to the approval of the Election Commission who will take into account the administrative set-up and other relevant factors.

The Committee, therefore, recommend that the appointment of the revising authority should be made subject to the approval of the Election Commission.

8. Rule 11.—This Rule reads as follows:—

“11. Further publicity to the draft roll and notice.—The electoral registration officer shall also—

(a) make a copy of each separate part of the electoral roll, together with a copy of the notice in Form 3, avail-

able for inspection at a specified place accessible to the public and in or near the area to which that part relates; and

- (b) give such further publicity to the notice in Form 3 as he may consider necessary."

The Committee feel that a candidate for election who has deposited a fairly heavy amount should be supplied with copies of the electoral roll.

The Committee, therefore, recommend that every candidate for election to a Parliamentary seat or an Assembly seat should be supplied with two copies of each separate part of the electoral roll, free of cost.

9. Rule 26(a).—This Rule reads as follows:—

"(a) where it is to the chief electoral officer, by a fee of ten rupees".

The Committee consider that the fee for inclusion of name in electoral roll is heavy. In a country like India it is desirable that moderate fees should be charged. Sometimes exclusion of names might be on account of the failure on the part of the officer who enters names on the electoral rolls.

The Committee, therefore, recommend that the fee of ten rupees should be reduced to five rupees.

10. Rule 27(b).—This Rule reads as follows:—

"(b) accompanied by a copy of the order appealed from and a fee of ten rupees to be paid in non-judicial stamps;"

The Committee are of opinion that the fee of ten rupees for filing an appeal is heavy. The Committee, therefore, recommend that this should be reduced to five rupees.

NEW DELHI;
The 11th August, 1956.

N. C. CHATTERJEE,
Chairman,
Committee on Subordinate
Legislation.

APPENDICES TO THE REPORT

APPENDIX I

DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES

Notice of Motions

BY PANDIT THAKUR DAS BHARGAVA:—

1. Omit the following words from sub-clause (2) of Rule 19:

“on the 26th September, 1955 (hereinafter referred to as the relevant date)”.

2. Omit (ii) of sub-clause (3) (a).

3. Omit (b) of sub-clause (3) and make consequential changes and add at the end before the Explanation the following:

“(c) where the deceased member has left no sons but only a widow such widow shall be regarded for the purposes of this rule as one member of the family.”

4. Add the following at the end of the Explanation which will become Explanation I as:

“*Explanation II.*—For the purposes of this rule in the case of every undivided Hindu family governed by Mitakshara law a son or grandson and in the absence of sons and grandsons the widow referred to above in the rule shall be deemed to be entitled to claim partition of this coparcenary property against his father or grand-father or other members of the family as the case may be notwithstanding any text of Hindu law or custom to the contrary.”

5. Substitute for the suggested amendments the following:—

Rule 19 as originally existing modified as follows—

- (1) for the words in the proviso “that in the case referred to in clause (a) none of the members” the following be substituted:

“that in the case referred to in clause (a) none of the minimum number of two members and in the case of those members two of them”.

(2) In (i) of the proviso add the words "or are" after the word "is"

(3) add the following before sub-section (3) as (c) to sub-clause (2):

"(c) Where a deceased member of the joint family entitled to claim partition has left sons all of whom are less than 18 years of age such sons shall together be reckoned as one member of the family and where the deceased member has left no sons but only a widow such widow shall be regarded for the purposes of this rule, as one member of the family."

BY SHRI D. C. SHARMA:—

6. From sub-clause (3) (a) item (ii) be deleted, viz.—

"(ii) A person who on the relevant date was a lineal descendant in the male line of another living member of the family entitled to claim partition."

7. The following be substituted for (ii) of (a) of sub-clause (3):—

"(ii) A person who on the relevant date was the mother of a deceased member of the Joint Family shall be included."

APPENDIX II

THE REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS)

RULES

Notice of Motions

BY SARVASHRI
K. K. BASU
V. P. NAYAR
H. V. KAMATH } :-

Rule 2(c)

1. After the words 'such person' add 'being a judicial or semi-judicial officer and not being an executive officer.'

And after the word 'appoint' add 'subject to the approval of the Election Commissioner'.

Rule 6(1)

2. Delete 'unless the.....the other.'

Rule 6(1)

3. After the words 'Election Commission' add 'for reasons recorded in writing'.

Rule 6(1)

4. Last line, delete 'or that.....in the other'.

Rule 10(b)

5. Add this at the beginning after 'at' 'the local Post Office, Police Station and/or any other public' and delete 'such'.

New Rule 10(c)

6. A copy of such draft roll shall be supplied without payment to the recognized parties and also such other important organisations of the area as may be prescribed by the Commission.

Rule 12

7. For the figures '21' substitute '42'.

Rule 19

8. After sub-para (2) add 'Explanation. Such places of enquiry shall not be at a distance of more than two miles from the places where the claimant objected to usually resides'.

Rule 26(a)

9. For the word 'ten' put 'five'.

Rule 27(b)

10. For the word 'ten' put 'five'

Rule 33(2)

11. At the end add 'provided that at every general election or bye-election every contesting candidate shall be supplied two copies free and not more than six copies at one half of the selling price.'

BY SHRI SADHAN CHANDRA GUPTA:

Rule 11

12. In rule 11,—

for clause (b), the following clauses shall be substituted:—

"(b) supply two copies of each separate part of the electoral roll to every political party to which an election

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symbol has been allotted by the election commission or to a representative of any such political party who is authorized to receive the same; and

- (c) give such further publicity to the notice in Form 3 as he may consider necessary."

Rule 26

13. In rule 26,

(a) In sub-rule (1),—

(i) In clause (a)—

for the words "ten rupees" the words "two rupees" shall be substituted;

(ii) In clause (b),—

for the words "one rupee" the words "four annas" shall be substituted.

(b) In sub-rule (2),—

for the word "sub-section" the word "sub-rule" shall be substituted.

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