

LOK SABHA

THE REPRESENTATION OF THE
PEOPLE (AMENDMENT) BILL, 1961

(Report of the Select Committee)

(Presented on the 19th August, 1961)

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LOK SABHA SECRETARIAT
NEW DELHI

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Joint/Select Committee Report presented
to the Lok Sabha during the 11th, 12th and
13th Sessions of Second Lok Sabha.

Sl. No.	Name of the Report	Date of presentation
1.	The Maternity Benefit Bill, 1961	17-2-1961
2.	The Indian Railways (Amendment) Bill, 1961	7-8-1961
3.	The Income-Tax Bill, 1961	10-8-1961
4.	The Representation of the People (Amendment) Bill, 1961	19-8-1961
5.	The Extradition Bill, 1961	30-11-1961

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**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 1961**

Composition of the Select Committee

Shri Jaganatha Rao—Chairman

MEMBERS

2. Shri Amjad Ali
3. Choudhry Brahm Perkash
4. Shrimati Renu Chakravartty
5. Shri R. Ramanathan Chettiar
6. Shri Shree Narayan Das
7. Shri M. L. Dwivedi
8. Shri Aurobindo Ghosal
9. Shri R. M. Hajarnavis
10. Shri Bal Raj Madhok
11. Shri Jaswantraj Mehta
12. Shri Ajit Singh Sarhadi
13. Shri M. Shankaraiya
14. Shri M. S. Sugandhi
15. Shri Asoke K. Sen

DRAFTSMAN

**Shri S. P. Sen Verma, Joint Secretary and Draftsman,
Ministry of Law.**

SECRETARIAT

Shri A. L. Rai—Deputy Secretary.

REPORT OF THE SELECT COMMITTEE

1. the Chairman of the Select Committee to which the *Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961 was referred, having been authorised to submit the report on their behalf present their report with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 10th August, 1961. The motion for reference of the Bill to a Select Committee was moved by Shri R. M. Hajarnavis, Deputy Minister of Law on the 14th August, 1961 and was discussed and adopted as amended on the same day (*Appendix I*).

3. The Committee held four sittings in all.

4. The first sitting of the Committee was held on the 16th August, 1961 to draw up a programme of work.

5. The Committee considered the Bill clause by clause at their second and third sittings held on the 17th and 18th August, 1961 respectively.

6. The Committee considered and adopted the Report on the 19th August, 1961.

7. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

8. *Long Title*.—Amendment made in the long title is consequential upon the omission of clause 33.

9. *Clause 3*.—The Committee feel that the fees for applications for inclusion of names in the electoral rolls or appeals in that regard prescribed under the rules are high. They accordingly recommend to the Government that in the case of applications where the fee is Re. 1 it should be reduced to 50nP and where the fee is Rs. 5 it should be reduced to Rs. 3 and in the case of appeals the fee should be reduced from Rs. 5 to Rs. 3.

*Published in Part II Section of the Gazette of India Extraordinary, dated the 10th August, 1961.

10. *Clause 6.*—The District Boards in Madras have been replaced by Panchayat Union Councils and the District Boards in Punjab have been replaced by Panchayat Samitis. The lists of local authorities in relation to Madras and Punjab have been amended accordingly.

11. (*Original clause 19*).—The Committee feel that the existing provision of sub-section (1) of section 86 of the Representation of the People Act 1951 providing for the publication of election petitions in the Official Gazette should not be done away with and no change is necessary in this regard.

The clause has been omitted accordingly.

12. *Clause 19.*—(*Original clause 20*).—Item (b) of the clause has been omitted consequent upon the omission of the original clause 19.

13. (*Original clause 21*).—The Committee are of the view that the orders of the Election Tribunals should continue to be published in the Official Gazettes.

The clause has been omitted accordingly.

14. *Clause 20.*—(*Original clause 22*).—Item (b) of the clause has been omitted as a consequence of the omission of the original clause 21.

15. *Clause 23.*—(*Original clause 25*).—The Committee are of the opinion that clause (3) of section 123 of the Representation of the People Act 1951 does not clearly bring out its intention. Accordingly item (a) of clause 23 has been substituted.

The amendment made in the proposed new clause (3A) of section 123 of the Act is similar to the amendment made in clause (3).

16. *Clause 26.*—(*Original clause 28*).—The Committee have substituted a revised section for section 127A in order to bring out the intention clearly.

17. (*Original clause 31*).—The Committee feel that no change should be made in the existing provision of sub-section (4) of section 158 of the Representation of the People Act 1951.

The clause has accordingly been omitted.

18. (*Original clause 33*).—The Committee are of the view that no adjustment should be made in any constituency other than those

which are created by the bifurcation of the previous double-member constituencies as already provided in the Two-Member Constituencies (Abolition) Act, 1961.

Clause 33 has been omitted accordingly.

19. The Select Committee recommend that the Bill as amended be passed.

NEW DELHI;
The 19th August, 1961.

JAGANATHA RAO,
*Chairman,
Select Committee.*

MINUTES OF DISSENT

I

In appending this note, at the outset I must express my regret that the commendable convention set up by the Election Commission, to discuss all electoral matters with the recognized political parties in an effort to reach a common agreement on how to ensure free and fair elections, has been given up in this case. I am sure that out of the amendments sought to be moved, except for clauses 25 and 26 which are entirely of a political nature, all the rest are matters dealing with elections and these could have been fruitfully discussed between the parties and agreed conclusions could have been reached. It is unfortunate that instead of this course, the amendments to the Representation of the People Act have been subjected to passing or rejection by the strength of votes.

The major amendment in the Bill is clause 23 seeking to amend section 123 of the principal Act (1951). The ostensible reason given is that communal and caste propaganda and the enmity arising therefrom, must be checked for the purposes of strengthening national integration. No secular democratic party can object to such a laudable proposition, although according to me, there are sufficient powers in the ordinary law to check these practices if those in power desire to do so. Therefore, I am of the opinion that no useful purpose will be served by this amendment. Rather I am afraid that it would be used against anyone seeking to criticise unjust practices based on caste or community, resulting in social oppression, or those, who give expression to grievances under which any caste, community or minority group may suffer, would be charged of corrupt practice. It is useless to argue that the clause only seeks to prevent feelings of enmity or hatred growing between classes and does not seek to stifle genuine criticism. A glance at the amendment will show the hollowness of this contention as it says "The promotion of, or attempt to promote feelings of enmity or hatred between different classes of the citizens of India" is a corrupt practice. This would mean that any or all such criticisms may be construed to promote or attempt to promote such hatred since it is obviously going to be propaganda against the oppressing community or caste. I regard this amendment as a dangerous one seeking to curb the expression of all genuine grievances. In order to make things clear and unambiguous, I

suggest the following proviso:—

“Provided that no expression or grievances under which any caste or community or minority group may suffer, or any criticism of practices based on caste, or community resulting in social oppression will be regarded as an offence”.

What is even more disconcerting is the attempt to put the language question on a par with communalism as a corrupt practice in elections. One can understand that in a secular state, communalism is sought to be barred as being against the very spirit of the Constitution of our country. But the information of linguistic states, the demand for a place for minority languages are democratic demands held dear by the millions of Indians and are concepts endeared to the people by the national movement itself. The issue of whether a linguistic State should be formed or not at a particular moment may be debated. But there is no doubt that the demand is a democratic one. To say that the question of language in this form cannot be raised as a political issue in elections means that no constitutional means to express their will regarding these issues will be left open to the people. The only course left open then would be to take the matter, which is of such vital importance to people throughout India, and which can never be suppressed as was seen in the case of Bombay and Andhra on to the streets. To seek to ban these issues from being raised as political issues on which elections can be fought shows that the ruling party is nervous that their smashing defeat in the 1957 elections over Maharashtra may again be repeated since wrong governmental policy on the question of language has been one of the greatest sources of discontentment and criticism of the Congress party. Therefore, I am totally opposed to making the language issue a corrupt practice.

It is useless to point out to the language riots that broke out in Assam for justifying this ban. It was the refusal to accept the just demands for linguistic States, or hesitation to give a rightful place to a minority language that had led to tensions and not due to yielding to these rightful and democratic demands. A comparison between the tensions prevailing before Maharashtra State or Andhra State was formed and the peace and good sense prevailing after such formation will amply prove the point. Even in Assam, a just solution has to be found to the language question. It is a political issue for the hills people, the Bangalees, the minority language groups, as it is also for the Assamese speaking people. Riots can be prevented by the ordinary law if the authorities and the party in power so desire it. To ban or suppress it as a corrupt practice in elections will be as

dangerous as it will fail in achieving the emotional integration the amendment professes or desires to attain.

Even the declared object of this Bill of curbing communalism seems to me not to be seriously meant. I suggest an amendment to clause 23 to the effect that places of religious worship or religious congregations should not be used for election propaganda and the practice of priests and dignitaries appealing to religious symbols and sentiments should be regarded as corrupt practices. In Chapter III, I had proposed to make these as electoral offences and anyone indulging in them punishable. I am surprised to see that even these amendments or part of it could not be passed knowing what happens in elections, how pulpits in churches have been used for election propaganda by Catholic priests, how gurdwaras and mosques have been used, how people gathering at religious assemblies are influenced through religious leaders or bishops or parish priests wielding immense spiritual influence on their followers using their religious position to exert undue influence in favour of certain parties. It is but natural that anyone sincerely desirous of stamping out communalism from elections would readily agree to this. But its rejection add to the suspicion that eradication of communalism is only a cloak to curb in elections the democratic and secular forces in practice.

I also support the demand to amend clause 3 of the Bill so that no registration fee is required to be paid for inclusion in voters list after final roll is published. Those who are left out in quite substantial numbers are workers and labourers who are often away from home for work when enumerators fill up draft rolls. They are illiterate and do not know when notification is given to file claims. The final rolls are generally published five months before the date of election. The various political parties check up the rolls when election campaign starts in full swing about two months before election date and it is at that time that missing voters' names are detected. Payment of Re. 1 per voter as registration fee is far too high and often village people hesitate to take any action as it not only means paying Re. 1 but also means expenses, time and loss of that day's labour wage in going to the sub-divisional headquarters. Hence I want no registration fee should be paid for enrolment after publication of final roll. I also want that in section 123 of 1951-Act, the provisos to clause (5) should be deleted so that hiring by the contestant, his agent or by anyone with his consent of bullock-carts, cycle-rickshaws i.e., vehicles not drawn by mechanical power, to carry voters to polling station should be regarded as corrupt practice.

I also oppose clause 26 which seeks to put a ban on printing election propaganda material without the publisher producing a declaration attested by two persons to whom he is personally known as to his

identity. Most people who go in for printing false propaganda material are forgers and corrupt people. They can produce false attestations. But these will be irksome curbs for people living in villages and places far off from the printing presses.

In Chapter III section 7 of original Act (1951) I want to remove disqualifications of Members of Parliament except for offences concerning moral turpitude or to mention specifically offences of immorality, bribery and corruption and such like offences. Nowadays political workers are regularly being charged with criminal offences and if they get two years imprisonment they are disqualified. This is why I think that this clause should be changed.

NEW DELHI;

RENU CHAKRAVARTTY.

The 19th August, 1961.

II

I disagree with clause 23 of the Bill which aims at omitting the word "systematic" in clause (3) of section 123 of the 1951 Act. By omitting these words any stray remarks of any speaker might be taken advantage of by the opponents for the purpose of an election petition. Only a systematic and planned propaganda of communal nature should be made reprehensible.

I also disagree with the addition of the words "or language" in the new clause 3A of section 123 of the 1951 Act. The question of language is a live political issue in the country at the moment. There are people who object to the continuance of English as a national language. There may be other people who feel that their rights regarding the use of their language are being trampled upon by majority group. It would be almost impossible for them and the people not to refer to the question of language in elections.

The words "on grounds of religion" in the new clause 3A need to be clarified. When particular religious beliefs are made a cover for adopting anti-national or treasonable attitude towards the country by a whole group of people, those beliefs have to be distinguished from religion in the sense of the way of worship of an individual. Condemnation of any person or group for raising pro-Pakistan slogans or otherwise indulging in anti-national activities cannot and should not come under attack on religion under this clause. This needs to be clarified to avoid unnecessary and unfair harassment to the intending candidates.

The Bill is silent about the question of expenses. Section 77 of the 1951 Act lays down that election accounts should be maintained and they must be placed before the Returning Officer within a specific time. But there is no mention in it of the expenditure incurred by the party on behalf of the candidate. Some parties incur very heavy expenditure for their candidates as happened in the recent elections in Orissa for which the candidates are not accountable at all. This is a big lacuna in the law which must be removed and the expenditure incurred by the party should also be calculated while calculating the expenditure incurred by the candidate.

The best thing for the Election Commission would be to publicise the candidates' names and arrange joint public meetings in which the different candidates may come and place their viewpoints before the electorate. Such expenses may be charged from the candidates themselves. This will eliminate the need for heavy expenditure on elections by the parties and the candidates. Actually at present elections are such a costly affair that the common man and small man, however qualified and popular he may be, does not dare to come in the election arena.

NEW DELHI;

BALRAJ MADHOK.

The 19th August, 1961.

THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 1961

(AS REPORTED BY THE SELECT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested
by the Committee; asterisks indicate omissions)

A
BILL

further to amend the Representation of the People Act, 1950, and the
Representation of the People Act, 1951. * * *

BE it enacted by Parliament in the Twelfth Year of the Republic of
India as follows:—

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the Representation of the People (Amendment) Act, 1961. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

10 AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1950

43 of 1950.

2. In section 23 of the Representation of the People Act, 1950 (hereinafter referred to as the 1950-Act), sub-sections (4) and (5) shall be omitted. Amendment of section 23.
3. After section 23 of the 1950-Act, the following sections shall be inserted, namely:— Insertion of new sections after section 23.
- “24. An appeal shall lie within such time and in such manner as may be prescribed—
- (a) to the Chief Electoral Officer, from any order of the Electoral Registration Officer under section 22 or section 23, and
- 20

(b) to the Election Commission, from any order of the Chief Electoral Officer under section 23.

Fee for applications and appeals.

25. Every application under section 22 or section 23 and every appeal under section 24 shall be accompanied by the prescribed fee which shall, in no case, be refunded." 5

Amendment of section 27.

4. In section 27 of the 1950-Act,—

(a) in sub-section (5)—

(i) in clause (a), for the words "on the qualifying date was", the word "is" and for the words "before that date", the words "before the qualifying date" shall be substituted; 10

(ii) in clause (b), for the words "on the qualifying date was", the word "is" and for the words "before that date", the words "before the qualifying date" shall be substituted;

(b) for sub-section (6), the following sub-section shall be substituted, namely:— 15

"(6) For the purposes of sub-sections (4) and (5), the qualifying date shall be the 1st day of November of the year in which the preparation or revision of the electoral roll is commenced."

Amendment of section 28.

5. In section 28 of the 1950-Act, for sub-section (3), the following sub-section shall be substituted, namely:— 20

"(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before 25 the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall 30 be without prejudice to the validity of anything previously done under that rule."

Amendment of the Fourth Schedule.

6. In the Fourth Schedule to the 1950-Act,—

(a) the heading "BOMBAY" and the entries under the heading shall be omitted; 35

(b) under the heading "MADRAS", for the entry "2. District Boards.", the entry "2. Panchayat Union Councils." shall be substituted;

(c) after the heading "MADRAS" and the entries thereunder, the following heading and entries shall be inserted, namely:—

"MAHARASHTRA

1. Municipal Committees.
- 5 2. District Local Boards.
3. Cantonment Boards.
4. District Boards.
5. Town Committees.
6. Janapada Sabhas (Rural Circle)";

10 (d) under the heading "MYSORE"—

(1) for the entry "2. District Boards and District Local Boards.", the entry "2. Taluk Development Boards." shall be substituted;

15 (2) the entry "5. Village Panchayats with a population of not less than five thousand." shall be omitted;

(e) under the heading "PUNJAB", for the entry "2. District Boards.", the entry "2. Panchayat Samitis." shall be substituted.

CHAPTER III

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

43 of 1951. 20 7. In section 30 of the Representation of the People Act, 1951 Amendment of section 30.
(hereinafter referred to as the 1951-Act),—

(a) in clause (a), for the words "tenth day", the words "seventh day" shall be substituted;

25 (b) in clause (b), for the words "third day", the words "second day" shall be substituted.

8. In section 33 of the 1951-Act, for sub-section (6), the following sub-section shall be substituted, namely:— Amendment of section 33.

"(6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper:

30 Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency."

9. In section 36 of the 1951-Act,— Amendment of section 36.

35 (a) in sub-section (2), in clause (a), for the words "that the candidate", the words "that on the date fixed for the scrutiny of nominations the candidate" shall be substituted;

40 (b) in sub-section (5), in the proviso, for the words "an objection is made", the words "an objection is raised by the returning officer or is made by any other person" shall be substituted.

Amendment of section 37. 10. In section 37 of the 1951-Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The returning officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office.” 5

Amendment of section 39. 11. In section 39 of the 1951-Act, in sub-section (1), in clause (a), for the words “tenth day”, the words “seventh day” shall be substituted.

Omission of section 54. 12. Section 54 of the 1951-Act shall be omitted. 10

Substitution of new section for section 58. 13. For section 58 of the 1951-Act, the following section shall be substituted, namely:—

Fresh poll in the case of destruction, etc., of ballot boxes.

“58. (1) If at any election,—

(a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station or place cannot be ascertained, or 15

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll, 20

the returning officer shall forthwith report the matter to the Election Commission. 25

(2) Thereupon, the Election Commission shall, after taking all material circumstances into account, either—

(a) declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the day so appointed and the hours so fixed in such manner as it may deem fit, or 30

(b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election. 35

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll."

14. Section 63 of the 1951-Act shall be omitted.

Omission of section 63.

5 15. In section 67A of the 1951-Act, the word and figures "section 54" shall be omitted.

Amendment of section 67A.

16. In section 73 of the 1951-Act—

Amendment of section 73.

(a) for the words "the appropriate authority", the words "the Election Commission" shall be substituted,

10 (b) the words "together with the names of the persons, if any, nominated by the President or Governor to that House or Assembly, as the case may be;" shall be omitted.

17. In section 81 of the 1951-Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 81.

15 "(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and one more copy for the use of the Election Commission, and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition."

20 18. In section 83 of the 1951-Act, in sub-section (1), the following proviso shall be added at the end, namely:—

Amendment of section 83.

25 "Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof."

* * * * *

19. In section 90 of the 1951-Act, in sub-section (3), for the words and figures "section 82 or section 117", the words and figures "or section 82" shall be substituted.

Amendment of section 90.

* * * * *

30 20. In section 116A of the 1951-Act, in sub-section (4), after the word and figures "section 98", the words and figures "or section 99" shall be inserted.

Amendment of section 116A.

* * * * *

35 21. In section 117 of the 1951-Act, for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

Amendment of section 117.

Amendment
of section
120.

22. In section 120 of the 1951-Act, in sub-section (1), the following proviso shall be added at the end, namely:—

“Provided that where a petition is dismissed under clause (a) of section 98, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the Tribunal shall make an order for costs in favour of the returned candidate.”

Amendment
of section
123.

23. In section 123 of the 1951-Act, for clause (3), the following clauses shall be substituted, namely:—

“(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

* * * * *

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.”

Insertion of
new section
125 in
Chapter III
of Part VII.

24. In Chapter III of Part VII of the 1951-Act, before section 126, the following section shall be inserted, namely:—

Promoting
enmity between
classes in
connection with
election.

“125. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.”

Amendment
of section
126.

25. In section 126 of the 1951-Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No person shall convene, hold or attend any public meeting within any polling area within twenty-four hours before

the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that polling area.”.

26. After section 127 of the 1951-Act, the following section shall be inserted, namely:—

Insertion of new section after section 127.

5 “127A. (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

Restrictions on the printing of pamphlets, posters, etc.

10 (2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

15 (b) unless, immediately after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(i) where it is printed in the capital of the State, to the Chief Electoral Officer; and

20 (ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section,—

25 (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression ‘printer’ shall be construed accordingly; and

30 (b) ‘election pamphlet or poster’ means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting.

35 (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.”.

Amendment
of section
139.

27. In section 139 of the 1951-Act, in sub-section (1), in clause (b), for the word and figures "section 135", the words and figures "section 125 or section 135" shall be substituted.

Amendment
of section
141.

28. In section 141 of the 1951-Act, in clause (a), for the word and figures "section 135", the words and figures "section 125 or section 135" shall be substituted.

* * * * *

Amendment
of section
169.

29. In section 169 of the 1951-Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

* * * * *

APPENDIX I

(Vide *para 2* of the Report)

Motion in the Lok Sabha for reference of the Bill to a Select Committee

“That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961, be referred to a Select Committee consisting of:—

1. Shri Amjad Ali
2. Choudhry Brahm Perakash
3. Shrimati Renu Chakravartty
4. Shri R. Ramanathan Chettiar
5. Shri Shree Narayan Das
6. Shri M. L. Dwivedi
7. Shri Aurobindo Ghosal
8. Shri R. M. Hajarnavis
9. Shri Bal Raj Madhok
10. Shri Jaswantraj Mehta
11. Shri Jaganatha Rao
12. Shri Ajit Singh Sarhadi
13. Shri M. Shankaraiya
14. Shri M. S. Sugandhi
15. Shri Asoke K. Sen

with instructions also to examine the provisions of the Representation of the People Act, 1951 dealing with (1) election expenses, (2) election petitions, and (3) disqualifications for membership and voting, and to suggest and recommend such amendments to the aforesaid provisions as may be considered necessary, and to report by the 19th August, 1961.”

APPENDIX II

MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1961

I

Fist Sitting

The Committee met from 17.05 hours to 17.17 hours on Wednesday, the 16th August, 1961.

PRESENT

Shri Jaganatha Rao—*Chairman*

MEMBERS

2. Shri Amjad Ali
3. Shri R. Ramanathan Chettiar
4. Shri R. M. Hajarnavis
5. Shri Bal Raj Madhok
6. Shri Jaswantraj Mehta
7. Shri M. S. Sugandhi
8. Shri Asoke K. Sen

DRAFTSMAN

Shri S. P. Sen Verma, *Joint Secretary and Draftsman,
Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee held discussion about their future programme.
3. The Committee decided to sit on the 17th August, 1961 at 13.00 hours for clause by clause consideration of the Bill. They further decided to seek Speaker's permission under Direction 51 for sitting at 13.00 hours.

4. The Chairman suggested that notices of amendments to the clauses of the Bill might be sent to the Lok Sabha Secretariat at 11.30 hours on the 17th August, 1961.

5. The Committee then adjourned to meet again at 13.00 hours on the 17th August, 1961.

II

Second Sitting

The Committee met from 13.05 to 15.05 hours on Thursday, the 17th August, 1961.

PRESENT

Shri Jaganatha Rao—*Chairman*

MEMBERS

2. Shri Amjad Ali
3. Choudhry Brahm Perakash
4. Shrimati Renu Chakravartty
5. Shri R. Ramanathan Chettiar
6. Shri Shree Narayan Das
7. Shri M. L. Dwivedi
8. Shri R. H. Hajarnavis
9. Shri Bal Raj Madhok
10. Shri Jaswantraj Mehta
11. Shri M. Shankaraiya
12. Shri M. S. Sugandhi.

DRAFTSMAN

Shri S. P. Sen Verma, *Joint Secretary and Draftsman,
Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up clause by clause consideration of the Bill.
3. *Clause 2.*—The clause was adopted without amendment.
4. *Clause 3.*—Consideration of the clause was held over.
5. *Clauses 4-5.*—These clauses were adopted without amendment.

6. *Clause 6.*—The following amendments were accepted:—

(i) on page 2,

after line 35, insert—

“(aa) under the heading ‘Madras’ for the entry ‘(2) District Boards’, substitute ‘(2) Panchayat Union Councils’”,
and

(ii) on page 3,

after line 10, insert—

“(d) under the heading ‘Punjab’ for the entry ‘(2) District Boards’, substitute ‘(2) Panchayat Samitis’ ”.

The clause as amended was adopted.

7. *Clauses 7—18.*—These clauses were adopted without amendment.

8. *Clause 19.*—The clause was omitted.

9. *Clause 20.*—The following amendment was accepted:—

In page 6,

omit lines 5—7.

The clause as amended was adopted.

10. *Clause 21.*—The clause was omitted.

11. *Clause 22.*—The following amendment was accepted:—

In page 6,

omit lines 14—18.

The clause as amended was adopted.

12. *Clauses 23-24.*—These clauses were adopted without amendment.

13. *Clauses 25-26.*—Consideration of these clauses was held over.”

14. *Clause 27.*—The clause was adopted without amendment.

15. *Clauses 28—30.*—Consideration of these clauses was held over.

16. *Clause 31.*—The clause was omitted.

17. *Clause 32.*—The clause was adopted without amendment.

18. *Clause 33.*—Consideration of the clause was held over.

19. The Committee decided to sit on the 18th August, 1961 at 13.00 hours. They further decided to seek Speaker's permission under Direction 51 for sitting at 13.00 hours.

20. The Committee then adjourned to meet again at 13.00 hours on the 18th August, 1961.

III

Third Sitting

The Committee met from 13.06 hours to 16.20 hours on Friday, the 18th August, 1961.

PRESENT

Shri Jaganatha Rao—*Chairman.*

MEMBERS

2. Shri Amjad Ali
3. Choudhry Brahm Perakash
4. Shrimati Renu Chakravartty
5. Shri R. Ramanathan Chettiar
6. Shri Shree Narayan Das
7. Shri M. L. Dwivedi
8. Shri R. M. Hajarnavis
9. Shri Bal Raj Madhok
10. Shri Jaswantraj Mehta
11. Shri Ajit Singh Sarhadi
12. Shri M. Shankaraiya
13. Shri M. S. Sugandhi
14. Shri Asoke K. Sen.

DRAFTSMAN

Shri S. P. Sen Verma, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRIES AND OTHER OFFICERS

Shri P. S. Subramanian, *Deputy Election Commissioner, Election Commission of India.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 3.*—(*Vide* para 4 of the minutes of the Second Sitting).

The clause was adopted without amendment.

The Committee, however, felt that the fees for application for inclusion of names in the electoral rolls or appeals in that regard prescribed under the rules is high. They accordingly decided to recommend to the Government that in the case of applications where the fee is Re. 1, it should be reduced to 50 nP and where the fee is Rs. 5 it should be reduced to Rs. 3 and in the case of appeals the fee should be reduced from Rs. 5 to Rs. 3.

4. *Clause 25.*—(*Vide* para 13 of the minutes of the Second Sitting).

The following amendment was accepted:—

In page 6,

for lines 29—33, substitute—

“(a) for clause (3) the following clause shall be substituted:

‘(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community, language or the use of or appeal to religious symbols or the use of or appeal to the national symbols such as the national flag or the national emblem for the furtherance of the prospects of the election of that candidate or prejudicially affecting the election of any candidate’ ”.

The draftsman was directed to redraft the proposed clause 3A on the lines of Clause (3) above.

Subject to above, the clause as amended was adopted.

5. *Clause 26.*—(*Vide* para 13 of the minutes of the Second Sitting).

The clause was adopted without amendment.

6. *Clause 28.*—(*Vide* para 15 of the minutes of the Second Sitting).

The Committee adopted the following revised clause in substitution of the original clause 28:—

In pages 7-8,

for lines 24—38 on page 7 and lines 1—8 on page 8, *substitute*—

28. After section 127 of the 1951-Act, the following section shall be inserted, namely:—

Insertion of new section after section 127 of the 1951-Act.

127A. (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

Restrictions on the printing of pamphlets, posters, etc.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, immediately after the printing of document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(i) where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section—

(a) any process for multiplying copies of a document, other than copying it by hand shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) 'election pamphlet or poster' means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting.

- (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both."

7. *Clauses 29 and 30.*—(Vide para 15 of the Minutes of the Second Sitting).

These clauses were adopted without amendment.

8. *Clause 33.*—(Vide para 18 of the minutes of the Second Sitting).

The clause was omitted.

9. *Clause 1.*—The clause was adopted without amendment.

10. *Long Title.*—The following amendment was accepted:—

In the Long Title,

omit "and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961."

The Long Title as amended was adopted.

11. *The Enacting Formula.*—The Enacting Formula was adopted without amendment.

12. The Committee decided unanimously to consider their draft Report and the Bill as amended at 15.00 hours on the 19th August, 1961.

13. The Committee desired that the Report might be presented to the Lok Sabha at 17.00 hours on the 19th August, 1961.

14. The Chairman announced that minutes of dissent, if any, may be sent after the adoption of draft Report so as to reach the Parliamentary Notice Office of the Lok Sabha Secretariat at 16.00 hours on the 19th August, 1961.

15. The Committee authorised the Chairman and in his absence, Shri Jaswantraj Mehta to present the Report to the House.

16. The Committee then adjourned to meet again at 15.00 hours on the 19th August, 1961.

IV

Fourth Sitting

The Committee met from 15.15 hours to 15.30 hours on **Saturday**, the 19th August, 1961.

PRESENT

Shri Jaganatha Rao—*Chairman*.

MEMBERS

2. Choudhry Brahm Perakash
3. Shrimati Renu Chakravartty
4. Shri R. Ramanathan Chettiar
5. Shri Shree Narayan Das
6. Shri Bal Raj Madhok
7. Shri Jaswantraj Mehta
8. Shri Ajit Singh Sarhadi
9. Shri M. Shankaraiya
10. Shri M. S. Sugandhi
11. Shri Asoke K. Sen.

DRAFTSMAN

Shri S. P. Sen Verma, *Joint Secretary and Draftsman, Ministry of Law*.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary*.

2. The Committee adopted the Bill as amended.
 3. The Committee thereafter considered the draft Report and adopted the same.
 4. The Committee then adjourned.
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