

LOK SABHA

**THE PRESIDENTIAL AND VICE-
PRESIDENTIAL ELECTIONS
(AMENDMENT) BILL, 1972**

Report of the Joint Committee

(Presented on the 19th November, 1973)



**LOK SABHA SECRETARIAT
NEW DELHI**

November, 1973/Kartika, 1895 (Śaka)

Price: Rs. 1.15 P.

LOK SABHA SECRETARIAT

CORRIGENDA

to

THE REPORT OF THE JOINT COMMITTEE ON THE
PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS
(AMENDMENT) BILL, 1972.

Page (vii), line 13, for "prospective"
read "prospective"

Page 5, line 11, for "any" read "an"

Page 20, line 14 from bottom, for
"Gunnanand" read "Gunanand"

Page 33, line 8, delete "*"

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JOINT COMMITTEE ON THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 1972

COMPOSITION OF THE COMMITTEE

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri P. K. Ghosh
4. Sardar Mohinder Singh Gill
5. Shri S. B. Giri
6. Shri H. R. Gokhale
7. Shri Jagannathrao Joshi
8. Shri J. G. Kadam
9. Shri Robin Kakoti
10. Shri A. Kevichusa
11. Shri Pилоo Mody
12. Shri Samar Mukherjee
13. Shri Pratap Singh Negi
14. Shri Tarkeshwar Pandey
15. Shri Rasiklal Parikh
16. Shri Jharkhande Rai
17. Shri Rajdeo Singh
18. Shri J. Rameshwar Rao
19. Shri M. S. Sanjeevi Rao
20. Shri S. C. Samanta
21. Shri C. K. Jaffer Sharief
22. Shri Digvijaya Narain Singh
23. Shri Nawal Kishore Sinha
24. Shri Sunder Lal
25. Shri Sidrameshwar Swamy
26. Shri M. G. Uikey
27. Shri K. P. Unnikrishnan
28. Shri Virbhadra Singh
29. Shri G. Viswanathan
30. Shri Niti Raj Singh Chaudhury

Rajya Sabha

31. Shrimati Maragatham Chandrasekhar
32. Shri Krishna Bahadur Chettri
33. Shri K. A. Krishnaswamy
34. Shri Lalbuala
35. Shri Ganeshlal Mali
36. Shri Balachandra Menon
37. Shri Lokanath Misra
38. Shri Kota Punnaiah
39. Shri Emonsingh M. Sangma
40. Shri T. N. Singh
41. Shri Triloki Singh
42. Shri Gunanand Thakur
43. Shri Gurcharan Singh Tohra
44. Shri H. M. Trivedi
45. Shri Jagdambi Prasad Yadav

**REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)**

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

- Shri P. K. Patnaik—*Joint Secretary.*
Shri H. G. Paranjpe—*Deputy Secretary.*

REPORT OF THE JOINT COMMITTEE

1. the Chairman of the Joint Committee to which the Bill* to amend the Presidential and Vice-Presidential Elections Act, 1952, 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 Lok Sabha on the 26th August, 1972. The motion for reference of the Bill to a Joint Committee of the Houses was moved in Lok Sabha by Shri Niti Raj Singh Chaudhury, Minister of State in the Ministry of Law, Justice and Company Affairs on the 30th August, 1972 and was adopted (Appendix I).

3. Rajya Sabha concurred in the said motion on the 4th September, 1972 (Appendix II).

4. The message from Rajya Sabha was published in Lok Sabha Bulletin—Part II on the 4th September, 1972.

5. The Committee held 20 sittings in all.

6. The first sitting of the Committee was held on the 13th September, 1972 to draw up their programme of work. The Committee decided that the various political parties, organisations, associations, public bodies, individuals, etc. interested in the subject matter of the Bill and desirous of submitting memoranda thereon for the consideration of the Committee might do so by the 18th October, 1972.

The Committee also decided that written memoranda on the Bill and their willingness to appear before the Committee for oral evidence might be invited from the following:—

- (i) Leaders of all the recognised political parties in India.
- (ii) Leaders of the political parties and/or groups in Parliament.
- (iii) Leader of the Independent Parliamentary Group.
- (iv) All Independent Members of Parliament.
- (v) Leaders of various political parties and/or groups in all the State Legislatures.
- (vi) Bar Councils, Supreme Court/High Courts, Bar Associations, etc.

The Committee further decided that the following persons might also be invited to give oral evidence on the provisions of the Bill:—

- (i) All former Chief Justices of India.
- (ii) Attorney General of India.
- (iii) Chief Election Commissioner.
- (iv) Former Chief Election Commissioners.

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 28th August, 1972.

(v) Shri Jai Prakash Narayan.

(vi) Shri H. N. Kunzru.

(vii) Shri C. D. Deshmukh.

7. Nine memoranda on the Bill were received by the Committee from various associations, organisations, etc. (*vide* list at Appendix III).

8. At their eleventh sitting held on the 20th June, 1973, the Committee *inter alia* decided to hold their sittings in the Council Hall, Bombay, on the 6th and 7th July, 1973, to hear the evidence of Sarvashri N. A. Palkhivala, Senior Advocate, Supreme Court of India and H. M. Seervai, Advocate-General, Government of Maharashtra, Bombay.

9. The Committee heard the evidence given by various organisations, associations, individuals, etc., at their sittings held at Delhi on the 17th, 18th, 19th and 20th January, 19th and 20th June and 27th July, 1973 and at Bombay on the 6th and 7th July, 1973. The list of organisations, associations, individuals, etc., who appeared before the Committee is at Appendix IV.

10. At their fifteenth sitting held on the 27th July, 1973, the Committee decided that (i) the evidence given before them might be laid on the Table of both the Houses; and (ii) two copies each of the memoranda received by the Committee from various associations, organisations, etc., might be placed in Parliament Library, after the report of the Committee was presented, for reference by the Members of Parliament.

11. The Report of the Committee was to be presented by the 17th November, 1972. The Committee were granted extension of time thrice—the first extension on the 13th November, 1972 upto the 16th May, 1973; the second extension on the 25th April, 1973 upto the 4th August, 1973; and the third extension on the 26th July, 1973, upto the 21st December, 1973.

12. At their sittings held on the 11th and 12th September, 1973, the Committee held general discussion on the various points raised in the memoranda submitted to the Committee and also during the course of oral evidence before the Committee.

13. The Committee considered the Bill clause-by-clause at their sittings held on the 19th and 20th October, 1973.

14. The Committee considered and adopted the Report on the 9th November, 1973.

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

16. *Clause 3—(i) Clause (a) of sub-section (1) of section 4.*—In the Bill, as introduced, provision was made to reduce the entire time schedule of elections. The Committee feel that the reduction in the time-limit for the filing of nominations, particularly in the context of an increase in the number of proposers and seconders for nominations, may create considerable hardship and also practical difficulties. In view of this, the Committee are of the opinion that the time-limit for filing of nominations may be restored as in the existing law.

Clause (a) has been amended accordingly.

(ii) *Sub-section (1A) of section 4.*—Sub-section (1A) was incorporated with a view to remove any scope for doubt in the matter by providing that when any day fixed by notification for making nomination, or scrutiny, or withdrawal happens to be a public holiday, the next succeeding day which is not a public holiday, shall be deemed to have been appointed for any of the aforesaid purposes by the notification. The Committee feel that the said object can be achieved by adopting appropriate phraseology in the notification itself.

Sub-section (1A) has been deleted accordingly.

17. *Clause 4.—(i) Clause (a) of sub-section (1) of proposed section 5B.*—With a view to providing an effective curb against frivolous nominations in the case of Presidential election, provision was made in the Bill, as introduced, that a prospective Presidential candidate should get the support of at least forty electors of whom at least twelve electors shall be members of Parliament and at least twenty-four shall be members of State Legislative Assemblies. The Committee feel that in the case of Presidential election, the support of at least 20 electors as proposers and at least 20 electors as seconders for the candidate is on the high side and it might be reduced to twenty—ten as proposers and ten as seconders, without any further stipulation about the minimum number of members of Parliament and members of State Legislative Assemblies.

Clause (a) of sub-section (1) of proposed section 5B has been amended accordingly.

(ii) *Proviso to sub-section (3) of proposed section 5B.*—In sub-section (1), provision has been made fixing the hours between which the nomination paper may be delivered to the Returning Officer. Sub-section (3) also empowers the Returning Officer not to accept any nomination paper which is not presented during the specified hours. In view of this, the Committee feel that there is no necessity to make a further provision in the form of a proviso to the sub-section.

Proviso to sub-section (3) has been deleted accordingly.

(iii) *Sub-section (5) of proposed section 5B.*— Sub-section (5) of proposed section 5B provides that no elector shall subscribe, whether as proposer or as seconder, more than one nomination paper at any election. The Committee feel that, in cases where an elector has acted as proposer or as seconder for more than one candidate at the same election, instead of providing for a general ban as has been done in the Bill which might lead to the rejection under new section 5E(3) (e) of the nomination paper of an innocent candidate, it would only be equitable and proper to provide that the signature of such a person would merely be inoperative on any paper other than one first delivered.

Sub-section (5) of proposed section 5B has been amended accordingly.

(iv) *Clause (e) of sub-section (3) of proposed Section 5E.*—Clause (e) of sub-section (3) of proposed section 5E empowers the Returning Officer to reject a nomination paper on the ground that any of the proposers or seconders has subscribed, whether as proposer or seconder, another nomination paper received earlier by the returning officer at the same election. The Committee feel that this provision is not necessary in view of their observations in the preceding paragraph.

Clause (e) of sub-section (3) of proposed section 5E has been deleted accordingly.

Other amendments made are of consequential nature.

18. *Clause 6.*— The Committee feel that in keeping with the decision to reduce the number of minimum support from forty to twenty for the filing of nominations in the case of Presidential election, the number of electors for filing an election petition in the case of Presidential election should also be the same.

Clause 6 has been amended accordingly.

19. *Clause 7.*— This clause seeks to substitute a new section in place of section 18 of the principal Act to provide *inter alia* for the deletion of the grounds relating to the offences of bribery and undue influence for challenging an election to the offices of President and Vice-President.

Having regard to the evidence tendered before them, the Committee, after careful consideration, are of the opinion that instead of omitting the grounds based on the offences of bribery and undue influence altogether from section 18 as proposed in the Bill, that section may be amended to provide that those offences should be a ground for declaring the election of the returned candidate to be void only if they are committed by the returned candidate or by any person with the consent (instead of connivance) of the returned candidate and that accordingly the provision in section 18 enabling the Supreme Court to declare a Presidential election to be void on the ground of commission of the offences of bribery and undue influence even by a third party who may have no nexus with the returned candidate should be omitted.

The clause has been amended accordingly.

20. *Clause 1 and Enacting formula.*—The amendments made are of a verbal nature.

21. The Joint Committee recommend that the Bill, as amended, be passed.

NEW DELHI;
November 19, 1973.

Kartika 28, 1895 (Saka)

S. A. KADER,
Chairman,
Joint Committee.

MINUTES OF DISSENT

I

- (A) Delete the words "At least 10 electors as Proposers and at least 10 electors as Seconders" from clause 5B(1) (a) and substitute them by the words "One elector as proposer and one elector as seconder".
- (B) Delete the words "Five electors as proposers and five electors as seconders" from clause 5B(1) (b) and substitute them by the words "One elector as proposer and one elector as seconder".
- (C) Delete the word 'one' before the word 'proposer' and also before the word "seconder" from line 5 on page 4 of the Bill in clause 5E(1) and substitute them by the word 'the' before the words 'proposer' and 'seconder'.

My reasons for the above amendments are that there should be no double check at the time of the nomination. The Joint Select Committee have already proposed a security deposit of Rs. 2,500|-. The world over, only one proposer is deemed necessary for giving notice of a proposal, whether in the matter of election or of any resolution. In my opinion what is necessary is deterrents in filing election petition and not in filing nomination for the offices of the President and the Vice-President.

NEW DELHI;
November 14, 1973.

TRILOKI SINGH

II

We regret we are unable to agree to many of the amendments proposed in the Presidential and Vice-Presidential Elections Act by a majority of the Members of the Joint Select Committee. Hence this note of dissent.

We had the benefit of listening to the evidence of many prominent lawyers, jurists, eminent politicians and *ex-Chief Justices* of the Supreme Court. A glance through the large mass of evidence should convince any reader that most of the amendments are uncalled for and unnecessary. The original Act was by and large good enough and does not require so many changes. When the original Act was framed and passed, it was the general feeling among the members that this prestigious election should be treated as something different from the general run of elections to legislatures. That is why the original Act which is being amended did not even provide for deposits by candidates to this august office, thus indicating the wish of the then House to keep the election above mundane considerations. It conceded the right of the poorest citizen of India who might not have the backing of any political party even and yet be a man

(ix)

of outstanding ability to be a candidate. Such a citizen, poor or independent though he be, was not to be deterred or handicapped by the type of restrictions now proposed. It is true that there have been filed a large number of nomination papers in the past by candidates some of whom did not secure a single vote even. Yet it is also true that during the last three elections the contestants were generally serious candidates. The election petitions which followed these elections involved many important issues on which it is good that we have had rulings now.

The most amazing amendment proposed in the amending bill as introduced in both Houses of Parliament, was deletion of Section 18 of the Act which deals with grounds for declaring the election of a returned candidate to be void and in which offences of bribery and undue influence could be the material cause, whether committed by the returned candidate himself or by any other person with the connivance of the returned candidate. Now, as a result of discussions in the Joint Select Committee the ruling party has agreed to a kind of concession by a mild amendment which makes bribery and unfair means an offence only if it has the consent of the candidate concerned even though he may have connived with the commission of such an offence. It is deplorable that instead of the word 'connivance' as provided in original section 18 the word 'consent of the returned candidate' has been used. This means that if the candidate has not formally given his consent and there is connivance on his part he would yet be deemed to have been lawfully elected. 'Connivance', to my mind, is as bad as consent given to bribery or to the use of undue influence at such elections. This amounts to giving up certain moral values and standards to which our great country has always attached the highest importance.

The original section 18(b) of the Act further provided that if the Supreme Court is of the opinion that the result of the election has been materially affected:

"(i) by reason that the offence of bribery or undue influence at the election has been committed by any person who is neither the returned candidate nor a person acting with his connivance,"

"The Supreme Court shall declare the election of the returned candidate to be void".

This sub-clause is now proposed to be omitted completely. Omission of this sub-clause will mean that it will be perfectly valid for persons to indulge in connivance of bribery or undue influence at the elections, even though the result of the election is materially affected thereby.

The Sub-clause (i) (a) and (i) (b) of the original section 18 of the Act were sound, desirable and proper in every sense. Any attempt to dilute or to omit any one of them is tantamount to connivance with undue influence and impropriety at such elections.

We strongly urge on Members of both Houses of Parliament not to tamper with the very healthy provisions of Section 18 of the original Act.

We do not agree with the proposal to increase the number of proposers and seconders from 1 to 10 in the case of Presidential nomination on the

plea that provision of single nominator and seconder might lead to frivolous nominations being filed. If one Member of legislature is capable of frivolous nomination 10 can also be so. The increase in numbers does not materially affect the position and we are unnecessarily tampering with the very dignified provisions of the original Act. We should allow time and have patience for healthy conventions to grow.

Though we have no objection on grounds of principle to the provision for a security deposit of Rs. 2500|- in regard to nomination paper filed by a presidential candidate, we do feel that the omission of such a provision in the original Act lent a certain dignity to the law on this subject. Such a mundane provision of a security deposit of Rs. 2500|- will not restrict frivolous nomination if anyone has the intention to do so. It may perhaps have been better to leave the provisions of the Act undisturbed. The framers of the original Act had considered it wiser and more dignified to omit the provision relating to security deposits.

NEW DELHI;
November 15, 1973.

T. N. SINGH
DIGVIJAYA NARAIN SINGH

III

I am of the opinion that this Bill is uncalled for and the status quo can continue till more important aspects of President and Vice-President's powers and functions are dealt with.

In the Statement of Objects and Reasons, it is said that persons offer themselves as candidates to the highest office of President without *even a remote chance of getting elected*. Another matter which is of equal if not greater concern is the *light-hearted manner* in which persons resort to Court of Law for challenging the election to the office of the Head of the State.

Normally in a democratic Constitution, the President as the symbolic head should be treated with due respect but in our country in the name of the President, the Executive Government has dictatorial powers and is using them to suppress democracy as exemplified by the following provisions in the Constitution. The Government in exercising these provisions in the interests of ruling party has brought the prestige of President to the lowest level possible. So unless all these are remedied this measure will not achieve anything and as such I am opposed to it.

The President has got the right to dismiss State Governments and institute President's rule under Article 356. He has got the right to dismiss an employee without even ascribing any reason or opportunity for an employee to explain to the charges levelled against him. He has got the right to declare emergency in the name of internal disturbances or in the name of threat to the security of India even if there is no war actually taking place. No law passed by any State on agrarian reforms or various social ameliorative measures in the interests of the toiling masses could be moved without his permission.

Further, the Constitution is silent on his powers and certain clauses are such that he can dismiss an elected Government and the Parliament and establish a dictatorship also. As long as these powers are embedded in the name of the President, whether there is any chance of any person getting elected under existing law on the election of President, or not,

at least as a protest against the whole presidential powers, the democratic opposition has got a right to put up their own candidates and as such, we are opposed to any restriction of that possibility.

Similarly, the election to the Parliament and Assemblies is based on single constituency distributive vote which does not really reflect the relative strength of different parties as reflected by the popular vote.

The ruling Congress party during the last 25 years with about 40—45 per cent. of the votes or sometimes even less, had been monopolising overwhelming number of seats in the Lok Sabha as well as in the Assemblies. Unless this whole system is replaced by proportional voting, on lists based on political parties at State and all India levels, the proviso that only a certain number of elected representatives in Lok Sabha and Assembly can propose a person to contest for the Presidential Election will further restrict the democratic rights of the people.

With franchise being restricted to those above 21 years of age, but not to all citizens who have attained the age of 18, is also another undemocratic feature of Indian Constitution. The way the elections have been conducted using administrative machinery, allowing money-bags controlled by the ruling party, to purchase and buy voters and resorting to open terror against the democratic parties and even rigging of the elections as in the recent West Bengal Assembly elections has further added to the undemocratic features that are embedded in the Constitution of the present Assemblies and Parliament. As such, unless these aspects are removed, there is no need to change the present procedure in the election of President or Vice-President.

With regard to Vice-Presidential election, whether there is need to have a post of Vice-President when he has no functions except in case of some emergency to replace the President is to be considered. If that is the only function in such an emergency, the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha could officiate for the few days before which the Presidential vacancy could be filled up.

As for the present provision that the Vice-President is the Chairman of the Rajya Sabha but he should be elected by the members of Lok Sabha and Rajya Sabha constituting as the electoral college I am not in favour of the present procedure. The Rajya Sabha should be the real representative of different constituent States of Indian Union and each State should have equal representation and the powers of Rajya Sabha should be equal to that of Lok Sabha, so that the rights of the States could not be abridged by a party which has got majority in the Lok Sabha. The present position of Rajya Sabha based on indirect election on the basis of the present Assembly members as we have seen earlier does not exactly represent the popular strength of different political parties due to lack of proportional representation and gets further distorted in the Rajya Sabha position. So the first task of any effort to make the Chairman of the Rajya Sabha really an august personage that he is expected to be, must be to reform the Rajya Sabha itself and enhance its own prestige as the real custodian of the rights of States. Even if this is not done immediately in the election of the Chairman of the Rajya Sabha, there is no need to associate Lok Sabha members who elect their own speaker without Rajya Sabha members intervening. If the Chairman of the Rajya Sabha is to be elected by Rajya Sabha members there is no need to restrict the process of filing nomination as a candidate to this post as well, as it is sought to be made

in this amending Bill in the name of safeguarding the prestige of the Vice-President.

Moreover, the amending Bill restricts the scope of challenging the election by the provision that at least 20 electors shall be required to challenge the election in case of President and 10 in the case of the Vice-President. While an election of a member of the House of the People can be challenged by a single elector out of about a million electors, this kind of restriction is against democratic principles. It may so happen that certain facts which may vitiate the election is not known to the candidate personally so he may not be in a position to depose on oath. That is why right had been given to each and every elector. In case of Presidential and Vice-Presidential election the number of electors required to present a petition is already very high. I am opposed to this provision.

Another thing that requires mention that the stated object is to prevent frivolous election petition filed in light-hearted manner. If that be any reason it can be pointed out that for giving false evidence or for swearing false affidavits there is already Penal Provisions. So there is no need for this Bill.

There is no need for the demand of deposit from candidates for these posts upto Rs. 2,500/- nor is there any need to forfeit this deposit if a candidate does not poll 1/6th of the valid votes polled. In fact, my stand is that no deposit should be forfeited from any candidate in any elections either for Assembly or Lok Sabha as long as he polls 1 per cent of the valid votes. I consider it is the democratic right of a political party or group or individual to propagate his point of view however small it may be to begin with and seek a verdict of the people. As such, the provision of deposit should be as low as possible and the question of forfeiture of it should be also as low a percentage of total valid votes polled as possible.

NEW DELHI;

SAMAR MUKHERJEE.

November 16, 1973.

IV

राष्ट्रपति पद जैसे सर्वोच्च स्थान के चुनाव में कोई भी व्यक्ति, जिनको चुनकर आने की तनिक भी संभावना नहीं ऐसे व्यक्ति के नामांकन पत्र को निरस्त/रहित करने की कल्पना समझ में आ सकती है। किन्तु उसके लिये सुझाये गये उपायों को देख कर यह आशंका आती है कि वे उपाय अयोग्य व्यक्तियों के रोकने के बजाय, ईमानदार व सुयोग्य व्यक्ति के मार्ग में बाधक बनेंगे। उदाहरणार्थ, नामांकन पत्र दाखिल करने के लिये जो प्रस्तावक और अनुमोदकों की संख्या इतनी अधिक है कि किसी स्वतंत्र प्रत्याशी, जिनको किसी दल का समर्थन नहीं, उनको नामांकन पत्र दाखिल करना ही मुश्किल होगा। इसलिये मेरा सुझाव है कि वह संख्या घटाकर, राष्ट्रपति पद के लिये केवल 10 प्रस्तावक और उपराष्ट्रपति पद के लिये केवल 5 प्रस्तावक (संसद् सदस्य) तक ही सीमित करना चाहिये।

कोई भी व्यक्ति नामांकन पत्र दाखिल न कर सके इसलिये जब प्रस्तावकों की संख्या ही बढ़ा दी है तो फिर 2500 रुपये की डिपोजिट रखने का कुछ लुक समझ में नहीं आता। इसको निकाल ही देना चाहिये। यदि रखना ही है तो अन्य चुनावों में अनुसूचित जाति/जनजाति के लिये जो छूट हैं वह यहां भी रखकर ऐसे व्यक्ति से आधी राशि लेनी चाहिये।

चुनाव याचिका दाखिल करने पर भी जो अधिक मात्रा में विधायकों की आवश्यकता रखी है, उससे भ्रष्टाचार के प्रमाण का पता लगने के बाद भी चुनाव याचिका दाखिल करना कठिन होगा। इसलिये वह संख्या घटाकर केवल पांच व्यक्तियों पर लानी चाहिये।

नई दिल्ली;

जगन्नाथराव जोशी

16 नवम्बर, 1973

[English translation of IV]

So far as it seeks to discourage a person to file his nomination to the highest office of President without even a remote chance of getting elected, it is understandable. But the measures suggested therefor arouse apprehensions that instead of discouraging unworthy persons, the measures might create hindrance for honest and worthy persons. For example, the number of proposers and seconders required for filing nomination paper is so big that it will be very difficult for an independent candidate, who has not support of any party, to file his nomination paper. Therefore, my suggestion is that the number of proposers may be reduced to 10 in the case of the office of President and 5 (Members of Parliament) in the case of the office of Vice-President.

There is no point in requiring a deposit of Rs. 2500 when the increase in the number of proposers is enough to discourage persons to file their nomination papers. This provision may therefore be dispensed with. If this provision has to be included, the Scheduled Caste and Scheduled Tribe candidates may be required to deposit half of this amount on the analogy of other elections.

The requirement of large number of legislators for filing an election petition will make it difficult for anyone to file an election petition even though he has proof of the malpractices committed. The number therefore may be reduced to five persons.

NEW DELHI;
November 16, 1973.

JAGANNATH RAO JOSHI.

THE PRESIDENTIAL AND VICE-PRESIDENTIAL
ELECTIONS (AMENDMENT) BILL, 1972

(AS REPORTED BY THE JOINT COMMITTEE)

[Words side-lined or underlined indicate the amendments suggested by
the Committee; asterisks indicate omissions.]

▲
BILL

to amend the Presidential and Vice-Presidential Elections Act, 1952.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic
of India as follows:—

1. This Act may be called the Presidential and Vice-Presidential Elec- Short
tions (Amendment) Act, 1973. title.

5 2. In section 2 of the Presidential and Vice-Presidential Elections Act, Amend-
31 of 1952. 1952 (hereinafter referred to as the principal Act),— ment of
section 2.

(a) in clause (d), for the words "a member of either House of
Parliament", the words and figures "a member of the electoral col-
lege referred to in article 66" shall be substituted;

10 (b) after clause (f), the following clause shall be inserted,
namely:—

26 of 1881. '(ff) "public holiday" means any day which is a public holi-
day for the purposes of section 25 of the Negotiable Instruments
Act, 1881;';

15 (c) in clause (g), for the word "authorised", the word "compe-
tent" shall be substituted.

Amend-
ment of
section 4.

3. In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Election Commission shall, by notification in the Official Gazette, appoint for every election—

(a) the last date for making nominations, which shall be the fourteenth day after the date of publication of the notification under this sub-section, or, if that day is a public holiday, the next succeeding day which is not a public holiday; 5

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday; 10

(c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday; 15

(d) the date on which a poll shall, if necessary, be taken, which shall be a date not earlier than the fifteenth day after the last date for the withdrawal of the candidatures.”. 20

* * * * *

20

Substi-
tution
of new
sections
for sec-
tion 5.

4. For section 5 of the principal Act, the following sections shall be substituted, namely:—

Public
notice of
election.

“5. On the issue of a notification under sub-section (1) of section 4, the returning officer for the election shall give public notice of the intended election in such form and in such manner as may be prescribed, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered. 25

Nomina-
tion of
candi-
dates.

5A. Any person may be nominated as a candidate for election to the office of President or Vice-President if he is qualified to be elected to that office under the Constitution. 30

Presen-
tation of
nomina-
tion
papers
and re-
quire-
ments of
a valid
nomina-
tion.

5B. (1) On or before the date appointed under clause (a) of sub-section (1) of section 4, each candidate shall, either in person or by any of his proposers or seconders, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the returning officer at the place specified in this behalf in the public notice issued under section 5 a nomination paper completed in the prescribed form and subscribed by the candidate as assenting to the nomination, and 35

(a) in the case of Presidential election, also by at least ten electors as proposers and at least ten electors as seconders; 40

(b) in the case of Vice Presidential election, also by at least five electors as proposers and at least five electors as seconders:

Provided that not nomination paper shall be presented to the returning officer on a day which is a public holiday.

(2) Each nomination paper shall be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the parliamentary constituency in which the candidate is registered as an elector.

5 (3) The returning officer shall not accept any nomination paper which is presented on any day before eleven o'clock in the forenoon and after three o'clock in the afternoon.

* * * * *

10 (4) Any nomination paper which is not received before three o'clock in the afternoon on the last date appointed under clause (a) of sub-section (1) of section 4 or to which the certified copy referred to in sub-section (2) of this section is not attached shall be rejected and a brief note relating to such rejection shall be recorded on the nomination paper itself.

15 (5) No elector shall subscribe, whether as proposer or as seconder, more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered.

20 (6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper for the same election:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer.

25 5C. (1) A candidate shall not be deemed to be duly nominated Deposit. for election unless he deposits or causes to be deposited a sum of two thousand five hundred rupees:

30 Provided that where a candidate has been nominated by more than one nomination paper for the same election, not more than one deposit shall be required of him under this sub-section.

35 (2) The sum required to be deposited under sub-section (1) shall not be deemed to have been deposited under that sub-section unless at the time of presentation of the nomination paper under sub-section (1) of section 5B, the candidate has either deposited or caused to be deposited that sum with the returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the Reserve Bank of India or in a Government Treasury.

40 5D. On the presentation of a nomination paper, the returning officer shall—

(a) sign thereon a certificate stating the date and time of presentation of the nomination paper and enter thereon its serial number; Notice of nominations and the time and place for their scrutiny.

45 (b) inform the person or persons presenting the nomination paper of the date, time and place fixed for the scrutiny of nominations; and

(c) cause to be affixed in some conspicuous place in his office a copy of the nomination paper as certified and numbered under clause (a).

Scrutiny of nominations.

5E. (1) On the date fixed for the scrutiny of nominations under sub-section (1) of section 4, the candidates, one proposer or one 5 seconder of each candidate and one other person duly authorised in writing by each candidate, but no other person, shall be entitled to be present at the time of scrutiny of nominations and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have not been rejected 10 under sub-section (4) of section 5B.

(2) For the removal of doubts, it is hereby declared that it shall not be necessary to scrutinise on the date fixed for the scrutiny of nominations the nomination papers already rejected under sub-section (4) of section 5B. 15

(3) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination paper and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:— 20

(a) that, on the date fixed for the scrutiny of nominations, the candidate is not eligible for election as President or Vice-President, as the case may be, under the Constitution; or

(b) that any of the proposers or seconders is not qualified to subscribe a nomination paper under sub-section (1) of section 5B; or 25

(c) that the nomination paper is not subscribed by the required number of proposers or seconders; or

(d) that the signature of the candidate or any of the proposers or seconders is not genuine or has been obtained by fraud; 30 or

* * * * *

(e) that there has been a failure to comply with any of the provisions of section 5B or section 5C.

(4) Nothing contained in clauses (b) to (e) of sub-section (3) 35 shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed. 40

(5) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(6) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of sub-section (1) of section 4 and shall not allow any adjournment of the proceedings except when 45 such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(7) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(8) For the purposes of this section, a certified copy of any entry in the electoral roll for the time being in force shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950."

43 of 1950.

5. In section 6 of the principal Act,—

Amend-
ment of
section 6.

(a) in sub-section (1), for the words "by his proposer or seconder", the words "by any one of his proposers or seconders" shall be substituted;

(b) 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."

6. In section 14 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amend-
ment of
section 14.

"(2) An election petition calling in question an election may be presented on one or more of the grounds specified in sub-section (1) of section 18 and section 19 to the Supreme Court by any candidate at such election, or—

(i) in the case of Presidential election, by twenty or more electors joined together as petitioners;

(ii) in the case of Vice-Presidential election, by ten or more electors joined together as petitioners."

7. For sub-section (1) of section 18 of the principal Act, the following sub-section shall be substituted, namely:—

Amend-
ment
of sec-
tion 18.

"(1) If the Supreme Court is of opinion,—

(a) that the offence of bribery or undue influence at the election has been committed by the returned candidate or by any person with the consent of the returned candidate; or

(b) that the result of the election has been materially affected—

(i) by the improper reception or refusal of a vote, or

(ii) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act; or

(iii) by reason of the fact that the nomination of any candidate (other than the successful candidate), who has not withdrawn his candidature, has been wrongly accepted; or

(c) that the nomination of any candidate has been wrongly rejected or the nomination of the successful candidate has been wrongly accepted;

the Supreme Court shall declare the election of the returned candidate to be void."

Insertion
of new
section
20A.

8. In Part IV of the principal Act, before the existing section 21, the following section shall be inserted namely:—

Return
or for-
feiture
of candi-
date's
deposit.

"20A. (1) The deposit made under section 5C shall either be returned to the person making it or his legal representative or be forfeited to the Central Government in accordance with the provisions of this section.

(2) Except in cases hereafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown in the list referred to in clause (b) of section 8, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provisions of sub-section (3), the deposit shall be forfeited if at the election where the poll has been taken, the candidate is not elected, and the number of valid votes polled by such candidate does not exceed one-sixth of the number of votes necessary to secure the return of a candidate at such election."

Amend-
ment of
section
21.

9. In section 21 of the principal Act,—

(1) in sub-section (2),—

(a) in clause (b), for the words "members of both Houses of Parliament", the words and figures "members of the electoral college referred to in article 66" shall be substituted;

(b) after clause (c), the following clause shall be inserted, namely:—

"(cc) the form and manner in which public notice under section 5 shall be given by the returning officer;"

(c) for clause (g), the following clause shall be substituted, namely:—

"(g) the place and hours of polling, the manner in which votes are to be given both generally and in the case of illiterate voters or voters not conversant with the language in which ballot papers are printed or voters under physical or other disability and the procedure as to voting to be followed at elections;"

(2) after sub-section (2), the following sub-section shall be inserted, namely:—

5 “(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 or more successive sessions,
and if, before the expiry of the session immediately following
the session or the successive sessions aforesaid, both Houses
agree in making any modification in the rule or both Houses agree
10 that the rule should not be made, 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 Lok Sabha for reference of the Bill to the Joint Committee

"That the Bill to amend the Presidential and Vice-Presidential Elections Act, 1952, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

- (1) Shri P. Gangadeb
- (2) Shri P. K. Ghosh
- (3) Sardar Mohinder Singh Gill
- (4) Shri S. B. Giri
- (5) Shri H. R. Gokhale
- (6) Shri Jagannathrao Joshi
- (7) Shri J. G. Kadam
- (8) Shri S. A. Kader
- (9) Shri Robin Kakoti
- (10) Shri A. Kevichusa
- (11) Shri Piloo Mody
- (12) Shri Samar Mukherjee
- (13) Shri Pratap Singh Negi
- (14) Shri Tarkeshwar Pandey
- (15) Shri Rasiklal Parikh
- (16) Shri Jharkhande Rai
- (17) Shri Rajdeo Singh
- (18) Shri J. Rameshwar Rao
- (19) Shri M. S. Sanjeevi Rao
- (20) Shri S. C. Samanta
- (21) Shri C. K. Jaffer Sharief
- (22) Shri Digvijaya Narain Singh
- (23) Shri Nawal Kishore Singh
- (24) Shri Sunder Lal
- (25) Shri Sidrameshwar Swamy
- (26) Shri M. G. Uikey
- (27) Shri K. P. Unikrishnan
- (28) Shri Virbhadra Singh
- (29) Shri G. Viswanathan
- (30) Shri Niti Raj Singh Chaudhury

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quórum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha to join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

Motion in Rajya Sabha

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to amend the Presidential and Vice-Presidential Elections Act, 1952, and resolves that the following 15 members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

- (1) Shri Gunanand Thakur
- (2) Shri Kota Punnaiah
- (3) Shri T. N. Singh
- (4) Shri Gurcharan Singh Tohra
- (5) Shri K. A. Krishnaswamy
- (6) Shri Jagdambi Prasad Yadav
- (7) Shri Balachandra Menon
- (8) Shri Lokanath Misra
- (9) Shri Lalbuai
- (10) Shri Ganeshlal Mali
- (11) Shri Emonsingh M. Sangma
- (12) Shri Triloki Singh
- (13) Shri H. M. Trivedi
- (14) Shrimati Maragatham Chandrasekhar
- (15) Shri Krishna Bahadur Chettri."

APPENDIX III

(Vide para 7 of the Report)

List of Associations, Organisations, etc. from whom memoranda were received by the Joint Committee.

1. National Council of the Communist Party of India and the C.P.I. Group in Parliament.
2. Shri Satya Pal Dang, M.L.A., Leader CPI Group in the Punjab Vidhan Sabha.
3. Shri N. G. Goray, M. P.
4. West Bengal Association of Democratic Lawyers, Calcutta
5. Shri N. S. Das Bahl, Advocate, Supreme Court of India, New Delhi.
6. Dr. P. S. Yogi Raja, Mathurawala, Dehra Dun.
7. Bar Council of India.
8. Shri P. Ram Reddy, Senior Advocate, Supreme Court of India, New Delhi.
9. Shri N. A. Palkhivala, Senior Advocate, Supreme Court of India, New Delhi.

APPENDIX IV

(Vide para 9 of the Report)

List of Officials of the Ministries/Departments of the Government of India and representatives of various Associations, Organisations, etc. who gave evidence before the Joint Committee

S. No.	Name of Officials/Association/Organisation, etc.	Date on which evidence was taken
1	2	3
1	Shri S. P. Sen Varma, Former Chief Election Commissioner.	17-1-1973
2	Shri K. N. Wanchoo, Former Chief Justice of India.	17-1-1973
3	Shri K. V. K. Sundaram, Former Chief Election Commissioner.	18-1-1973 & 19-1-1973
4	Shri Bhuvaneshwar Prasad Sinha, Former Chief Justice of India.	18-1-1973
5	Shri Hari Vishnu Kamath, Ex-M.P.]	18-1-1973 & 20-6-1973
6	Shri N. S. Dass Bahl, Advocate, Supreme Court of India, New Delhi.	18-1-1973
7	Dr. Nagendra Singh, Chief Election Commissioner	[19-1-1973 &] 20-1-1973
8	Shri M. Hidayatullah, Former Chief Justice of India.	[19-1-1973
9	Shri A. K. Sarkar, Former Chief Justice of India.	[19-1-1973
10	Shri Niren De, Attorney General of India.	[20-1-1953
11	Shri P. Ram Reddy, Senior Advocate, Supreme Court of India, New Delhi.	20-1-1973
12	Shri T. Swaminathan, Chief Election Commissioner.]	[19-6-1973

1	2	3
13	Shri N. A. Palkhivala, Senior Advocate, Supreme Court of India, New Delhi.	6-7-1973
14	Shri H. M. Seervai, Advocate General, Government of Maharashtra, Bombay.	7-7-1973
15	Shri S. M. Sikri, Ex-Chief Justice of India.	27-7-1973

APPENDIX V

Minutes of the Sittings of the Joint Committee on the Presidential and Vice-Presidential Elections (Amendment) Bill, 1972

I

FIRST SITTING

The Committee sat on Wednesday, the 13th September, 1972 from 15.00 to 16.00 hours.

PRESENT

Shri S. C. Samanta—*In the Chair*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri P. K. Ghosh
4. Sardar Mohinder Singh Gill
5. Shri S. B. Giri
6. Shri H. R. Gokhale
7. Shri Jagannathrao Joshi
8. Shri J. G. Kadam
9. Shri Piloo Mody
10. Shri Samar Mukherjee
11. Shri Pratap Singh Negi
12. Shri Tarkeshwar Pandey
13. Shri Rasiklal Parikh
14. Shri Jharkhande Rai
15. Shri Rajdeo Singh
16. Shri J. Rameshwar Rao
17. Shri M. S. Sanjeevi Rao
18. Shri C. K. Jaffer Sharief
19. Shri Digvijaya Narain Singh
20. Shri Nawal Kishore Sinha
21. Shri M. G. Uikey
22. Shri K. P. Unnikrishnan

Rajya Sabha

23. Shrimati Maragatham Chandrasekhar
24. Shri Lalbuai

25. Shri Lokanath Misra
26. Shri Kota Punnaiah
27. Shri T. N. Singh
28. Shri Triloki Singh
29. Shri Gunanand Thakur
30. Shri Jagdambi Prasad Yadav.

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri K. K. Sundaram—*Joint Secretary and Legislative Counsel.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani, *Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. In the absence of the Chairman, Shri S. C. Samanta was elected to act as the Chairman for the sitting under Rule 258(3) of the Rules of Procedure and Conduct of Business.

3. The Committee, after some discussion, decided that the various political parties, organisations, associations, public bodies, individuals, etc., interested in the subject matter of the Bill and desirous of submitting memoranda thereon for the consideration of the Committee might do so by the 18th October, 1972. The Committee directed the Lok Sabha Secretariat to issue a Press Communique in that regard.

4. The Committee also decided that written memoranda on the Bill and their willingness to appear before the Committee for oral evidence be invited from the following:

- (i) Leaders of all recognised political parties in India.
- (ii) Leaders of all Political Parties and/or Groups in Parliament.
- (iii) Leader of Independent Parliamentary Group.
- (iv) All Independent Members of Parliament.
- (v) Leaders of various Political Parties and/or Groups in all State Legislatures.
- (vi) Bar Councils, Supreme Court/High Court Bar Associations, etc.

5. The Committee further decided that the following might be invited to give oral evidence on the provisions of the Bill before the Committee:

- (i) All former Chief Justices of India.
- (ii) Attorney General of India.
- (iii) Chief Election Commissioner.
- (iv) Former Chief Election Commissioner (Shri K. V. K. Sundaram).
- (v) Shri Jai Prakash Narayan.
- (vi) Shri H. N. Kunzru.
- (vii) Shri C. D. Deshmukh.

6. Members of the Committee were also requested to suggest names of the organisations|associations|individuals etc. who might be invited for oral evidence before the Committee within a week.

7. The Committee then authorised the Chairman to select parties for oral evidence from amongst the parties who might express a desire to that effect.

8. The Committee desired the Ministry of Law and Justice to furnish the following:—

- (i) A background note on the provisions of the Bill.
- (ii) A note on the existing procedure followed for election to the Offices of the President and Vice-President in the foreign countries.
- (iii) Relevant extracts from the Constituent Assembly debates on the relevant constitutional provisions relating to election to the Offices of the President and the Vice-President.
- (iv) Judgments of Supreme Court on the Election Petitions in the cases of elections to the Offices of the President and the Vice-President.

9. The Committee also desired the Ministry of Law and Justice to tabulate all the memoranda on the Bill that might be received by the Committee and offer their comments in the form of a statement for their consideration.

10. The Committee then decided to have general discussion on the various points that might be raised in the memoranda received by the Committee at their next sitting to be held on Saturday, the 21st October, 1972.

The Committee then adjourned.

II

Second Sitting

The Committee sat on Saturday, the 21st October, 1972 from 11.00 to 12.15 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri P. K. Ghosh
4. Shri S. B. Giri
5. Shri H. R. Gokhale
- 6 Shri J. G. Kadam

7. Shri Piloo Mody
8. Shri Pratap Singh Negl
9. Shri Tarkeshwar Pandey
10. Shri Rasiklal Parikh
11. Shri Jharkhande Rai
12. Shri Rajdeo Singh
13. Shri J. Rameshwar Rao
14. Shri M. S. Sanjeevi Rao
15. Shri S. C. Samanta
16. Shri Digvijaya Narain Singh
17. Shri Nawal Kishore Sinha
18. Shri Sunder Lal
19. Shri M. G. Uikey
20. Shri K. P. Unnikrishnan

Rajya Sabha

21. Shrimati Maragatham Chandrasekhar
22. Shri Lalbuaia
23. Shri Ganeshlal Mali
24. Shri Balachandra Menon
25. Shri Lokanath Misra
26. Shri Kota Punnaiah
27. Shri Emonsingh M. Sangma
28. Shri T. N. Singh
29. Shri Triloki Singh
30. Shri Gurcharan Singh Tohra
31. Shri H. M. Trivedi
32. Shri Jagdambi Prasad Yadav

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri K. K. Sundaram—*Joint Secretary and Legislative Counsel.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani, *Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. At the outset, the Chairman informed the Committee that the following have so far agreed to give oral evidence before the Committee:

- (i) Shri J. C. Shah, Former Chief Justice of India.
- (ii) Shri K. N. Wanchoo, Former Chief Justice of India.
- (iii) Shri M. Hidayatullah, Former Chief Justice of India.
- (iv) Shri C. D. Deshmukh.
- (v) Shri K. V. K. Sundaram, Former Chief Election Commissioner.

The Committee decided that the following may also be invited to give oral evidence:

- (i) Shri H. V. Kamath, *Ex-M.P.*
- (ii) Shri P. Ram Reddy, Senior Advocate, Supreme Court.
- (iii) Shri Somnath Iyar, Senior Advocate, Supreme Court.

3. The Committee felt that as they had yet to take evidence of various Associations, individuals, etc. who had expressed their desire to that effect, it would not be possible for them to present their Report by the stipulated date i.e. 17th November, 1972. The Committee, therefore, decided to seek an extension of time for presentation of their Report upto the last day of the next Budget Session (1973).

4. The Committee authorised the Chairman and, in his absence, Shri Nawal Kishore Sinha to move the necessary motion in the House to that effect.

5. The Committee decided to hold their next sittings on the 1st November, 1972 to have a general discussion on the various points raised in the memoranda received by the Committee and from 17th to 20th January, 1973 to hear oral evidence of various associations, individuals, etc.

6. The Committee then adjourned.

III

Third Sitting

The Committee sat on Wednesday, the 1st November, 1972 from 14.30 to 17.15 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

- 2. Shri P. Gangadeb
- 3. Sardar Mohinder Singh Gill
- 4. Shri S. B. Giri
- 5. Shri J. G. Kadam
- 6. Shri Piloo Mody
- 7. Shri Samar Mukherjee
- 8. Shri Pratap Singh Negi
- 9. Shri Tarkeshwar Pandey
- 10. Shri Rasiklal Parikh
- 11. Shri Jharkhande Rai
- 12. Shri Rajdeo Singh
- 13. Shri J. Rameshwar Rao
- 14. Shri M. S. Sanjeevi Rao

15. Shri C. K. Jaffer Sharief
16. Shri Digvijaya Narain Singh
17. Shri Sunder Lal
18. Shri M. G. Uikey
19. Shri K. P. Unnikrishnan
20. Shri Niti Raj Singh Chaudhury

Rajya Sabha

21. Shrimati Maragatham Chandrasekhar
22. Shri Lalbuai
23. Shri Ganeshlal Mali
24. Shri Lokanath Misra
25. Shri Kota Punnaiah
26. Shri T. N. Singh
27. Shri Triloki Singh
28. Shri Gunanand Thakur
29. Shri Gurcharan Singh Tohra
30. Shri Jagdambi Prasad Yadav

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri K. K. Sundaram—*Joint Secretary and Legislative Counsel.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani, *Under Secretary.*

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

2. The Committee held a general discussion on the provisions of the Bill and the points raised in the memoranda received by them.

3. The Committee adjourned to meet from the 17th to 20th January, 1973 to hear oral evidence of various organisations, associations, individuals, etc. to be selected by the Chairman.

IV

FOURTH SITTING

The Committee sat on Wednesday, the 17th January, 1973 from 11.00 to 13.30 hours and again from 15.00 to 16.30 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri P. K. Ghosh
4. Sardar Mohinder Singh Gill

5. Shri S. B. Giri
6. Shri Jagannathrao Joshi
7. Shri J. G. Kadam
8. Shri Samar Mukherjee
9. Shri Pratap Singh Negi
10. Shri Tarkeshwar Pandey
11. Shri Rasiklal Parikh
12. Shri Jharkhande Rai
13. Shri Rajdeo Singh
14. Shri S. C. Samanta
15. Shri Digvijaya Narain Singh
16. Shri Nawal Kishore Sinha
17. Shri Sunder Lal
18. Shri M. G. Uikey
19. Shri K. P. Unnikrishnan
20. Shri Virbhadra Singh
21. Shri Niti Raj Singh Chaudhury

Rajya Sabha

22. Shrimati Maragatham Chandrasekhar
23. Shri Krishna Bahadur Chettri
24. Shri Lalbuaia
25. Shri Ganeshlal Mali
26. Shri Balachandra Menon
27. Shri Lokanath Misra
28. Shri Kota Punnaiah
29. Shri Emonsingh M. Sangma
30. Shri T. N. Singh
31. Shri Triloki Singh
32. Shri Gunnanand Thakur

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel*
3. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri H. G. Paranjpe—*Deputy Secretary.*

2. Before the Committee proceeded to hear the evidence of the following, the Chairman drew their attention to the provisions of Direction 58 of the Directions by the Speaker:—

- I. Shri S. P. Sen Varma,
Former *Chief Election Commissioner,*
[11.00 to 13.30 hours]

II. Shri K. N. Wanchoo,
Former *Chief Justice of India.*

[15.00 to 16.30 hours]

3. A verbatim record of evidence was kept.

4. The Committee then adjourned to meet again at 11.00 hours on Thursday, the 18th January, 1973.

V

FIFTH SITTING

The Committee sat on Thursday, the 18th January, 1973 from 11.00 to 13.15 hours and again from 15.00 to 17.00 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri P. K. Ghosh
4. Sardar Mohinder Singh Gill
5. Shri S. B. Giri
6. Shri Jagannathrao Joshi
7. Shri J. G. Kadam
8. Shri Piloo Mody
9. Shri Samar Mukherjee
10. Shri Pratap Singh Negi
11. Shri Tarkeshwar Pandey
12. Shri Rasiklal Parikh
13. Shri Jharkhande Rai
14. Shri Rajdeo Singh
15. Shri J. Rameshwar Rao
16. Shri M. S. Sanjeevi Rao
17. Shri S. C. Samanta
18. Shri Digvijaya Narain Singh
19. Shri Nawal Kishore Sinha
20. Shri M. G. Uikey
21. Shri K. P. Unnikrishnan
22. Shri Virbhadra Singh
23. Shri G. Viswanathan
24. Shri Niti Raj Singh Chaudhury

Rajya Sabha

25. Shrimati Maragatham Chandrasekhar
26. Shri Krishna Bahadur Chettri

27. Shri Lalbuaia
28. Shri Ganeshlal Mali
29. Shri Balachandra Menon
30. Shri Kota Punnaiah
31. Shri Emonsingh M. Sangma
32. Shri T. N. Singh
33. Shri Triloki Singh
34. Shri Gunanand Thakur
35. Shri H. M. Trivedi
36. Shri Jagdambi Prasad Yadav

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*

2. Before the Committee proceeded to hear the evidence of the following, the Chairman drew their attention to the provisions of Direction 58 of the Directions by the Speaker:—

- I. Shri K. V. K. Sundaram, Former *Chief Election Commissioner.*
(11.00 to 12.00 hours)
- II. Shri Bhuvaneshwar Prasad Sinha, Former *Chief Justice of India.*
(12.00 to 13.15 hours)
- III. Shri H. V. Kamath, *Ex-M.P.*
(15.00 to 16.00 hours)
- IV. Shri N. S. Dass Bahl, *Advocate, Supreme Court, Delhi.*
(16.00 to 17.00 hours)

3. The evidence of Sarvashri K. V. K. Sundaram and H. V. Kamath was not concluded. The Committee decided that Shri K. V. K. Sundaram might be asked to appear again before the Committee on Friday, the 19th January, 1973 at 16.00 hours and Shri H. V. Kamath be invited to give further evidence sometime in March, 1973.

4. A verbatim record of evidence was kept.

5. The Chairman informed the Committee that Shri Dhanayabhai V. Patel, M.P. had expressed a desire to appear before the Committee on Saturday, the 20th January, 1973 after 11.00 hours instead of the 19th January, 1973. As the schedule fixed for 20th January could not be altered, the Committee did not agree to the request of Shri Patel.

6. The Committee then adjourned to meet again at 11.00 hours on Friday, the 19th January, 1973.

VI

Sixth Sitting

The Committee sat on Friday, the 19th January, 1973 from 11.00 to 13.30 hours and again from 15.00 to 17.15 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri P. K. Ghosh
4. Sardar Mohinder Singh Gill
5. Shri S. B. Giri
6. Shri Jagannathrao Joshi
7. Shri J. G. Kadam
8. Shri Pilo Mody
9. Shri Samar Mukherjee
10. Shri Pratap Singh Negi
11. Shri Tarkeshwar Pandey
12. Shri Rasiklal Parikh
13. Shri Jharkhande Rai
14. Shri Rajdeo Singh
15. Shri J. Rameshwar Rao
16. Shri M. S. Sanjeevi Rao
17. Shri Digvijaya Narain Singh
18. Shri Nawal Kishore Sinha
19. Shri M. G. Uikey
20. Shri K. P. Unnikrishnan
21. Shri Virbhadra Singh
22. Shri G. Viswanathan
23. Shri Niti Raj Singh Chaudhury

Rajya Sabha

24. Shrimati Maragatham Chandrasekhar
25. Shri Krishna Bahadur Chattri
26. Shri Lalbuaia
27. Shri Ganeshlal Mali
28. Shri Balachandra Menon
29. Shri Lokanath Misra
30. Shri Kota Punnaiah
31. Shri Emonsingh M. Sangma
32. Shri T. N. Singh
33. Shri Triloki Singh

34. Shri Gunanand Thakur
35. Shri H. M. Trivedi

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. Before the Committee proceeded to hear the evidence of the following, the Chairman drew their attention to the provisions of Direction 58 of the Directions by the Speaker:—

- I. Dr. Nagendra Singh, *Chief Election Commissioner.*
(11.00 to 12.05 hours)
- II. Shri M. Hidayatullah, *Former Chief Justice of India.*
(12.05 to 13.30 hours)
- III. Shri A. K. Sarkar, *Former Chief Justice of India.*
(15.00 to 16.25 hours)
- IV. Shri K. V. K. Sundaram, *Former Chief Election Commissioner.*
(16.25 to 17.15 hours)

3. The evidence of Dr. Nagendra Singh was not concluded. The Committee decided that Dr. Nagendra Singh might be asked to appear again before the Committee on Saturday, the 20th January, 1973 at 10.00 hours.

4. A verbatim record of evidence was kept.

5. The Committee then adjourned to meet again at 10.00 hours on Saturday, the 20th January, 1973.

VII

Seventh Sitting

The Committee sat on Saturday, the 20th January, 1973 from 10.00 to 13.15 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri S. B. Giri
4. Shri Jagannathrao Joshi

5. Shri J. G. Kadam
6. Shri Pилоo Mody
7. Shri Samar Mukherjee
8. Shri Pratap Singh Negi
9. Shri Tarkeshwar Pandey
10. Shri Jharkhande Rai
11. Shri Rajdeo Singh
12. Shri M. S. Sanjeevi Rao
13. Shri Digvijaya Narain Singh
14. Shri Nawal Kishore Sinha
15. Shri Sunder Lal
16. Shri M. G. Uikey
17. Shri Virbhadra Singh
18. Shri G. Viswanathan
19. Shri Niti Raj Singh Chaudhury

Rajya Sabha

20. Shrimati Maragatham Chandrasekhar
21. Shri Krishna Bahadur Chettri
22. Shri Lalbuaia
23. Shri Ganeshlal Mali
24. Shri Balachandra Menon
25. Shri Lokanath Misra
26. Shri Emonsingh M. Sangma
27. Shri T. N. Singh
28. Shri Triloki Singh
29. Shri Gunanand Thakur
30. Shri H. M. Trivedi
31. Shri Jagdambi Prasad Yadav

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. Before the Committee proceeded to hear the evidence of the following, the Chairman drew their attention to the provisions of Direction 58 of the Directions by the Speaker:—

I. Dr. Nagendra Singh, *Chief Election Commissioner.*

(11.00 to 11.30 hours)

II. Shri Niren De, *Attorney General of India.*

(11.30 to 12.30 hours)

III. Shri P. Ram Reddy, *Senior Advocate, Supreme Court, Delhi.*
(12.30 to 13.15 hours)

3. The Committee decided that Shri H. V. Kamath, *Ex-M.P.* might be asked to appear again for a further personal hearing before the Committee on the 17th February, 1973, or 24th February, 1973 or 10th March, 1973 as might be convenient to him.

4. A verbatim record of evidence was kept.

5. The Committee then adjourned.

VIII

Eighth Sitting

The Committee sat on Saturday, the 24th March, 1973 from 11:00 to 11.40 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri Tarkeshwar Pandey
4. Shri Rasiklal Parikh
5. Shri Digvijaya Narain Singh
6. Shri M. G. Uikey
7. Shri Virbhadra Singh
8. Shri Niti Raj Singh Chaudhury

Rajya Sabha

9. Shri Balachandra Mepon
10. Shri Lokanath Misra
11. Shri Emonsingh M. Sangma

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

1. Shri K. K. Sundaram—*Secretary*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*

2. The Committee adjourned for want of quorum

IX**Ninth Sitting**

The Committee sat on Thursday, the 12th April, 1973 from 10.15 to 10.40 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS*Lok Sabha*

2. Shri S. B. Giri
3. Shri H. R. Gokhale
4. Shri Jagannathrao Joshi
5. Shri A. Kevichusa
6. Shri Samar Mukherjee
7. Shri Pratap Singh Negi
8. Shri Tarkeshwar Pandey
9. Shri Rasiklal Parikh
10. Shri Jharkhande Rai
11. Shri M. S. Sanjeevi Rao
12. Shri S. C. Samanta
13. Shri Nawal Kishore Sinha
14. Shri Virbhadra Singh
15. Shri Niti Raj Singh Chaudhury

Rajya Sabha

16. Shrimati Maragatham Chandrasekhar
17. Shri Lalbuaia
18. Shri Balachandra Menon
19. Shri Lokanath Misra
20. Shri Kota Punnaiah
21. Shri T. N. Singh

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
2. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee decided that Shri H. V. Kamath, *ex-M.P.* whose evidence could not be taken on the 24th March, 1973 for want of quorum, might again be invited to complete his evidence on a date convenient to him, between 11th and 20th June, 1973.

3. The Committee also decided that the following persons may also be invited to give evidence before the Committee on the Bill:—

1. Shri T. Swaminathan,
Chief Election Commissioner.

2. Shri N. A. Palkhivala,
Senior Advocate, Supreme Court of India.

3. Shri H. M. Seervai,
Advocate General, Government of Maharashtra.

4. The Committee authorised the Chairman to fix the dates of the sittings of the Committee after ascertaining their convenience preferably in the first week of July, 1973. The Committee further decided that the sittings of the Committee might be held at Bombay in case it was not convenient for Sarvashri Palkhivala and Seervai to come to Delhi to give evidence.

5. The Committee felt that it would not be possible for them to complete their work by the stipulated date *i.e.* the last day of the present budget session. The Committee, therefore, decided to seek further extension of time for presentation of their Report upto the last day of second week of the next session.

6. The Committee authorised the Chairman and, in his absence, Shri Rasiklal Parikh, M. P. to move the necessary motion in the House on Wednesday, the 25th April, 1973.

7. The Committee then adjourned.

X

Tenth Sitting

The Committee sat on Tuesday, the 19th June, 1973 from 10.00 to 11.45 hours.

PRESENT

Shri T. N. Singh—*In the Chair*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Sardar Mohinder Singh Gill
4. Shri S. B. Giri
5. Shri H. R. Gokhale
6. Shri Jagannathrao Joshi
7. Shri J. G. Kadam
8. Shri Piloo Mody
9. Shri Samar Mukherjee
10. Shri Pratap Singh Negi
11. Shri Tarkeshwar Pandey
12. Shri Jharkhande Rai
13. Shri Rajdeo Singh
14. Shri M. S. Sanjeevi Rao
15. Shri S. C. Samanta
16. Shri Digvijaya Narain Singh

17. Shri Nawal Kishore Sinha
18. Shri M. G. Uikey
19. Shri Virbhadra Singh

Rajya Sabha

20. Shrimati Maragatham Chandrasekhar
21. Shri Krishna Bahadur Chettri
22. Shri Lalbuaia
23. Shri Ganeshlal Mali
24. Shri Lokanath Misra
25. Shri Kota Punnaiah
26. Shri Emonsingh M. Sangma
27. Shri Triloki Singh
28. Shri H. M. Trivedi

**REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)**

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. In the absence of the Chairman, Shri T. N. Singh was elected to act as the Chairman for the sitting under Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. Before the Committee proceeded to hear the evidence of Shri T. Swaminathan, Chief Election, Commissioner, the Chairman drew his attention to the provisions of Direction 58 of the Directions by the Speaker.

4. The evidence lasted till 11.45 hours.

5. A verbatim record of evidence was kept.

6. The Committee then adjourned to meet again at 10.00 hours on Wednesday, the 20th June, 1973.

XI

Eleventh Sitting

The Committee sat on Wednesday, the 20th June, 1973 from 10.00 to 12.30 hours.

PRESENT

Shri T. N. Singh—*In the Chair*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Sardar Mohinder Singh Gill

4. Shri S. B. Giri
5. Shri H. R. Gokhale
6. Shri Jagannathrao Joshi
7. Shri J. G. Kadam
8. Shri Piloo Mody
9. Shri Samar Mukherjee
10. Shri Pratap Singh Negi
11. Shri Tarkeshwar Pandey
12. Shri Jharkhande Rai
13. Shri Rajdeo Singh
14. Shri M. S. Sanjeevi Rao
15. Shri S. C. Samanta
16. Shri Digvijaya Narain Singh
17. Shri Nawal Kishore Sinha
18. Shri Virbhadra Singh
19. Shri Niti Raj Singh Chaudhury.

Rajya Sabha

20. Shri Krishna Bahadur Chettri
21. Shri Lalbuai
22. Shri Ganeshlal Mali
23. Shri Kota Punnaiah
24. Shri Emonsingh M. Sangma
25. Shri H. M. Trivedi.

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

1. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
2. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. In the absence of the Chairman, Shri T. N. Singh was elected to act as the Chairman for the sitting under Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee heard further oral evidence of Shri Hari Vishnu Kamath, *Ex-M.P.* It lasted till 12.15 hours.

4. A verbatim record of evidence was kept.

5. The Committee then considered their future programme. After some discussion, the Committee decided to hold their next sittings in the Council Hall, Bombay on the 6th and 7th July, 1973 to hear oral evidence of Sarvashri N. A. Palkhivala and H. M. Seervai.

6. The Committee also decided to invite Shri S. M. Sikri, ex-Chief Justice of India to give oral evidence on the provisions of the Bill before the Joint Committee sometime in July, 1973.

7. The Committee then adjourned.

XII

Twelfth Sitting

The Committee sat on Friday, the 6th July, 1973 from 11.00 to 13.30 hours in Congress Party Hall, Council Hall, Bombay.

PRESENT

Shri S. A. Kader—*Chairman*.

MEMBERS

Lok Sabha

2. Sardar Mohinder Singh Gill
3. Shri S. B. Giri
4. Shri J. G. Kadam
5. Shri Piloo Mody
6. Shri Pratap Singh Negi
7. Shri Rajdeo Singh
8. Shri S. C. Samanta
9. Shri C. K. Jaffer Sharief
10. Shri Nawal Kishore Sinha
11. Shri M. G. Uikey
12. Shri Niti Raj Singh Chaudhury.

Rajya Sabha

13. Shri Krishna Bahadur Chettri
14. Shri K. A. Krishnaswamy
15. Shri Lalbuaia
16. Shri Ganeshlal Mali
17. Shri Kota Punnaiah
18. Shri T. N. Singh
19. Shri Gunanand Thakur
20. Shri Jagdambi Prasad Yadav.

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

Shri A. K. Srinivasamurthy—*Additional Legislative Counsel*.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. Before the Committee proceeded to hear the evidence of Shri N. A. Palkhivala, Senior Advocate, Supreme Court of India, the Chairman

drew his attention to the provisions of Direction 58 of the Directions by the Speaker.

3. The evidence lasted till 13.30 hours.

4. A verbatim record of evidence was kept.

5. The Committee then adjourned to meet again at 15.00 hours on Saturday, the 7th July, 1973 in Congress Party Hall, Council Hall, Bombay.

XIII

Thirteenth Sitting

The Committee sat on Saturday, the 7th July, 1973 from 15.00 to 16.30 hours in Congress Party Hall, Council Hall, Bombay.

PRESENT

Shri S. A. Kader—*Chairman*.

MEMBERS

Lok Sabha

2. Sardar Mohinder Singh Gill
3. Shri S. B. Giri
4. Shri Jagannathrao Joshi
5. Shri Piloo Mody
6. Shri Pratap Singh Negi
7. Shri Rajdeo Singh
8. Shri M. S. Sanjeevi Rao
9. Shri C. K. Jaffer Sharief
10. Shri Nawal Kishore Sinha
11. Shri M. G. Uikey
12. Shri Niti Raj Singh Chaudhury.

Rajya Sabha

13. Shri Krishna Bahadur Chettri
14. Shri K. A. Krishnaswamy
15. Shri Lalbuaia
16. Shri Ganeshlal Mali
17. Shri Kota Punnaiah
18. Shri T. N. Singh
19. Shri Triloki Singh
20. Shri Gunanand Thakur
21. Shri Jagdambi Prasad Yadav.

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

Shri A. K. Srinivasamurthy—*Additional Legislative Counsel*.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. Before the Committee proceeded to hear the evidence of Shri H. M. Seervai, Advocate General, Government of Maharashtra, the Chairman drew his attention to the provisions of Direction 58 of the Directions by the Speaker.

3. The evidence lasted till 16.30 hours.

4. A verbatim* record of evidence was kept.

5. The Committee then considered their future programme of work and decided as follows:—

(1) General discussion on the provisions of the Bill—16th July, 1973 at 12.00 hours.

(2) Last date for receipt of amendments—28th July, 1973.

6. The Committee then placed on record their warm appreciation of the valuable assistance rendered to them by the Secretary, Maharashtra Legislative Assembly and other members of the staff in holding of their sittings in the Council Hall, Bombay.

The Committee also placed on record their appreciation of the assistance rendered to them by the State Government, officers of the Ministry of Law, Justice and Company Affairs (Legislative Department) and Branch Secretariat at Bombay in holding the sittings. They spared no pains in making the stay of the members of the Committee comfortable at Bombay.

The Committee then adjourned.

XIV

Fourteenth Sitting

The Committee sat on Monday, the 16th July, 1973 from 12.00 to 12.30 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri S. B. Giri
3. Shri H. R. Gokhale
4. Shri Pratap Singh Negi
5. Shri Jharkhande Rai
6. Shri Rajdeo Singh
7. Shri Nawal Kishore Sinha
8. Shri Sunder Lal

9. Shri M. G. Uikey
10. Shri Niti Raj Singh Chaudhury

Rajya Sabha

11. Shrimati Maragatham Chandrasekhar
12. Shri Ganeshlal Mali
13. Shri Lokanath Misra
14. Shri Kota Punnaiah
15. Shri T. N. Singh
16. Shri Triloki Singh
17. Shri Gunanand Thakur
18. Shri H. M. Trivedi
19. Shri Jagdambi Prasad Yadav

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. At the outset, the Chairman informed the Committee that Shri S. M. Sikri, Ex-Chief Justice of India had agreed to give evidence before the Committee on the provisions of the Bill. The Committee decided to hear Shri S. M. Sikri on Friday, the 27th July, 1973 at 16.00 hours.

3. The Committee then decided to hold the general discussion on the various points raised in the memoranda submitted to the Committee and also during the course of oral evidence before the Committee at a later date.

4. The Committee felt that it would not be possible for them to complete their work by the stipulated date i.e. the 3rd August, 1973 and decided to seek another extension of time for presentation of their Report upto the last day of the Winter Session, 1973.

5. The Committee authorised the Chairman, and, in his absence, Shri Nawal Kishore Sinha, M. P. to move the necessary motion in the House.

6. The Committee then adjourned.

XV

Fifteenth Sitting

The Committee sat on Friday, the 27th July, 1973 from 16.00 to 17.00 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri Robin Kakoti
4. Shri Piloo Mody
5. Shri Samar Mukherjee
6. Shri Tarkeshwar Pandey
7. Shri J. Rameshwar Rao
8. Shri M. S. Sanjeevi Rao
9. Shri Digvijaya Narain Singh
10. Shri Nawal Kishore Sinha
11. Shri K. P. Unnikrishnan
12. Shri Virbhadra Singh
13. Shri Niti Raj Singh Chaudhury

Rajya Sabha

14. Shrimati Maragatham Chandrasekhar
15. Shri Ganeshlal Mali
16. Shri Lokanath Misra
17. Shri Kota Punnaiah
18. Shri Emonsingh M. Sangma
19. Shri T. N. Singh
20. Shri Jagdambi Prasad Yadav

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani, *Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. Before the Committee proceeded to hear the evidence of Shri S. M. Sikri, Ex-Chief Justice of India, the Chairman drew his attention to the provisions of Direction 58 of the Directions by the Speaker.

3. The evidence lasted till 16.45 hours.

4. A verbatim record of evidence was kept.

5. The Committee then considered their future programme of work and decided as follows:—

- (i) General discussion on the various points raised in the memoranda submitted to the Committee and also during the course of oral evidence before the Committee 11th and 12th September, 1973

(ii) Clause-by-clause consideration of the Bill....18th to 20th
October, 1973

6. The Committee also decided that—

- (i) Evidence given before the Committee be laid on the Tables of both Houses; and
- (ii) two copies of the memoranda received by the Committee from various Associations, Organisations, etc. be placed in the Parliament Library, after the Report had been presented.

7. The Committee then adjourned.

XVI

Sixteenth Sitting

The Committee sat on Tuesday, the 11th September, 1973 from 10.30 to 12.30 hours.

PRESENT

Shri S. A. Kader—Chairman

MEMBERS

Lok Sabha

2. Shri P. Gangadeb
3. Shri S. B. Giri
4. Shri H. R. Kokhale
5. Shri Jagannathrao Joshi
6. Shri J. G. Kadam
7. Shri Robin Kakoti
8. Shri A. Kevichusa
9. Shri Samar Mukherjee
10. Shri Pratap Singh Negi
11. Shri Tarkeshwar Pandey
12. Shri Rasiklal Parikh
13. Shri Jharkhande Rai
14. Shri Rajdeo Singh
15. Shri M. S. Sanjeevi Rao
16. Shri S. C. Samanta
17. Shri Digvijaya Narain Singh
18. Shri Nawal Kishore Sinha
19. Shri Sunder Lal
20. Shri M. G. Uikey

Rajya Sabha

21. Shrimati Maragatham Chandrasekhar
22. Shri Ganeshlal Mali
23. Shri Lokanath Misra

24. Shri Kota Punnaiah
25. Shri Emonsingh M. Sangma
26. Shri T. N. Singh
27. Shri Triloki Singh
28. Shri Gunanand Thakur
29. Shri H. M. Trivedi
30. Shri Jagdambi Prasad Yadav

**REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)**

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee held general discussion on the various points raised in the memoranda submitted to the Committee and also during the course of oral evidence before the Committee. The discussion was not concluded.

3. The Committee adjourned at 12.30 hours to meet again on the 12th September, 1973 at 10.30 hours.

XVII

Seventeenth Sitting

The Committee sat on Wednesday, the 12th September, 1973 from 10.30 hours to 12.30 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Shri S. B. Giri
3. Shri H. R. Gokhale
4. Shri Jagannathrao Joshi
5. Shri J. G. Kadam
6. Shri Robin Kakoti
7. Shri A. Kevichusa
8. Shri Piloo Mody
9. Shri Samar Mukherjee
10. Shri Pratap Singh Negi

11. Shri Tarkeshwar Pandey
12. Shri Rasiklal Parikh
13. Shri Jharkhande Rai
14. Shri Rajdeo Singh
15. Shri M. S. Sanjeevi Rao
16. Shri S. C. Samanta
17. Shri Digvijaya Narain Singh
18. Shri Nawal Kishore Sinha
19. Shri Sunder Lal
20. Shri M. G. Uikey
21. Shri K. P. Unnikrishnan

Rajya Sabha

22. Shrimati Maragatham Chandrasekhar
23. Shri Ganeshlal Mali
24. Shri Lokanath Misra
25. Shri Kota Punnaiah
26. Shri Emonsingh M. Sangma
27. Shri T. N. Singh
28. Shri Triloki Singh
29. Shri Gunanand Thakur
30. Shri H. M. Trivedi
31. Shri Jagdambi Prasad Yadav

**REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)**

1. Shri K. K. Sundaram—*Secretary*.
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel*.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee resumed general discussion on the various points raised in the memoranda submitted to the Committee and also during the course of oral evidence before the Committee.

3. The Committee decided that members might send their notices of amendments, if any, on the provisions of the Bill to the Lok Sabha Secretariat by Wednesday, the 10th October, 1973.

4. The Committee then decided to take up clause-by-clause consideration of the Bill on Friday, the 19th October, and Saturday, the 20th October, 1973 and the sitting fixed for the 18th October, 1973 might be cancelled.

The Committee then adjourned.

XVIII**Eighteenth Sitting**

The Committee sat on Friday, the 19th October, 1973 from 10.30 to 12.30 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS*Lok Sabha*

2. Shri P. Gangadab
3. Shri P. K. Ghosh
4. Sardar Mohinder Singh Gill
5. Shri S. B. Giri
6. Shri H. R. Gokhale
7. Shri Jagannathrao Joshi
8. Shri Robin Kakoti
9. Shri A. Kevichusa
10. Shri Samar Mukherjee
11. Shri Pratap Singh Negi
12. Shri Tarkeshwar Pandey
13. Shri Rasiklal Parikh
14. Shri Rajdeo Singh
15. Shri M. S. Sanjeevi Rao
16. Shri S. C. Samanta
17. Shri C. K. Jaffer Sharief
18. Shri Sunder Lal
19. Shri M. G. Uikey

Rajya Sabha

20. Shri Krishna Bahadur Chettri
21. Shri Lalbuaia
22. Shri Ganeshlal Mali
23. Shri Lokanath Misra
24. Shri Kota Punnaiah
25. Shri Emonsingh M. Sangma
26. Shri Triloki Singh
27. Shri Gunanand Thakur
28. Shri Gurcharan Singh Tohra
29. Shri H. M. Trivedi
30. Shri Jagdambi Prasad Yadav

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri K. K. Sundaram—*Secretary.*
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
3. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee took up clause-by-clause consideration of the Bill.
3. *Clause 2.*—The clause was adopted without any amendment.

4. *Clause 3.*—The following amendments were accepted:—

- (i) Page 2, line 6,
for ‘seventh day’ substitute “fourteenth day”
- (ii) Page 2,
omit lines 20 to 33.

The clause, as amended, was adopted.

5. *Clause 4.*—The following amendments were accepted:—

- (i) Page 3,
for lines 9 to 13, substitute—
“(a) in the case of Presidential election, also by at least ten electors as proposers and at least ten electors as seconders;”.
- (ii) Page 3,
omit lines 25 to 36.
- (iii) Page 3,
for lines 43-44, substitute—
“(5) No elector shall subscribe, whether as proposer or as seconder, more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered.”
- (iv) Page 5,
omit lines 9 to 11.
- (v) Page 5,
 - (i) line 12, for “(f)” substitute “(e)”
 - (ii) line 14, for “(b) to (f)”
substitute “(b) to (e)”.

The clause, as amended, was adopted.

6. *Clause 5.*—The clause was adopted without any amendment.

7. *Clause 6.*—The following amendment was accepted:

Page 6,

for lines 9 to 20, substitute—

- “(2) An election petition calling in question an election may be presented on one or more of the grounds specified in subsection (1) of section 18 and section 19 to the Supreme Court by any candidate at such election, or
- (i) in the case of Presidential election, by twenty or more electors joined together as petitioners;
 - (ii) in the case of Vice-Presidential election, by ten or more electors joined together as petitioners.”

The clause, as amended, was adopted.

8. The Committee then adjourned to meet again at 11.30 hours on Saturday, the 20th October, 1973.

XIX**Nineteenth Sitting**

The Committee sat on Saturday, the 20th October, 1973 from 11.30 to 12.00 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS*Lok Sabha*

2. Shri P. Gangadeb
3. Shri P. K. Ghosh
4. Shri S. B. Giri
5. Shri H. R. Gokhale
6. Shri Jagannathrao Joshi
7. Shri Robin Kakoti
8. Shri A. Kevichusa
9. Shri Samar Mukherjee
10. Shri Pratap Singh Negi
11. Shri Tarkeshwar Pandey
12. Shri Rasiklal Parikh
13. Shri Jharkhande Rai
14. Shri Rajdeo Singh
15. Shri M. S. Sanjeevi Rao
16. Shri S. C. Samanta
17. Shri C. K. Jaffer Sharief
18. Shri Sunder Lal
19. Shri M. G. Uikey
20. Shri Virbhadra Singh.

Rajya Sabha

21. Shrimati Maragatham Chandrasekhar
22. Shri Krishna Bahadur Chettri
23. Shri K. A. Krishnaswamy
24. Shri Lalbuaia
25. Shri Ganeshlal Mali
26. Shri Lokanath Misra
27. Shri Kota Punnaiah
28. Shri Emonsingh M. Sangma
29. Shri Triloki Singh
30. Shri Gunanand Thakur
31. Shri H. M. Trivedi
32. Shri Jagdambí Prasad Yadav.

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel.*
2. Shri H. C. Vermani—*Under Secretary.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

2. The Committee resumed clause-by-clause consideration of the Bill.
3. *Clause 7.*—The following amendment was accepted:—

Page 6,

for lines 21 to 37, substitute

"Amendment of section 18.

"7. For sub-section (1) of section 18 of the principal Act, the following sub-section shall be substituted, namely:—

"(1) If the Supreme Court is of opinion,—

- (a) that the offence of bribery or undue influence at the election has been committed by the returned candidate or by any person with the *consent* of the returned candidate; or
 - (b) that the result of the election has been materially affected—
 - (i) by the improper reception or refusal of a vote, or
 - (ii) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act; or
 - (iii) by reason of the fact that the nomination of any candidate (other than the successful candidate), who has not withdrawn his candidature, has been wrongly accepted; or
 - (c) that the nomination of any candidate has been wrongly rejected or the nomination of the successful candidate has been wrongly accepted;
- the Supreme Court shall declare the election of the returned candidate to be void.'"

The clause, as amended, was adopted.

4. *Clauses 8 and 9.*—These clauses were adopted without any amendment.

5. *Clause 1.*—The following amendment was accepted:—

Page 1, line 4,
for "1972" substitute "1973"

The clause, as amended, was adopted.

6. *Enacting Formula.*—The following amendment was accepted:

Page 1, line 1,
for "Twenty-third" substitute "Twenty-fourth".

The Enacting Formula, as amended, was adopted.

7. *Long Title.*—The Long title was adopted without any amendment.

8. The Committee authorised the Legislative Counsel to correct patent errors and carry out amendments of consequential or drafting nature in the Bill, if any.

9. The Chairman then drew the attention of the Members of the Committee to the provisions of Direction 87 of the Directions by the Speaker relating to Minutes of Dissent.

10. The Committee decided to sit on Friday, the 9th November, 1973 at 16.30 hours for consideration and adoption of their draft Report.

11. The Committee then adjourned.

XX

Twentieth Sitting

The Committee sat on Friday, the 9th November, 1973 from 16.00 to 16.45 hours.

PRESENT

Shri S. A. Kader—*Chairman*

MEMBERS

Lok Sabha

2. Sardar Mohinder Singh Gill
3. Shri J. G. Kadam
4. Shri Samar Mukherjee
5. Shri Pratap Singh Negi
6. Shri Tarkeshwar Pandey
7. Shri Rasiklal Parikh
8. Shri Rajdeo Singh
9. Shri M. S. Sanjeevi Rao
10. Shri S. C. Samanta
11. Shri Nawal Kishore Sinha
12. Shri M. G. Uikey
13. Shri Niti Raj Singh Chaudhury.

Rajya Sabha

14. Shri K. A. Krishnaswamy
15. Shri Lalbuaia
16. Shri Ganeshlal Mali
17. Shri Lokanath Misra
18. Shri Kota Punnaiah
19. Shri T. N. Singh
20. Shri Triloki Singh
21. Shri Jagdambi Prasad Yadav.

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri K. K. Sundaram—*Secretary*.
2. Shri A. K. Srinivasamurthy—*Additional Legislative Counsel*.
3. Shri H. C. Varmani—*Under Secretary*.

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary*.

2. The Committee considered and adopted the Bill as amended.
3. The Committee then considered and adopted the draft Report.
4. The Chairman announced that the Minutes of Dissent, if any, might be sent to the Lok Sabha Secretariat so as to reach them by Saturday, the 17th November, 1973.
5. The Committee authorised the Chairman and, in his absence, Shri Rasiklal Parikh to present the Report and to lay the evidence on the Table of the House on Monday, the 19th November, 1973.

6. The Committee also authorised Shri Triloki Singh and, in his absence, Shri Ganeshlal Mali to lay the Report and evidence on the Table of Rajya Sabha on the 19th November, 1973.

7. The Committee placed on record their appreciation for the assistance rendered by the Minister of Law, Justice and Company Affairs (Shri H. R. Gokhale) and the Minister of State in the Ministry of Law, Justice and Company Affairs (Shri Niti Raj Singh Chaudhury) during the course of their deliberations.

8. The Committee also placed on record their appreciation for the co-operation and assistance rendered by the officers of the Ministry of Law, Justice and Company Affairs and the officers and staff of the Lok Sabha Secretariat.

9. The Committee also placed on record their thanks to the Chairman (Shri S. A. Kader) for ably conducting the proceedings of the Committee and guiding their deliberations at various stages of the Bill.

10. The Committee then adjourned.
