

# LOK SABHA DEBATES

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## LOK SABHA

Tuesday, August 5, 1975/Sravana 14,  
1897 (Saka)

The Lok Sabha met at Eleven of the  
Clock

[MR. SPEAKER in the Chair]

### PAPER LAID ON THE TABLE

KEROSENE (RESTRICTION ON USE) AMDT.  
ORDER 1975.

THE MINISTER OF PETROLEUM  
AND CHEMICALS (SHRI K. D.  
MALAVIYA). I beg to lay on the  
Table a copy of the Kerosene (Res-  
triction on Use) Amendment Order,  
1975 (Hindi and English versions)  
published in Notification No. G.S.R.  
958 in Gazette of India dated the 2nd  
August, 1975 under sub-section (6)  
of section 3 of the Essential Commo-  
dities Act, 1955 (Placed in Library  
See No LT-9922/75)

1101 hrs.

### ELECTION LAWS (AMENDMENT) BILL

THE MINISTER OF LAW JUSTICE  
AND COMPANY AFFAIRS (SHRI H.  
R. GOKHALE). Sir, I beg to move:

"That the Bill further to amend  
the Representation of the People  
Act, 1951 and the Indian Penal Code  
be taken into consideration."

Sir, the Bill is a simple one. Its  
main object is to remove with retros-  
pective effect certain uncertainties and  
doubts regarding the provisions of the  
Representation of the People Act, 1951  
relating to—

(1) the definition of candidate un-  
der section 79(b);

(2) the corrupt practice under sec-  
tion 123(3) of the Act as to use of

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and appeal to religious and nation-  
al symbols; and

(3) the corrupt practice under  
Section 123(7) of the Act as to as-  
sistance by officers in the service of  
Government for the furtherance of  
the prospects of the candidate's elec-  
tion.

The Bill also seeks to make the ne-  
cessary consequential amendment in  
the definition of candidate in section  
171A of the Indian Penal Code.

Section 79(b) of the representation  
of the People Act, 1951 reads as fol-  
lows:—

"'candidate' means a person who  
has been or claims to have been duly  
nominated as a candidate at any  
election and any such person shall  
be deemed to have been a candidate  
as from the time when, with the  
election in prospect, he began to  
hold himself out as a prospective  
candidate.'

This definition deals with two issues;  
first as to the person who will be re-  
garded as a candidate, secondly as to  
the time from which a person will be  
regarded as a candidate. There is no  
difficulty regarding the first issue.  
Only a person who is duly nominated  
or who claims to have been duly no-  
minated will qualify as a candidate.  
As regards the second issue, namely,  
the time from which a person will  
be regarded as a candidate, it may be  
pointed out that the definition does not  
particularise the date from which or  
after which alone the candidature can  
commence. This results in undue un-  
certainty. So far as election expen-  
ses are concerned, by an amendment  
made in 1956, it has been provided that  
only expenditure incurred or authoris-  
ed by a candidate or his election agent  
between the date of publication of the