

15.50 hrs.

REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL

**Mr. Deputy-Speaker:** The hon. Law Minister.

**The Minister of Law (Shri G. S. Pathak):** (Sir, . . . .

श्री रामसेवक यादव (बाराबंकी) : इस बिल के लिये कितना समय निश्चित किया गया है ?

उपाध्यक्ष महोदय : इसके लिये मैं समय मुकर्र करूंगा ।

**Shri G. S. Pathak:** Sir, I beg leave of the House to substitute another motion for the motion which stands in my name. The reason for this substitution is that some hon. Members wanted the enlargement of the Committee and wanted to have certain Members of this House on that Committee. That is the sole reason.

Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, be referred to a Joint Committee of the Houses consisting of 36 members, 24 from this House, namely, Shri S. V. Krishnamoorthy Rao, Shri Bhagwat Jha Azad, Shri N. C. Chatterjee, Shri Homi F. Daji, Shri N. Dandekar, Shri Shree Narayan Das, Shri A. K. Gopalan, Shri Hari Vishnu Kamath, H. H. Maharaja Karni Singhji of Bikaner, Shri Madhu Limaye, Shri Ghanshyamlal Oza, Shri Vishwa Nath Pandey, Shri C. R. Pattabhi Raman, Chowdhary Ram Sewak, Shri Shivram Rango Rane, Shri H. C. Linga Reddy, Shrimati Yashoda Reddy, Shri Sham Lal Saraf, Shri Era Sezhiyan, Shri T. H. Sonavane, Shri U. M. Trivedi, Shri Tula Ram, Shri Amar Nath Vidyalankar, and Shri Radhe Lal Vyas and 12 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the

quorum 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 first day 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 recommends to Rajya Sabha that Rajya Sabha do joint the said Joint Committee and communicate to this House the names of 12 members to be appointed by Rajya Sabha to the Joint Committee."

**Shri Hari Vishnu Kamath (Hoshangabad):** Now that the Minister has moved the motion I rise on a point of order. My point of order is briefly this. I am happy and so is the House, I am sure, that the Law Minister is about to pilot the first big Bill in this House since he became a minister.

**Shri G. S. Pathak:** It is not the first Bill. Earlier there was the Constitution (Amendment) Bill.

**Shri Hari Vishnu Kamath:** I said, "big Bill in this House since you became the Minister". I am happy and so is the House. But as you are well aware of the conventions and traditions that have grown in this House during the last 10 years—you have been here and in the other place also; so, you know these conventions very well—before any Joint Committee or Select Committee is constituted, it has been the practice, a well-established practice, that one of the Whips—big whip, small whip, little whip or the deputy whip; one of them—approaches or sounds the various groups in the House.

**Shri Tyagi (Dehra Dun):** Even my own group, the Congress, has not been sounded.

**Shri Hari Vishnu Kamath:** That makes matters worse. I am glad, the

Tashkent spirit is working. I am glad that he has raised this point.

All groups used to be sounded and requested to depute their representatives to work on the Committee and, so far as I am aware, there is no group which, when they were invited to join a Joint Committee or a Select Committee, declined the invitation. But on this occasion I am constrained to say—I do not know what the reasons or circumstances were—what of other groups, but I just now learn that even the biggest party here has not been sounded.

**Shri Tyagi:** It was not on party basis; therefore, they were not sounded. All the parties are equally concerned with the elections.

**Shri Hari Vishnu Kamath:** I wish, Shri Mahavir Tyagi was on the Committee. He must be on the Committee.

I take serious exception to this kind of departure from practice, taking Members for granted. Of course, we are happy to serve this Parliament and on the committees of this Parliament. But that should not lead the ministers to think that they can take Members for granted and put them on any committee they like.

**Shri Tyagi:** Has your consent not been taken?

**Shri Hari Vishnu Kamath:** It was not taken. After it was put on the Order Paper the junior Minister did tell me, but only after the thing was done and I was faced with a *fait accompli*. I was put in such an awkward position that it was difficult to say "No". I have got many other commitments and I would have rather not served on this Committee and would have requested someone else to serve on this Committee. But having put me on the Committee and my name in the motion on the List of Business, it is hardly fair to approach me and say, "I am sorry, this has happened". This word

"sorry" comes very easily from one's mouth. They should express regret; that is the least they should do. But I am told that the reason behind this action, which was rather an unfair action, departure from practice and convention, was due to the fact that the Speaker has issued a new direction, of which I am not aware—therefore, I want light to be thrown by you if you are in a position to do so—to the effect that the list of Members of a Joint Committee or a Select Committee must be submitted to the Speaker three days in advance. I have not yet seen that new direction. I know, last week we gave notice of a motion for reference to Joint Committee . . .

**Shri Tyagi:** I am surprised. The Speaker does not come in. The Speaker has nothing to do with the names.

**Shri Hari Vishnu Kamath:** That puts a more serious complexion to the whole matter then. I am glad, Shri Tyagi is helping us in this matter. I am thankful to him. It assumes a more serious complexion.

Now, what has happened has happened. We cannot undo it, but at least the Treasury Benches will be more careful in the future and they will not take either the big party, the ruling party, or small Opposition parties for granted and put Members as they like on committees. I would only ask them to beware of the future lest worse things should come their way. I hope, they will behave better in future.

**The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao):** I was told on the 29th that the procedure to be adopted is that along with the motion the names of Members have also to be given. 30th happened to be a holiday and on the 29th I was asked to give the names. I could contact my hon. friend, Professor Ranga, and Shri Madhu Limaye of the SSP and one or two other groups, as also, I think, my hon. friend, Shri Chatterjee, if I am not wrong. It

[Shri Jaganatha Rao]

is a fact that I could not contact the leader of the PSP group, Shri Dwivedy was not present. It so happened that yesterday some of the Opposition groups also suggested to me that the size of the Committee may be enlarged. I said, "It will be considered". I tried to contact my hon. friend, Shri Kamath, last night but I could not contact him. This morning I contacted him. Last night I contacted the Leader of the PSP Group and he said that he would not be in a position to serve on the Committee and that he has requested his friend, the Deputy Leader, Shri H. V. Kamath, to serve on the Committee. I think, Shri Kamath would be a useful member on the Committee. His contribution would be useful.

**Shri G. S. Pathak:** He has always been useful.

**Shri Jaganatha Rao:** I intended to show no disrespect to Shri Kamath or to any other group. It is due to the circumstances in which the names were given that this happened.

**Mr. Deputy-Speaker:** The only direction is the old direction which says that the names may be given along with the motion. There is no other direction.

**Shri Tyagi:** The Speaker did not want the names.

**Shri Hari Vishnu Kamath:** Then, I am sorry to say that the Minister has sought to mislead me. He said, "Three days in advance of the motion".

**Mr. Deputy-Speaker:** You will help the Committee with your presence? You have no objection?

**Shri Hari Vishnu Kamath:** I will consider the matter. I have not yet accepted.

**Shri Jaganatha Rao:** This morning you accepted it.

**Shri Hari Vishnu Kamath:** I have not yet accepted.

16 hrs.

[SHRI SHAM LAL SARAF in the Chair]

**Shri G. S. Pathak:** Sir, the House will recall that the Election Commission gave its Report on the Third General Elections and after that the Election Commission made certain other recommendations also, that is, recommendations which were not contained in the Election Commission's Report. Now, the Election Commission being a constitutional body which is invested with the superintendence and the control of all elections, it is necessary that they should make recommendations first before the Government should undertake any legislation and it is in consequence of this practice that the Government considered the recommendations made by the Election Commission. The Government accepted almost all the recommendations with the exception of a few and the result of the acceptance of those recommendations is the Bill before the House.

The Government did not accept the recommendations in respect of four matters. Let me mention those matters at the very outset. With regard to other matters, the reasons why the law has been proposed in the shape in which it is have been set out in the note on clauses which has been appended to this Bill. The perusal of the Objects and Reasons will also indicate what are the matters in respect of which the recommendations have not been accepted and what are the matters in respect of which the recommendations have been accepted.

I would refer you first to four matters in respect of which the recommendations have not been accepted. The first is that of election expenditure. This is a very important matter. There is no doubt about it. But the recommendation of the Election Commission was that either the provision relating to expenditure should be drastically amended or that there should be a total repeal of the provision and the Election Commission, in

its Report, gave various reasons for arriving at that conclusion. It is not necessary for me to detail those reasons. Those reasons must have come to the notice of the hon. Members when they perused the Report of the Election Commission. There have been various views expressed on this question. The views expressed are conflicting. Some consider that the amount of expenditure should be reduced. Others are of the view that there should be abolition of the provision itself. The Government has taken the view that trial should be given for a little more time or at least for sometime before the provision which already exists should be varied or modified.

**Shri Bakar Ali Mirza (Warrangal):** The Election Commission's Report was not circulated amongst Members. Could it be circulated now?

**Shri G. S. Pathak:** It was laid on the Table of the House.

**Shri Radhelal Vyas (Ujjain):** It should be circulated.

**Some hon. Members:** It should be circulated.

**Shri G. S. Pathak:** It was placed on the Table of the House. I will obey any order which the Chair may give.

**Mr. Chairman:** The point raised is that the Report that had been laid on the Table of the House should be circulated. Is it the sense of the House that we may go on with the discussion and in the meantime ask the hon. Minister to get it circulated? Yes.

**Shri Surendranath Dwivedy (Kendrapara):** Both the Reports of the Election Commission on Third General Elections should be circulated.

**Shri G. S. Pathak:** There is only one Report.

**Shri Surendranath Dwivedy:** Both the volumes.

**Shri G. S. Pathak:** That is right.

**Mr. Chairman:** These could be circulated tomorrow. It will not be possible now. Let us go on with the discussion.

**Shri G. S. Pathak:** It is not right, the Government thought, that this provision should be done away with or this provision should be interfered with at the present moment. The fact that there is a ceiling fixed does operate as a deterrent to many people. It may be that some people may violate the provision. Yet the very fact that there is a provision, that the breach of it will amount to corrupt practice, will certainly serve as a deterrent and, therefore, the Government took the view that this recommendation of the Commission should not be accepted.

**Shri Tyagi:** I understood you to say that you were of the view that the Government would make up their mind after a little more experiment on it. Since, the British times, this thing is continuing in India.

**Shri G. S. Pathak:** When I said that the trial should be given to this provision for a longer time than it has been given, the reason is that this provision came on the statute book, by way of an amendment, a few years ago. The Government feels that in view of the conflicting opinions upon this question, namely, whether the ceiling should be enhanced or the ceiling should be reduced or the provision itself should be repealed, the trial should be given for a longer time than it has already been given. That is what I intended to say.

The second recommendation which the Government has not accepted is the increase in the security of deposits. The Commission recommended that for Parliamentary seats, there should be a deposit of Rs. 1500 and for Legislative Assembly seats, there should be a deposit of Rs. 750. The Government has not accepted this recommendation because the Government feels that no sufficient reason exists for the enhancement of the security deposit. There are people in

[Shri G. S. Pathak]

the country who want to fight the election and whose means may not be as large as those of some other people and, therefore, opportunity should be given to every person who wants to contest the election and in the opinion of the Government it is better that it should not be enhanced.

Then, another recommendation was that multiplicity of candidates should be prevented. In a democracy, it is meaningless to say that candidates should not be as many as they want to be. Every person has got a right to stand for election and, therefore, no curb could be imposed upon the number of candidates....

श्री रामसेवक यादव: श्री गुप्ता के पास जो 45 लाख रुपये हैं, मंत्री महोदय पहले उस को खत्म करायें, तब चुनाव में बराबरी हो सकेगी।

सभापति महोदय: अर्डर, अर्डर।

Shri G. S. Pathak: . . . and no restriction could be imposed upon the right of a citizen to stand for election. If reduction of the security was intended to serve that purpose, then to that view the Government could not agree.

Shri Hari Vishnu Kamath: Just as the number of Ministers in the Council of Ministers cannot be limited.

Shri G. S. Pathak: On this question I have not yielded the Floor.

Shri Tyagi: They have not to deposit any security.

Shri G. S. Pathak: The last recommendation which the Government has not accepted is this: the Commission recommended that, for the Presidential election, there should be a security imposed. There were only three candidates in the last Presidential elections. The Government has not accepted this recommendation for obvious reasons; there were not so

many candidates for this. It is an election to a very high office and only persons who hold a certain position in life stand for election to the office of the President.

Shri Hari Vishnu Kamath: Any one can stand. Gandhiji once said that a Harijan woman should become the President.

Shri G. S. Pathak: Any one has a right to be the President. I accept that, but then to impose a condition of security, I submit, requires very strong reasons in the case of a Presidential election and the Government does not see any such reason.

Now very briefly I shall give you the reasons why certain provisions in the Act of 1951 have been proposed to be amended in this Bill. The most important provision is the abolition of Tribunals. It was very disconcerting, it was very unfortunate, that what was expected of the Tribunals was not fulfilled. (Interruption).

Mr. Chairman: He is not yielding.

Shri Ranga (Chittoor): The appointment is left to the local Ministers and they make a mess of it.

Shri G. S. Pathak: There may be many reasons. We want to abolish those.

Shri Hari Vishnu Kamath: The Minister was also there before the Tribunals.

Shri G. S. Pathak: Mr. Kamath is quite right. (Interruptions).

Mr. Chairman: Please listen to his speech.

Shri Umanath (Pudukkottai): The Minister should not think that this is a court.

Shri G. S. Pathak: As the House will remember, in the beginning there were Tribunals consisting of three members. Now experience showed that they did not dispose of the cases expeditiously. An amendment was made in the law and it was decided

that there should be a one-man Tribunal and a provision was made in the amending Act that the cases should be disposed of as expeditiously as possible and so on. Now we find today that there are still—a few days ago I made enquiries—some election petitions pending.

**Shri Ranga:** Still pending!

**Shri Ram Sewak Yadav:** How many are there now?

**Shri G. S. Pathak:** When I made the enquiry, I believe there were 13.

**Shri Ram Sewak Yadav:** How many against the Ministers?

**Shri G. S. Pathak:** I am not answering that question; it is not relevant to the Bill.

**Shri Tyagi:** There should be a law to take to task those judges who have proved negligent. There must be some control over judges as well.

**Shri G. S. Pathak:** I will give some reasons which have been mentioned by the Election Commission and which are also known otherwise. I will give some reasons to the House.

It is very unfortunate that in a case where a person was not entitled to have a seat in the Legislature and was allowed to remain in his seat for so many years. (*Interruptions*).

श्री श्रीकार लाल बोरवा (कोटा) यह सीट पर पर रख सकते हैं क्या ?

**Mr. Chairman:** Order, order. Please listen to the speech.

**Shri G. S. Pathak:** As I said, it is very unfortunate that these cases are not disposed of as expeditiously as they should be disposed of. It is unfortunate that some election petitions are still pending. Let us assume a case out of these petitions where a person is not entitled to have a seat in the House; for so many years he is enjoying the emoluments; he is working in the Legislature. We must have

a law under which cases could be disposed of expeditiously and a certainty should be secured as to whether a person has rightfully won the election or not.

**Shri Ranga:** The Chief Minister is carrying on in Andhra Pradesh.

**Shri G. S. Pathak:** One of the reasons is that when District Judges were transferred from one place to another, the cases were postponed. But a more important reason is this: from interlocutory orders, as we say, from orders passed in the course of trial, writ petitions were filed in the High Courts; stay orders were obtained; people also want to the Supreme Court and stay orders even from the Supreme Court in some cases were obtained. The result was that the trial could not proceed and, therefore, the Government has accepted the recommendation of the Election Commission that jurisdiction should be conferred on the High Courts. The result of that would be that there will be no interlocutory orders from which writ petition could be filed because there will be the orders of the High Court itself. And the Government has proposed in this Bill that the decision of a judge who disposes of an election petition shall be final subject, of course, to appeal by special leave in the Supreme Court, so that if there is any grave error, that might be corrected by the Supreme Court—on questions of law or in the interest of justice. That is the proposal which has been made here in this Bill and a provision has also been made in this Bill that six months should be the time in which the decision should be expected. There may be some special reasons; that is different. But the Parliament would expect the disposal of the cases within six months. That is why we have made the provision that the jurisdiction shall be conferred on the High Courts and the Tribunals shall be abolished; all consequential provisions have been made in this Bill.

Then there is another matter to which I would invite the attention of the House. A person who enters into

[Shri G. S. Pathak]

a contract with the Government incurs a disqualification. In the welfare State, when the Government activity..

**Shri Ranga:** Welfare State or Soviet State?

**Shri G. S. Pathak:** ..... has increased and is bound to increase, the citizens would come in a greater degree into contractual relations with the Government.

**Shri Ranga:** Is that the recommendation of the Election Commission?

**Shri G. S. Pathak:** I shall check it. The Election Commission has been making recommendations. I shall let you know in a moment.

**Shri Umanath:** With all respect to the hon. Minister, may I submit that he is consulting the officers straightway across the Benches? That is not fair and that is not proper. So, he may be corrected.

**Mr. Chairman:** That is not the procedure to consult. He may look into it and then try to explain the position.

**Shri G. S. Pathak:** I stand corrected. That is all I can say.

**Mr. Chairman:** Secondly, in reply to Shri Ranga's question, the hon. Minister has made some statement. I would like to know whether he is sure about it. I would suggest that he may find out the correct position and then let the House know.

**Shri G. S. Pathak:** To the best of my recollection, there is a recommendation. But Shri Ranga might have read the report more carefully and he might be right. So, I speak subject to correction.

**Shri P. K. Deo (Kalahandi):** It is not contained in Vol. I of the Election Commission's report. Perhaps, there is some other report

**Mr. Chairman:** Why should the hon. Minister not be briefer so that he might first hear what Members have to say and then reply to the points?

**Shri G. S. Pathak:** Yes, I shall accept that suggestion.

We have felt that in cases where a person who enters into a contract with Government has fulfilled his part of the bargain, and has completed the contract, there should be no disqualification. That is the reason why we have slightly altered the law. There was a judicial decision on section 7 (c) and, therefore, we thought that we should make it clear.

What happened was that after this election report was made, the Election Commission made the recommendation.

**Shri Sezhiyan (Perambalur):** Will those recommendations made by the Commission after the report was submitted be made available to us?

**Mr. Chairman:** It has already been declared that it will be circulated.

**Shri Tyagi:** Suppose somebody has rented his property to Government, will that be a disqualification . . .  
(Interruptions.)

**Mr. Chairman:** The hon. Minister may please conclude his speech. It seems to me that what may have happened after the report is not before the House now. So, it is better that the hon. Minister first hears the hon. Members and then replies to those points; I, think that would be better.

**Shri Ranga:** He may explain why these provisions have become necessary.

**Shri G. S. Pathak:** Then, we have reduced the time-table of elections by reducing the number of days which would be occupied.

Then, we have also introduced a change in the law to provide for cases

where there may be ballot papers lost or destroyed, and the Election Commission has been given certain powers under the law to meet with such situations.

**Shri Tyagi:** In what way?

**Shri G. S. Pathak:** He can declare the poll void.

**Shri Tyagi:** And the persons responsible are not to be punished?

**Shri G. S. Pathak:** Provision has been made in this Bill. The hon. Member will see what the provisions are. So far as the punishing part is concerned. . .

**Mr. Chairman:** I May tell the hon. Minister that I feel that hon. Members have got a number of misgivings about certain things. Instead of replying to every point as and when it is raised, I would suggest that the hon. Minister may first hear the hon. Members and then reply.

**Shri G. S. Pathak:** I do not wish to take up the time of the House any longer. I shall wait to hear what hon. Members have got to say and I shall deal with the points later.

श्री रामसेवक यादव : सभापति जी, भेरा निवेदन है कि मंत्री महोदय जल्दी न करे, इस विधेयक को जो जरूरी बातें हैं, उन पर पूरी तरह से रोशनी डालें ताकि उनकी तरफ से सदन को पूरी जानकारी हो। उनको अच्छी तरह से पढ़ कर इसकी पूरी जानकारी सदन को देनी चाहिये।

**Mr. Chairman:** Order, order. First of all, let me place the motion for reference of the Bill to the Joint Committee.

Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of

the People Act, 1951, be referred to a Joint Committee of the Houses consisting of 36 members, 24 from this House, namely:

Shri Bhagwat Jha Azad,  
 Shri N. C. Chatterjee,  
 Shri Homi F. Daji,  
 Shri N. Dandekar,  
 Shri Shree Narayan Das,  
 Shri A. K. Gopalan,  
 Shri Hari Vishnu Kamath,  
 H. H. Maharaja Karni Singhji  
 of Bikaner,  
 Shri Madhu Limaye,  
 Shri Ghanshyamlal Oza,  
 Shri Vishwa Nath Pandey,  
 Shri C. R. Pattabhi Raman,  
 Chowdhary Ram Sewak,  
 Shri Shivram Rango Rane,  
 Shri H. C. Linga Reddy,  
 Shrimati Yashoda Reddy,  
 Shri Sham Lal Saraf,  
 Shri Era Sezhiyan,  
 Shri T. H. Sonavane,  
 Shri U. M. Trivedi,  
 Shri Tula Ram,  
 Shri Amar Nath Vidyalankar, and  
 Shri Radhelal Vyas.

and 12 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum 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 first day 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

[Mr. Chairman]

that this House recommends to Rajya Sabha that Rayja Sabha do join the said Joint Committee and communicate to this House the names of 12 members to be appointed by Rajya Sabha to the Joint Committee.

**Shri Bakar Ali Mirza:** Let the hon. Minister finish his speech.

**Mr. Chairman:** Order, order. Let me conduct the house, please. Let me say what I want to say. Now, this motion is for the consideration of the House.

**Shri Bakar Ali Mirza:** The hon. Minister was explaining the provisions of the Bill, but you have intervened and in your wisdom you have said that hon. Members would like to have some more material and you have asked the hon. Minister to sit down. We want to hear what the hon. Minister has to say, and what new things have been done. But I think he has been forced to conclude his speech. I would submit that he should be allowed to continue his speech.

**Mr. Chairman:** Perhaps, the hon. Member was outside the House for some time . . . .

**Shri Bakar Ali Mirza:** No. I have been here all the time.

**Mr. Chairman:** Then he has not heard him well. Certain points were raised by hon. Members, and the hon. Minister been to apply to them one after the other. That would not be the correct procedure. The correct procedure will be this. At 5 p.m. we have to conclude the debate on this Bill for today. In the meantime, these reports would be circulated to all the Members; they may go through them and tomorrow the Bill can be discussed further.

**Shri Bakar Ali Mirza:** They were only interventions, when the hon. Member was making his speech.

Hon. Members were not asking questions of him to which he was replying one after the other. He was making his speech and in between there were interventions. That is a different thing altogether from replying to points one after the other.

**Shri Bade (Khargone):** My point is that the report has not been circulated). So, we are handicapped according to your orders. We have to criticise this Bill, but how can we effectively criticise it until we have heard the Minister— But you have asked the hon. Minister not to initiate the Bill; further, that report is also not with us. So, how can we criticise the Bill here? So, my request is that you may kindly ask the hon. Minister to elucidate the provisions of this Bill, and if you do so, I shall feel highly obliged.

**Shri Gauri Shankar Kakker (Fatehpur):** I move that the consideration of the Bill be postponed. We have not been supplied with all the papers. Further, the Bill has been moved for consideration, and the hon. Minister has been elucidating the provisions of that Bill, and when the hon. Minister is half-way through, you, Sir, have actually intervened and he has had to sit down. He has, therefore, not been able to elucidate the provisions of the Bill. Further, the report which is being depended upon has not been supplied to us. And you are now calling upon Members to speak on this Bill. But we are handicapped in the absence of these reports and in the absence of any elucidation by the hon. Minister. So, I move that until the papers are furnished, the consideration of this Bill be postponed.

**Shri Sezhiyan:** I support the motion moved by hon. friend.

श्री शंकरकाकर महाराज : सभापति जी, अभी जो प्रस्ताव माननीय कक्कर जी ने रखा है, मैं उस से सहमत हूँ। सब सदस्यों के लिए जरूरी है कि वे इस की पूरी जानकारी

रख और मंत्री जी से तो हम इस की ज्यादा आशा करते हैं, क्योंकि वे इस बिल को पायलट कर रहे हैं कि वे इसकी व्यवस्थाओं पर पूरी तरह से रोशनी डालें, लेकिन वह ऐसा नहीं कर पाये हैं। फिर उन्होंने अपनी बहस के दौरान यह भी कहा है कि चुनाव आयोग ने कुछ ऐसे सुझाव दिये हैं, जो कि रिपोर्ट के बाद आये हैं, वे भी हमें उपलब्ध नहीं हुए हैं। पहला जो उनका प्रतिवेदन है, वह भी उपलब्ध नहीं है। जब तक ये सारी चीजें उपलब्ध न की जाय, तब तक यह उचित नहीं है कि इस पर बहस चलाई जाय और विचार हो। यह बहुत ही महत्वपूर्ण विधेयक है हिन्दुस्तान की जनता के लिए....

**Shri K. N. Pande (Hata):** This Bill has been brought forward before the House on the basis of the recommendation of the Election Commission. And the hon. Minister was explaining the provisions of the Bill. But the Members, instead of listening to him patiently and trying to understand what the provisions are, are interrupting the hon. Minister and they are desiring to have extra information about it. And they are trying to create disorder in this House and then asking the hon. Minister to sit down and then take the Bill to another day by getting it postponed.

**श्री रामसेवक यादव :** किसी ने इन्टरप्ट नहीं किया। अध्यक्ष महोदय, यह इन्सिन्पुएशन है। किसी भी आदमी ने मंत्री महोदय को नहीं रोका।

**Shri K. N. Pande:** It is the Chair that has allowed me and not my hon. friend. So, I am not yielding.

**श्री रामसेवक यादव :** हम भी चेयर से कह रहे हैं।

**Shri K. N. Pande:** They are in the habit of ordering us.

**श्री रामसेवक यादव :** आपकी आदत है।

**Shri K. N. Pande:** I am not addressing the hon. Member, but I am addressing the Chair.

**श्री रामसेवक यादव :** आप चेयर से कहिए। आप मुझे हुकम नहीं दे सकते हैं। आप कौन होते हैं हुकम देने वाले। किसी ने नहीं कहा कि मंत्री को नहीं सुनेंगे, झूठ-बोल रहे हैं।

**Shri K. N. Pande:** The hon. Member may kindly resume his seat.

**Mr. Chairman:** Order, order.

**श्री रामसेवक यादव :** असत्य भाषण कर रहे हैं। पूजीपतियों के पैसे पर पलते हैं, बड़ी इज्जत वाले हैं.... (व्यवधान)।

**श्री हुकम चन्द कछवाय (देवास) :** सभापति महोदय क्या यह बात सही है जो आरोप श्री यादव ने लगाया है।

**सभापति महोदय :** मैं आप से प्रार्थना करता हूँ कि मेहरबानी कर के हालात ऐसे पैदा कीजिये कि जो बिल हमारे सामने है उसको हम समझें और उस पर अच्छी तरह बहस कर सकें। उस के बाद उसको जितना अच्छा करवा सकें करवायें। इस तरह की बातों से कोई लाभ नहीं होता है।

**Shri S. N. Chaturvedi (Firozabad):** There is hardly any need for adjourning the debate. The Minister was piloting the Bill and explaining every provision. Circulation of the report can be no substitute for what he would say because not every recommendation of the Commission has been accepted. He was giving reasons why certain recommendations have not been accepted if we read the report only, we would not be able to know the reasons why particular recommendations were not accepted. That is why it is very essential that he should go on with his speech and conclude it.

**Shrimati Subhadra Joshi (Balrampur):** After all, the Bill is going to

[Shrimati Subhadra Joshi]

a Joint Committee. There will be plenty of time to discuss it here and then in the Joint Committee. I do not think we would postpone discussion and waste time.

After all, it is a very important Bill and must be passed as soon as possible.

**Shri Tyagi:** Whenever any Bill is sent to a Joint Committee, the Committee themselves are anxious to know what the views of Members are on the Bill. Therefore the Bill must be discussed here first and then it should go to the Joint Committee. This has been customary.

As regards the Minister's speech, he was giving a good explanation and we were very receptive to it. He should continue so that we can have the full background, even though the report is not before us.

**Shri G. S. Pathak:** I only wanted to say that for every clause in the Bill there is a note at the end which explains why that clause was introduced in this amending Bill. I am sure hon. Members have read the notes on clauses and known the reasons why the clauses were introduced. I was merely giving an outline of certain matters. It is not necessary at this stage when the Bill is going to the Joint Committee, that I should give a clause-by clause explanation.

**Shri Bakar Ali Mirza:** No, the important ones.

**Mr. Chairman:** Three points have been made. The first is a proposal by Shri Kakkar that the debate be adjourned for the time being to be taken up a little later. I do not agree to that for the reason that the Bill has already been circulated. I have myself read it and find it is fully explanatory. The second point is that the hon. Minister should be permitted to speak further. As far as the main recommendations are concerned, he has almost completed all that he had to say. Certain information was sought by hon. Members

about some of which I find that he has not been fully posted at the moment. Keeping that in view I thought it would be better if he did not take much time for this discussion today. Meanwhile one or two speeches might be made. A demand has rightly been made by hon. Members that the subsequent report of the Election Commission be circulated. That will be done by tomorrow when every Member will be ready to speak on those points.

**Shri Bakar Ali Mirza:** When the Minister is not prepared, there is a case for adjournment.

**Shri G. S. Pathak:** I want to mention one thing about the report.

**Shri Sezhiyan:** On a point of order. Amendments are there.

**Shri G. S. Pathak:** I have been informed that reports have not been supplied to the Members so far in any of the general elections. Sufficient number of copies is not available with the Election Commission. I wanted to mention this to the Chair, because the Chair has asked me to furnish the copies of the reports tomorrow.

**Shri Tyagi:** Place them on the Table.

**Shri G. S. Pathak:** They have never been placed on the Table.

**Shri Tyagi:** The Minister says he has not got enough number of copies of the report. Whatever the number is, they might be placed in the library so that Members may have access to it.

**Shri Bade:** A dozen copies at least.

**Shri Sezhiyan:** I have given notice of an amendment, and it has also been circulated. I want to know whether I will be allowed to move it.

**Mr. Chairman:** I thought this had been dealt with. There are three amendments. These have already been met by the substitute motion of the Minister.

**Shri Sezhiyan:** No, Sir.

**Mr. Chairman:** Is Mr. Umanath moving his amendment?

**Shri Umanath:** I am not moving.

**Mr. Chairman:** Shri Sezhiyan.

**Shri Sezhiyan:** I beg to move:

That in the motion,—

(i) for “consisting of 30 members, 20 from this House, namely”, substitute—

“consisting of 36 members, 24 from the House, namely”;

(ii) in the list of names of members,—

(a) after serial number (2), insert—

“(3) Shri H. P. Chatterjee”

(b) after serial number (6), insert—

“(7) Shri A. K. Gopalan”

(c) after serial number (7), insert—

“(8) Shri C. H. Mohammad Koya”

(d) after serial number (15), insert—

“(16) Shri Era Sezhiyan”

(e) re-number the serial numbers accordingly.

(iii) for “and 10 from Rajya Sabha;” substitute—

“and 12 from Rajya Sabha;”

(iv) in the last para,—

for “names of 10 members to be appointed by Rajya Sabha”, substitute—

“names of 12 members to be appointed by Rajya Sabha”. (2)

The Minister has already accepted two names given there, Mr. Gopalan and myself, but I would request him in his generosity to accept name of Mr. Koya also, because the League is an important political party. Just now Shri Tyagi was saying that it is not a question of parties etc. On many occasions the Election Commission themselves have called a representative of the Muslim League to give their wishes. Therefore, when such an important Bill is going to the Joint Committee, it is but proper that representation is given to the Muslim League also. I would request the hon. Minister to consider this point and give representation to the Muslim League. That is the only point I want to make.

**Mr. Chairman:** I find that out of four names, two have already been accommodated by the hon. Minister. I do not think there is much force in that.

**Shri Sezhiyan:** There is one name given for the League. Though they may be very few in this House, they form a very good and important party in Kerala and there were occasions when the Congress itself aligned with them to form the ruling party. Therefore, it is all the more necessary to give a representation to the League, particularly when they are such a major party in Kerala. Justice demands that representation should be given to them also.

**Shri G. S. Pathak:** In place of whom?

**Shri Alvares (Panjim):** In addition.

**Shri G. S. Pathak:** 36 Members were proposed and I accepted the number, 24 from this House and 12 from the other House.

**Mr. Chairman:** Out of four names suggested in the amendment, you have included two. With regard to the other two, are you going to accept or not?

**Shri G. S. Pathak:** I am not accepting.

**Shri Ranga:** He has made a very important point. That is a very important party there in Kerala, and there are two representatives of that party in this House. One of them, Mr. Koya, was also the Speaker in the Kerala Legislative Assembly. It would be only fair that representation should be given to that group, because they do not have representatives in the other House to the same extent.

**Shri Tyagi:** The old practice has been that when a Bill of such importance goes to the Select Committee, Members' opinions are gathered in the House by means of a general discussion on this. If only amendments are taken, many Members who have not given notice of amendments might have suggestions which would be useful for the Joint Committee. Therefore, I request you to kindly allow a general debate on the Bill.

**Shri Radhelal Vyas:** There is a Member of that Party in the Rajya Sabha also and the hon. Minister can pass on that suggestion to the chief whip or his deputy so that that party can have representation from the other House.

**Mr. Chairman:** Will that satisfy you?

**Shri Sezhiyan:** I only want to know whether they are going to give representation to the league?

**Mr. Chairman:** That will be kept in view. A point has been made by Mr. Tyagi, also by Prof. Ranga and Mr. Vyas that it is an important group that has representation in both Houses and that it has not been given representation on the Select Committee. The hon. Minister will keep that in view while moving the motion in Rajya Sabha.

**Shri Raghunath Singh (Varanasi):** This Bill is going to apply to Jammu and Kashmir and is an important Bill, but I do not find a single Member from Kashmir.

**Shri Surendranath Dwivedy:** He had forgotten that you belong to Jammu and Kashmir.

**Mr. Chairman:** Has the hon. Member, Mr. Sezhiyan, leave of the House to withdraw his amendment?

*The amendment was, by leave, withdrawn.*

**Shri G. S. Pathak:** I have no objection to increasing the number, but if you have two more from here I have to have one more from the Rajya Sabha.

**Shri Radhelal Vyas:** I propose the names of Mr. Dixit and Mr. Koya to be included.

**Mr. Chairman:** Let us leave it to him now to take action. Shri P. K. Deo.

**Shri P. K. Deo:** Mr. Chairman, this is a very important Bill and after three general elections, we should be able to enact in this House a Bill which will be completely foolproof so that the will of the people could be ascertained and people would be able to express their wishes without any fear or favour and people's will would be represented in this House proportionately. I am anxious because democracy has toppled down from its pedestal from various countries around India.

16.44 hrs.

[MR. SPEAKER in the Chair]

Our country is the biggest democracy and all the eyes of the world are riveted on how we actually function. Especially in the post Nehru era after that Colossus had been removed from the political scene of this country, everybody in the world is anxious to know what shape this country is going to take, if democracy is going to make a firm stand, grow firm roots on the soil of this country or dictatorship or party dictatorship will grow in course of time. Government has given shape to some of the recommendations of the

Election Commission, but I am sorry to note that some of the more important recommendations have not been given effect to and some new provisions have sprung up all of a sudden, which I myself cannot find in the list of recommendations that have appeared in the report of the Election Commission on the third General Election. It is our misfortune. It is because of these defective election laws that in all the three elections this country has only got a minority government. The Congress which has secured less than 50 per cent of the votes has been guiding the destinies of this country against popular will.

**An Hon. Member:** Question.

**Shri P. K. Deo:** It is a fact. You cannot deny it.

**Mr. Speaker:** He may continue tomorrow. The Defence Minister.

**Shri Surendranath Dwivedy:** No time has been fixed for the discussion of this Bill as yet. I have suggested four hours.

**Shri Bade:** At least five hours must be allotted.

**Mr. Speaker:** We will see tomorrow.

16.46 hrs.

#### STATEMENT RE. SITUATION ON INDIA-PAKISTAN BORDER

**The Minister of Defence (Shri Y. B. Chavan):** Mr. Speaker, Sir, for the last one month or so, movements of Pakistani troops, on our borders of Jammu and the Punjab, have been coming to our notice. The movements and other measures taken by the Pakistan Government have caused us some concern. Even assuming that these troop movements are in the nature of exercises, closeness of troops to the border is something which is not expected normally, and certainly not in the context of the Tashkent Agreement and the agreements between the Chief of the Army Staff, India, and Commander-in-Chief, Pakistan Army,

under which the withdrawals took place on both sides.

On 23rd August 1966, Pakistani official sources in India—which could only mean the Pakistan High Commission, incorrectly briefed two foreign correspondents about so-called Indian troops movements on to the borders near Sialkot, Punjab and Kutch. That this kind of briefing was only a cover for Pakistan's own troop movements is obvious. We denied the Pakistani allegation and gave facilities to foreign and Indian journalists to visit our western border. They have seen for themselves that there are no troops on our side near the border and, what is more, they have obtained confirmation, locally, of the fact of the deployment of troops, including armour, etc., just across the border on the Pakistan side.

Troop movements by Pakistan on to our western borders, and their continued retention there, is something which we cannot look upon with equanimity, however restrained we may be in our approach. We must in the face of these continuing phenomena take precautionary steps. However, on assessment of the situation I do not anticipate any imminent threat. I would like to assure the House that we are keeping careful watch over the situation and have plans to meet any eventuality. We are also exploring various other methods to reduce the tensions on our borders.

I hope that this assurance which I have given will give confidence to our people who are living on our western borders and who have been perturbed by the Pakistani troop movements on the other side.

I have been giving to the House an idea of the expansion of Pakistan's armed forces and other steps like improvement and construction of roads and airfields in both West East Pakistan. While we are aware that Pakistan has been taking measures of military significance in East Pakistan as well, the reports that have been appearing in papers regarding concentration of Pakistani troops near our Eastern borders are highly exaggerated.