

Mr. Chairman: The question is

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 51 members, 34 members from this House, namely, Shrimati Subhadra Joshi, Shri Gurmukh Singh Musafir, Lala Achit Ram, Pandit Thakur Das Bhargava, Shri Hira Singh Chinaraia, Shri Naval Prabhakar, Shri Bibhuti Mishra, Shri Ramchandra Majhi, Dr. Pashupati Mandal, Shri Daulat Mal Bhandari, Shri Muhammed Khuda Bakash, Shri Rameshwar Sahu, Shri Khushi Ram Sharma, Shri Venkatesh Naryan Tivary, Shri Yeshwantrao Martandrao Mukne, Shri Raghubir Dayal Misra, Dr. Hari Mohan, Shri Ramraj Jajware, Shri Krishna Chandra, Shri Shankar Rao Telkikar, Shri P. Kakkan, Shri T. R. Neswi, Shri K. G. Deshmukh, Sardar Hukum Singh, Shri Pisupati Venkata Raghavaiah, Shri Nikunja Behari Chowdhury, Shri Bahadur Singh, Shri Jaswantraj Mehta, Shrimati Sucheta Kripalani, Shri Choitram Partabrai Gidwani, Sardar Lal Singh, Shri Hifzur Rahman, Shri Jagannathrao Krishnarao Bhonsle, and Shri Ajit Prasad Jain, and 17 members from the Council;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of 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 will apply with such variations and modifications as the Speaker may make;

that this House recommends to the Council that the Council do join the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

The motion was adopted

MEMBER SWORN

Sardar Iqbal Singh (Fazilka-Sirsa)

Shri Raghavachari (Penukonda): May I in this connection rise on a point of almost a privilege? This is in respect of another Member whose election has been declared. The matter has not yet been communicated. This is in connection with the election of Shri Ashok Mehta who has been elected. You know that when a man is declared elected, he has the right to come....

Mr. Chairman: The notification has been received. He is certainly welcome to come and take the oath.

Shri Raghavachari: My point was that as he was entitled to come and take the oath in the morning, he would have participated in the debate that was going on here. The rule provides that the Returning Officer shall forthwith send the communication to the Election Commission and the appropriate authority. In this case, he must have communicated it to this House. Though the declaration was made three days ago, on the ground that two holidays intervened, it has been held up. In this case, they should have taken action forthwith and the question of holidays should not have come in the way. Why should they have taken so much time to communicate the information? The gazette notification is not necessary for this. Section 66 provides:

"When the counting of votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner provided by the Act or the rules made thereunder."

[Shri Raghavachari]

Here I would invite your attention to rule 48 which has been framed:

"When the counting of votes recorded in favour of each candidate both in ballot papers contained in the ballot boxes.....the Returning Officer shall, subject to the provisions of section 65 and in the case of an election in a constituency where the seats to be filled include one or more seats reserved for the Scheduled Castes.....shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given, to be elected:

"Provided that upon the application of any candidate or his election....."

The proviso deals with another matter and we are not concerned with it. But the point is that it should be forthwith communicated.

Mr. Chairman: Which rule is he reading?

Shri Raghavachari: I am reading from rule 48 of the Representation of the People (Conduct of Election and Election Petitions) Rules, 1951.

Then there is section 67 which says:

"As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the appropriate authority"—

the appropriate authority is the Central Government in the case of the House of the People—

"and to the Election Commission and in the case of an election to a House of Parliament or of the Legislature of a State also to the Secretary of that House...."

So the Returning Officer has to send a communication to all these three people: the Secretary of this House, the appropriate authority and the

Election Commission. The declaration is enough and no manner of publication is required under the rules. If you just refer to section 107, you will find there a different procedure has been fixed, that is, until it is notified in the gazette, that order shall not take effect. In this case, there is no such requirement. Therefore, the moment a man has been declared, he has a right to function as a Member here. I am referring to section 107, which states that "An order of the Tribunal under section 98 or section 99 shall not take effect until it is published in the *Gazette of India* under section 106."

What is required in the case of an election is that after the counting of the votes, he is declared as elected.

Mr. Chairman: According to rule 66, what is required is this:

"When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder."

So far as the question of declaration of results is concerned, rule 66 governs it. In regard to rule 67, dealing with the reporting of the result, it says:

"As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the appropriate authority and the Election Commission, and in the case of an election to a House of Parliament or of the Legislature of a State also to the Secretary of that House and the appropriate authority shall cause to be published....."

What has happened here is this. The Secretary has just received an intimation from the Election Commission that so and so has been elected. Just now this information has been received and it was not received earlier in the morning by the Secretary. This information has to be given not forthwith, but as soon as may be, according to rule 67.

Since the intimation has been received here from the Election Commission that the result has been declared, I say that if the Member has come and is here, he is welcome to take his oath now.

Shri Raghavachari: The thing is not dependent upon the Secretary having been communicated of the result but that the declaration has been made and the moment it is declared, he is entitled to take his oath in the House.

Mr. Chairman: Under rule 67, as soon as may be after the result of an election has been declared, the Returning Officer has to inform the Election Commission as well as the Secretary of the House.

Shri S. S. More (Sholapur): May I know if it is a condition precedent for a Member to become a Member of the House? The moment X is declared to be elected, he gets a right to attend the House and serve his own constituency. "As soon as may be" might be two

days or two months according to our bureaucratic machinery. Does it mean that my right of serving my constituency depends on the dilatory nature or promptness of the executive machinery?

Mr. Chairman: I do not propose to enter into haphazard hypothetical questions. One Member was allowed just now to take the oath. If the other Member is here now, he is certainly welcome to take the oath.

Shri Sarangadhar Das (Dhenkanal—West Cuttack) rose—

Mr. Chairman: These rules are not open to discussion now, and there is no question of making any speech on these rules.

The House will stand adjourned till 8-15 A.M. tomorrow.

The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 19th May, 1954.