

REPRESENTATION OF THE
PEOPLE (THIRD AMEND-
MENT) BILL

The Minister of Legal Affairs (Shri Pataskar): Sir, on behalf of Shri C. C. Biswas, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

This is a very short but, from one point of view, a very important Bill. As hon. Members are aware, we passed the Citizenship Bill—it was passed by this House and subsequently by the Rajya Sabha—on 27th December, 1955. Thereafter it became an Act and came into force from the 30th December, 1955. As hon. Members are aware, this Citizenship Act provides for certain rules being framed for the purpose of registering persons who have come to India from outside, particularly from Pakistan, as citizens. These rules were framed and notified on the 7th July, 1956. The hon. Members are aware that at the time when the Citizenship Bill was being considered, an assurance was given by Government that the displaced persons who would be coming to India and settling here will be given the right of franchise at the time of the next elections. Therefore, it is for the purpose of carrying out that assurance that the present measure is being brought. I shall briefly explain why such a measure is necessary with reference to the clauses of this Bill.

Under the Representation of the People Act, 1950, as the hon. Members are aware, a person's name is entered on the rolls if he is a citizen of India and if he is ordinarily resident in that area on 1st March, 1956. So, one of the main conditions in the matter of preparation of these rolls is that the person must be a citizen at the time when he becomes entitled as a normal citizen of India on the 1st March, 1956. The displaced persons are going to be registered under section 5(1) of the Citizenship Act. We

are going to make preparations for holding the next elections, and therefore, it was thought necessary that we should provide, at least by the end of this year, some provision by which all these persons would be enabled to have their names being brought on the register as voters.

Therefore, for those persons who will be so registered as citizens of India before 1st November, 1956, provision has been made that the registering authority should inform the electoral registration officers of the names of such persons who will be registered as citizens and who are

[MR. DEPUTY-SPEAKER in the Chair] over 21 years of age. After that is done, the electoral registration officer, after some enquiry, will enter their names in the rolls. It is from that point of view that the present Bill has been brought forward to amend the Representation of the People Act.

2-42 P.M.

The hon. Members will find that the provisions of this Bill are very simple. Clause 2 says as follows:

"Subject to the provisions of sections 16, 17 and 18,— these are the sections which relate to qualification and disqualification for being enrolled as voters—

"every person who has been registered before the 1st day of November, 1956, as a citizen of India under clause (a) of subsection (1) of section 5 of the Citizenship Act, 1955, shall be entitled to be registered in the electoral roll for a constituency, if that person on the 1st day of March, 1956, was not less than 21 years of age and was ordinarily resident in that constituency".

As the hon. Members are aware, 1st March, 1956, is the date which had been fixed in the Act which we passed earlier. Therefore, we have mentioned here the same date, so that it will be uniform. The person

should be ordinarily resident in India on the date, namely, on the 1st of March, 1956, in the particular constituency, in order that his name may be entered in the rolls.

Clause 2 further says as follows:

"Every authority registering as citizens of India under the said clause (a) persons ordinarily resident in a constituency shall, as soon as may be after the 31st day of October, 1956, and not later than the 31st day of December, 1956, send to the electoral registration officer for the constituency a list in the prescribed form of all persons so registered who on the 1st day of March, 1956, were not less than 21 years of age".

Again, section 24(3) is proposed to be amended by clause 2 as follows:

"(3) Upon receiving a list under sub-section (2), the electoral registration officer shall, after inquiring into the correctness of the list in such manner as may be prescribed, direct the inclusion in the electoral roll of the names of all persons included in the list who, in his opinion, are entitled to be registered in the electoral roll for the constituency under sub-section (1)."

Thus, it will be found by the hon. Members that this is a simple measure brought forward for the purpose of enabling certain displaced persons to have their names entered on the rolls.

I hope that this Bill will be accepted by the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration".

Shrimati Renu Chakravarty (Basirhat): The Representation of the People (Amendment) Bill which has been introduced in the House is a very welcome measure. As you remember, when the Citizenship Bill was referred to the Select Committee,

our party was the first party to put before the House the necessity of making special provisions to see that the refugees who had come over from Pakistan after 1950 are enrolled as voters, as the provision which had been made in the Constitution was not sufficient in the case of the East Pakistan refugees.

Shri K. K. Basu (Diamond Harbour): The Minister of Trade is speaking with the Minister in charge of this Bill. The Minister of Legal Affairs should not be commercialised!

Shri Kamath (Hoshangabad): The Minister of Trade is still busy talking to him.

The Minister of Trade (Shri Kar-markar): Both of us are attending.

Shrimati Renu Chakravarty: At that time, I had pointed out that after 26th January, 1950, some of the biggest riots have taken place in East Pakistan. For instance, the Barisal riot took place after that date, and we had a huge influx afterwards. Then again, as and when political relations between Pakistan and our country became embittered, we have found huge numbers of refugees coming into India, into West Bengal, from East Pakistan. As this House very well knows, during the last one year, we have had an abnormal rise in the number of refugees coming into West Bengal.

I had also pointed out that it was necessary to make a special effort for getting these citizens of India—those who were really the citizens of India—actually registered on the electoral rolls. They are not like the normal immigrants or other domiciled people who are seeking citizenship rights. They are often ignorant people spread out throughout the country. Sometimes, you will find the refugees even in the most interior parts of the country. At that time, we had requested that the Government should make special efforts to see that these persons became citizens of India with the least possible difficulty or delay. At that time, it was not possible to do much more. We applied to them

[Shrimati Renu Chakravartty]

more or less the same general rules which were applicable to others. Now, we are happy that the Government have seen that if we are to make these persons citizens of India by registering their names on the electoral rolls, we will have to extend the date. In most of our constituencies, the electoral rolls have been finalised by the 31st August last. I am not talking about the other States, but in my own State, it is so. By this amending Bill, we are extending that date right up to the 31st day of December, 1956, by which date the electoral registration officer will be able to register on the electoral rolls all those who had become citizens of India after March, 1956, and also were not less than 21 years of age on that date.

This is a very welcome measure, but, at the same time, I want to point out that there is one difficulty. Just as in the case of enumerators who go round and enumerate, in the same way, I feel that these people will have to pass through two rounds—one round for being registered as citizens and then a second round for having the full right of vote. I think it is necessary that special efforts should be made in areas where there are large concentrations of refugees, especially in the colonies of refugees, to register these people as citizens. Special efforts must be made to set up some registration officers and special instructions must be given to the registering officers to go out of their way to tell the refugees how to register themselves, because, as you know, lakhs and lakhs of refugees who have come to West Bengal during the last one year are not ordinary middle-class refugees, but the most backward and sometimes completely illiterate peasants who used to till the land in East Pakistan. Look at it from this point of view. There will be in our country a large number of people who will be made stateless, because they do not know how to apply for citizenship. They do not know the rules and they do not know where to go.

As far as I know, the registering authority is the Collector. For a man who lives right in the interior of a village in the 24 Parganas in the suburban area to come to Alipur in Calcutta and register himself is an impossibility. Therefore, as many sub-registration offices as possible should be set up during the 1½ months or so at hand, so that a large number of refugees may get themselves registered as citizens in the first instance and then enlist themselves as voters. The authority to which the application is to be made is the Collector, within whose jurisdiction lies the registration. I know in my district it is almost impossible for a large number of peasants who are right out in the wilds, shall we say, where there is hardly any communication, to come to Calcutta. They are the persons who do not know the rules; they have neither the money nor the inclination to come from there and register themselves as citizens and then become voters. This is the main weakness of this Bill and I hope that at least in the rule-making powers or in the executive directions which will be given by the Centre to the State Governments and to the election officers, special efforts would be made to register the large number of refugees—who sometimes total lakhs—as citizens. This is the first point I want to make. Rules should be made and instructions should be given very soon, to set up these offices at an early date, because there is little time. They have to get themselves registered before the 31st October, 1956.

The second point I want to ask the hon. Minister is this. In clause 2 of the Bill, it is said:

“Upon receiving a list under sub-section (2), the electoral registration officer shall, after inquiring into the correctness of the list in such manner as may be prescribed, direct the inclusion in the electoral roll of the names of all persons included in the list who, in his opinion, are entitled

to be registered in the electoral roll for the constituency under sub-section (1)."

I do not know what exactly is the necessity for putting in the words "after enquiring into the correctness of the list", because, if a man has to register himself as a citizen, he has to go through the entire formalities and supply all the information needed in order to make a person a citizen. When all that has been done, the name appears in the list of the citizens of India. After that, it is not the man himself who is going to enroll himself as a voter; but, it is the Government officer—the registering officer—who will be sending up the list to the Election Commissioner's agent in that State. Therefore, to institute an enquiry into the correctness or otherwise at this stage is nothing but harassment and delay. We are amending the Act, because we have to hurry up to see that the largest number of refugees are registered without any further delay. That being the position, this condition must be done away with.

There are also the words "direct the inclusion of the names of all persons included in the list who, in his opinion, are entitled to be registered in the electoral roll" in clause 2. I do not think it should be left to the discretion of the electoral registration officer. Already we have our Citizenship Act and the election rules; it is but right that the electoral registration officer should be guided by them. I do not understand why the power of discretion should be allowed to him. What is the real reason for it? I personally see no reason. I want this to be done away with, because personal discretion often leads to a lot of difficulties. A whole series of enquiries will have to be instituted, again. I think this should be done away with, because when a man has been registered as a citizen of India under the provisions of the Citizenship Act, his name should automatically find a place in the electoral roll. Once the registration for citizenship is done and his name is communicated to the authority who

prepares the electoral roll, it should be quite sufficient.

These are the two main points which I want to bring to the notice of the hon. Minister. I want to emphasise the first point, namely, special efforts should be made by the Government to get the largest number of refugees registered as citizens. It should not be left to the refugee himself. Because of the special circumstances in which the refugees have been put, it is the duty of the Government to help them to become citizens of our country. It is not a question of 10 or 15 or even a thousand of them; they total lakhs and lakhs. That is why I am making this special appeal to the Government to keep this point in mind while issuing directives to the officers and to see that the largest number of refugees become citizens first and then voters for the coming general elections.

Shri Kamath: We are at the fag end of this session and all the suggestions that we will have to make to the Government with regard to the preparation of electoral rolls preliminary to the holding of the general elections next year will have to be made in this session. If we miss this opportunity in this session, another opportunity will not come again in the next session, so far as the preparation of electoral rolls is concerned. I have, therefore, ventured to table an amendment. The rule regarding notice was waived this morning by the Speaker and accordingly I have ventured to table this amendment.

I beg to move:

Page 1—

after line 26, add:

"(4) Every citizen of India whose name was registered in the electoral roll of a constituency in 1954, but who is at present detained or imprisoned in Goa or other Portuguese colonies in India, shall be entitled to be registered in the current electoral roll for that constituency."

[Shri Kamath]

It may be that this particular amendment suggesting a new clause is not perfectly well-drafted.

Mr. Deputy-Speaker: It may not be quite in order.

Shri Kamath: It may not be quite within the scope of the Bill; it may not be in order, if you are pleased to say so. With regard to the drafting of it, we, Members on this side of the House, have not got a galaxy of Secretaries, Specialists and Draftsmen at our disposal. Therefore, with the meagre resources at our disposal, we have tabled this amendment for what it is worth.

3 P.M.

I plead with the Government to accept the spirit and the content of this amendment and to make an announcement accordingly on the floor of the House today. I would leave it to the Government to bring forward, if necessary, another amendment Bill in this very session, if possible within the next week; it is not very difficult to frame the provisions of a Bill within a couple of days and I would request the Government to bring it before the session comes to a close.

It is not necessary for me to stress the importance of the matter which is embodied in this amendment. The House is well aware that many of our comrades, many of our countrymen, including an hon. Member of this House, Mr. T. K. Chaudhuri, are at present detained or imprisoned in Goa. Some are detenus and others are undergoing imprisonment for a term as long as ten years and no one knows when the Goa question will be settled and the Portuguese colonies will be liberated. There is a deadlock over this question and nobody knows when this matter will be settled and how long they will have to be inside the Goa jails. It is, therefore, meet for the House at this juncture when the General election is in the offing to ensure that those countrymen of ours, those comrades of ours, who have sacrificed so much,

who are suffering today for the cause of Goan liberation, are not forgotten when we are preparing our electoral rolls and are making preparations for the general election. This is one of the first steps in a series of suggestions that the opposition are going to make. If this is accepted, we will also ask later on for facilities to be provided for getting their nomination papers in time for the coming elections. I would, therefore, appeal to the Minister to give an assurance before the House today that this matter is not being lost sight of by the Government, they are moving in the matter and that they would frame rules or bring forward an amendment Bill before the session comes to a close so that the names are automatically brought on the electoral roll for the particular constituency by the registration officer as on the register two years ago, so that they will not be prevented from taking part, and they will also get the nomination papers in time for the coming election. I move this amendment and commend it to the acceptance of the Minister and the acceptance of the House, and I hope the Minister will not fail to move an amendment in this matter in the course of his reply to the debate.

Shri Gidwani (Thana): I rise to support the Bill. So far as Eastern Pakistan is concerned, as Shrimati Renu Chakravarty has said, the exodus is still taking place. So far as the Western Pakistan is concerned, there also there is some exodus and a few families are coming to India every week. Only yesterday a person who came from Sind told me that nine families have migrated. Therefore, I am happy that the Government is going to give this franchise to all those who come here and no one would be losing it. I agree with Mrs. Renu Chakravarty that the procedure should be simplified. You know well that in the bureaucracy people will have to waste their time, money and energy unnecessarily. Therefore, once a person has registered and the registrar is satisfied, it

should automatically follow that he will be enrolled as a voter. All facilities must be given to them and there should be no impediment in their way.

Therefore, without wasting more time I give my support and I request the Minister to take all necessary steps to see that there are not many handicaps in their way, the procedure is simplified and every person who comes within the time and is enrolled as a citizen becomes a voter.

Shri Sadhan Gupta (Calcutta South-East): Mr. Deputy-Speaker, I welcome this Bill because this Bill makes a provision—rather late no doubt, but still it makes a provision—for enfranchising displaced persons. You know that in the last general elections we had the scandalous spectacle of having large number of displaced persons disenfranchised, who deserve to have their franchise. Those displaced persons were our kith and kin and they were every inch Indians and there was absolutely no justification for depriving them of the right to franchise. Yet, in my State, where I think the greatest amount of migration had taken place, from February 1950 onwards we had hundreds of thousands of displaced persons disenfranchised on the ground that they were technically not citizens of India.

Now it is a very happy thing that at last we make some provision from this House that they would have the right to be included in the electoral roll. Now, whatever defect there exists in the Bill is due to the defect in the provisions of the Citizenship Act and the Citizenship Rules. You will remember that while the Citizenship Act was under discussion we strongly pressed for automatic inclusion of all displaced persons without any procedure of registration. We maintained that they had as much right to citizenship as a native of the Indian soil, that is to say, the soil of divided India. That was not accepted and the formality of registration has been provided. This formality of registration will stand in the way of the enfranchisement of the bulk of

the displaced persons. Shrimati Renu Chakravarty pointed out how the refugees had been scattered throughout the country and particularly how the refugees are to be found in the remotest villages in my State.

It is absolutely essential in the interest of democracy to have these refugees included in our electoral rolls. They will number hundreds of thousands, perhaps a million or two. It is absolutely essential that we should have them on the rolls. What we have provided is that those who are registered will be included in the electoral rolls. But there are one or two snags in it. I will come to that later. But broadly this is the provision that those who have been registered as citizens will be included in the electoral rolls.

If we want to make the franchise a reality, if we want to give the displaced persons, the displaced persons who have recently come, the Indian franchise, we have to see that the registration is real, that the registration really covers the entire body of displaced persons who have come. How is that to be done? If the provision made in the Citizenship Rules is strictly followed, then we can be sure that the bulk of the displaced persons will neither be registered nor be enfranchised. The registering authority is the Collector. If displaced persons are expected to go and apply by whole families to the Collector who happens to register them, then we will not have many displaced persons on the register because first of all these displaced persons, come from classes which cannot be expected to be so conscious that the whole families go and register before the Collector or whoever is the registering authority. Secondly, even if they have the urge to do so, the cost will be prohibitive in many cases—the cost not only of transport but also the cost of remaining in a town where they can find a Collector. They will have to spend money for the days they will have to keep away from their homes. For example, in the case of many places in the Twenty-

[Shri Sadhan Gupta]

four Parganas, it will take anything up to 2 or 3 days at least or even more perhaps, to come to Calcutta and return to their homes. For all these days, they will have to find provision for themselves and if they want to take their families, they will have to find provision for their families also. Therefore, unless something is done to facilitate this registering process, this Bill will be an unreality. Therefore, I entirely endorse Shrimati Renu Chakravartty's suggestion that enumerators should go about and induce them to register. For this purpose, some arrangement should be made for administering or taking the oath in that locality. The Collector or some officer entitled to administer oath should visit the locality or nearby local centres where the displaced persons can go easily and have the oath administered to them.

Many of the displaced persons are now in camps. An organised attempt should be made by the Government to send the registering authority to these camps and have the forms filled up or mass applications made and registrations completed there. That would also speed up registration and increase the number of displaced persons on the register. There are other squatters colonies where the same thing may be done. We want to know from the Government whether these things are going to be done and what concrete plans they have for registering every displaced person who is entitled to be registered.

There is another snag in the provisions of the Bill itself. I can understand that when a registering authority forwards a list to the Electoral registration officer, he automatically includes the names in the list, in the electoral roll. That is understandable. Why need he enquire into the correctness of the list? There is a Government officer, I take it, a responsible Government officer, the registering authority, who prepares the list. Why, after that, should the Electoral registration officer further enquire into the correctness of the

list? What enquiry is there to be made into the correctness of the list? I think this is a provision which is going to create many difficulties. For example, this list will be coming to the Electoral registration officer, perhaps, on the 31st of December. We know when the last date is mentioned, it is going to be the last date in most cases. If, after that, he starts an enquiry into the correctness of the list,—the list is likely to cover lakhs of persons—it will mean that he will not complete his enquiry and, therefore, by the time of the general elections, many people who would have been otherwise entitled to be registered would not be registered. Therefore, I have moved an amendment which is amendment No. 2, for deletion of these words, 'after enquiring into the correctness of the list in such manner as may be prescribed'. The only discretion that may be left to the Electoral Registration officer is to see whether the person is barred under the provisions of sections 16 to 18, whether he is not of unsound mind, and so on. Even that should not be too meticulously enquired into because, in that case, the whole process of inclusion of displaced persons in the electoral rolls will be upset. The only thing that need be done is to make an enquiry if reliable information is received of any bar under the provisions of sections 16 to 18, of the Representation of the People Act, 1950.

Then, there are these words: 'who in his opinion are entitled to be registered in the electoral roll of the constituency' in sub-section 1. Here, the opinion may extend to determining the bar under sections 16 to 18. But, it should not extend further. That should be made very clear. There is another defect which is a defect of omission in the section. Suppose the list has been sent and somehow a person who is included in the list has not been included in the electoral roll. Some doubt is felt whether he can prefer a claim for inclusion in the electoral roll or whether he would have to pay the

application fees under rule 26 of the Representation of the People Rules. It should be made clear by an amendment by the Government that such a displaced person whose name has inadvertently not been forwarded by the registering authority should have the right to make an application for the inclusion of his name without paying any fees.

Shri D. C. Sharma (Hoshiarpur): Mr. Deputy-Speaker, I welcome this measure because it widens the scope of Indian citizenship and because it gives the right of Indian citizenship to those who, without any fault of theirs, without any crime of theirs, are being driven out of parts of West Pakistan and parts of East Bengal. I believe that this is a very statesman-like gesture, a very noble gesture that our country is making to all these displaced persons who are our own kith and kin—I do not deny that. I believe that this is going to help not only refugees from East Pakistan, but also refugees from West Pakistan. The other day I read that there were 600 persons living in a camp at Amritsar. They have not yet been absorbed into the economy of our country. The other day we were told that there were some persons waiting for migration in a camp at Lahore. Again, we are told that there are lots of Hindu and Sikh gentlemen living in the North-West Frontier Province who want to come out to India. We have to make provision for all these persons. We have to keep the door of India open to all these persons and I think we have got to do something.

I must say that the criticism which has been offered by my hon. friends on the other side has not taken into account the great desire of the Government of India to absorb all these persons. Their remarks have been based upon a good deal of suspicion and distrust. They think that perhaps these rights are being given in name and not in substance. I think their apprehensions are unfounded, and unjustified. I think they will come to know that there is nothing under this Bill which will come as a hurdle in the way of these

displaced persons who want to get themselves registered as citizens of India. Of course, things have to be done according to a well-defined procedure and this Bill lays down only that kind of procedure. In this world you cannot get over procedure. Procedure is a part of life and if you want that the procedure should be abolished altogether, I think there cannot be smooth working of any institution. Therefore, I would say that the procedure laid down in this Bill is not such as is going to create obstacles in the way of these persons. I think this procedure is normal routine and there is nothing outrageous about it, nothing unusual about it. All the same, I would suggest very respectfully to the hon. Minister that the peculiar circumstances of these refugees, the extraordinary circumstances of these refugees—after all, they are not yet like us—should be taken into account and the working of this procedure should be made as easy as possible. That is what should be done. Of course, I do not say there should not be all these things, but some of these things should be made easy for them. For instance, they should have the right of registration near home.

Shri Kamath and I seldom see eye to eye, but today I feel inclined to support him. One of our compatriots Shri T. K. Chaudhuri is at this time in jail in Goa. He has spent most part of his life in jail. Even after India has become free, he is again in jail. It is a very sad thing. Of course, it may not be sad for him because he is made of heroic stuff, but it is saddening for us. I think a person like him should not be deprived of franchise. Even if we have to do something extraordinary to keep his name on the electoral roll, we should do so. I think this will be a very noble gesture on the part of India and it will be appreciated not only in India but elsewhere also. I therefore support Shri Kamath in that.

Shri K. K. Basu: As a joint mover of the amendment on which Shri Kamath has spoken, and the

[Shri K. K. Basu]

great professor has sought to support even Shri Kamath. I think it is the duty of this Parliament that the army of liberation which went to liberate Goa should not suffer any discomfiture or any disadvantages or any disabilities, legal civil or whatever it may be because of certain laws or regulations that prevail. One of our esteemed colleagues, Shri T. K. Chauduri is there along with a large number of persons who have staked their life to liberate that part of India where we still have colonial rule. Therefore, we should endeavour to amend the rule or the law so that they continue to be voters at the time of the general elections, and they should also be entitled to stand for election to the legislatures or Parliament. I believe this provision regarding ordinary residence in a particular constituency may stand in the way of their continuing to be voters eligible to vote or standing for election at the time of the next general elections. All sections of the House are united in this demand, and naturally it is a very noble cause. I therefore request the hon. Minister to provide for this.

I welcome this amending Bill because it largely helps a good number of our brethren who have come from East Pakistan and in some cases possibly from West Pakistan to become voters at the time of the general elections, but I am also worried because rule 4 of the Citizenship rules says that every one has to be resident in India for one year before he or she applies for being a citizen. As you know, and as has been very ably put forward earlier, during the first part of 1956, particularly in January and February, a large number of women and minor children came over from East Pakistan because the conditions were difficult there. In these cases if the registering authority is satisfied about their intention to continue to remain in India and become Indian citizens. I think that should be good enough,

and we should not stick literally to the provisions that at the time of registration they should have been resident in India for at least one year. I hope the hon. Minister will take this into consideration and amend the particular rule.

I support the previous comments regarding the facilities for registration at the camps or at the colonies where the refugees are living. As you know, most of them are not properly educated and they are not in a position to spend money to get themselves registered. It is our duty to see that they become citizens because they have come here leaving whatever they had in Pakistan, to live permanently in India. So, these fees regarding the forms should be done away with because we know at an earlier time the refugees had certain rights regarding registration. I hope the hon. Minister will take this into consideration and through executive direction or whatever it may be seen that the refugees are not asked to pay the fees necessary normally under the citizenship rules. I hope these improvements will be made so that we can wholeheartedly support the provisions of this amending measure.

Shri Biren Dutt (Tripura West): In Tripura at present more than two-thirds of the population are displaced persons. Though the registration of the refugee is rising, enlisting them as voters is not done very promptly there. That is why I want to know whether this will be done before the general elections.

Shri Pataskar: I am glad this measure has received the hearty support of almost all Members of this House. Certain suggestions have been made with the spirit of which I am in entire agreement. If they have arisen out of some misunderstanding—I would like to clear it.

The position is that this particular clause makes provision for three matters. Sub-clause (1) says "shall be entitled to be registered in the electoral roll for a constituency", that

is it gives the right to a person who has got himself registered as a citizen of India to have his name entered on the electoral rolls.

Then, the next sub-clause makes it much more easy for him. We know the hardships of these particular people. As was pointed out, many of them are poor, ignorant and probably in circumstances of distress, and naturally the burden is thrown not on them. What we have provided is that every authority who registers these persons as citizens of India should submit a list of such persons to the electoral registration officer. So, hon. Members will realise that whatever is possible is being tried to be done to the utmost. We do not say that the persons should themselves apply, but this is a very easy procedure. There is a register of persons who get themselves registered as citizens of India with the registering officer and he has to supply the list to the electoral registration officer. I think that is a very simple process, and in fact, that is the only logical process which could have been followed. This will convince everyone that there is an anxiety on the part of Government to see that all these persons who are citizens of India should have their names entered on the electoral rolls.

Then, the third provision is this. This has been commented upon to some extent. But then, this provision is very necessary, because, after all, it is the duty of the electoral registration officer ultimately to make the entry on the rolls. But this provision by itself would not be enough. We cannot delegate authority to an electoral registration officer with respect to the preparation of rolls all over India. That is the reason why we have provided:

"Upon receiving a list under sub-section (2), the electoral registration officer shall, after inquiring into the correctness of the list in such manner as may be

prescribed, direct the inclusion in the electoral roll of the names of all persons included in the list who, in his opinion, are entitled to be registered in the electoral roll for the constituency under sub-section (1)."

Ultimately, of course, the electoral registration officer will have to do this. That is why we have made this provision. There also, we shall prescribe some manner which will be very easy, and which will not give rise to difficulties. For, after all, he is also an officer who registers citizens;—and there is another officer to examine it, in order that there may be no mistakes or frauds, and nothing may go wrong—and naturally, he must perform his duty well, because, it is he who ultimately enters the name in the electoral rolls. Then, we have provided:

".....direct the inclusion in the electoral roll of the names of all persons included in the list who, in his opinion, are entitled to be registered in the electoral roll for the constituency under sub-section (1)".

These are all formal matters, with respect to the names of persons being brought on the rolls. In the case of citizens of India, the electoral registration officer does the registration and enters the names in the electoral rolls. The same provision is made here also, because ultimately it is he who is responsible for the correctness of the rolls. That is the only thing that is done here. Beyond that there is no intention on the part of anybody that we should try to harass these persons who are already harassed, and put difficulties in the way of their names being entered on the electoral rolls.

I hope this explanation will satisfy even those hon. Members who have given notice of amendments, namely that all these are matters provided for in a way, going to the utmost to which Government could go, for

[Shri Pataskar]

making it easy for the names of these persons being included in the rolls.

I would particularly like to draw the attention of hon. Members to the proposed sub-section (2) of section 24, where we have made a special provision that as soon as they are registered as citizens, the authority registering them shall send to the electoral registration officer a list of all such persons. We have provided:

"Every authority registering as citizens of India under the said clause (a) persons ordinarily resident in a constituency shall, as soon as may be send to the electoral registration officer for the constituency a list in the prescribed form of all persons so registered."

I think this should satisfy all sections of the House.

With regard to the amendment of my hon. friends Shri Kamath and Shri K. K. Basu, I entirely agree to the spirit underlying it, although the amendment itself is outside the scope of the Bill—there is no doubt about it. I would like to point out that I am personally of the view that the provisions, which have already been made in the Act as recently amended, are enough, and they will enable the names of these persons being entered on the electoral rolls.

I would like to draw the attention of hon. Members to sections 19 and 20 of the Act. Section 19 reads:

"Conditions of registration: Subject to the foregoing provisions of this Part, every person, who, on the qualifying date, is not less than 21 years of age and is ordinarily resident in a constituency."

In the former Act, the provision was with respect to a particular period of residence in that consti-

tuency, but that has been taken away—

" shall be entitled to be registered in the electoral rolls for that constituency."

The question may arise in that case whether this person can be regarded as being ordinarily resident in that constituency. For that, there is clause 20 which defines what 'ordinarily resident' means. It lays down:

"Meaning of 'ordinarily resident': Save as hereinafter provided, a person shall be deemed to be ordinarily resident in a constituency, if he ordinarily resides in that constituency or owns or is in possession of a dwelling house therein."

I think most of these people are either owners of houses or must have been tenants in some place somewhere in India. But so far as I can find the person must be dwelling somewhere. That is why we have provided here like this.

Then, sub-section (2) of section 20 of the parent Act provides:

"A person who is patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein."

Shri Kamath: But Goa is outside India.

Shri Pataskar: The hon. Member may have a little patience, because we do not differ on this point.

The question may arise, and it may be argued by some people, that they are now deemed to be ordinarily resident in a place in Goa. It was in order to avoid this sort of difficulty precisely, that we had incorporated sub-section (2) of section 20 in the

Act, when we were discussing the amending Bill. This provision lays down that a person who is detained in prison or is in legal custody at any place shall not by reason thereof be deemed to be ordinarily resident therein. We may not have contemplated Goa at that time. But we had contemplated cases of the following nature. Suppose, for instance, that a person is a resident of Calcutta. And suppose he misbehaves, and he is kept in custody in Sabarmati or some other place. Merely because of that, we cannot say that he was ordinarily resident in Sabarmati or some other place, and therefore, he loses the right to vote. It is to avoid such things that we had put in this provision.

I think this provision will serve the purpose even in the case of persons who are in custody in Goa. I do not think there will be any difficulty on the ground that they are in prison there. If, however, there is really any difficulty, I shall certainly look into the matter and do whatever I can to see that these people who have sacrificed their freedom for a very noble cause do not suffer and do not lose their right of franchise merely because they have been detained in Goa.

To go a little step further, it may be argued that it may not be possible for Government or for the authorities concerned to know the names of all such persons. As for this, I would like to say that if anybody in India, and particularly any of the other friends who are interested in them think that probably either through mistake or through ignorance or some such thing the names of such persons have not been included, and if they bring this matter to my notice, I shall do whatever is possible to forward them to the Election Commissioner, because ultimately, it is the Election Commissioner, who is in charge of this matter. I can assure you, Members that I am entirely in agreement with

the spirit and the object underlying the amendment.

But, for the time being, I am of the opinion that the present provisions are enough to see that the names of such persons will be on the rolls, in spite of the fact that they happen to be detained in Goa. That fact alone will not deprive them of the right to have their names entered in the rolls, if otherwise they are entitled to have their names in the rolls.

From this point of view, I cannot accept this amendment. Moreover, as I said earlier, admittedly, this amendment is outside the scope of this Bill.

Shri Kamath: On a point of clarification. If the names of these persons are not on the rolls, will someone on their behalf be permitted to file a claim before the proper authority asking for the inclusion of their names in the rolls?

Shri Pataskar: I think such names are likely to be very few in number. Therefore, whatever the rules may be—I have not carefully examined them—I can give this assurance here that if any person brings to my notice the fact that the names of any of these persons—the number will be very small, and not many hundreds or thousands—have not been included, I shall try my utmost to see that they do not lose their franchise simply on the ground that they happen to be in the Goa prison for such a noble cause.

Mr. Deputy-Speaker: The question is:

“That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration.”

The motion was adopted.

Mr. Deputy-Speaker: Now, we shall take up the clauses. Does any hon. Member want to move his amendment?

Shri Kamath: In view of the assurance given by the Minister, I do not press my amendment.

Shri Sadhan Gupta: I want to have a clarification from the Minister as to what kind of enquiry is contemplated into the correctness of the list.

Mr. Deputy-Speaker: He has already answered this point.

Shri Pataskar: I have already said that the procedure will be as easy as it possibly could be.

Mr. Deputy-Speaker: These rules will be made in such a way that there will be no difficulty.

I suppose the hon. Member is satisfied, and he does not want to press his amendment. Since, there are no amendments, I shall put all the clauses, the Enacting Formula and the Title together to the vote of the House.

The question is:

"That clauses 1 and 2, the Enacting Formula and the Title, stand part of the Bill."

The motion was adopted

Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.

Shri Pataskar: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-FIRST REPORT

Shri Altekar (North Satara): I beg to move:

"That this House agrees with the Sixty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 4th September, 1956".

This Report is in connection with permission to introduce two Constitution amendment Bills. One is by Shri Raghunath Singh in connection with amendment of article 107, so as to bring it in conformity with the actual practice under rule 319 of the Rules of Procedure in the Lok Sabha, and fill up the lacuna. There is not much controversy with respect to that. Whether this should be done or not is for the House to consider.

The second is a Constitution (Amendment) Bill by Shri K. K. Basu. It seeks to make orders, executive action or laws in contravention of the Directive Principles of State Policy void. He also wants that all the privy purses of all the Princes should be made taxable under the Income-tax Act. Thirdly, he wants that there should be a modification regarding the remuneration of ICS officers.

These are matters of public interest and the Committee has come to the conclusion that this should be allowed to be introduced.

The third is a simple matter, in connection with allotment of time for the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1956. This Bill was passed by the Rajya Sabha and it has to be discussed in this House. The time allotted for it is 1½ hours.

I commend the Report to the acceptance of the House.

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Sixty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 4th September, 1956".

The motion was adopted.