

that is, the executive machinery of the State Government, and it shall have to be entrusted to the State Government.

Therefore, we have done two things. Firstly, having created a pattern, we have left it to the State Governments to apply it if and when they think fit. If at any time they are persuaded, if public opinions there requires, that the State Government should bring into force this legislation, then, surely, they will make provision for funds. If they do so, then the whole responsibility of putting into motion this measure and carrying out the various purposes of the measure will be that of the State Government and all that the Central Government can do is to sympathetically watch the proceeding and also give financial aid. Therefore, the provision that we have made is this, that they are capable of acquiring funds. If the Central Government had given all the funds, then, surely, a situation would have arisen where all the funds would have been found by the Central Government, while the machinery would have been that of the State Government, and any complaint that the funds are not being properly utilised would probably have been difficult to dispose of in this House, because we would have only responsibility to give funds whereas we would not have any control over the machinery through which the enforcement of this measure would be made.

Personally, I was quite sympathetic, as Shri Khushwaqt Rai recalled, to the grant of funds, but the whole question was 'Should the Central Government in this very Bill undertake the statutory responsibility of finding the funds?' The Central Government can find funds. I hope they will find funds. As I said, it is not as if the Central Government are stinting for funds. They are spending large sums on social welfare activities. I am quite sure that if the State Governments decide to put the Act into force, the Central Government will not remain unsympathetic.

Mr. Speaker: The time is up.

Shri Hajarnavis: I repeat that but for the interest taken by Shri Kailash Behari Lal and Shri D. C. Sharma, such a useful and valuable measure would not have been brought forward here. I pay my tribute to them.

Mr. Speaker: The question is:

"That the Bill to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

Mr. Speaker: There are no amendments tabled.

The question is:

"That clauses 1 to 31, the Enacting Formula and the Long Title stand part of the Bill".

The motion was adopted.

Clauses 1 to 31, the Enacting Formula and the Long Title were added to the Bill.

Shri D. C. Sharma: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

17.52 hrs.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL

(Amendment of section 73) by Shri
Hem Raj

Shri Hem Raj (Kangra): I beg to move:

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

This amending Bill of mine for amending section 73 of the Representation

[Shri Hem Raj]

of the People Act, 1951, has been necessitated by the result of the second general elections in the country. As will be clear from the Statement of Objects and Reasons appended to the Bill, during the second general elections, three constituencies in Himachal Pradesh, one double-constituency from the Punjab and the Kangra parliamentary constituency could not complete their elections till the end of July. Elections for two seats for the Punjab Vidhan Sabha were also not completed till the end of July. Consequently, the result has been that 8 members—two of the Punjab Vidhan Sabha and 6 of the Lok Sabha—could not take part in the election of the President and the Vice-President.

In order to appreciate fully the background of this Bill and the necessity of this Bill, it will be necessary to state some more facts. The second general elections were ordered by a notification issued in the middle of January 1957. The elections were to be completed by the 31st March 1957. Consequently, all the State and parliamentary constituencies completed their elections by the 31st March. But so far as these four constituencies were concerned, their elections were postponed by the Election Commission under section 153 of the Representation of the People Act because those areas were snow-bound; neither could ballot papers etc. be taken there nor could the people stir out of their houses to go to the polling stations to cast their vote. Consequently, the elections in these constituencies were fixed for June and July. Ultimately, the election results were declared in the month of July. By that time, the election of the President and Vice-President had taken place, because under the Constitution, the election of the President must take place before his term of office expires. And, his term of office, in this case, was to expire on the 13th May, 1957. Consequently, the Election Commission had to frame the time table for the General Elections as well as the election of the President and the Vice-President

according to the date on which the term of the President was to expire.

As I have said, the term of the President was to expire on the 13th May. Consequently, the Election Commission framed the programme in such a manner that the election of the President and the Vice-President should take place before the 13th. Therefore, it fixed the 6th May as the date for the election of the President and the Vice-President. But, by that time, though all the constituencies had completed the elections except the 4 parliamentary constituencies and one Punjab Vidhan Sabha constituency, the Government under section 73 declared the House of the People was completed. They declared that the Punjab Vidhan Sabha was also complete.

In my opinion this was a wrong step which Government had taken. Under these circumstances, what is now happening is that in all these constituencies the elections are bound to take place in the months of June and July. It is not only once that these constituencies will be deprived of this right of voting for the election to the office of the President and the Vice-President and the members hailing from there will have their elections completed in the months of June and July, but for all times to come they cannot vote for the election of the President and the Vice-President. This is what the Election Commission says:

"There was another important consideration that the Commission had to take note of in fixing the time-table for General Elections. The term of office of the President and the Vice-President was to expire on the 13th May 1957, on the expiry of five years from the date when they assumed office. Art. 62 and Art. 68 of the Constitution require that the election of the new President and the Vice-President must be completed before the expiry of the term of their predecessors. A minimum period of 30 days is required to

complete these elections. In order that these elections be completed in accordance with the provisions of the Constitution, it was necessary to constitute the new House of the People and the Legislative Assemblies before the end of March, 1957. Accordingly the Commission settled the programme for the General Elections so that the poll for the General Elections might be completed by the middle of March, 1957. In order that this objective might be achieved, the notification calling upon the constituencies to elect their members had to be issued after the middle of January 1957."

The date for the election of the President and the Vice-President was fixed as 6th May under Articles 54, 62, 66 and 68 of the Constitution.

An Hon. Member: The hon. Member may continue next time.

Shri Hem Raj: May I go on, Sir?

Mr. Speaker: How long will the hon. Member take?

Shri Hem Raj: I will take 15 to 20 minutes, Sir.

Mr. Speaker: Is the House willing to sit?

Some Hon. Members: No.

Mr. Speaker: The House will now stand adjourned to meet again at 11 A.M. on Monday.

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 21, 1960|Chaitra 1, 1882 (Saka).