

**Mr. Speaker:** Any other hon. Member whose vote has not been recorded? .. None. The result of the division is:

Ayes .. 343

Noes .. .. Nil

The Ayes have it.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

**Some Hon. Members:** Let us declare it a holiday now.

15.25 hrs.

REPRESENTATION OF THE  
PEOPLE (AMENDMENT)  
BILL

**The Deputy Minister of Law (Shri Hajarnavis):** On behalf of Shri A. K. Sen 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, and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961, be referred to a Select Committee consisting of Shri Amjad Ali, Choudhry Brahm Perkash, Shrimati Renu Chakravarty, Shri R. Ramathan Chettiar, Shri Shree Narayan Das, Shri M. L. Dwivedi, Shri Aurobindo Ghosal, Shri R. M. Hajarnavis, Shri Bal Raj Madhok, Shri Jaswantraj Mehta, Shri Jaganatha Rao, Shri Ajit Singh Sarhadi, Shri M. Shankaraiya, Shri M. S. Sugandhi, Shri Asoke K. Sen with instructions to report by the 19th August, 1961."

This Bill as I have already stated, aims at making certain amendments, firstly in the Representation of the People Act, 1950, which is concerned with the registration of electors. Secondly, it seeks to make certain amendments in the Representation of the People Act, 1951, which as hon. Members know concerns itself with the holding of elections. Thirdly, there is a very small technical amendment in the Two-Member Constituencies (Abolition) Act, 1961. Most of these amendments, the House will be glad to know, carry out the recommendations made by the Chief Election Commissioner in his various reports. Their chief purpose, firstly, is to secure to every elector his right to vote and, secondly, to make the elections, if possible, simpler and speedier. I will briefly indicate where the changes are suggested and what the effect of these suggestions is.

The first change is the abolition of sub-sections (4) and (5) of section 23 of the Representation of the People Act, 1950. The reason for this is that there is at present no appeal against the order of the Electoral Registration Officers under section 22 amending, transposing or deleting an entry in the electoral rolls. There was one limited kind of appeal which had been provided, namely, the appeal against rejection of an application. If a name was added by grant of an application or if any other order except that of rejection was made, there was no provision for appeal. An appeal has therefore been provided against every order made by the Electoral Registration Officer under the next clause, that is, Clause 3. There it has been said, namely,—

"An appeal shall lie within such time and in such manner as may be prescribed—

(a) to the Chief Electoral Officer, from any order of the Electoral Registration Officer under section 22 or section 23.

[Shri Hajarnavis]

A good appeal is always be necessary in order to ensure that those who are entrusted with the primary duty of making the orders in the first instance are on the *qui vive*. The appeal may not be resorted to, as I said, in every case but the presence of a good and a speedy appeal always makes the trial officers discharge their duties in a much better and much more conscientious fashion. Therefore such an appeal should be provided and it has been so provided.

The next clause is clause 4 which amends section 27. This concerns the candidates for the Legislative Council. Under the present clause both for the teachers' constituency and for the graduates' constituency certain residential qualification is prescribed for the candidates. Before they qualify they have got to have three years' residence in a particular constituency. The Chief Election Commissioner felt that there is no basis for that because teachers are often transferred from one district to another and there is no reason why a teacher who was entitled to vote when he was at one place should lose his qualification merely because he has been transferred from one district to another. Similarly about graduates. Therefore, by this amendment, all that is necessary is that he should be a graduate of three years' standing. For that purpose, a qualifying date, namely the 1st of November of the year before which the electoral rolls are being prepared, is prescribed as the qualifying date.

Then, clause 5 increases the control of the Parliament over the rules made under the Act. Previously all that was necessary was that it should be laid before the House. But now the supervision of the House over subordinate legislation has increased by the amended clause which has clearly said that:

"Every rule made under this Act shall be laid as soon as may

be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

When the rule is laid before the House, the House is certainly in control of the rule and can, by following the appropriate procedure, make changes in it. But this clause brings out the power expressly and also makes it clear that within thirty days a motion has to be moved.

In clause 6 the word Bombay is changed in accordance with the States Reorganisation Act, and there are certain local authorities that cease to exist in Bombay and Mysore. Therefore, after the abolition of these local authorities like rural village panchayats etc., the appropriate or the corresponding local authorities are being brought in.

This finishes the amendments which we have proposed to the Representation of the People Act, 1950.

Chapter III deals with the amendments in the Representation of the People Act, 1951. Here the attempt is to shorten the period of elections. Under the present law ten days must elapse between the nomination and the issue of the proclamation. Section 30 is now being amended. The present section 30 is as follows:

"As soon as the notification calling upon a constituency to elect a member or members is issued,

the Election Commission shall, by notification in the Official Gazette, appoint the last date for making nominations, which shall be the tenth day after the date of publication of the first-mentioned notification . . . etc."

The Election Commission has proposed that it should be reduced from ten days to seven days. We have accordingly proposed an amendment that the words "tenth day" should now be substituted by the words "seventh day".

**Shri Indrajit Gupta** (Calcutta-South West): What is the reason for bringing this?

**The Minister of Law (Shri A. K. Sen)**: For shortening the total time of the election.

**Shrimati Renu Chakravartty**: (Basirhat): It is said here: to keep the election expenses low.

**Shri Hajarnavis**: If the period is shorter, with her experience in elections, the hon. Member will know that the election expenses will be lower.

**Shrimati Renu Chakravartty**: Here it does not entail any expenditure.

**Shri Indrajit Gupta**: How does this bring down the election expenses?

**Shri Hajarnavis**: The real election begins after the nomination.

**Shri M. C. Jain** (Kaithal): The shorter the period the less the expenditure.

**Shri Hajarnavis**: Then the period between the filing of the nomination and the scrutiny is curtailed by one day. There is one day which now intervenes between the scrutiny and the last day of the nomination. It is the third day. Instead of that, it will be the second day.

Then by clause 8 the number of nomination papers that any candidate may file is fixed at four now. The maximum is four.

**An Hon. Member**: It is five now.

**Shri Hajarnavis**: It is certainly the law which obtains at present that a candidate can file as many nominations as he likes. There is no restriction at all. But it has been found that very few candidates have filed more than four nomination papers. But if all candidates take it into their heads to file as many nominations as they please, and a list has to be prepared, it will throw such a burden upon the returning officer and his staff that it becomes impossible for him to do that.

**Shri Braj Raj Singh** (Firozabad): Why don't you make it two then?

**Shri Hajarnavis**: Any figure could be suggested. If my hon. friend thinks that four is too large, he can suggest two.

**An Hon. Member**: Five is a good number.

**Shri Hajarnavis**: It could be anything, provided a reasonable limit is fixed. We are not committed to four.

**Shri Braj Raj Singh**: The proper remedy would have been for you to relax the rules about rejection of nomination papers, and not to make it two or four.

**Shri A. K. Sen**: The rules have already been relaxed. Perhaps my hon. friend Shri Braj Raj Singh does not know. In fact the rules are so loose already that they would hardly lead to rejection, if properly filed.

**Mr. Speaker**: Do hon. Members want the Minister to go on or not? Evidently they are not ready with this. Then why did they persuade the Minister to get up when he sat down?

**Shri Tangamani (Madurai):** He is going clause by clause and giving explanations.

**Mr. Speaker:** This has only to be referred to Select Committee.

**Shri Hajarnavis:** Then, clause 12 omits section 54. That is consequential on the double-member constituency being abolished.

Then I come to clause 13. By new section 58 we carry out the recommendation made by the Election Commission that if a ballot box used at a polling station is unlawfully taken out and that ballot has to be cancelled the Election Commission may ask for another ballot to be taken so that the whole election may not be set aside.

Then, omission of section 63, like the omission of section 54, is consequential on the abolition of the double-member constituency.

Clauses 17, 18 and 19 deal with the election petitions. The main reason for this recommendation is that in a civil suit where the plaintiff has to file so many copies of the plaint as there are dependents, similarly they have to hand over to the Election Commissioner as many copies as there are respondents to the election petition so that the staff of the Election Commission is not employed in making out the copies.

Clause 18 contains a very healthy provision, which, I am quite sure, Members of the House will appreciate and welcome. It requires that wherever an allegation of corrupt practice is made, that allegation shall be supported by an affidavit. It is within the experience of all of us that reckless allegations are made without proper verification. Even though no evidence is led about it, there has been a lot of mud-slinging and it has caused harm and unnecessary expenditure. The other clause contains some small suggestions like stay

of order under section 99 by which a person is being disqualified.

Under clause 23, security for costs is increased from Rs. 1,000 to Rs. 2,000. Many election petitions are filed without any substance and the result is harassment to the candidate who has been duly elected. In order to appreciate what the expenditure is in our country with the expenditure in other countries, hon. Members will like to know, there was recently an election petition. Mr. Wedgewood Benn, on succeeding to the title of his father, lost his seat in the House of Commons. He again stood for Bristol. He was sought to be disqualified from sitting in the House of Commons because he was a peer of the realm. Therefore, the election petition was filed by the opposing candidate, Mr. Sinclair. That petition went on for not more than 3 or 4 days. Yet, the costs were to the tune of £ 8,000. One of the checks against frivolous petitions would be the position for costs, so that the party whose election is challenged does not suffer frivolous petitions would be the position if dismissed. Therefore, this has been increased from Rs. 1,000 to Rs. 2,000.

Clause 25 is important. This is brought with a view to eliminate completely from electoral appeal any appeal on the ground of caste, race, community or religion. The law does at present make it illegal to make a systematic appeal on the ground of caste, race, community or religion. The whole difficulty is about the word 'systematic'. In practice, it was found difficult to prove that a candidate had adopted a systematic appeal to caste, race, community or religion. It was difficult to prove that a candidate had meant: two appeals or three appeals or a general design. In order to eliminate it completely, even one single appeal on the ground of caste, race, community or religion would be a corrupt practice. If a candidate or his agent or any person with his consent is proved to have indulged in this corrupt practice, he will not

get the fruits of his election at all, which has been procured by resort to this corrupt practice. This is an important amendment that we have suggested. Similarly, in clause 26, it has been made a punishable offence.

Clause 27 prohibits meetings within 24 hours of the beginning of the poll. One reason for this is that adequate police arrangements have got to be made at the polling station and also at the meeting. If meetings are allowed to continue till the very midnight of the polling day, it becomes difficult for the law and order authorities.

**Shri Indrajit Gupta:** Are they allowed at present?

**Shrimati Renu Chakravartty:** Why amendment?

**Shri Hajarnavis:** Not 24 hours up to the midnight of the polling day, meetings are allowed. We now propose to introduce a gap of 24 hours.

**Shri S. M. Banerjee (Kanpur):** On a point of information, speaking of a city constituency, the ruling party sometimes occupies all the parks for one week, holding meetings. If you really impose this sort of a limit, it will be difficult for the opposition parties to function. It will be very difficult, I can assure you.

**Shri Hajarnavis:** I am quite sure the hon. Member will have an opportunity to address the House.

**Shri A. K. Sen:** Shri Indrajit Gupta knows how to keep the parks for the opposition parties.

**Shri Hajarnavis:** There shall be an interregnum of 24 hours between the polling and holding of the meetings.

Clause 28 also contains a suggestion on the recommendation of the Election Commission, namely that no pamphlet shall be printed by any printer unless a declaration is given to them signed about his identity and his

identity is attested by two known persons, and a copy of this pamphlet shall be forwarded to the Returning Officer. It has often been found that many pamphlets are distributed and circulated in elections. They, of course, technically satisfy the requirements of the printer's name and the publisher's name being there. The moment one tries to trace the printers and publishers, they are discovered to be phantoms. Therefore, in order to fix the responsibility on the person who obtains the printing of these things, it has been proposed that a declaration of the identity of the person who hands over the pamphlet, placard or circular to the printer is to be made.

**Some Hon. Members:** Impossible.

**Shri Hajarnavis:** The hon. Members who have fought more elections than myself are aware that many pamphlets are circulated by persons who are ultimately discovered to be completely fictitious persons, phantoms.

**Shrimati Renu Chakravartty:** What is the point? A person living in a far off village has to bring two witnesses and prove that they are proper people and then only it will be printed. It will be impossible.

**Shri Hajarnavis:** I do not know whether the hon. Member knows a rural constituency as I do. When I go to print a pamphlet there the printer knows everybody who lives in the town. If the hon. Member is speaking of Calcutta, . . .

**Shrimati Renu Chakravartty:** Not Calcutta.

**Shri Hajarnavis:** If there are organised parties, it would not be difficult at all.

**Shri S. M. Banerjee:** On a point of clarification, I do not do it myself. There are a group of persons who want to support me. They want to issue a leaflet. What will they do?

**Shri Hajarnavis:** It will not be difficult.

## (Amendment) Bill

**Shri S. M. Banerjee:** I am an independent. I do not belong to any party. Suppose somebody wants to support me without my knowledge: can't they publish anything?

**Shri Hajarnavis:** The hon. Member, when he stands, will, I presume, have more than two supporters. to start with, who will be prepared to identify

**Shri B. Das Gupta (Purulia):** The responsibility is ultimately that of the printer.

**Shri Hajarnavis:** The only thing is that the man who hands over is known to the man who has signed. His identity is established that no person has given a false name when he delivers the copy to the printer. That is the whole idea.

**Shri A. K. Sen:** Shri B. Das Gupta possibly knows that even the names of people like me have been put as signatories of appeals which have been found to be absolutely unauthorised. The printers have published them without knowing.

**Shri Tangamani:** It will be difficult to produce two persons.

**Shri A. K. Sen:** I can tell you that the Election Commission has noted that this has become so widespread that all sorts of circulars are issued.

**Mr. Speaker:** Sometimes it may happen that merely to bring disrespect or bring down the reputation of an important man, who may not think of standing for the election, somebody may go and present a paper. After all, it is only Rs. 250. A man's reputation becomes mud that nobody supported him. This is without his knowledge. One has to be very careful with respect to this matter. It must be insisted that the man himself must present or two persons who are known. Otherwise, any man can present a paper. Two hundred and fifty rupees does not matter. If an important man is traduced in this

way, they can go on filing papers in all the places. Anybody can file my nomination paper anywhere in all parts of India and say, this man filed here.

**Shri S. M. Banerjee:** I agree with you. This clause is brought just to check the printing and circulating of objectionable pamphlet. I agree with you.

16 hrs.

**Shri A. K. Sen:** It is only objectionable but also unauthorised. May I explain how this is done . . .

**Shri S. M. Banerjee:** I believe the hon. Minister has in his mind certain pamphlets which were distributed in Delhi during the elections. I think that is the reason why this amendment has been brought forward, but if that is the only thing, I feel that this is not the proper way to check it.

**Shri A. K. Sen:** This recommendation was made long before the Delhi pamphlets came into existence. But in every election we know that unauthorised pamphlets are printed. When we go to the printer, he says 'I do not know; somebody came and said "Print it" and I have printed it', and he puts the name of the printer and the owner etc. but you cannot trace the man at all.

**Shri S. M. Banerjee:** Supposing it is without name, then what is to be done? He may give money to the press, and see that there is no name printed.

**Shri A. K. Sen:** That is a different matter.

**Mr. Speaker:** All steps are being taken to avoid such a thing happening, but in spite of it, something happens; then what can be done?

**Shri A. K. Sen:** The loophole of the Press Act has been found and noted by the Chief Election Commis-

sioner, and it is the experience of everyone of us that sometimes damaging leaflets are printed and published. As I said, only the other day, I was very surprised to find—in fact, a candidate from the Opposition Party had sent it to me—an appeal, making certain personal allegations against the candidate, which I am supposed to have signed; I knew nothing about it until I saw the matter in print, and yet the man who authorised the printing of it and who went and had it printed is unknown; we could not get at him. I think it is a healthy precaution that a man who wants to circulate something in print must take the trouble of having himself made known personally to the press.

16.03 hrs.

[SHRI JAGANATHA RAO in the Chair]

**Shri Hajarnavis:** Clause 33 is like clause 6, and it seeks to make only a minor amendment in the Two-Member Constituencies (Abolition) Act, because it has been found that after the delimitation that was done in 1956, the names of certain revenue divisions have changed, and certain alterations have been made. So, in order that they should conform to the new boundaries or the new names, the Election Commissioner has been authorised to make consequential changes, without any changes in substance.

These are the main provisions of the Bill which I commend to the House for its acceptance.

**Mr. Chairman:** Motion moved:

“That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961, be referred to a Select Committee consisting of Shri Amjad Ali, Choudhry Brahm Perkash, Shri-mati Renu Chakravartty, Shri R.

Ramanathan Chettiar, Shri Shree Narayan Das, Shri M. L. Dwivedi, Shri Aurobindo Ghosal, Shri R. M. Hajarnavis, Shri Bal Raj Madhok, Shri Jaswantraj Mehta, Shri Jaganatha Rao, Shri Ajit Singh Sarhadi, Shri M. Shankaraiya, Shri M. S. Sugandhi and Shri Asoke K. Sen with instructions to report by the 19th August, 1961.”

**Shri Tangamani:** I am glad that the amendments to the Representation of the People Act are being referred to the Select Committee. But I find that in many cases some of the recommendations of the Election Commission have not been followed, and cogent reasons have not been advanced for bringing forward certain amendments.

I shall deal with the Bill from clause 33 backwards, so that the Select Committee will go into the implications of the various clauses in great detail. I would also like to submit that some of the clauses in the present form have to undergo a lot of modification even if the intention is to be made clear.

I shall first take up clause 33. In the notes on clauses, we find:

“In the course of bifurcation of two-member constituencies, the Election Commission has found that changes in administrative units have taken place in many constituencies necessitating minor adjustments in the extent and boundaries of the constituencies. But the Commission has no power at present to make such adjustments. A few minor amendments in section 7 and 8 of the Two-Member Constituencies (Abolition) Act, 1961, have accordingly been proposed.

I would like to get a clarification whether we are going beyond the scope of the Act which brought about this bifurcation. In that Act, the entire power was vested in the Election Commission inasmuch as they could bifurcate the constituencies

[Shri Tangamani]

which were originally double-member constituencies. Is the intention of the present amendment to enlarge the scope of the Election Commission's authority so as to include certain portions which did not fall within the double-member constituencies? That is the fear that I would like to express in this connection, because it is not clear whether for the sake of administrative convenience, the existing double-member constituency alone will be bifurcated or whether certain blocks from other constituencies are going to be included or whether certain blocks from the bifurcated constituency are going to be taken over and handed over to some other constituency. If this is the intention, then, I am afraid that it is pregnant with mischief. Anyone who has got the control over these constituencies or any party which is in power will have the tendency or the temptation to strengthen those constituencies by adding to them or by removing from those constituencies certain areas which are not favourable to them. That is the first point that I would like to make. If the intention is only to make some adjustments in the bifurcated constituencies without affecting the single-member constituencies, then I have no objection. In that case, it must be made abundantly clear in the Bill by way of suitable amendments to clause 33.

Then, I come to clause 31. I suppose my hon. friend the Law Minister is listening to this carefully, because this is rather an important thing. The Election Commission have recommended that there are a large number of candidates already in the field, and in order to limit the number of candidates, the security deposit should be raised. To curb the light-hearted participation of candidates, they want to increase the number of qualifying votes for securing the deposit back from one-sixth to one-fifth. I can mention an instance which will not be hypothetical. Even if we had one-sixth as the proportion of

qualifying votes for securing the deposit back, in a constituency where there are about eight candidates contesting, all the candidates excepting the one who is returned will have to forfeit the deposit. I can imagine a position, where, if we are going to increase it to one-fifth, all the candidates including the candidate who wins will be forfeiting the deposit. And you will thus have a phenomenon where a candidate will be returned to Parliament, and at the same time he will be forfeiting the deposit.

**Shri A. K. Sen:** The section contains the words 'unless he is elected'.

**Shri Tangamani:** Suppose there are ten candidates in the field, then even the person who is elected may fail to secure one-fifth of the votes. If that is the thing that is going to happen, then you are going away from the very intent and purpose of this legislation itself. That is why this matter has been considered and ultimately it has been decided that one-sixth will be the proper proportion.

It will be a risky thing to rush forward with this kind of amendment. I can give one instance to show how when we rush forward with certain amendments, later on we are called upon to revoke it, say, within just a period of two or three years. During the first election, there was no right to retire. Then, the Act was amended enabling a candidate to retire ten days before the date of polling. A question arose whether a person who had retired was a contesting candidate or not. So on this there were several writs. The matter came right up to the Supreme Court and ultimately that Court held that a person who has retired, although he has retired, cannot be in the same category as a person who has withdrawn. So he will also be one of the contesting candidates. We had to come forward with an amendment—I think it was some two years ago—saying that 55(A) will no



longer exist. So we provided for retirement and after some time we had to take away the right of retirement. Let us not rush through a piece of legislation by which we are going to increase 1|6th to 1|5th; after the elections are over, if we find that there are some persons who have been elected to the State legislatures or Parliament who did not secure sufficient number of votes to entitle them not to forfeiture, probably we will again revert to 1|6th. I think it will be hasty legislation if we rush through with amendments like this.

There are so many other points which probably I would not be able to go into detail. But I am sure the Select Committee will pay more attention to them.

**Shri A. K. Sen:** I would be obliged if the hon. Member indicates which are the clauses which he would deal with as I would like to inform myself also before the Select Committee meets.

**Shri Tangamani:** As regards the clauses which deal with communal propaganda as one of the items constituting corrupt practice I have not applied my mind to them. But I feel that they require modification and suitable amendments which will make it perfectly clear that anyone who propagates or appeals in the name of castes and religion—now we have added only language—or anything of that character will come under the mischief of that provision. I say this because already we had this clause and that has not saved any of the candidates. I do not know whether this is mentioned in the Statement of Objects and Reasons. Now we are bringing forward a certain legislation and the policy of Government is to see that appeal to caste or community should not be encouraged. If that is the position, the clauses from clause 29 onwards may require recasting.

As regards clause 23, whereas is the logic in increasing the amount of depo-

sit from Rs 1,000 to Rs. 2,000? By merely increasing it to Rs. 2,000, are we going to reduce the number of election petitions? I do not know whether the amount of deposit was the same during the 1957 elections as in the 1952 elections. I believe the amount was increased when we went before the country for the second election. In find that during the first election, there was one election petition to 10 candidates elected. So there were 10 per cent candidates who had to face election petitions. After 1957, it was 1 in 7. That will be 14 per cent. It was not because the deposit amount was increased; it was because of some other reason. If there is a kind of screening before election petitions are entertained, then probably we would be in position to restrict the number of election petitions. I remember having read somewhere that in the U.K. there is a lot of restriction on election petitions. Before a petition is filed, there is a screening committee which goes into the whole question. That committee has to satisfy itself that there is a *prima facie* case. Then I think a judge of the High Court is appointed. Parliament has more or less a control over the way in which election petitions are proceeding. But here we have given independent status to election tribunals and more or less an independent right for any candidate who has been defeated to come forward with an election petition, although we try to restrict it by saying that it must be supported by an affidavit. My fear is that this is not going to restrict it. You must have some form of a screening committee which may be a committee of this House or of both Houses of Parliament. Such a committee must be set up. Otherwise, my fear is that harassment and frivolous election petitions are not going to dwindle. By merely enhancing the deposit fees from Rs. 1,000 to Rs. 2,000, we will not be able to reduce the number of election petitions.

There is another clause which takes away the right to publish election petitions and also tribunals' findings

[Shri Tangamani]

in the Gazette. Most fantastic arguments are advanced in support of this course. We are told that very few people go through the Gazettes.

**Shri Naushir Bharucha** (East Khadesh): Does the hon. Member get through the Gazettes?

**Shri Tangamani:** Anyone who is interested in election petitions, the best record is the Gazette which is published. This is a most authoritative record. There are so many notices which people do not refer to. That does not mean that notifications should not be published in the Gazette. I do not think there is any person in this country who has got the capacity or patience to go through all the notifications published in the Gazette. If somebody says that because people are not interested in these notifications, they should not be published in the Gazette, it is a strange and fantastic argument. I find such an argument advanced here. At least people who are regularly in the habit of reading the Gazette will have the facility of seeing the nature of the election petitions and the outcome of such petitions. So I submit again that this economy, of taking away the right to publish in the Gazette, is a misconceived economy.

In the amendment to the Representation of the people Act of 1950, some two or three clauses deal with certain amendments. But one fear I would like to express is on the question of appeals, when a particular name has been entered in the electoral rolls. I submit this is likely to lead to abuses. I can understand the position where one can go before the Election Commission on the ground that one's name is left out. But if one is going to be given an opportunity to question the inclusion of a person's name in the electoral rolls, the result will be that such petitions will be there in the same way as election petitions. So protection must be given to the citizen to see that his name is included, but not to harass a person. If a man can raise an objection

on the ground that may name is included and it is entertained and ultimately it is found that may name has to be properly included, what is the position? Why should we allow a mischief-maker to drag a man into this arena? So I submit this is also pregnant with mischief.

**Shri A. K. Sen:** That is certainly worthy of consideration, because there one fights not so much for the inclusion of one's name as to see that the other fellow's name is taken out of the rolls.

**Shri Tangamani:** I consider that recommendation No. 4 of the Election Commission to the effect that nomination papers should be restricted, is a good recommendation, although I believe that if one of the nomination papers is in order, then the Returning Officer may not take the pains to scrutinise all the nomination papers, in spite of the fact that he has to record that so many nomination papers have been received. But in any case, I feel that restricting it to four nomination papers will meet the ends of justice. That is a very good recommendation and that has been adopted. It will help procedure also.

These are some of the suggestions I have made which are not exhaustive. But I hope that the Select Committee will go into these in great detail because we are passing this piece of legislation on the eve of the elections. I would have been happier if this Bill had been brought much earlier. When it is rushed through on the eve of the elections, naturally there is a tendency for the ruling party to rush through certain provisions in a hasty manner, and equally on the part of the opposition to see that no change is brought about. The recommendations of the Election Commission have been before us ever since August, 1958. Certain recommendations have been given effect to by the amendment of 1958 or 1959. When we brought forward those amend-

ments, how is it that the amendments now brought forward based on the recommendations of 1958 slipped our notice till now? I feel that the way the Bill has been brought forward at this moment is not proper. In any case, I am happy that the matter is being referred to the Select Committee. I hope the Select Committee will go into it in great detail, and wherever the intention is clear, make it more abundantly clear in the amending clauses.

**Shri Kasliwal (Kotah):** I welcome reference of this Bill to the Select Committee. I will speak briefly on some of the clauses.

I welcome clause 7 because it shortens the period of election, and I hope it will be adopted by the Select Committee.

In regard to clause 8, the last speaker has welcomed four nomination papers, but I think it is not necessary to restrict the number at all, because the practice always is that if the returning officer finds one single nomination paper to be valid, he does not look into the others at all, and just files them. If all the four are found invalid, that will be very unfair to the candidate. So, it is not necessary to restrict the number to four at all.

I am sorry the hon. Deputy Minister did not say anything about clause 9. The proposed power of objection given to the returning officer under clause 9(b) is something unique. Such a power was not there previously. For the words "an objection is made", the words "an objection is raised by the returning officer or is made by any other person" are sought to be substituted. There is no need to amend the clause in this way. To give a handle to the returning officer, as it were, to raise an objection is not the proper thing to do.

I welcome clause 10 because it sometimes happens that false withdrawals are given, and it is but right

that the returning officer should be satisfied that the withdrawals that are given are genuine, that the identity of the person who gives the withdrawal is established.

Leaving other minor points, I come to clause 23. I see no reason why the amount should be raised from Rs. 1,000 to Rs. 2,000. There may be a genuine case in which a man has a grievance and wants to file an election petition, and just because he does not have Rs. 2,000 he is unable to do so. This is a very hard rule, and I hope the Select Committee will apply its minds carefully to this.

Clause 25 is very well drafted. I welcome the deletion of the word "systematic", because it is clear that even one instance where an appeal is based on communal lines or hatred is enough to disqualify a candidate. It is a very good clause. I welcome it. I also welcome the addition of new clause (3A) under this clause.

I am strongly opposed to clause 27. I have never known a case in which, as the hon. Deputy Minister said, for reasons of law and order, meetings could not take place. Now what happens is that if the polling is for the next day, meetings are held up to 12 o'clock the previous night. The result of applying 24 hours will be that if polling begins at 8 o'clock in the morning, meetings should stop at 8 o'clock in the morning the previous day, which means for 36 hours or more no meeting can take place. This is a very harsh rule. May be some disturbance may take place in places where there are thousands of polling booths, but this is a very harsh rule, and it is going to act very much against the candidate, because, after all, it is at night time that meetings take place. People come after dinner, they sit down, and make up their minds. They hear the candidates, get to know their policies and programmes. From 8 to 11.30 in the night the meeting goes on.

**Shri Naushir Bharucha:** Should they be held only on the last day?

**Shri Kasliwal:** On the last day very important meetings are held, where there are large towns.

**Shri A. K. Sen:** In our paris meetings are held on the last day.

**Shri Kasliwal:** They are held even now but that is not the point. The point is: why should this right be restricted? I respectfully submit that the old rule should remain as it is. It should not be amended.

My hon. friend Shri Tangamani is opposed to clause 31, but I think it is a very salutary clause, because the substitution of 1/5 for 1/6 really means that you avoid frivolous candidatures. We know that so often frivolous nominations are filed, they even go to the polls, and for various reasons into which I need not go here they subsequently say they would file an election petition because something happened, and they want to get money. I think this rule of substituting 1/5 for 1/6 would be very salutary. These are some of my suggestions. I hope the Select Committee will take these into consideration.

**Shri Rane (Buldana):** Sir, this motion must be passed today. The original idea was that this Bill should be passed today, but the question of referring it to the Select Committee was raised in the Business Advisory Committee. The Law Minister agreed to the proposal on the understanding that the motion must be passed today, because the report has to be made by the Select Committee on or before the 19th instant.

**Shri A. K. Sen:** I was going to say that the Select Committee would be deliberating on all these clauses, and if any particular matter is not made clear today, it may be communicated to the Select Committee. You, Sir, will be the Chairman. If we do not pass this motion, it will not only inconvenience this particular law, but

it will also put to very great difficulty our other legislative programme. The Prime Minister, as you know, will be leaving at the end of the month. The entire programme will be upset. I would earnestly request hon. Members to see that it is finished by 5 o'clock.

**Mr. Chairman:** I will take the sense of the House. I would like to know whether the House can continue till 6 p.m. and finish it.

**Shri Naushir Bharucha:** I suggest we sit till 5.30. The time may be reduced to 10 minutes each, and the Minister, in reply, should not take more than 5 minutes.

**Shri A. K. Sen:** I do not think anybody is opposing the reference to the Select Committee. So, no reply is really called for.

**Shri Surendranath Dwivedy (Kendrapara):** Although I do not oppose the Bill, I do not think it will serve the purpose for which it has been brought forward. In order to simplify the election procedure, it is highly necessary that a comprehensive legislation, embodying all aspects of the question, be brought before the House.

I will take up clause 7 first. I think this power is unnecessary. If there is one nomination paper which is valid, then the Returning Officer need not go into the other nomination papers. So, there is no question of reducing the work of the returning officer. Even if there are more nomination papers, it does not matter. Therefore, you should not prevent voters to nominate as many persons as they like as their representatives.

I will now come to clause 9. According to me, this clause is giving more powers to the returning officer. Now, he is given power to raise objection for a particular nomination paper. He is the person who will do the scrutiny. I would suggest that when he receives the nomination paper of

a particular candidate, he should advise the candidate about the objections which arise according to him. We do not depend so much upon technicalities. These technicalities should not be stressed so much as to give powers to the returning officer to raise objections. He should point them out before the scrutiny takes place so that the candidate's nomination paper may be corrected.

I come to clause 23. I do not think that we should increase the deposit to Rs. 2,000.

**Shri A. K. Sen:** There is a little misunderstanding. We are not giving the returning officer any power to raise the objection; the power is already there because on his own motion he can take objection under the existing law. We are making a consequential amendment. It is not clear in the proviso to that section—provision No. 5. It is a mistake to suppose—one other hon. Member, possibly Shri Kasliwal hinted at that—that we are giving new powers. I thought it would be better if I explained. It is not a new power. It is a slight alteration of the words made in order to make it very clear.

**Shri Surendranath Dwivedy:** Let not the returning officer also, on the day of scrutiny, raise some objection. I do not think it is proper. That was my point.

Now, Sir, I do not think it is necessary to insist on a deposit of Rs. 2,000. Even with this amount of Rs. 1,000 which necessary for any election petition today, it is hard and I know cases where there were valid grounds for filing petitions but they were prevented from doing so on account of the heavy deposit. It may be made Rs. 500 or so.

**Shri A. K. Sen:** Then hon. Member sitting behind me says that he got Rs. 1,500 as election petition costs but he could recover only Rs. 1,000. He is still to get the remaining Rs. 500. I think it should be absolutely to

all of us from the number of frivolous petitions that are filed.

**Shri Naushir Bharucha:** Quite right.

**Shri A. K. Sen:** They can only be controlled by making it more,

**Shri Surendranath Dwivedy:** We would be benefited if from the Election Commission's reports or other information which the Law Minister may have, we are told how many election cases were there which were of a frivolous nature and also whether the election petitions are increasing or decreasing in number. I think they are gradually decreasing. This is not the way how we want to reduce it.

I come to clause 25. I have no objection to delete the word 'systematic' and make it more specific. But is that enough? Let us not go away with the impression that the entire mischief is removed. Very much depends upon us and how we approach the entire thing. There is another mischief which should have been taken note of. That is the expenditure side. In the law we provide the maximum expenditure for an assembly or Parliamentary constituency. But it is common knowledge how it is evaded. Let us not evade the issue and delude ourselves. Normally this expenditure limit is exceeded. We have provided that the parties can spend any amount: it will not be counted as election expenditure. We have seen with our own eyes what is happening and we have had the recent experience in Orissa. There is a great danger to the democratic growth in this country. Money has been spent without any limit whatsoever. Votes have been purchased. We should seriously think as to how to stop these malpractices in elections. Let us be honest. If we are honest, we should either strictly adhere to the law or limit be removed. We shall fight money in this country. A new power is emerging: that is the money

[Shri Surendranath Dwivedy]

power of the capitalists in the name of socialism; that is coming to occupy political authority in this country. We have to fight that. It may take a long time but that does not matter. I think the Parliament should give very serious consideration to that aspect of the corrupt practice and give more serious attention to these things than to words such as 'systematic' or casual and so on. We are responsible for this. We choose our candidates taking into account the composition of the constituency and after finding out whether a particular caste is in a majority or minority. We do not choose candidate because of his qualifications but because he belongs to a particular community and because he can make an emotional appeal and would win the election. Manifestoes or sacrifices or a candidate's doings in Parliament are not the sole criteria adopted; they are all mere eye wash. I would ask the Law Minister whether it was not possible for them to apply their minds to this question when they bring forward this Bill. I would like to have an assurance that a comprehensive Bill embodying all these aspects would be brought before this House as early as possible.

**Shri A. K. Sen:** Deleting the provision regarding expenditure?

**Shri Tangamani:** The Election Committee says that there is no machinery for controlling the maximum expenditure provision. Then why have this farce?

**Shri A. K. Sen:** If an amendment is moved, it will be considered. As I said before, if it is really a recommendation of the Commission, Government's mind is open on this. If the hon. Member or anybody else proposes an amendment, we shall certainly consider it.

**Shri Narasimhan (Krishnagir):** Will it be within the ambit of the present Bill?

**Shri A. K. Sen:** Yes.

**Shri Surendranath Dwivedy:** I now come to clause 27. I do not think that there is any difficulty today if the present practice is there. As the provision stands today till midnight before the poll day, meetings are conducted. I do not think this has caused any difficulty so far as the police or other arrangements are concerned. In this amending clause, it is said that not only shall nobody convene but nobody shall even attend. I think it is too sweeping. The provision should remain as it is and I do not support this amendment.

**Shri A. K. Sen:** Do you want the period to be raised to 48 hours or it should be reduced further?

**Shri Surendranath Dwivedy:** I would prefer it as it exists today. Regarding clause 31, I would say that I would have no objection to making it one-fifth, provided the other thing is also there. But what do we find today? What we find today is this. Let us say that the percentage of votes polled in a particular election is about 25, 20 or even less than that. There are a number of candidates. What happens actually is that sometimes the candidate who is elected polls less than one-fifth or one-sixth. Because of the multiplication of the candidates, whoever gets the majority, is elected. The irony of the situation is that a candidate who would normally have forfeited his deposit is declared elected.

**Acharya Kripalani (Sitamarhi):** Only in Orissa.

**Shri Surendranath Dwivedy:** In other States also?

**Shri A. K. Sen:** Has it happened in Orissa?

**Shri Surendranath Dwivedy:** Yes.

**Shri A. K. Sen:** You mean to say that the candidate was elected and the security was forfeited!

**Shri Surendranath Dwivedy:** No. I mean the votes. His votes are less than one-sixth of the total votes polled and yet he is elected.

**Shri A. K. Sen:** There is nothing improper in it, because, so long as you allow hundred candidates to contest a seat, they can split it up among themselves. You cannot shut out anyone. The only way by which you can safeguard this is to increase this amount which may be forfeited. That is all.

**Shri Surendranath Dwivedy:** I was only pointing out this. We get the majority party in this House, which on the whole gets a minority percentage of votes in this country. Here, in this procedure followed in this Bill, we still give allowance to persons to be elected who, in the particular constituency, poll even less than one-fifth or one-sixth of the total votes polled.

**Shri A. K. Sen:** How many candidates ?

**Shri Surendranath Dwivedy:** There were nine candidates. Such contingencies are there. So, let us as well amend it in such a manner as to make a provision to the effect that unless a candidate polls one-sixth of the votes polled in that particular constituency, he will not be declared elected. If such a condition is applied to a candidate who have to forfeit his deposit, it should also apply to the candidate that will be declared to be elected. I think the Select Committee will take this aspect also into consideration.

**श्रीसिंहासन सिंह (रेखपुर):** सभापति महोदय, जो संशोधक-विधेयक सदन के सामने है, वह स्वागत-योग्य है। इस की एक धारा के अनुसार जाति और धर्म के आधार पर वोट मांगने को करप्ट प्रैक्टिस माना जायगा। लेकिन अभी मैं इस बात पर विचार कर रहा था कि आया इस अमेंडमेंट के द्वारा हम अपने उद्देश्य को पूरा कर पायेंगे या नहीं। आज देश में एक विषाक्त वातावरण फैला हुआ है और चारों तरफ यह चर्चा है कि साम्प्रदायिकता और जातिवाद को दूर करने की

आवश्यकता है और उस को दूर करने के लिये हम पीनल कोड को अमेंड करने की फ़िक्र कर रहे थे। लेकिन उस से पूर्व ही चुनाव कानून में यह संशोधन कर के हम उस को दूर करना चाहते हैं। लेकिन हम को इस बात पर विचार करना होगा कि क्या इस अमेंडमेंट के द्वारा हम अपने उद्देश्य में सफल हो सकते हैं।

इस बिल को देखने से मालूम होता है कि इस संशोधन के बावजूद हम जाति और धर्म के नाम पर अपील कर सकते हैं। इस बिल में इन शब्दों का प्रयोग किया गया है—

“The promotion of, or attempt to promote, feelings of enmity or hatred between different classes..”  
इस का अर्थ यह है कि जब तक कोई व्यक्ति विभिन्न वर्गों में विद्वेष और झगड़ा न फलाये तब तक वह जाति और धर्म के आधार पर वोट मांग सकता है और वह करप्ट प्रैक्टिस नहीं माना जायगा। उदाहरण के तौर पर मैं कहता हूँ कि मैं फ़लां जाति या धर्म का हूँ, इस लिये उस जाति या धर्म वाले मुझे वोट दें। मैं यह नहीं कहता कि दूसरी जाति या धर्म वालों में झगड़ा या विद्वेष करो। इससे प्रकट होता है कि इस विधेयक के अनुसार जाति और धर्म के नाम पर अपील करना करप्ट प्रैक्टिस और अपराध होने के बावजूद हमारा उद्देश्य पूरा नहीं हो सकता है। वह उद्देश्य तब तक पूरा नहीं हो सकता, जब तक कि हम जाति और धर्म के नाम पर वोट मांगने को करप्ट प्रैक्टिस और अपराध घोषित न कर दें। मैं प्रवर समिति और मंत्री महोदय से निवदन करूंगा कि वर्तमान रूप में यह अमेंडमेंट हमारे उद्देश्य को पूरा नहीं करती है। मैं समझता हूँ कि जब तक वोट मांगना भी करप्ट प्रैक्टिस नहीं होगा, तब तक हमारा उद्देश्य पूरा नहीं हो सकता है।

जहां तक जमानत की ज़ब्ती का प्रश्न है, पहले १८ से कम वोट्स पाने पर जमानत ज़ब्त हो जाती थी। उस के पश्चात् १६ कर दिया गया और अब उस को १५ किया जा

[श्री सिंहासन सिंह]

रहा है। इस संशोधन के अनुसार जो ११५ से कम वोट पायेगा, उस की जमानत जब्त हो जायेगी। मैं तो चाहता हूँ कि इस को ११४ कर दिया जाये। अभी तक पास मार्क्स ११३ अर्थात् ३३ परसेंट है। हर इम्तहान में ३३ परसेंट से कम मार्क्स पाने वाला फ़ेल डिक्लेयर किया जाता है। चुनाव में जिस व्यक्ति के वोट ११३ से भी कम आयें, वह तो उस इम्तहान में फ़ेल माना जाना चाहिए और इस लिये उस की जमानत जब्त कर ली जानी चाहिए। इस प्राविजन का लाभ यह होगा कि देश में जो मशरूम पार्टीज़ चुनाव में भाग ले रही हैं और लोगों को गुमराह कर रही हैं, जब उन को मालूम होगा कि ११४ से कम वोट पाने पर जमानत जब्त हो जाती है, तो वे खड़ी नहीं होंगी। इस प्रकार इलैक्शन में स्ट्रेट फ़ाइट की नौबत आयगी और इस से डेमोक्रेसी आगे बढ़ सकती है। हमारे देश में डेमोक्रेसी के रास्ते में सब से बड़ी रुकावट अनेक पार्टियों का होना है। अनेक पार्टियाँ इस लिये हैं कि जमानत जब्त होने का डर बहुत कम है। आप को यह जान कर हैरत होगी कि हमारे प्रदेश में एक जीते हुए कैंडिडेट की जमानत जब्त हो गई, क्योंकि उस ने ११८ से कम वोट पाये थे, लेकिन फिर भी वह जीता हुआ डिक्लेयर हो गया। वहाँ पर दस बारह कैंडिडेट खड़े थे और उन सब के ११८ से कम वोट थे, लेकिन चूँकि उस व्यक्ति के वोट उन में सब से ज्यादा थे, इसलिये उस को जीता हुआ डिक्लेयर कर दिया गया। इन हालात में मैं समझता हूँ कि अगर ११५ के बजाये ११४ कर दिया जाये, तो बेकार खड़े होने वाले आदमी खड़े नहीं होंगे।

एक भाई ने कहा कि चुनाव के दिन से चौबीस पहले घंटे मीटिंग दौरे बन्द करने की व्यवस्था ठीक नहीं है। मेरा खयाल है कि अगर चौबीस घंटों के बजाये ३६ घंटे कर दिया जाये, तो ज्यादा अच्छा होगा। जितनी

गर्मी कम होगी, चुनाव उतना ही अच्छी तरह से सम्पन्न होगा। चुनाव के दौरान मैं गर्मी आ जाती है और झगड़े की नौबत आ जाती है। आजकल यह प्रैक्टिस है कि चुनाव से चौबीस घंटे पहले चुनाव का प्रचार बन्द कर दिया जाये। अब उस को कानूनी रूप दिया जा रहा है, यह अच्छा है।

जहाँ तक इलैक्शन पेटिशन के लिये दो हजार रुपये की जमानत रखे जाने का प्रश्न है, मैं समझता हूँ कि इलैक्शन पेटिशन जितनी भी कम हों, अच्छा है। जो व्यक्ति जनता से वोट मांग कर नहीं जीत सका, वह इलैक्शन पेटिशन के जरिये जीतना चाहता है और वह ज्यादा अच्छा नहीं है। इस सम्बन्ध में मुकदमे लड़े जाते हैं और धन और समय काफ़ी जाया होता है। हम यह भी देखते हैं कि इलैक्शन पेटिशन मुश्किल से दो तीन परसेंट मन्ज़ूर होते हैं और ज्यादातर खारिज होते हैं। जिन लोगों के खिलाफ़ इलैक्शन पेटिशन होती हैं, वे चाहते हैं कि इस में कितनी परेशानी होती है। कुछ भाइयों ने कहा कि जमानत की रकम को २,५०० रुपये कर दिया जाये। अगर वह रखा जाये, तो और भी अच्छा है, लेकिन २,००० रुपये भी ठीक है।

हम अपने देश में जातीयता और धर्मान्धता का अन्त करना चाहते हैं, लेकिन दुर्भाग्य यह है कि हम उसी नाम पर अपील भी करते हैं और कैंडिडेट भी खड़े करते हैं।

श्री ब्रजराज सिंह : कास तौर पर काग्रेस।

श्री सिंहासन सिंह : कांग्रेस और सोशलिस्ट सब। सब एक ही तरह से काम कर रहे हैं।

हम ने हरिजनों को जाति के आधार पर ही संरक्षण दिया है। हम एक काम को मिटाना



चाहते हैं, लेकिन करते वही हैं। मेरा मुझाव है कि हम ने हरिजनों को संविधान के अनुसार जो संरक्षण दिया है, वह ठीक है, लेकिन इलैक्टोरल रोलज़ में जो भिन्न भिन्न जातियां लिखी जाती हैं उनके नाम के आगे, अगर इसको लिखना बन्द कर दिया जाये तो कुछ हद तक जो बुराई है वह दूर हो सकती है। आज लिखा जाता है कि वह ठाकुर है, मियां है, मुहम्मद है . . .

**श्री म० चं० जैन :** पंजाब में यह हट गया है।

**श्री सिंहासन सिंह :** अगर पंजाब में हट गया है तो और जगहों पर तो है। मैं समझता हूँ कि यह चीज़ हर जगह है। अभी तक यह चीज़ कानून से नहीं हटाई गई है। इस चीज़ को अभी इलैक्टोरल रोलज़ से नहीं हटाया गया है। १९५० का जो एक्ट है, उसके मुताबिक इलैक्टोरल रोलज़ में यह चीज़ आ सकती है। अगर यह तय हो जाता है कि जाति का नाम नहीं रहेगा, सिंह, ठाकुर, तिवारी नहीं रहेगा, तो कुछ हद तक हम आगे बढ़ सकते हैं। आप इन चीज़ों को हटा नहीं रहे हैं। आज हम इस बात पर गर्व करते हैं कि हम अपने नाम के साथ पंडित लिखें या दूसरी जातियां लिखें। अगर सही मानों में हम चाहते हैं कि हमारे देश में जाति भावना, धर्म भावना न रहे, तो जरूरत इस बात की है कि हम सब अपने आप को हिन्दुस्तानी कहें।

आज दुर्भाग्य इस बात का है कि दो भाई जब मिलते हैं तो एक दूसरे से यह पूछते हैं कि किस जाति के हो, यह नहीं पूछते हैं कि हिन्दुस्तानी हो या नहीं हो। कोई अपने आपको ठाकुर कहता है, कोई ब्राह्मण कहता है, और कोई कुछ और कहता है। मुसलमानों में भी जातीयता बहुत बढ़ गई है।

**एक माननीय सदस्य :** नहीं।

**श्री सिंहासन सिंह :** इन में भी रज़ील,

शरीफ, मियां, धनिया इत्यादि कितनी ही जातियां हैं। यही हाल हरिजनों का है। उनमें भी जाति प्रथा चलती है। जब चुनाव होता है तो टिकट देते वक्त यह देखा जाता है कि यह चमार है या गसी है या कौन है, तब टिकट दिया जाता है। यह जो जातीयता बढ़ गई है, इसके बारे में हमें कोई सक्रिय कदम उठाना होगा। सैक्युलर स्टेट में जाति, विरादरी की परवा किये बगैर हर एक आदमी को अपने आपको हिन्दुस्तानी कहने पर गर्व होना चाहिये और जब ऐसा होगा तब जा कर कुछ सुधार होने की आशा की जा सकती है, कुछ लाभ हो सकता है। इसके बारे में कानून का भी सहारा लिया जाना चाहिये। कागज़ों में तो हम सब कुछ कर रहे हैं, लेकिन परिणाम ठीक नहीं आता है। इसलिए कागज़ और परिणाम दोनों साथ साथ चलने चाहिये। इसके लिए यह जरूरी है कि हमारी वाणी, हमारा काम और हमारा कर्तव्य सब साथ साथ चलें।

इन शब्दों के साथ मैं प्रवर समिति के माननीय सदस्यों से अनुरोध करना चाहता हूँ कि वे इन मुझावों पर विचार करें और देखें कि किस तरह से जाति और धर्म के नाम से अपील जब की जाती है, उससे जो बुराई पैदा होती है, वह कैसे दूर की जा सकती है। मैं यह भी चाहता हूँ कि वह इस बिल में कोई ऐसी व्यवस्था करें जिससे कम से कम उम्मीदवार खड़े हों ताकि अच्छा प्रचार कार्य हो सके और खर्चा भी कम हो सके।

**Shri Naushir Bharucha:** Mr. Chairman, Sir, I welcome this Bill. It is a good Bill on the whole, and seeks to remove the many shortcomings which have been found from experience by the Election Commission. However, Sir, this Bill also leaves scope for further improvement.

I fully appreciate that in order to shorten the overall period of elec-

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tions it is necessary to expedite certain proceedings and this is being done by clause 9 where the period is being reduced.

There are four or five outstanding matters in this Bill. One of them is, in the first place, whether the limit for forfeiture of deposit should be one-sixth of the total votes or one-fifth. I am absolutely in favour of stepping it up to one-fifth, for the simple reason that it is very necessary to remove from the arena of election people who enter elections merely on the hope that by sheer chance they might win the election. It is not merely a question of the convenience or inconvenience of the candidate, it is a question of placing democracy on sound lines. The smaller the number of candidates the lesser ultimately will be the number of parties in the field and in the country. Unless people are quite sure that they have a reasonable chance they will not plunge into the election contest for the sake of a chance win. It is, therefore, highly necessary that this small amendment should be carried. After all, what is the loss that an intending candidate will sustain. It is only a question of Rs. 500. I submit that it is a very wise step and this change should be effected.

Secondly, there is the question relating to deposit for election petitions. That also is highly desirable. Rs. 2,000 is not a very big sum. A candidate has to spend nearly Rs. 10,000 to 15,000 for his own election before he is successful. On top of that, an election petition means another Rs. 10,000 and, surely, there are several cases of frivolous election petitions that cannot be sustained. So, I really approve of the procedure suggested by one of my hon. friends that there should be some machinery set up for screening election petitions so that it can find out whether the petition is frivolous and, if so, nip it in the bud. Thereby a lot of litigation and further trouble can be avoided. So, this suggestion may be

looked into by the Select Committee to see whether they can devise any machinery for the screening of election petitions. It may be done by the court. It is not something new. The High Court does it. It first sees whether there is anything substantial in the appeal because it very often happens that the defence is on frivolous grounds, in which case a decree is passed immediately. Therefore, this type of preliminary scrutiny of election petitions is very necessary.

I then come to clause 25, which is an important clause, which inserts a provision dealing with corrupt practices and that is on promotion of, or attempt to promote, feeling of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language. This is a principle on which we all fully agree. Any person who seeks to promote feelings of enmity or promotion of hatred between communities just for the sake of catching votes must be severely penalised. But I am surprised at the language in which this particular clause is cast, because it gives much room for mischief. It refers to anybody promoting enmity on the ground of religion, race, caste, community or language. Now, in an election in the State of Punjab or in the State of Assam, the question of language is bound to crop up. If we say "promoting or attempting to promote enmity on grounds of language", even I as a lawyer would not be able to frame a speech in such a way that my point of view regarding language is pressed and, at the same time, I get out of the clutches of this clause. That requires to be looked into. Therefore, I say that when we approve of this proposal, I want the Select Committee to consider carefully that in cases where language is an issue in an election because of the peculiar circumstances, as in Punjab or Assam, a candidate should be in a position to place his viewpoint before the electors without coming within the mischief of this provision so long as

he does not intend to create enmity or anything of that sort. Quite very often in cases like this candidates who are not lawyers and who have not carefully prepared their speeches will come within the mischief of this clause. Therefore, the clause should be framed in such a way that whereas the promotion of enmity is prevented, at the same time, the candidates have the freedom to press their viewpoint and yet remain outside the scope of this clause. I appeal to the Select Committee to take that aspect into consideration. It is also necessary that the punishment under this clause should be increased. It should not be merely a question of imprisonment for three years. I say that the candidate should be disqualified for the next six years from contesting any election to any legislature or any local body.

There is also a catch in this clause to which I would invite attention. Those feelings of enmity may be preached, not by the candidate himself but by his agent or any other person with the consent of the candidate or his election agent. In the case of an election campaign, as you must be aware, Sir, hundreds of speakers address meetings on behalf of the candidate. A candidate may invite some people to address a meeting. That invitee may say something in the meeting without the consent of the candidate. I am sure that point of view also requires to be looked into very carefully by the Select Committee. It cannot be said that because a candidate invites A or B to address a meeting and that person violates this provision, therefore, the candidate has consented and is responsible. That aspect of the question should also be considered by the Select Committee.

17 hrs.

Coming to the question about the prohibition of the meeting 24 hours before polling day, I think it is very desirable. My hon. friend, Shri Kasliwal, urged that the last day is an

important day for hammering into the minds of the people the message the candidate has to convey. If you have not been able to hammer it in two months, on the last day you are not going to do it. Why is this last day necessary because even the electorate must have peace of mind for 24 hours to think over the speeches that the candidates have made? Ultimately, the candidate also finds it useful because he will be able to devote his time to the election machinery in the last 24 hours which will bring better results than his speeches.

Regarding the publication of pamphlets, I fully agree that considerable mischief is done as a result of unauthenticated pamphlets and pamphlets published by anonymous people. Often withdrawal of candidates is announced on the last day with the result that it is too late in the day, when polling is proceeding, for the candidate whose candidature is announced to have been withdrawn to take any effective action to counter it. Therefore the responsibility must be thrown on the printer. I think Shrimati Renu Chakravartty objected saying, "How is it possible to take two witnesses?" I say this clause can be amended. I say that two witnesses may be taken or the printer takes the responsibility that he personally knows the party who has placed the order. Not only that, a register should be compelled to be kept, so far as the election period is concerned, by the printers in which the name of the party giving the order and his signature are entered as also the signature of the witnesses. That, I consider, is a very useful addition to the Bill.

The last point which I am making is regarding the scrutiny of nomination. It has been pointed out that the disqualification of a candidate should relate to the date of scrutiny of nomination. Suppose, I am a Government contractor having a contract with the Railways. Then I cannot contest. But I might dissolve or end the contract after filing my nomination but before the date of scrutiny.

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Then I am eligible. The period disqualification should relate to should be the date on which the candidate files his nomination. On the date he files his nomination, he must clear off the job. In fact I am inclined to go further and say that two months prior to the date of the declaration of the elections the man must be eligible, otherwise he must be declared ineligible. People who have big contracts at the last moment should not be allowed to come and claim that they are qualified to become candidates for the polls.

These are the few observations to which I have drawn the attention of the House and I am sure the Select Committee will look into them.

**Shri D. C. Sharma** (Gurdaspur): Mr. Chairman, Sir, I would judge any electoral law by three objectives. I feel when I see all our amendments of the electoral law that they fail to satisfy me. The first consideration should be that the political parties in my country, whatever they be, should have a greater say in these matters than the individual candidates. I think the reform of the electoral law in my country is such as is making the party less and less significant and the individual candidate more and more significant. I feel for the healthy growth of democracy it is very necessary that the party should come into the picture much more effectively than it has done so far. But I am afraid we are not doing anything of that kind. We are putting the cart before the horse. We are making the individual candidate a very big person and are taking away all the halo of the responsibility from the party that is sponsoring the candidate. I think in the U.K. this is not the case. In other democracies, this thing does not happen. They place more emphasis on the party than on the individual member who is seeking election. I hope that the whole electoral law of 1951 and other amendments will be taken into account when

we are going to change our pattern of electioneering in this country.

My second point is that any electoral law will be judged by the incidence of expenditure that an election involves. Looking at it from that point of view, I find that the amendment that we are bringing cut in this electoral law is making the expenditure more heavy than it was before. I do not understand why it is done like that, I feel that something should have been done to reduce the expenditure involved in an election, to the State Assembly or to the Lok Sabha.

The third point that I want to make is that in my country election petitions are the order of the day. I think we have election petitions in such large abundance that one is inclined to think that all our elections are more or less not taken as seriously as they should be. I have not got the statistics with me to show you the number of election petitions that are filed after every election. But there is no doubt about it that if a candidate fails he thinks that he has got a knife in his hand for driving into the back of the winning candidate.

**Shri Tangamani:** There have been 472 election petitions after 1952.

**Shri D. C. Sharma:** This knife that you are providing him may be good for the healthy growth of democracy, but I think it is no good so far as the legal things are concerned. It is, therefore, that the incidence of election petitions should have been reduced as much as possible. I would like to ask the hon. Minister how many election petitions are filed in the United Kingdom or in other democratic countries. I feel that very few election petitions are filed there. But here any one who fails goes and files an election petition, and some of the petitions are not fought because the poor winning candidate has recourse to some other ways to get that election petition not admitted in the court.

**Shri Braj Raj Singh:** What are those ways?

**Shri D. C. Sharma:** He goes to the man and persuades him not to do that. That is all. Nothing else.

So I say that judged by these three criteria, our electoral law is very very faulty, and all the tinkering that is being done by the Law Ministry, I think, fails in its effect.

Now I want to make a few observations on the clauses of the Bill. Like Shri Tangamani who is a very wise man in this House, I will also begin from the bottom upwards. First of all, so far as clause 31 is concerned, I think it is a very good thing. A person should forfeit his security if he does not secure one-fifth of the votes. Some gentleman referred to a hypothetical case and asked, "What happens if a person secures just one-fifth of votes and gets elected; what will happen to him?" I think we are not going to take into account these hypothetical cases—he referred to Orissa or Punjab or some other State. I think the man who is going to win in my country is going to have a very substantial majority. That has happened all along the line. We have had two elections so far, and that is what has happened. I do not think any other election is going to be fought which will necessitate the amendment of this wholesome provision. So it should be kept at one-fifth. Otherwise, there will be so many candidates going about in order to draw the attention away from the real candidates and also to be vexatious to the real candidates; they will think that they can do it with impunity.

Now, Sir, so far as publishing and printing of these things is concerned, are you going to enforce it? You cannot enforce it? What do I find in the U.N., a very big assembly of the world? In the U.N., an anonymous circular is issued against India. That was sad. Even in a big assembly, there is room for such a kind of clandestine dealings. In this country of mine, how are you going to see to

it that no pamphlet, no poster, nothing of the kind is going to be published which is not *bona fide*? I think it is better not to have a provision which you cannot enforce than to have a provision which is going to be a dead letter. I can assure you that this provision is going to be a dead letter. People will publish pamphlets, posters and all kinds of things, will publish them anonymously and the arm of the law which is very short and very weak will not be able to do anything with regard to them. Therefore, I think, if you want to make this provision, you should make it very stringent. Otherwise, you should not have a provision like that. We shall meet with our fate as well as we can. We shall not mind if any misrepresentations are made.

So far as corrupt practices are concerned, I think you have done well in saying that no appeal should be made on the ground of religion, caste, race, community and language. If you are not going to do that, on what basis are you going to make an appeal? I want to ask one question. On what basis are you going to fight the election? I do not fight my election on the basis of religion. Suppose, I talk about my culture. You will say, culture is mixed with religion.

**Shri C. D. Pande (Naini Tal):** They will say, it is communalism.

**Shri D. C. Sharma:** Suppose I talk about politics. You will call it politics of language, politics of community, so many other things. You will say that all these things are corrupt practices. I would say, you should have written only this much: that you should fight the election without promoting feelings of hatred and enmity between one section and another section. I would ask you not to specify it. I would request the hon. Law Minister...

**Some Hon. Members:** He is not here.

**Shri D. C. Sharma:** It does not matter if he does not listen. I would ask the hon. Law Minister not to specify all these things. Because, I know,

[Shri D. C. Sharma]

cification is not going to lead to the tightening of the law, but is going to lead to the slackening of the law. The more specific it tries to be, the more lax it becomes. I think there is only one thing to be done. Anybody who tries to destroy the emotional and national integrity of the country should be penalised. This should be corrupt practice No. 1, 2, 3. This should be the first and the last. All other things should be done away with. I think this should be the one corrupt practice. Take language. Here is my hon. friend, Dr. M. S. Aney. He says that Sanskrit should be made the *lingua franca* of India. I will say, what are you talking, you are speaking against Hindi. These are the things which we have to take notice of. I talk to you of my culture and I say, the culture of India was given by the brahmins. You will say, you are trying to create trouble for yourself by talking like that. Therefore, at this time, there is only one big nuisance to my country, that is, danger to national integration. That alone should be made a penal offence in every possible way.

I want to tell you one thing and then I will sit down. You have said that for fighting an election petition, you should deposit Rs. 2,000. I say, for fighting an election petition, you should deposit as much money as is permitted to me for expenditure in connection with the election. I am permitted Rs. 7,000. I think, if I want to file an election petition, I must deposit Rs. 7,000. Otherwise, you will be making the position of the winning candidates very difficult. I know that some persons are very good persons, but I think we should make the fighting of an election petition as difficult and as impracticable as possible, and this cannot be done by raising the deposit from Rs. 1,000 to Rs. 2,000. Suppose you are the winning candidate, and there are four candidates who lost against you, they will pay Rs. 500 each in order to have a knife in your back, and they will thus collect Rs. 2,000

and have the election petition filed against you; you would not be able to attend the meetings, because you would be collecting the evidence, and you will be doing this and that. Therefore, I say that for God's sake, make the filing of an election petition as difficult as possible. Suppose you allow a person only Rs. 10,000 as election expenses, then let him deposit that sum of Rs. 10,000 before he files an election petition.

**Mr. Chairman:** The hon. Member has taken more time than was allowed. He should conclude now.

**Shri D. C. Sharma:** I shall finish in a minute.

Again, look at what the Election Commission says. It says that you should make copies of the election petitions, as if the commission cannot do so. Is this Election Commission a school-master's office? Is this Election Commission the office of a headmaster of a middle school that it cannot make such copies? I do not think that the Election Commission is such an office.

**Shri Hajarnavis:** May I explain the provision?

**Mr. Chairman:** The hon. Minister can deal with this in the course of his reply.

**Shri D. C. Sharma:** I do not think that the Election Commission should shirk its normal duties.

With these remarks, I wish that the Select Committee makes this Bill as perfect as possible.

**Shri M. L. Dwivedi (Hamirpur):** I want to move an amendment to the motion made by the hon. Minister, namely that the scope of the Select Committee might be extended so that it may be able to consider certain important provisions of the Acts of 1950 and 1951 with a view to seeing that some mistaken provisions which

are there may be amended by it, with special reference to provisions relating to election expenses, relating to the removal of disqualification and voting rights, to the taking away of voting rights, and certain provisions regarding the election petitions.

I want that these special provisions may be considered. At the same time, if the Select Committee considers that there are certain issues which are vital in connection with elections and they must be considered, it may have the option to consider them also. That is the object of my amendment.

I beg to move:

That in the motion,—

after "instructions" insert—

"also to examine the provisions of the Representation of the People Act, 1951 dealing with (1) election expenses, (2) election petitions, and (3) disqualifications for membership and voting, and to suggest and recommend such amendments to the aforesaid provisions as may be considered necessary, and" (1)

**Mr. Chairman:** The amendment is also before the House.

**Shri L. Achaw Singh** (Inner Manipur): While I welcome the Bill, I beg to submit that there are many important and controversial points in the various clauses which deserve the serious consideration at the hands of the Select Committee. When we discussed the Representation of the People (Amendment) Bill, 1958, we had placed before the House the view that a more comprehensive Bill should be brought forward before the House. I am very glad that my hon. friend, Shri M. L. Dwivedi has moved an amendment seeking to widen the scope of the Select Committee so that there can be a wider consideration of the Bill by the Select Committee.

The present Bill seeks to give effect to certain proposals of the election commission. In 1958 when the com-

mission submitted its report, we had very little time to consider the various recommendations made by it. So, it is very much welcome that we should have a more comprehensive Bill after the Select Committee considers the Bill and presents its report.

I would like to refer first to the date for nomination after the notification which is sought to be amended by clause 7 seeking to amend section 30 of the 1951 Act. The reduction of the period from ten days to seven days is very much inconvenient, and, therefore, the original clause should remain, because I believe the position must be the same in all remote parts of our country, as, for instance, in the border areas. For example, in my own constituency, namely Manipur, there are areas which are not easily accessible and where there are no proper roads. When the returning officer announces or notifies that within ten days or seven days, the nominations have to be filed, it will be very difficult to comply with it; for, it takes about four days to reach a particular sub-divisional headquarter, for a messenger who carries the message, and when he comes back to the headquarter of the returning officer, he will take at least eight days. This will create a lot of difficulties in filing nomination papers in time. I think this must be the case also in the border areas in the Punjab, Kashmir and other parts of India. So this must not be accepted even if the Election Commission has recommended it.

I do not mind if the scrutiny is held on the second day, as it has been amended here.

I have something to say regarding the amendment to section 58 which proposes to vest the Election Commission with greater discretion in ordering a fresh election. This is a good thing, but then the Commission has to depend on the Returning Officer who has to report to it that such and such errors or irregularities have taken place and the whole poll has been vitiated. We have every confi-

[Shri L. Achaw Singh]

dence in the Election Commission. The question is of giving consideration to the facts contained in the report from the Returning Officer. Otherwise, ordering a fresh election would lead to a lot of inconvenience to people and a lot of expenditure also.

Next I come to the question of election petitions. There is a proposal to stop the publication of election petitions and judgments of election tribunals. The Commission says that it serves no useful purpose. But this is contrary to our experience. In a democracy, the general public is entitled to know what has happened to a particular election petition, how the dispute has arisen and what is the effect and outcome of that petition. All these things can be known only from publication in the official Gazette. Unless these are published in the official Gazette, the general public and those who are interested, specially political parties, will not be in a position to know the exact position regarding the returned candidates.

Clause 23 provides for the increase of security deposit. On the question of election petitions, it has been stated on the floor of the House that it is for the purpose of reducing the multiplicity of candidates. The Election Commission has recommended another remedy, that for reducing the number of candidates the deposit for nomination can also be increased. I am against all this increase in the security deposit, for nomination as well as for election petition. If we increase the security deposit, only rich people will be able to contest elections and poor people might not be in a position to contest any election which might be improper or which might be irregular.

There is another clause dealing with award of costs to the returned candidate. It was left to the discretion of the election tribunal to decide as to the costs to be given to the returned candidate if his election was contested by some people. I am of the opinion that when the dispute concerns con-

troversial legal points, the matter should be entirely left to the discretion of the election tribunal.

Clause 25 seeks to eradicate communalism. Section 123 of the Act which it seeks to amend has been there for a long time, and the present clause seeks to widen the scope of corrupt practice. I doubt very much whether this new amendment will fulfil the object. It has got limited utility. I would like to know from the hon. Minister in this connection the number of cases in which the said offences have led to convictions and the setting aside of elections. Only on the basis of that report can we know whether this step would be practical and necessary.

Clause 27 is very harsh, and I am not at all in favour of the requirements laid down here. Obtaining the signatures of two witnesses for every publication and sending every copy to the Returning Officer is unnecessary. They will very much inconvenience the candidates. The Press Act can take care of it. This should be removed, and the retention of the old clause should be considered. Meetings should be allowed to be held 12 hours before the polling. Twenty four hours is too long, and it will create inconvenience and difficulty to the candidates.

**Dr. M. S. Aney (Nagpur):** I have to oppose the amendment. I think it is unfair to this House that power should be given to the Select Committee without giving us any clear idea of the sections proposed to be amended or the nature of the amendments intended. The House must be given a chance to know whether those things are worthy of consideration. It is the general practice also not to permit the Select Committee to enter into matters which are not covered by the main law brought before the House. The Select Committee cannot be allowed to go into principles not covered by the Bill introduced in the House. I oppose the amendment.



**Shri C. D. Pande:** I had a talk with my hon. friend Shri Dwivedy. There have been two Representation of the People Acts. In one Act, due to inadvantage if a person is disqualified, not only is a person disqualified to stand as a candidate, but also not allowed to vote. He says that even if a man is disqualified to stand for election, at least his right to vote should stand. Now the question is whether the Minister is prepared to admit this issue within the purview of the Select Committee. There is no principle involved. The only question is whether analogous or allied questions can be discussed or not. If allied questions are to be discussed, this can be allowed. As such, there is no question of principle involved.

**Shri Braj Raj Singh:** It may not be proper to invest the Select Committee with such powers during the course of the debate. Had this been made part of the motion that was moved, it would have been in order, and the earlier speakers could also have taken it into consideration. But as it is they could not express their opinion on it. It is also not a proper and healthy precedent for the future.

**Shri Hajarnavis:** I am grateful to the hon. Members for the support extended to this measure which, in its very nature, cuts across party lines, and is the concern of all the Members. In a matter like this, we shall be guided by the collective wisdom of the House.

The Select Committee will certainly consider the very valuable suggestions that have fallen from the hon. Members. I understood Shri Tangamani to have made a suggestion that the question of election expenses should be gone into in order to decide whether it served any useful purpose or not. This observation was repeated by Shri Dwivedy also. Surely this is a very important matter. We have all some experience of this matter, as to whether any useful purpose is served or not. Then there are also the weighty observations of the Chief 831(Ai)LSD—12.

Election Commissioner. In the circumstances, since this matter has been referred to and various sections of the House have expressed concern with this part of the Bill, I would certainly think it proper to accept the widening of the scope of the discussions before the Select Committee, so far as this measure is concerned.

So far as election petitions are concerned, we have ourselves come forward with a number of amendments to the provisions relating to the election petitions.

Of course, Dr. Aney says, and I entirely agree with him, that the Select Committee ought not to be given indefinite power, vague power, power the nature of which has not been communicated to the House, but I might bring it to the notice of the hon. Member that there are precedents in which power of the widest amplitude has been conferred on the Select Committee, if necessary to traverse the whole of the Act. Though there is much force in the hon. Member's argument, the points on which the Select Committee is required to deliberate are well-defined, within the narrowest possible limits.

Firstly, the suggestion has come from Shri Tangamani, then from Shri Dwivedy. In the circumstances, I think I would be carrying out my responsibility to the House better, if I agree that the Select Committee should go into this question and examine it very thoroughly. We have ourselves suggested a number of amendments. Therefore, any amendment that is suggested in this behalf would be well within the amendment's proposed.

**Dr. M. S. Aney:** Amendments to sections are there and they are not covered by the present law. Are you prepared to accept amendments to them also.

**Shri Hajarnavis:** The subject, as I said, was the election petitions.

**Dr. M. S. Aney:** Whether it is consequential or not will depend upon the amendment actually... (*Interruptions.*)

**Shri Hajarnavis:** As an abstract proposition of law, I entirely agree with the most senior Member of this House, Dr. Aney. I have no quarrel with the proposition at all. This is a matter which has already been placed before the House and the House is going to discuss in what manner the election petition ought to be filed and pursued. To begin with, for instance, we have said that the security should be 2,000 in the place of 1,000. The Select Committee would be within its power to reduce it to Rs. 500 or to increase it, as Shri D. C. Sharma has said, to Rs. 7,000 or Rs. 10,000. The manner the election petition ought to be framed is also a matter which is already the subject of an amendment. I agree with the hon. Member who moved the amendment and I do not know how any amendment that would be suggested would be *prima facie* out of order. But certainly the Select Committee would consider this matter.

Thirdly, about disqualifications. As Shri Dwivedy has observed, if a person is held guilty of corrupt practice, he suffers two punishments. He loses the seat and secondly, he loses his vote. It has been brought to our notice that there are many Acts in the State Legislatures in which references are made to the provisions in the Representation of the People Act. That is to say, there is legislation by reference without any intention of bringing the provisions of the Representation of the People Act into the provincial or State Acts. The effect unwittingly is that the disqualifications which were not intended to apply to the State elections are often imported because of the provisions of disqualification in the Representation of the People Act. On this point also, I would certainly agree to the Select Committee going into this question and I do not think any harm will be done if the Select Committee were to suggest amendments. After all, the

report of the Select Committee is the property of the House and the House may express such opinion as in its collective wisdom it may think it proper to do so.

I again thank hon. Members for their valuable suggestions and I hope I have gone a long way in meeting the wishes of the various sections of the House.

**Mr. Chairman:** I will put the amendment to the vote of the House, as explained by the hon. Minister. The question is:

That in the motion, after "instructions" insert

"also to examine the provisions of the Representation of the People Act, 1951 dealing with (1) election expenses, (2) election petitions, and (3) disqualifications for membership and voting, and to suggest and recommend such amendments to the aforesaid provisions as may be considered necessary, and" (1)

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961, be referred to a Select Committee consisting of:

Shri Amjad Ali, Choudhry Brahm Perakash, Srimati Renu Chakravartty, Shri R. Ramana-than Chettiar, Shri Shree Narayan Das, Shri M. L. Dwivedy, Shri Aurobindo Ghosal, Shri R. M. Hajarnavis, Shri Bal Raj Madnck, Shri Jaswantraj Mehta, Shri Jagannatha Rao, Shri Ajit Singh Sarnhadi, Shri M. Shankaraiya, Shri

M. S. Sungandhi, and Shri Asoke K. Sen, with instructions also to examine the provisions of the Representation of the People Act, 1951 dealing with (1) election expenses, (2) election petitions, and (3) disqualifications for membership and voting, and to suggest and recommend such amendments to the aforesaid provisions as may be

considered necessary, and to report by the 19th August, 1961."

*The motion was adopted.*

**17.38 hrs.**

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 16, 1961/Sravana 25, 1883 (Saka).*

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