

REPORTS OF THE SELECT COMMITTEES 1955

B. II
1955



C O N T E N T S

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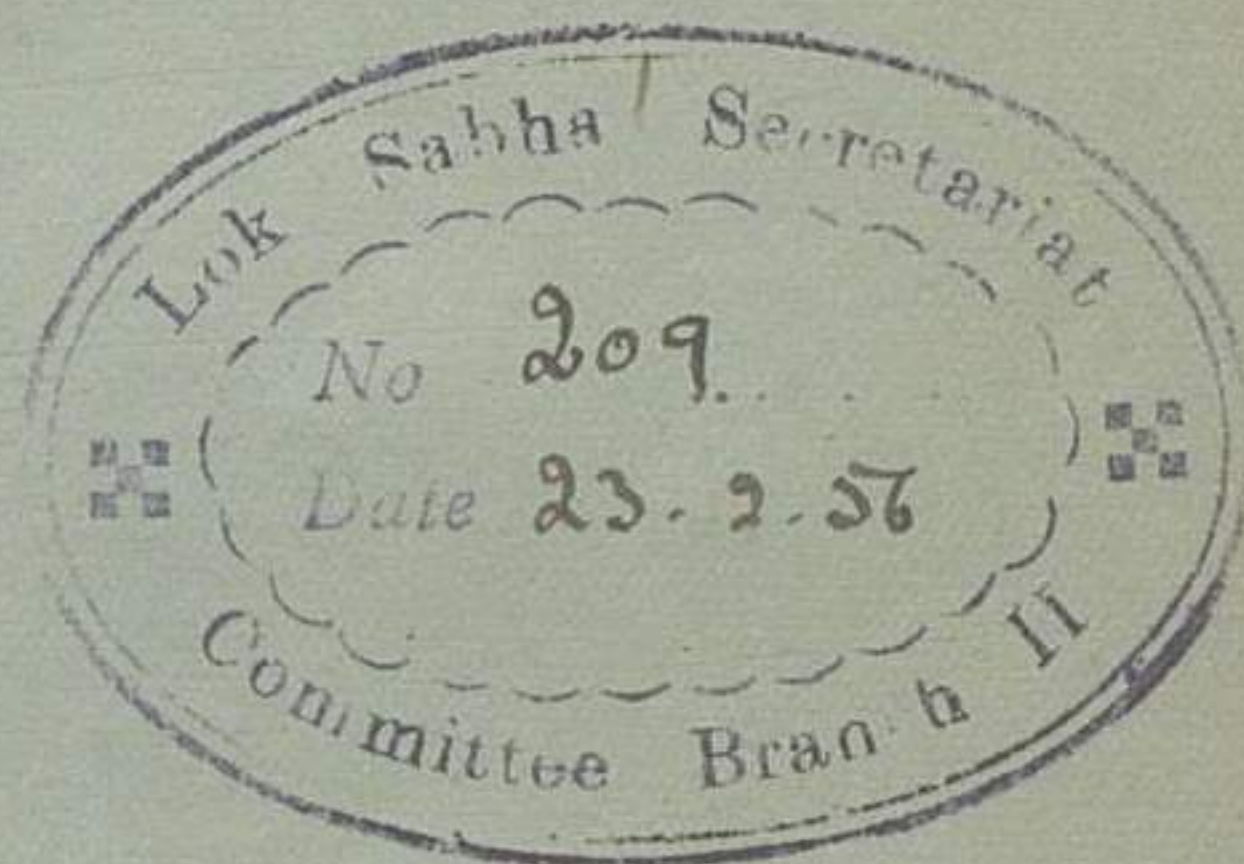
LOK SABHA

THE ESSENTIAL COMMODITIES
BILL, 1955.

(Report of the Select Committee)



सत्यमेव जयते



LOK SABHA SECRETARIAT
NEW DELHI
March, 1955.

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THE ESSENTIAL COMMODITIES BILL, 1955

Composition of the Select Committee

1. Shri R. Venkataraman—*Chairman*.
2. Shri N. M. Lingam
3. Dr. Suresh Chandra
4. Shri Ganesh Sadashiv Altekar
5. Shri Basanta Kumar Das
6. Shri Ghamandi Lal Bansal
7. Shri Radheshyam Ramkumar Morarka
8. Shri Bhagwat Jha 'Azad'
9. Shrimati Tarkeshwari Sinha
10. Shri Tribhuan Narayan Singh
11. Shri Raichand Bhai N. Shah
12. Shri Nandlal Joshi
13. Shri Chaudhri Muhammed Shaffee
14. Shri Bishwa Nath Roy
15. Shri Khushi Ram Sharma
16. Shri Debeswar Sarmah
17. Shri Banarsi Prasad Jhunjhunwala
18. Pandit Thakur Das Bhargava
19. Shri Narendra P. Nathwani
20. Shri Shivram Rango Rane
21. Shri Tek Chand
22. Shri Tulsidas Kilachand*
23. Shri Asoka Mehta
24. Shri M. S. Gurupadaswamy
25. Shri Shankar Shantaram More
26. Shri A. M. Thomas
27. Shri U. M. Trivedi
28. Shri Kamal Kumar Basu
29. Shri Tushar Chatterjea
30. Shri D. P. Karmarkar
31. Shri T. T. Krishnamachari.

*Resigned.

DRAFTSMAN

Shri S. K. Hiranandani, *Additional Draftsman, Ministry
of Law.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

Report of the Select Committee

I, the Chairman of the Select Committee to which the Bill* to provide, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 2nd March, 1955 and was referred to a Select Committee on the 5th March, 1955 on the motion (*vide* Appendix I) being adopted by the House.

3. The Committee held four sittings in all.

4. The first sitting of the Committee was held on the 11th March, 1955 to draw up a programme of work.

5. The Committee took up clause by clause consideration of the Bill at the second and third sittings held on the 12th and 14th March, 1955 respectively.

6. The Committee considered and adopted the report on the 15th March, 1955.

7. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

8. *Clause 3.*—The Committee have added a new sub-clause to provide for the laying of every order made by the Central Government, as soon as may be after it is made, before both the Houses of Parliament.

9. *Clause 7.*—The Committee feel that for minor offences the punishment of imprisonment extending to three years is excessive. In their opinion, for contravention of orders relating to supply of information, maintenance and production of documents etc., punishment of imprisonment upto one year would meet the ends of justice.

Sub-clause (1) has, therefore, been amended accordingly.

A small drafting amendment has been made in sub-clause (2) so as to make it clear that the directions referred to therein are directions given by the authorised controller.

*Published in Part II-Section of the *Gazette of India, Extraordinary*, dated the 2nd March, 1955.

10. The Committee have noted the assurance given by the Minister of Commerce and Industry that all orders made under section 3 of this Act shall from time to time be placed before the Informal Consultative Committee for the Ministry of Commerce and Industry.

11. The Select Committee recommend that the Bill as amended be passed.

R. VENKATARAMAN,

Chairman,

Select Committee.

NEW DELHI;

The 15th March, 1955.

Minutes of Dissent

I

The Essential Commodities Bill of 1955 is, no doubt, an improvement on the old Act which was essentially a war measure. Many defects were noticed in its application from time to time.

In the present Bill, in clause 3, the word "order" has been used, which I wish to be modified into "notified order". This would save mental worry to the Government officials concerned as well as to the public against whom such orders may be used.

The provision in clause 7 requires further consideration. Making the contravention of any order punishable with an imprisonment which may extend to three years coupled with a liability to fine which may exceed even Rs. 1,000 is a very harsh provision of law, when it is remembered that the liability in cases under the Essential Commodities Bill is absolute and *mens rea* is ruled out. This provision of three years' imprisonment is at times interpreted by the lower judiciary as a cognisable and non-bailable offence.

Clause 9 provides for the special liability by corporate bodies. It is an unusual departure from the modern concept of criminal law that a criminal action will always be a personal liability. This puts a discount on the desire of a capable man handling an important industry, and the departure from the usual principles of criminal law is not called for. A suitable amendment is necessary if this clause is to be retained at all. The responsibility must be of the person on whom an order of the nature contemplated under clause 7 can be legally served and others who can be responsible in a vicarious nature ought not to be held responsible, when even under an action for tort, fixing of the liability would be a debatable problem.

I shall also draw attention to the provisions in clause 15 about the repeal and savings. Clause 15 (2) is likely to create difficulties in the continuation of orders made under the Essential Supplies (Temporary Powers) Act of 1946 and needs to be suitably amended.

U. M. TRIVEDI

NEW DELHI;

The 15th March, 1955.

Under the present bill the power is sought by the Government to control certain commodities in the interests of the general public which are considered essential to the life of the common people. A similar Act was already in existence since 1946. As there was limitation of the legislative power of the Central Government the old Law lapsed early in January, 1955 and the Central Government through its ordinance making powers continued the controlling power over those articles or commodities in respect of which it was competent to do so. Since then the Constitution was amended and the Centre took powers to legislate in respect of certain commodities such as foodstuffs and cattle fodder which were originally in the State List. As we had stated at the time of the amendment of the Constitution such power of control and regulation should have been left to the respective State Governments to decide and impose.

However, we feel and agree that certain controlling powers in respect of the articles and commodities whose production and movements are vital and essential to the life of the community should remain with the Government and they should use them justly and judiciously for the ends of social justice. We are however alive to the danger of such wide and sweeping powers to the executive and their likely misuse as we are reluctantly to conclude from past experience. That, we suggest, can be prevented by improving the administering of the executive power under the Act true to the spirit and letter of the law. We, therefore, generally support the provision of the bill and also the report of the Select Committee.

We, however, most reluctantly put our points of difference and reasons therefor as enumerated below.

Clause 2.—We want to add the commodities like 'Jute product' and 'Tea' which we consider so vital to the life of a very large section of our people. There is no point in leaving out 'Jute product' when 'Jute fibre' is included. Jute and Tea industries are controlled by British capitalists and the Indian monopolists and big business have often to face the vicissitudes of a fluctuating market which are often created by these traders and businessmen, and the ill-paid workers and the poor consumers are made to suffer for such fluctuations. We feel that the provisions of the Tea Act or the Industries Development and Regulation Act under which Jute products can be controlled are not adequate. At least from the experience of the past few years we come to the same conclusion, as, during crisis or any adverse fluctuation in the trade, the interests of workers and the consumers could not be protected. Therefore they should be included in clause 2 for meeting the ends of social justice.

Moreover, when 'component parts and accessories of automobiles' have been included in the meaning of 'Essential Commodity' there is no reason why 'cycle parts' should be left out. From the point of view of necessity, cycle is more an essential commodity than automobile. We also feel that essential medicines too should be included in the list.

In the present bill 'mica' is dropped from the list of essential commodities. We are told that as the importance of mica is only related to the export trade it is not found necessary to include the same. We know how the mica trade is controlled and influenced by a small section of people. The government on many occasions have expressed their inability to stop certain acts of the small mine-owners or the traders. We are therefore of opinion that 'mica' should remain in the list of enumerated 'Essential Commodities'.

Clause 9(2).—We want to add the words "and that he or they has or have made deliberate or diligent effort to prevent such contravention" after the words "other officer of the company". We want to make this addition to prevent the real bosses of the corporation or company from escaping the penal provision and putting up a "dummy" to face the punishment. Unless the Government is in a position to haul up these big persons the people will not accept the *bona fides* of the Government in working this Act in the interests of the common man and general well-being of the community.

KAMAL KUMAR BASU
TUSHAR CHATTERJEA

NEW DELHI;

The 15th March, 1955.

III

The Committee have been pleased to accept my amendment in respect of lowering of punishment from three years' imprisonment to one year's imprisonment in respect of offences related to (h) and (i) of clause 7. It is unfortunate that I could not convince the Committee that the punishment in these cases should be imprisonment or fine or both and no reasons need necessarily be given by the Court why it has not given sentences of imprisonment. The present provision gives a specific direction that imprisonment is to be given necessarily in these cases also though for reasons recorded it may not be given. I wished that the Courts were free to deal with the accused under these two clauses.

I am sorry that I did not succeed in another amendment of mine, namely, nomination by the company of a responsible or principal man in the company to become accountable and responsible for the enforcement of all directions and orders of the Government in relation to clause 3 of the Bill. The present provision will not work satisfactorily. It includes a large number of persons from whom it may be difficult to select the real offender. Any number of persons will be in charge of the conduct of business or affairs of the company. There are manifold departments and branches of administration and business in the company. The present provision is therefore vague and unworkable. The fear is that dummies may be nominated. Against this fear we can have the safeguard that Government will only accept the nomination if it is satisfied that the managing director or other really responsible person has been nominated. If any special person is nominated he shall certainly look to the proper compliance of the direction and the object of the law will be best served by proper compliance and enforcement of the order and direction and not by punishment of any of the persons who may possibly be in charge of the conduct of the affairs of the company.

Further I do not want that neglect in the past of directors, secretary or other officers should be penalised. The punishment of imprisonment for three years is a serious matter. In penal laws it is unusual to penalise mere neglect unless such neglect is of culpable or serious nature and the results of such neglect are disastrous. In neglect there is no *mens rea* which is usually regarded as an essential element in crimes. It is wrong to assume that neglect is being condoned. It may have other consequences except prosecution for an offence entailing three years' imprisonment. If a person does his work in a *bona fide* manner and with honesty his neglect usually does not savour of crime. I would therefore urge that the word "neglect" be omitted or at least serious or culpable neglect be penalised and the punishment awardable for such neglect be modulated or reduced.

THAKUR DAS BHARGAVA

NEW DELHI;

The 15th March, 1955.

Bill No. 6A of 1955.

THE ESSENTIAL COMMODITIES BILL, 1955

(AS AMENDED BY THE SELECT COMMITTEE)

(Words *sidelined* or *underlined* indicate the amendments suggested by the Committee)

A BILL

to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities Act, Short title
and extent.
1955.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'essential commodity' means any of the following classes of commodities:—

10 (i) cattle fodder, including oilcakes and other concentrates;

(ii) coal, including coke and other derivatives;

(iii) component parts and accessories of automobiles;

(iv) cotton and woollen textiles;

15 (v) foodstuffs, including edible oilseeds and oils;

(vi) iron and steel, including manufactured products of iron and steel;

(vii) paper, including newsprint, paperboard and straw board;

20 (viii) petroleum and petroleum products;

(ix) raw cotton, whether ginned or unginned, and cotton seed;

(x) raw jute;

(xi) any other class of commodity which the Central Government may, by notified order, declare to be an essential commodity for the purposes of this Act, being a commodity with respect to which Parliament has power to make laws by virtue of entry 33 in List III in the Seventh Schedule to the Constitution;

(b) 'food-crops' include crops of sugarcane;

(c) 'notified order' means an order notified in the Official Gazette;

(d) 'State Government' in relation to a Part C State means the Lieutenant Governor or the Chief Commissioner, as the case may be.

Powers to control production, supply, distribution, etc., of essential commodities.

3. (1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, it may, by order, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licences, permits or otherwise the production or manufacture of any essential commodity;

(b) for bringing under cultivation any waste or arable land, whether appurtenant to a building or not, for the growing thereon of food-crops generally or of specified food-crops, and for otherwise maintaining or increasing the cultivation of food-crops generally, or of specified food-crops;

(c) for controlling the price at which any essential commodity may be bought or sold;

(d) for regulating by licences, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of, any essential commodity;

(e) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;

(f) for requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to such person or class of persons and in such circumstances as may be specified in the order;

5 (g) for regulating or prohibiting any class of commercial or financial transactions relating to foodstuffs or cotton textiles which, in the opinion of the authority making the order are, or, if unregulated, are likely to be, detrimental to the public interest;

10 (h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(i) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish
15 such information relating thereto, as may be specified in the order;

(j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make
20 such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

25 (3) Where any person sells any essential commodity in compliance with an order made with reference to clause (f) of subsection (2), there shall be paid to him the price therefor as hereinafter provided:—

30 (a) where the price can, consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any;

35 (c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

(4) If the Central Government is of opinion that it is necessary so to do for maintaining or increasing the production and supply of an essential commodity, it may, by order, authorise any person (hereinafter referred to as an authorised controller) to exercise, with
40 respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified

in the order such functions of control as may be provided therein and so long as such order is in force with respect to any undertaking or part thereof,—

(a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Central Government, so however, that he shall not have any power to give any direction inconsistent with the provisions of any enactment or any instrument determining the functions of the persons in charge of the management of the undertaking, except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller under the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

(5) An order made under this section shall,—

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and

(b) in the case of an order directed to a specified individual be served on such individual—

(i) by delivering or tendering it to that individual, or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

(6) Every order made under this section by the Central Government or by any officer or authority of the Central Government shall be laid before both Houses of Parliament, as soon as may be, after it is made.

Imposition
of duties on
State Gov-
ernments,
etc.

4. An order made under section 3 may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central Government or State Government, and may contain directions to any State Government or to officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties.

Delegation
of powers.

5. The Central Government may, by notified order, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to a State Government,
as may be specified in the direction.

6. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act. Effect of orders inconsistent with other enactments.

7. (1) If any person contravenes any order made under section 3— Penalties.

10 (a) he shall be punishable—

(i) in the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and

15 (ii) in the case of any other order, with imprisonment for a term which may extend to three years and shall also be liable to fine:

20 Provided that if the court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded, refrain from imposing a sentence of imprisonment; and

(b) any property in respect of which the order has been contravened or such part thereof as to the court may seem fit shall be forfeited to the Government:

25 Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property, it may, for reasons to be recorded, refrain from doing so.

30 (2) If any person to whom a direction is given under clause (b) of sub-section (4) of section 3 fails to comply with the direction he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

8. If any person,—

35 (i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

40 (ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

False statements.

he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Offences by
companies.

9. (1) If the person contravening an order made under section 3 is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) 'company' means any body corporate, and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm means a partner in the firm.

Cognizance
of offences.

10. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.

Special pro-
vision regar-
ding fine.

11. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class specially empowered by the State Government in this behalf and for any presidency magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening any order made under section 3.

Presumption
as to orders.

12. Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872.

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XLV of 1860. 30

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I of 1872. 40

13. Where a person is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him.

Burden of proof in certain cases.

14. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

Protection of action taken under Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

15. (1) The following laws are hereby repealed:—

(a) the Essential Commodities Ordinance, 1955;

Repeals and savings.
I of 1955.

(b) any other law in force in any State immediately before the commencement of this Act in so far as such law controls or authorises the control of the production, supply and distribution of, and trade and commerce in, any essential commodity.

(2) Notwithstanding such repeal, any order made or deemed to be made by any authority whatsoever, under any law repealed hereby and in force immediately before the commencement of this Act, shall, in so far as such order may be made under this Act, be deemed to be made under this Act and continue in force, and accordingly any appointment made, licence or permit granted or direction issued under any such order and in force immediately before such commencement shall continue in force until and unless it is superseded by any appointment made, licence or permit granted or direction issued under this Act.

(3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in section 6 of the General Clauses Act, 1897, which shall also apply to the repeal of the Ordinance or other law referred to in sub-section (1) as if such Ordinance or other law had been an enactment.

X of 1897.

APPENDIX I*(vide para. 2 of the Report)***Motion in the Lok Sabha****"That the Bill be referred to a Select Committee consisting of:—**

1. Shri N. M. Lingam
2. Dr. Suresh Chandra
3. Shri Ganesh Sadashiv Altekar
4. Shri Basanta Kumar Das
5. Shri Ghamandi Lal Bansal
6. Shri Radheshyam Ramkumar Morarka
7. Shri Bhagwat Jha Azad
8. Shrimati Tarkeshwari Sinha
9. Shri Tribhuan Narayan Singh
10. Shri Raichand Bhai N. Shah
11. Shri Nandlal Joshi
12. Shri Chaudhri Muhammed Shaffee
13. Shri Bishwa Nath Roy
14. Shri Khushi Ram Sharma
15. Shri Debeswar Sarmah
16. Shri Banarsi Prasad Jhunjhunwala
17. Pandit Thakur Das Bhargava
18. Shri Narendra P. Nathwani
19. Shri Shivram Rango Rane
20. Shri Tek Chand
21. Shri Tulsidas Kilachand
22. Shri Asoka Mehta
23. Shri M. S. Gurupadaswamy
24. Shri Shankar Shantaram More
25. Shri A. M. Thomas
26. Shri U. M. Trivedi
27. Shri Kamal Kumar Basu
28. Shri Tushar Chatterjea
29. Shri D. P. Karmarkar
30. Shri T. T. Krishnamachari and
31. Shri R. Venkataraman

with instructions to report by the 15th of March, 1955,

APPENDIX II

MINUTES OF THE MEETINGS OF THE SELECT COMMITTEE
ON THE ESSENTIAL COMMODITIES BILL, 1955

I

First Meeting

The Committee met from 5-05 P.M. to 5-25 P.M. on Friday, the 11th March, 1955.

PRESENT

Shri R. Venkataraman—*Chairman*

MEMBERS

2. Dr. Suresh Chandra
3. Shri Ganesh Sadashiv Altekar
4. Shri Ghamandi Lal Bansal
5. Shri Bhagwat Jha 'Azad'
6. Shri Nandlal Joshi
7. Shri Chaudhri Muhammed Shaffee
8. Shri Bishwa Nath Roy
9. Pandit Thakur Das Bhargava
10. Shri Shivram Rango Rane
11. Shri Asoka Mehta
12. Shri M. S. Gurupadaswamy
13. Shri U. M. Trivedi
14. Shri Kamal Kumar Basu
15. Shri Tushar Chatterjea
16. Shri D. P. Karmarkar
17. Shri T. T. Krishnamachari

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri B. B. Saksena, *Deputy Secretary, Ministry of Commerce and Industry.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee held a preliminary discussion on the programme to be adopted by them,

3. The Chairman suggested that notice of amendments to the clauses of the Bill that the members intended to move might be sent in advance to the Lok Sabha Secretariat for circulation to the members of the Committee.

4. It was decided that the Committee should meet on the morning of 12th March, 1955 to consider all the clauses of the Bill other than clauses 7 and 9. These two clauses were considered to be somewhat contentious and as such it was decided to take them up later as may be fixed by the Committee.

5. The Committee then adjourned to meet again at 9 A.M. on Saturday, the 12th March, 1955.

II

Second Meeting

The Committee met from 9 A.M. to 11 A.M. on Saturday, the 12th March, 1955.

PRESENT

Shri R. Venkataraman—*Chairman*

MEMBERS

2. Shri N. M. Lingam
3. Dr. Suresh Chandra
4. Shri Ganesh Sadashiv Altekar
5. Shri Ghamandi Lal Bansal
6. Shri Bhagwat Jha 'Azad'
7. Shrimati Tarkeshwari Sinha
8. Shri Tribhuan Narayan Singh
9. Shri Nandlal Joshi
10. Shri Chaudhri Muhammed Shaffee
11. Shri Bishwa Nath Roy
12. Pandit Thakur Das Bhargava
13. Shri Narendra P. Nathwani
14. Shri Shivram Rango Rane
15. Shri Asoka Mehta
16. Shri M. S. Gurupadaswamy
17. Shri Kamal Kumar Basu
18. Shri Tushar Chatterjea
19. Shri D. P. Karmarkar
20. Shri T. T. Krishnamachari

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hirnanandani, *Additional Draftsman, Ministry of Law.*
2. Shri B. B. Saksena, *Deputy Secretary, Ministry of Commerce and Industry.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. At the outset, the Minister of Commerce and Industry (Shri T. T. Krishnamachari) made it clear to the Committee that all orders made by the Central Government under section 3 of this Act shall be laid before Parliament.

The Chairman thereupon directed the Draftsman to suitably provide for the same in the Bill.

3. The Minister further assured the Committee that all such orders shall also from time to time be placed before the Informal Consultative Committee for the Ministry of Commerce and Industry. He added that he was prepared to give this assurance on the floor of the House.

4. The Committee then took up clause by clause consideration of the Bill.

5. *Clause 2.*—The clause was adopted without any amendment.

6. *Clause 3.*—The clause was taken up for consideration. The discussion was not concluded.

7. The Committee then adjourned to meet again at 9 A.M. on Monday, the 14th March, 1955.

III

Third Meeting

The Committee met from 9 A.M. to 10-50 A.M. on Monday the 14th March, 1955.

PRESENT

Shri R. Venkataraman—*Chairman*

MEMBERS

2. Dr. Suresh Chandra
3. Shri Ganesh Sadashiv Altekar
4. Shri Basanta Kumar Das
5. Shri Ghamandi Lal Bansal
6. Shri Radheshyam Ramkumar Morarka
7. Shri Bhagwat Jha 'Azad'
8. Shri Tribhuan Narayan Singh
9. Shri Chaudhri Muhammed Shaffee
10. Shri Bishwa Nath Roy
11. Pandit Thakur Das Bhargava
12. Shri Narendra P. Nathwani
13. Shri Shivram Rango Rane
14. Shri Asoka Mehta
15. Shri M. S. Gurupadaswamy
16. Shri U. M. Trivedi
17. Shri Kamal Kumar Basu
18. Shri Tushar Chatterjea
19. Shri D. P. Karmarkar
20. Shri T. T. Krishnamachari

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri B. B. Saksena, *Deputy Secretary, Ministry of Commerce and Industry.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 3.*—A new sub-clause as follows, proposed by Government, was added:—

“(6) Every order made under this section by the Central Government or by any officer or authority of the Central Government shall be laid before both Houses of Parliament, as soon as may be, after it is made.”

The clause as amended was adopted.

4. *Clauses 4 to 6.*—These clauses were adopted without any amendment.

5. *Clause 7.*—The following amendments were accepted:—

(i) In page 5, for lines 7 and 8 substitute—

“(a) he shall be punishable—

(i) in the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and

(ii) in the case of any other order, with imprisonment for a term which may extend to three years and shall also be liable to fine.”

(ii) In page 5, line 20—

after “under”

insert “clause (b) of”

The clause as amended was adopted.

6. *Clauses 8 to 15.*—These clauses were adopted without any amendment.

7. *Clause 1.*—The clause was adopted without any amendment.

8. The Committee decided to consider the Draft Report at their next sitting.

9. The Committee then adjourned to meet again at 10 A.M. on Tuesday, the 15th March, 1955.

IV

Fourth Meeting

The Committee met from 10 A.M. to 10-20 A.M. on Tuesday, the 15th March, 1955.

PRESENT

Shri R. Venkataraman—*Chairman*

MEMBERS

2. Shri Ganesh Sadashiv Altekar
3. Shri Basanta Kumar Das
4. Shri Ghamandi Lal Bansal
5. Shri Radheyshyam Ramkumar Morarka
6. Shrimati Tarkeshwari Sinha
7. Shri Raichand Bhai N. Shah
8. Shri Chaudhri Muhammed Shaffee
9. Shri Bishwa Nath Roy
10. Shri Khushi Ram Sharma
11. Shri Shivram Rango Rane
12. Shri Asoka Mehta
13. Shri M. S. Gurupadaswamy
14. Shri U. M. Trivedi
15. Shri Tushar Chatterjea
16. Shri D. P. Karmarkar

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri B. B. Saksena, *Deputy Secretary, Ministry of Commerce and Industry.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee adopted the Bill as amended.
3. The Committee then considered the draft Report and adopted the same.
4. The Committee authorised the Chairman to present the Report on their behalf.

5. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat so as to reach them by 12 noon today.

6. The Chairman announced that the Report would be presented at about 2-30 P.M. today, the 15th March, 1955.

7. The Committee then adjourned at 10-20 A.M.

LOK SABHA

THE RAILWAY STORES (UNLAWFUL POSSESSION) BILL, 1954.

(As passed by the Rajya Sabha)

(Report of the Select Committee)



LOK SABHA SECRETARIAT
NEW DELHI
March, 1955

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THE RAILWAY STORES (UNLAWFUL POSSESSION) BILL, 1954

(AS PASSED BY THE RAJYA SABHA)

Composition of the Select Committee

1. Sardar Hukam Singh—*Chairman*
2. Shri Ganesh Sadashiv Altekar
3. Shri K. Ananda Nambiar
4. Shri N. C. Chatterjee
5. Shri B. Ramachandra Reddi
6. Shri Tek Chand
7. Shri U. M. Trivedi
8. Shri Nemi Chandra Kasliwal
9. Shri S. V. Ramaswamy
10. Shri K. S. Raghavachari
11. Shri P. R. Kanavade Patil
12. Shri R. Venkataraman
13. Shri Fulsinhji B. Dabhi
14. Shri C. R. Narasimhan
15. Shri Kamal Kumar Basu
16. Shri Mulchand Dube
17. Dr. Lanka Sundaram
18. Shri Hari Vinayak Pataskar
19. Shri O. V. Alagesan
20. Pandit Thakur Das Bhargava

DRAFTSMAN

Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

Report of the Select Committee

1. the Chairman of the Select Committee to which the *Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions, as passed by the Rajya Sabha, was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill as passed by the Rajya Sabha was laid on the Table of the Lok Sabha on the 2nd September, 1954.

3. The motion for consideration of the Bill was moved in the House on the 5th March, 1955 and discussed on the 5th as well as the 11th March, 1955.

4. The Bill was however, referred to the Select Committee on the 12th March, 1955 (*vide* motion adopted by the House—Appendix I).

5. The Committee held three sittings in all.

6. The Committee considered the Bill clause by clause at the first and second sittings held on the 25th and 29th March, 1955, respectively.

7. The Committee considered and adopted the report on the 30th March, 1955.

8. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

9. *Clause 2.*—The Committee feel that the definition of 'railway stores' should be made more precise. In their opinion two conditions should be satisfied before an article can fall within the definition: (i) the article must be the property of a railway administration and (ii) it must be an article which is used or intended to be used in the construction, operation or maintenance of a railway.

The clause has accordingly been amended.

*The Bill was published in part II—Section 2 of the *Gazette of India Extraordinary*, dated the 6th August, 1954, and passed by Rajya Sabha on the 31st August 1954.

4. **Message from Rajya Sabha.**

Secretary reported a message from Rajya Sabha that at its sitting held on the 5th September, 1966, Rajya Sabha agreed without any amendment to the Delhi High Court Bill, 1966, passed by Lok Sabha on the 1st September, 1966.

5. **Statement under Direction 115.**

Shri Madhu Limaye made a statement regarding certain information given by the Minister of State for Home Affairs on the 17th August, 1966, during the Half-an-Hour discussion regarding Pakistani spies.

The Minister of State for Home Affairs made a statement in reply thereto.

6. **Motion Re : Appointment of member to Select Committee on Government Bill.**

Shri S. C. Samanta moved the following motion :—

“That Shri Shyam Dhar Mishra be appointed to the Select Committee on the Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith] *vice* Shri Annasahib Shinde resigned.”

The motion was adopted.

7. **Government Bill—Motion for Introduction Held Over**

The Delhi and Himachal Pradesh (Separation of Judicial and Executive Functions) Bill.

The motion for leave to introduce the Bill moved by Shri Gulzarilal Nanda was held over.

8. **Government Bill—Passed**

The Railway Property (Unlawful Possession) Bill, 1966 as passed by Rajya Sabha.

Clause-by-clause consideration of the Bill continued.

On the motion for adoption of Clause 8, the House divided, Ayes 82; Noes 10. Clause 8 was accordingly adopted.

On an amendment to Clause 9 moved by Shri Ananda Nambiar the House divided, Ayes 17; Noes 82. The amendment was accordingly negatived.

Clauses 9 to 16 were adopted.

Clause 1, the Enacting Formula and the Long Title were also adopted.

The motion that the Bill be passed was moved by Shri S. K. Patil.

The following members took part in the debate :—

(1) Shri Priya Gupta

(2) Shri S. M. Banerjee

The motion was adopted and the Bill was passed.

P.T.O.

9. Government Bill—Under Consideration

The Punjab Reorganisation Bill, 1966.

The motion for consideration of the Bill was moved by Shri Gulzarilal Nanda.

The following members took part in the debate:—

- (1) Sardar Kapur Singh
- (2) Shri D. D. Puri
- (3) Shri Homi F. Daji
- (4) Shri Diwan Chand Sharma
- (5) Shri Peter Alvares
- (6) Shri Virbhadra Singh
- (7) Shri Yudhvir Singh
- (8) Shri Gajraj Singh Rao
- (9) Shri R. Umanath
- (10) Shri Amar Nath Vidyalkar
- (11) Sardar Amar Singh Saigal
- (12) Shri Kishen Pattnayak
- (13) Shri Hem Raj
- (14) Shri Gauri Shanker Kakkar
- (15) Shri Jaipal Singh
- (16) Shri Pratap Singh
- (17) Shri Jagdev Singh Siddhanti
- (18) Shri Sheo Narain
- (19) Shri Sinhasan Singh

Shri Gulzarilal Nanda replied to the debate.

The motion for consideration was adopted and clause-by-clause consideration was taken up.

Clauses 2 to 5 were adopted.

Clause 6 was adopted, as amended.

[Lok Sabha adjourned at 8-35 P.M. and re-assembled at 9-30 P.M.]

For the rest of the proceedings see Supplement to Bulletin Part I, dated the 6th September, 1966.

(Lok Sabha adjourned till 11 A.M. on Wednesday, the 7th September, 1966).

S. L. SHAKDHER,
Secretary.

LOK SABHA

BULLETIN—PART I

[Brief Record of Proceedings]

Tuesday, September 6, 1966/Bhadra 15, 1888 (Saka)

No. 553

1. Short Notice Questions

Three Short Notice Questions (i) No. 30 addressed to the Minister of Planning and Social Welfare regarding International Secretariat for Volunteer Corps, (ii) No. 31 addressed to the Minister of Railways regarding Wages Paid to Casual Labour Engaged by Railway Administration, and (iii) No. 32 addressed to the Minister of Defence regarding Retrenchment in Small Arms Factory, Kanpur respectively were orally answered and supplementary questions were also answered thereon.

2. Papers laid on the Table

The following papers were laid on the Table :—

- (1) A copy of Government Resolution No. 7/1/66-CL-V dated the 5th September, 1966, on the Report of the Monopolies Inquiry Commission.
- (2) (i) A copy of Notification No. S.O. 2135 published in Gazette of India dated the 15th July, 1966, issued under sub-clause (xi) of clause (a) of section 2 of the Essential Commodities Act, 1955 declaring General Lighting Service Lamps and Fluorescent Tubes to be essential commodities.
(ii) A statement showing the reasons for delay in laying the above Notification.
- (3) A copy of the Indian Telegraph (Second Amendment) Rules, 1966, published in Notification No. G.S.R. 1145 in Gazette of India dated the 23rd July, 1966, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885.
- (4) A copy of each of the following Notifications under sub-section (5) of section 367 of the Kerala Municipal Corporations Act, 1961, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965 issued by the Vice-President, discharging the functions of the President, in relation to the State of Kerala :—
 - (i) S.R.O. No. 261/66 published in Kerala Gazette dated the 12th July, 1966, making certain amendment to the Calicut Corporation (Levy and Collection of Show Tax) Rules, 1963.

[P.T.O.]

- (ii) S.R.O. No. 262/66 published in Kerala Gazette dated the 12th July, 1966, making certain amendments to the Calicut Corporation Special Officer's (Powers and Functions) Rules, 1962.
- (iii) S.R.O. No. 264/66 published in Kerala Gazette dated the 12th July, 1966, making certain amendments to the Calicut City Corporation (Election of Mayor & Deputy Mayor) Rules, 1962.
- (iv) The Kerala Municipal Corporations (Moving of Resolutions at Council Meeting) Rules, 1966, published in Notification S.R.O. No. 270/66 in Kerala Gazette dated the 19th July, 1966.
- (5) A Copy of Notification S.R.O. No. 245/66 published in Kerala Gazette dated the 5th July, 1966, under sub-section (2) of section 6 of the Guruvayur Township Act, 1961, read with clause (c)(iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President discharging the functions of the President, in relation to the State of Kerala.
- (6) A statement showing reasons for delay in laying Notifications mentioned at (i) to (iv) of item (4) and at item (5) above.
- (7) A copy of the Annual Accounts of the Mormugao Port Trust for the year 1964-65 and the Audit Report thereon under sub-section (2) of section 103 of the Major Port Trusts Act, 1963.
- (8) A copy of Notification S.R.O. No. 311/66 published in Kerala Gazette dated the 16th August, 1966, making certain amendment to the Kerala Motor Vehicles (Taxation of Passengers and Goods) Rules, 1963, under sub-section (4) of section 20 of the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act, 1963, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President, discharging the functions of the President, in relation to the State of Kerala.
- (9) A copy of the Annual Report (Part I) of the Registrar of Newspapers for India for the year 1965.
- (10) A copy of the Annual Report of the Indian Central Coconut Committee for the year 1964-65.
- (11) A copy of the Annual Administration Report of the Tea Board for the year 1965-66.

3. Minutes of Parliamentary Committees—Laid on the Table.

- (i) A copy of the Minutes of the sittings of the Estimates Committee relating to their 92nd, 93rd, 96th and 97th Reports on Mormugao Port, Public Services and Bombay Port, was laid on the Table.
- (ii) A copy of the Minutes of the Twenty-fourth sitting of the Committee on Petitions held during the current session, was laid on the Table.
- (iii) The Minutes of the Eighteenth sitting of the Committee on Absence of Members from the Sittings of the House held during the current session, were laid on the Table.

10. *Clause 3.*—The Committee feel that the scope of this clause is very wide and may, in certain cases, cause harassment to innocent persons. In their opinion the scope of the clause should be restricted by providing that before the presumption contemplated therein can arise, the prosecution must prove that the article of railway stores in question is reasonably suspected of being stolen or unlawfully obtained.

The clause has therefore been redrafted.

11. The Select Committee recommend that the Bill as amended be passed.

HUKAM SINGH,

Chairman,

Select Committee.

NEW DELHI;

The 30th March, 1955.

Minutes of Dissent

I

We beg to append below our Note of Dissent.

We recognise that substantial improvement has been made on the original Bill by the Select Committee in the Clause on Definition and in Clause 3. But the fact remains that this continues to be an extraordinary piece of legislation. Under the normal law of the land, any theft of the kind can be adequately punished. Though it is a fact that a large quantity of Railway material is being stolen, the situation is not so bad as in the days of war, to warrant such extraordinary measures.

Further this Bill, as amended by the Select Committee, will create serious difficulties in its working. Any one who is in possession of any material which is claimed by the Railway as its own has the burden to prove to the court that he is in lawful possession of it. This is not the normal procedure. On the other hand, it must be up to the Railway Administration to prove that he is in possession of it unlawfully and in no way the accused should be burdened with the responsibility to "account satisfactorily" for his possession of it, as desired by the Amendment.

For these reasons we still feel that the Bill as amended is unacceptable.

K. ANANDA NAMBIAR,
KAMAL KUMAR BASU.

NEW DELHI;

The 31st March, 1955.

II

I regret I do not find myself in agreement with clause 3 of the Bill as amended by the Select Committee.

Under the clause as it now stands, the prosecution will have to prove in the first instance that the article is railway stores i.e. it must prove—

(1) that the article is the property of the Railway administration; and

(2) that it is used or intended to be used for construction, operation or maintenance of a Railway

and when these two things are proved it must also prove that there is a reasonable suspicion of the article being stolen or unlawfully obtained.

In view of the definition of railway stores as amended by the Select Committee the words are a surplusage and cast an unnecessary burden on the prosecution because the prosecution has to prove initially that the article was the property of the Railway at the time of its recovery and this should be sufficient to shift the burden on to the accused.

It has been said that these words have been taken from an English Act on the subject but it is respectfully pointed out that the definition which we have incorporated in the Bill does not find a place in that Act and that it applies only to articles marked with the Government property mark *vide* section 101 of the Act. I am, for the reasons given above, of the opinion that the words "reasonably suspected of being stolen or unlawfully obtained" be deleted. Subject to this, I concur with the Report.

MULCHAND DUBE.

NEW DELHI;

The 31st March, 1955.

III

I wish to add this dissent to the report.

One of the objects of the Bill is to safeguard the Railway stores by the threat of the liability to an enhanced punishment. The other purpose is to shift the usual burden of proof from the prosecution on to the accused.

The definition of "Railway stores" in the draft Bill was justifiably felt to be very wide involving the risk of innocent people being proceeded against and harassed. The modified definition is certainly an improvement.

Even as it is, it might include stores of a foreign railway (Pakistan's) brought into India. This can be obviated by the in-

clusion of the word 'Indian' between the words 'any' and 'railway' occurring in sub-clause (a) of clause 2.

I also feel that clause 3 as now drafted is not clear and would lead to uncertainties in its interpretation in the actual working of the Act. The words 'stolen' and 'unlawfully obtained' are not specifically defined in this Act. In the penal code they have a specific concept (*vide* section 410, I.P.C.). This being a separate enactment, in the absence of a clarification to that effect, that usual conception may not be legally importable into its interpretation. All the same it may often be contended that those words should be so interpreted. Thus the draft of clause 3 is defective. It may be necessary to add an explanation to the effect that the words 'stolen' and 'unlawfully obtained' in the Bill are to be understood in the sense they connote in the Indian Penal Code.

Further, as it is, even the intended shifting of the burden of proof on to the accused, may not be achieved.

K. S. RAGHAVACHARI.

NEW DELHI;

The 31st March, 1955.

IV

The Railway Stores (Unlawful Possession) Bill has, I recognise, emerged from the Select Committee in a greatly improved form and the amendment suggested by the Government has limited its wide scope and the potentiality of harassment to innocent persons has been to an extent minimised.

I would have preferred if the words 'or intended to be used' were omitted from clause 2(b). In my humble opinion the Bill can be further improved by adding the word 'recent' before the word 'possession' in clause 3 and substituting the following words therein after the words 'article of railway stores' which within the meaning of section 410, I.P.C., can be designated as 'stolen railway stores' for the words 'reasonably suspected of being stolen or unlawfully obtained' and the words 'cannot account satisfactorily how he came by the same'. It may not be amiss to say that the counterpart law of Britain is pitched in a different key and does not furnish a true guide for us.

THAKUR DAS BHARGAVA.

NEW DELHI;

The 31st March, 1955.

Bill No. XV-CA of 1954

THE RAILWAY STORES (UNLAWFUL POSSESSION) BILL, 1954.

(AS AMENDED BY THE SELECT COMMITTEE)

(Words sidelined or underlined indicate the amendments suggested by the Committee).

A

BILL

to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Railway Stores (Unlawful Possession) Act, 1955.

Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, 'railway stores' means any article—

Definition.

10 (a) which is the property of any railway administration;
and

(b) which is used or intended to be used in the construction, operation or maintenance of a railway.

15 3. If any person is found, or is proved to have been, in possession of any article of railway stores reasonably suspected of being stolen or unlawfully obtained, and cannot account satisfactorily how he

Unlawful
possessio
of railway
stores.

came by the same, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Repeals and

4. (1) The Railway Stores (Unlawful Possession) Ordinance, 1944 (XIX of 1944), is hereby repealed.

(2) If, immediately before the commencement of this Act, there is in force in any part B State, to which this Act now extends, any law which corresponds to this Act, that corresponding law also shall, on such commencement, stand repealed.

(3) Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal by this Act of the Railway Stores (Unlawful Possession) Ordinance, 1944 (XIX of 1944), or of any corresponding law as if the Ordinance or the corresponding law, as the case may be, were an enactment.

APPENDIX I

(vide para. 4 of the Report)

Motion adopted by the Lok Sabha

"That the Bill be referred to a Select Committee consisting of:—

1. Shri Ganesh Sadashiv Altekar
2. Shri K. Ananda Nambiar
3. Sardar Hukam Singh
4. Shri N. C. Chatterjee
5. Shri B. Ramachandra Reddi
6. Shri Tek Chand
7. Shri U. M. Trivedi
8. Shri Nemi Chandra Kasliwal
9. Shri S. V. Ramaswamy
10. Shri K. S. Raghavachari
11. Shri P. R. Kanavade Patil
12. Shri R. Venkataraman
13. Shri Fulsinhji B. Dabhi
14. Shri C. R. Narasimhan
15. Shri Kamal Kumar Basu
16. Shri Mulchand Dube
17. Dr. Lanka Sundaram
18. Shri Hari Vinayak Pataskar
19. Shri O. V. Alagesan, and
20. Pandit Thakur Das Bhargava

with instructions to report by the 31st March, 1955."

APPENDIX II

MINUTES OF THE MEETINGS OF THE SELECT COMMITTEE ON THE RAILWAY STORES (UNLAWFUL POSSESSION) BILL, 1954.

I

First Meeting

The Committee met from 5-5 P.M. to 6-10 P.M. on Friday, the 25th March, 1955.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri K. Ananda Nambiar
3. Shri B. Ramachandra Reddi
4. Shri S. V. Ramaswamy
5. Shri K. S. Raghavachari
6. Shri P. R. Kanavade Patil
7. Shri Fulsinhji B. Dabhi
8. Shri Kamal Kumar Basu
9. Shri Mulchand Dube
10. Dr. Lanka Sundaram
11. Shri O. V. Alagesan
12. Pandit Thakur Das Bhargava.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri V. T. Narayanan, *Joint Director Establishment, Railway Board, Ministry of Railways.*
3. Shri Sudershan Lal, *Deputy Director, Ministry of Railways.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee had a general discussion on the provisions of the Bill.

3. The Committee felt that the definition of "railway stores" given in the Bill was too wide and ought to be restricted.

4. It was also felt that the onus of proving that the article was the property of any Railway administration should lie with the prosecution.

5. The Committee then took up clause by clause consideration of the Bill.

6. *Clause 2.*—The clause was taken up for consideration.

The discussion was not concluded.

7. The Committee then adjourned to meet again at 5-5 P.M. on Tuesday, the 29th March, 1955.

II

Second Meeting

The Committee met from 5-5 P.M. to 6-45 P.M. on Tuesday, the 29th March, 1955.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri K. Ananda Nambiar
3. Shri B. Ramachandra Reddi
4. Shri U. M. Trivedi.
5. Shri K. S. Raghavachari
6. Shri R. Venkataraman
7. Shri Fulsinhji B. Dabhi
8. Dr. Lanka Sundaram
9. Shri O. V. Alagesan
10. Pandit Thakur Das Bhargava.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri V. T. Narayanan, *Joint Director, Establishment, Railway Board, Ministry of Railways.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 2 (Contd.).*—After further discussion, the Committee adopted the following revised clause, proposed by Government, in substitution of the original clause:—

“2. *Definition.*—In this Act, ‘railway stores’ means any article—
 (a) which is the property of any railway administration; and
 (b) which is used or intended to be used in the construction, operation or maintenance of a railway.”

4. *Clause 3.*—The Committee adopted the following revised clause, proposed by Government, in substitution of the original clause:—

“3. *Unlawful possession of railway stores.*—If any person is found, or is proved to have been, in possession of any

article of railway stores reasonably suspected of being stolen or unlawfully obtained, and cannot account satisfactorily how he came by the same, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both."

5. *Clause 1.*—The following Government amendment was accepted:—

In page 1, line 4, for "1954" substitute "1955".

The clause as amended was adopted.

6. *Enacting Formula.*—The following Government amendment was accepted:—

For "Fifth" substitute "Sixth".

7. The Committee decided to consider the draft Report at their next sitting.

8. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat so as to reach them by 10 A.M. on the 31st March, 1955.

9. The Committee then adjourned to meet again at 10-30 A.M. on Wednesday, the 30th March, 1955.

III

Third Meeting

The Committee met from 10-30 A.M. to 10-45 A.M. on Wednesday, the 30th March, 1955.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri Nemi Chandra Kasliwal
3. Shri K. S. Raghavachari
4. Shri Fulsinhji B. Dabhi
5. Shri Mulchand Dube
6. Dr. Lanka Sundaram.
7. Shri O. V. Alagesan.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri V. T. Narayanan, *Joint Director, Establishment, Railway Board, Ministry of Railways.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee adopted the Bill as amended.
 3. The Committee then considered the draft Report and adopted the same.
 4. The Committee authorised the Chairman to present the Report on their behalf.
 5. The Committee then adjourned.
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LOK SABHA

**THE GOVERNMENT PREMISES
(EVICTION) AMENDMENT BILL, 1954**

(Report of the Select Committee)

PRESENTED ON THE 31ST AUGUST, 1955



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 1955,

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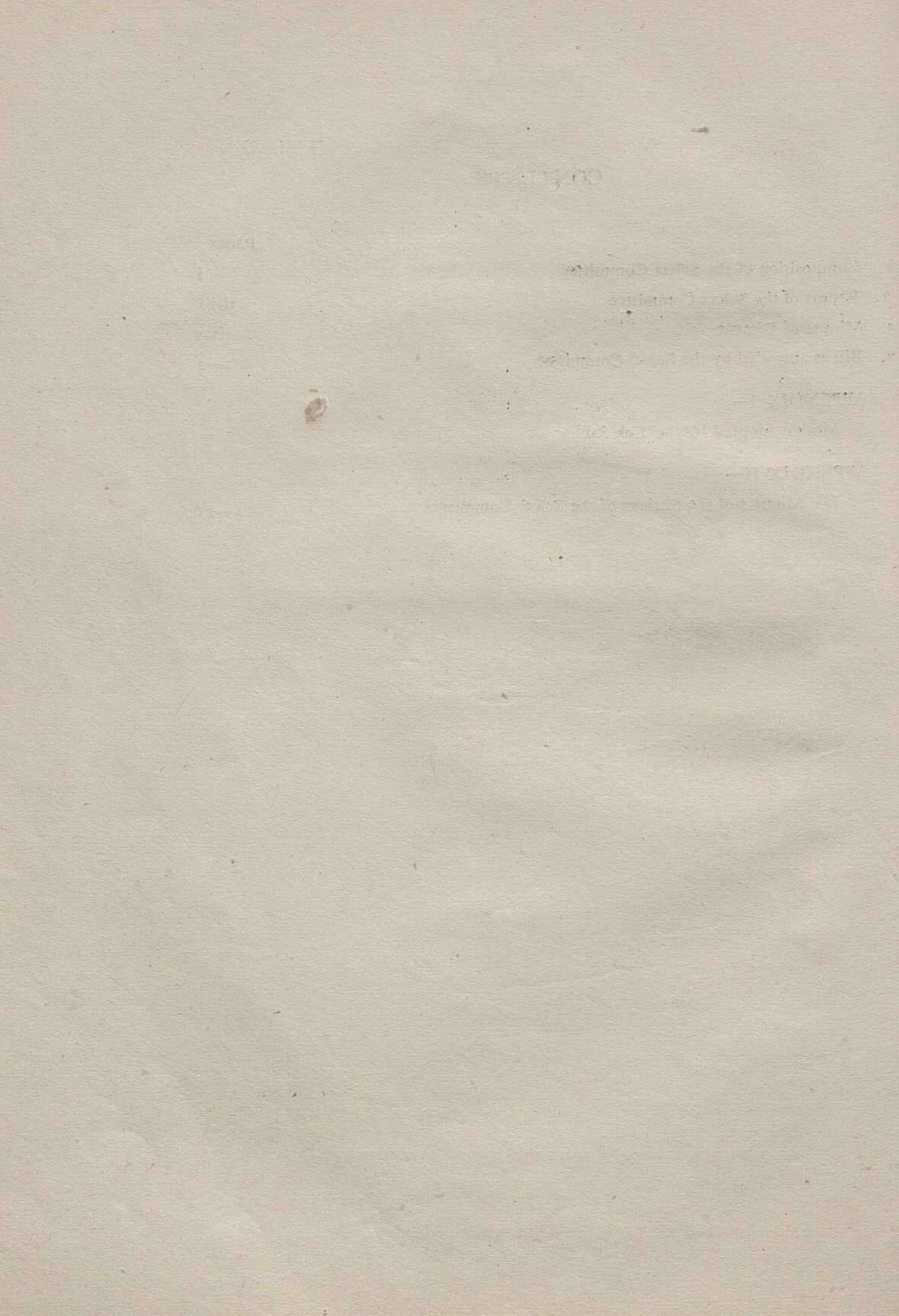
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THE GOVERNMENT PREMISES (EVICTIION) AMENDMENT
BILL, 1954

Composition of the Select Committee

- *1. Shri Kotha Raghuramaiah—*Chairman*
2. Shrimati Subhadra Joshi
3. Shri Radha Raman
4. Shri C. Krishnan Nair
5. Sardar Hukam Singh
6. Shri Choithram Partabrai Gidwani
7. Lala Achint Ram
8. Sardar Swaran Singh
9. Shri Maneklal Maganlal Gandhi
10. Rajkumari Amrit Kaur
11. Shri Girraj Saran Singh
12. Shrimati Renu Chakravartty
13. Shri K. S. Raghavachari
14. Shri Rohini Kumar Chaudhuri
15. Shri K. Ananda Nambiar
16. Col. B. H. Zaidi
17. Shri Hari Vinayak Pataskar
- †18. Shri Harekrushna Mahtab
19. Shri Awadheshwar Prasad Sinha
- §20. Pandit Thakur Das Bhargava.

DRAFTSMAN

Shri S. P. Sen Verma—*Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

*Appointed Chairman on the 24th August, 1955 Vice Pandit Thakur Das Bhargava ceased to be Chairman owing resignation of membership of the Committee.

†Ceased to be a member of the Committee having resigned his seat in Lok Sabha on 28th January, 1955.

§Resigned on the 24th August, 1955.

Report of the Select Committee

I, the Chairman of the Select Committee to which the *Bill further to amend the Government Premises (Eviction) Act, 1950, was referred, having been authorised to submit the report on their behalf, present their Report with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 30th August, 1954.

3. The motion for consideration of the Bill was moved and discussed in the House on the 16th November, 1954.

4. The Bill, was, however, referred to the Select Committee on the 16th November, 1954 (*vide* motion adopted by the House—Appendix I).

5. The Committee held eleven sittings in all.

6. The first sitting of the Committee was held on the 23rd November, 1954, to draw up a programme of work. The Committee at this sitting decided to visit refugee colonies and slum areas within the jurisdiction of the Delhi Improvement Trust on the 1st and 2nd December, 1954, for an on-the-spot study of the problem of eviction of persons from those areas.

7. The Committee accordingly visited the Jhandewala and Ahata Kidara areas in Delhi on the 1st December, 1954, and the Delhi-Ajmere Gate slum clearance sector and Andha Mugal area on the 2nd December, 1954.

8. The Report of the Select Committee was to be presented by the 5th December, 1954. The Committee were granted extension of time thrice—for the first time on the 3rd December, 1954, upto the 31st March, 1955, then on the 31st March, 1955, upto the 30th April, 1955 and again on the 30th April, 1955, upto the 31st August, 1955.

9. The Committee heard the evidence tendered by the representatives of the following associations on the dates noted against each:—

1. The representatives of the
residents of Delhi-Ajmere
Gate area.

22-12-1954.

*Published in Part II—Section 2 of the *Gazette of India* Extraordinary dated the 30th August, 1954.

2. The All India Refugee Association.
3. The Jawahar Nagar Refugee Quarters' Association.
4. The Self-Rehabilitated (D.Ps.) Association.
5. The Jhandewala 'E' Old Patel Nagar Refugee Association.

23-12-1954.

10. The Committee considered the Bill clause by clause.
11. The Committee considered and adopted the Report on the 30th August, 1955.
12. The Committee approve of the Bill as introduced in the House, subject to certain verbal changes in clause 1 and the Enacting formula.
13. The Select Committee recommend that the Bill as amended be passed.

KOTHA RAGHURAMAIAH,

Chairman,

Select Committee.

NEW DELHI;

The 30th August, 1955.

Minute of Dissent

I wish to append a very strong note of dissent to this apparently innocent looking and short amending bill. The eight long months during which we have considered this Bill bear testimony to the important implications that arise therefrom. During this time we have visited some of the refugee colonies as well as the residents of such slum areas as the Delhi-Ajmere Gate area to see the actual problem as well as the way the Delhi Improvement Trust has functioned and whether or not the demand for enhancing its powers are justified in the public interest.

After examining all these aspects, I am firmly opposed to giving wide powers of summary eviction to the D.I.T. This arises not only from our own findings as to the way planning slum-clearance and sale of land has been handled by the D.I.T. but also by the Enquiry Committee set up by the government under no less a person than Mr. G. D. Birla which has made very trenchant criticism against this body, especially the way it has bought off land for almost a song and ejected people and how under plea of development has made huge profits by selling these very lands at high rates. We too in course of our visits saw how poor people, most of them artisans, masons, cobblers, vegetable vendors living in the Ajmere-Delhi Gate area whose livelihood and occupation is intricately connected with the choice of place of residence are under threat of eviction and are being sent to far off place 5/6 miles away such as Andha Mugal and Bagh Khare Khan. The compensation paid to them is paid on basis of house-tax in 1938 while the land on which palatial buildings have sprung up along the front line of this area has been sold at very high rates. In Jhandewala area too we saw that refugees in spite of being promised land on a no-profit, no-loss basis are denied this. We came across instances of refugees' houses being razed down on plea of planning. Many others are threatened under this same plea although I felt a little adjustment and intelligent planning could avoid destroying many houses especially at a time when one of the main causes of human misery in Delhi is due to the pressing housing problem. Hence I oppose strengthening the powers of the D.I.T. i.e. eviction.

The third and most important reason why I oppose enhancing the powers of D.I.T. is the slum-clearance policy followed by this organisation. There can be no two opinions regarding the urgent need for slum-clearance. The idea of D.I.T. has been to throw these poverty stricken slum-dwellers in some distant corner or far out of the city, tearing down their dirty hovels and dividing this land into plots and selling them at high rates to build beautiful mansions for the rich and premises for their lucrative business. This is exactly the type of slum-clearance we must firmly oppose. Slum-clearance must mean the abolition of the unhygienic surroundings and the dilapidated hovels of the poorest sections of our people. In its place the State must set up huge blocks of workers' tenements in which these very people must be housed. The Government must subsidise the scheme if need be so that many storeyed blocks are

constructed and the rates of rent are kept within the paying capacity of the people. Without this it will mean that the benefits of a beautifully laid out town will be reserved for enjoyment of the economically well-off classes while the poor under the plea of slum-clearance will be shunted off to far off places outside the centre of public notice uprooting them from the place where they have developed economic means of livelihood however meagre or inadequate they be. This is the strata that needs our greatest protections and these are the very people that are going to be thrown out. I had therefore moved an amendment that in page 2 after line 15 should be added the following proviso:

"Provided that the competent authority makes available to the person or persons such alternative accommodation as is equal in value, rental and convenience to the premises vacated and which does not hinder the person or persons in carrying out their occupations or professions". But even a general clause providing for no ejectment without giving alternative accommodation was not acceptable. Assurances were given that as far as possible this would be done, but refusal to accept it as a clause in the Bill leads one to think that Government must remain the final arbiter about whether ejected people are to be given alternative accommodation or not. In my opinion Parliament cannot allow such an all important matter as peoples' shelter in the case of eviction to be left to the discretion of executive authority. To oppose my amendment on the ground who will be the competent authority to judge whether the area conforms to the conditions laid down in this proviso is a flimsy pretext and not difficult of solution. This will be all the more necessary if really slum-clearance becomes a major item under the Second Five Year Plan.

Under the circumstances I strongly oppose giving summary powers of eviction to D.I.T. without any legal binding that alternative accommodation will be found. To substitute this by an Advisory Committee is I think to by pass the issue. We know only too well what are the fate and powers of these "Advisory Committees" whose advice is often not sought and even where it is given it is not binding on the authorities to accept them.

I am of the opinion that the D.I.T. has not lived up to the needs for which it was formed and I am not prepared to accept that all its failings were due to its not having powers of summary eviction.

The Government should withdraw this Bill and in its place introduce legislation for a central development authority whose policy, powers and functions will be the subject of Parliament's discussion and vote. If Government is alive to the needs and problems of correct slum-clearance, this was the main need on the eve of the Second Five Year Plan which envisaged large scale slum-clearance and housing plans. To leave slum-clearance in the hands of D.I.T. with additional powers of eviction and without a change in the policy of slum-clearance is I think a dangerous thing. Hence I oppose the Select Committee Report *in toto* and desire it to be rejected.

RENU CHAKRAVARTTY.

NEW DELHI,

The 30th August, 1955.

THE GOVERNMENT PREMISES (EVICTION) AMEND-
MENT BILL, 1954

(AS AMENDED BY THE SELECT COMMITTEE)

(Words underlined indicate the amendments suggested by the
Committee)

A

BILL

further to amend the Government Premises (Eviction) Act, 1950

BE it enacted by Parliament in the Sixth Year of the Republic of
India as follows:—

1. This Act may be called the Government Premises (Eviction) Short title.
Amendment Act, 1955.

5 2. In the long title of the Government Premises (Eviction) Act, 1950 (hereinafter referred to as the principal Act), for the words
“certain persons from Government premises”, the words “persons
from public premises in certain cases” shall be substituted. Amend-
ment of
long title,
Act XXVII
of 1950.

10 3. In sub-section (1) of section 1 of the principal Act, for the
words “Government Premises”, the words “Public Premises” shall
be substituted. Amend-
ment of
section 1,
Act XXVII
of 1950.

4. In section 2 of the principal Act,—

(a) for clause (b), the following clause shall be substituted,
namely:— Amend-
ment of
section 2,
Act XXVII
of 1950.

15 “(b) ‘public premises’ means any premises belonging to,
or taken on lease or requisitioned by, the Central Govern-
ment, or requisitioned by the competent authority under the
Requisitioning and Acquisition of Immovable Property Act,
1952 and, in relation to the State of Delhi, includes any
premises vested in the Delhi Improvement Trust or a local
20 authority in that State, whether such premises are in the
possession of, or have been leased out by, the Trust or local
authority, as the case may be;”;

(b) in clause (c), for the words "means any building", the words "means any land or any building" shall be substituted;

(c) after clause (d), the following clause shall be inserted namely:—

"(e) 'unauthorised occupation', in relation to any person authorised to occupy any public premises, includes the continuance in occupation by him of the premises after the authority under which he was allowed to occupy the premises has been duly determined." 5

Amend-
ment of
section 3,
Act XXVII
of 1950.

5. In section 3 of the principal Act,—

10

(a) in sub-clause (a)(i) of sub-section (1), for the words "or of the competent authority", the words "or of any other authority competent to permit such sub-letting" shall be substituted; and

(b) for the words "Government premises" wherever they occur, the words "public premises" shall be substituted. 15

Amend-
ment of
sections 4
and 10,
Act XXVII
of 1950

6. In sections 4 and 10 of the principal Act, for the words "Government premises", wherever they occur, the words "public premises" shall be substituted.

APPENDIX I

(vide para. 4 of the Report)

Motion adopted by the Lok Sabha

"That the Bill be referred to a Select Committee consisting of:—

1. Shrimati Subhadra Joshi
2. Shri Radha Raman
3. Shri C. Krishnan Nair
4. Sardar Hukam Singh
5. Shri Choithram Partabrai Gidwani
6. Lala Achint Ram
7. Sardar Swaran Singh
8. Shri Maneklal Maganlal Gandhi
9. Rajkumari Amrit Kaur
10. Shri Girraj Saran Singh
11. Shrimati Renu Chakravartty
12. Shri K. S. Raghavachari
13. Shri Rohini Kumar Chaudhuri
14. Shri K. Ananda Nambiar
15. Col. B. H. Zaidi
16. Shri Hari Vinayak Pataskar
17. Shri Harekrushna Mahtab
18. Shri Kotha Raghuramaiah
19. Shri Awadheshwar Prasad Sinha and
20. Pandit Thakur Das Bhargava

with instructions to report by the 5th December, 1954."

APPENDIX II

MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE GOVERNMENT PREMISES (EVICTION) AMENDMENT BILL 1954.

I

First Sitting

The Committee met from 4 P.M. to 5 P.M. on Tuesday the 23rd November, 1954.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi
3. Shri Radha Raman
4. Shri C. Krishnan Nair
5. Shri Choithram Partabrai Gidwani
6. Lala Achint Ram
7. Sardar Swaran Singh
8. Shri Maneklal Maganlal Gandhi
9. Rajkumari Amrit Kaur
10. Shri Girraj Saran Singh
11. Shri K. S. Raghavachari
12. Shri K. Ananda Nambiar
13. Col. B. H. Zaidi
14. Shri Hari Vinayak Pataskar
15. Shri Kotha Raghuramaiah

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. P. Sen Verma, *Deputy Draftsman, Ministry of Law.*
2. Shri V. K. B. Pillai, *Secretary, Ministry of Health.*
3. Shri S. N. Sapro, *Chairman, Delhi Improvement Trust.*
4. Shri K. K. Sharma, *Deputy Secretary, Ministry of Works, Housing and Supply.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik.—*Under Secretary.*

2. The Committee held a preliminary discussion on the programme to be adopted by them and the witnesses, if any, to be called before them in connection with the Bill.
 3. It was decided that associations who are desirous of presenting their suggestions or views in connection with the Bill before the Committee should be asked to send written memoranda thereon to the Lok Sabha Secretariat on or before the 30th November, 1954.
 4. The Committee authorised the Chairman to decide, after examining the memoranda, if all or any association should be called to offer oral evidence before the Committee.
 5. The Committee desired to have a factual study of the problem of eviction of persons from (a) refugee colonies and (b) slum areas, within the jurisdiction of the Delhi Improvement Trust and therefore decided to visit the areas concerned on the 1st and 2nd December, 1954. Such areas where the houses of refugees have been demolished or are under threat of demolition will also be visited.
 6. The Committee felt that in view of their decision to take evidence and make an on the spot study of the problem involved, it would not be possible for them to complete their work by the 5th December, 1954, the time appointed for the presentation of the Report.
 7. The Minister of Works, Housing and Supply as also the Minister of Health agreed to supply relevant information in respect of matters relevant to the Bill to the Select Committee and the Chairman requested the Minister of Works, Housing and Supply to be pleased to also supply information about the amount of compensation in each case and alternative accommodation provided to persons whose houses were demolished.
 8. The Committee, therefore, authorised the Chairman to move in the House for extension of time for presentation of the Report till the last day of the first week of the next session of the Lok Sabha.
 9. It was left to the Chairman to fix the time and date of the next meeting of the Committee after completion of the visit to the areas mentioned in para 5 above.
 10. The Committee then adjourned *sine die*.
-

II

Second Sitting

The Committee met from 9-30 A.M. to 11-55 A.M. on Wednesday, the 22nd December, 1954.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi
3. Shri Radha Raman.
4. Shri C. Krishnan Nair
5. Sardar Hukam Singh.
6. Shri Choithram Partabrai Gidwani
7. Lala Achint Ram
8. Sardar Swaran Singh
9. Shri Maneklal Maganlal Gandhi
10. Rajkumari Amrit Kaur
11. Shri K. S. Raghavachari
12. Shri Rohini Kumar Chaudhuri
13. Col. B. H. Zaidi

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. P. Sen Verma, *Deputy Draftsman, Ministry of Law.*
2. Shri N. N. Iengar, *Deputy Secretary, Ministry of Works Housing and Supply.*
3. Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*
4. Shri A. V. Venkatasubban, *Under Secretary, Ministry of Health.*
5. Shri Govind H. Seth, *Secretary (R.M.T. & C.E.) Delhi State Government.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

WITNESSES**REPRESENTATIVES OF THE RESIDENTS OF DELHI AJMERE GATE AREA**

1. Dr. Shri Krishna
2. Shri Shiv Charan Gupta
3. Shri Vasu Dev

4. Shri Kishan Lohiya
5. Shri Laxmi Narain
6. Haji Abdul Kadir
7. Lala Laxmi Chand Katarya

2. The Committee heard the evidence tendered by the representatives of the Residents of Delhi Ajmere Gate Area.

3. A verbatim record of the evidence tendered was taken down.

4. The Committee then adjourned to meet again at 9-30 A.M. on Thursday the 23rd December, 1954.

Third Sitting

The Committee met from 9-30 A.M. to 11-45 P.M. on Thursday, the 23rd December, 1954.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi
3. Shri Radha Raman
4. Shri C. Krishnan Nair
5. Sardar Hukam Singh
6. Shri Choithram Partabrai Gidwani
7. Lala Achint Ram
8. Sardar Swaran Singh
9. Shri Maneklal Maganlal Gandhi
10. Rajkumari Amrit Kaur
11. Shrimati Renu Chakravartty
12. Shri K. S. Raghavachari

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. P. Sen Verma, *Deputy Draftsman, Ministry of Law.*
2. Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*
3. Shri N. N. Iengar, *Deputy Secretary, Ministry of W. H. & S.*
4. Shri A. V. Venkatasubban, *Under Secretary, Ministry of Health.*
5. Shri Govind H. Seth, *Secretary, (R.M.T. & C.E.) Delhi State Government.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

WITNESSES

I. The All-India Refugee Associations:

1. Shri Firoz Chand
2. Shri Suraj Bhan
3. Shri R. L. Roshan
4. Shri Harkishan Lal
5. Prof. Ishar Singh Grover

II. The Jawahar Refugee Quarters Association:

1. Shri Amar Singh
2. Shri Manoharlal Rawal
3. Shri Banarsi Lal Kapur

III. The Self Rehabilitated (D.Ps) Association:

1. Shri R. N. Mehta
2. Shri C. S. Oberoi

IV. The Jhandewala 'E' Old Patel Nagar Refugee Association:

1. Shri Chiman Lal Sikka
2. Shri P. L. Talwar
3. Shri Behari Lal Kohli

2. The Committee heard the evidence tendered by the representatives of the four associations named above.

3. A verbatim record of the evidence tendered was taken down.

4. The Committee then adjourned *sine die*.

IV

Fourth Sitting

The Committee met from 10 A.M. to 11 A.M. on Thursday, the 24th March, 1955.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi
3. Sardar Hukam Singh
4. Sardar Swaran Singh
5. Shrimati Renu Chakravartty
6. Shri K. S. Raghavachari

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. P. Sen Verma, *Deputy Draftsman, Ministry of Law.*
2. Shri N.N. Iengar, *Deputy Secretary, Ministry of Works, Housing & Supply.*
3. Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*
4. Shri A. V. Venkatasubban, *Under Secretary, Ministry of Health.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee discussed—

- (i) Whether the Delhi Improvement Trust should at all be given further powers as envisaged in the present Bill.
- (ii) If at all some such powers are to be given, whether it should not be clearly laid down that no eviction of a displaced person, who falls under any category covered by the previous assurances given by Government, can be effected without providing alternate accommodation for him.

No decision was taken.

3. It was suggested that the next meeting of the Committee should be held on or about the 29th March, 1955 to consider the clauses of the Bill.

4. The Committee then adjourned.

Fifth Sitting

The Committee met from 9 A.M. to 10-15 A.M. on Friday, the 22nd April, 1955.

PRESENT

Pandit Thakur Das Bhargava—*Chairman*

MEMBERS

2. Shrimati Subhadra Joshi
3. Shri Radha Raman
4. Shri C. Krishnan Nair
5. Sardar Hukam Singh
6. Shri Choithram Partabrai Gidwani
7. Sardar Swaran Singh
8. Shri Maneklal Maganlal Gandhi
9. Shri Girraj Saran Singh
10. Shri K. S. Raghavachari
11. Shri Kotha Raghuramaiah

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. P. Sen Verma, *Deputy Draftsman, Ministry of Law.*
2. Shri N. N. Iengar, *Deputy Secretary, Ministry of Works, Housing & Supply.*
3. Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*
4. Shri Govind T. Seth, *Secretary (R&R, M.T.&C.E.), Delhi State Government.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee took up clause by clause consideration of the Bill.

3. *Clause 4:* This clause was taken up first. After some discussion it was felt that the Minister of Health should be heard at the next sitting before the Committee proceeded further.

4. The Committee then adjourned *sine die.*

Sixth Sitzings

The Committee met from 11 A.M. to 12-15 P.M. on Friday, the 29th April, 1955.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shri Radha Raman
3. Shri C. Krishnan Nair
4. Sardar Hukam Singh
5. Shri Choithram Partabrai Gidwani
6. Sardar Swaran Singh
7. Shri Maneklal Maganlal Gandhi
8. Rajkumari Amrit Kaur
9. Shrimati Renu Chakravartty
10. Shri K. S. Raghavachari
11. Col. B. H. Zaidi
12. Shri Awadheshwar Prasad Sinha.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. P. Sen Verma, *Deputy Draftsman, Ministry of Law.*

Shri N. N. Iengar, *Deputy Secretary, Ministry of Works, Housing & Supply.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*

Shri Govind H. Seth, *Secretary (R&R., M.T.&C.E.), Delhi State Government.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee heard the Minister of Health.
3. The Committee resumed clause by clause consideration of the Bill.
4. *Clause 4:* After some discussion the Committee decided to omit sub-clauses (a) and (b).

In sub-clause c in page 2, line 6 for the word 'public' the word 'Government' was substituted.

The clause as amended was adopted.

5. *Clause 2*: The following amendment was accepted:—

In page 1, line 8,
for 'public' substitute 'Government'.

The clause as amended was adopted.

6. *Clause 3*: This clause was omitted.

7. *Clause 5*: Sub-clause (b) was omitted.

The clause as amended was adopted.

8. *Clause 6*: This clause was omitted.

9. *Clause 1*: The following amendment was accepted.

In page 1, line 4,
for "1954", substitute "1955"

The clause as amended was adopted.

10. *Enacting Formula*: The following amendment was accepted:—

For "fifth" substitute "Sixth"

11. The Committee decided that the evidence tendered before them should be laid before the House *in extenso*.

12. The Committee decided to consider the draft Report at their next sitting.

13. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat by 1 p.m. on Saturday, the 30th April, 1955.

14. The Committee then adjourned to meet again at 12-30 p.m. on Saturday, the 30th April, 1955.

Seventh Sitting

The Committee met from 12-30 P.M. to 12-45 P.M. on Saturday, the 30th April, 1955.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shri Radha Raman
3. Shri C. Krishnan Nair
4. Shri Choithram Partabrai Gidwani
5. Shri Maneklal Maganlal Gandhi
6. Rajkumari Amrit Kaur
7. Shri Girraj Saran Singh
8. Col. B. H. Zaidi
9. Shri Kotha Raghuramaiah.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. P. Sen Verma, *Deputy Draftsman, Ministry of Law.*

Shri N. N. Iengar, *Deputy Secretary, Ministry of Works, Housing & Supply.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

Shri S. N. Sapro, *Chairman, Delhi Improvement Trust.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee desired to hear the Minister of Works, Housing and Supply before the Draft Report was considered.

The Minister of Works, Housing and Supply being out of Station, it was considered necessary to take time.

3. The Committee therefore decided to ask for extension of time for presentation of the Report up to the 31st August, 1955.

4. The Chairman was authorised to move the necessary motion in the House.

5. The Committee then adjourned *sine die.*

Eighth Sitting

The Committee met from 9-40 A.M. to 10-40 A.M. on Thursday, the 25th August, 1955.

PRESENT

Shri Kotha Raghuramaiah—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi
3. Shri Radha Raman
4. Shri C. Krishnan Nair
5. Lala Achint Ram
6. Sardar Swaran Singh
7. Col. B. H. Zaidi.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

Shri S. Ranganathan, *Joint Secretary, Ministry of Works, Housing & Supply.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*

SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. At the outset the Minister of Works, Housing and Supply explained to the Committee the reasons why the Delhi Improvement Trust should be given power as envisaged in the present Bill and requested the Committee to re-open and reconsider their earlier decisions on the Bill.

3. Various suggestions were put forth by the members regarding slum clearance in Delhi and how the people displaced thereby should be rehabilitated without much hardship, economic or otherwise. The Minister of Works, Housing and Supply was requested to examine these suggestions and give his views thereon at the next sitting of the Committee.

4. The Committee then adjourned at 10-40 A.M. to meet again on Friday, the 26th August, 1955, at 9-30 A.M. for reconsidering the clauses of the Bill.

Ninth Sitting

The Committee met from 9-30 A.M. to 11 A.M. on Friday, the 26th August, 1955.

PRESENT

Shri Kotha Raghuramaiah—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi
3. Shri Radha Raman
4. Shri C. Krishnan Nair
5. Sardar Hukam Singh
6. Shri Choithram Partabrai Gidwani
7. Lala Achint Ram
8. Sardar Swaran Singh
9. Rajkumari Amrit Kaur
10. Shri Girraj Saran Singh
11. Col. B. H. Zaidi
12. Shri Hari Vinayak Pataskar.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. Ranganathan, *Joint Secretary Ministry of Works, Housing & Supply.*

Shri J. L. Chopra, *Deputy Secretary Ministry of Works, Housing & Supply.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*

SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Minister of Works, Housing and Supply explained to the Committee the Government's views on the various suggestions made by the members, at the previous sitting.

3. After hearing all the view points expressed, the Chairman gave his permission for reopening the earlier decisions of the Committee in respect of the Bill.

4. The Committee then adjourned at 11 A.M. to meet again on Saturday, the 27th August, 1955, at 9-30 A.M. for reconsidering the clauses of the Bill.

Tenth Sitting

The Committee met from 9-40 A.M. to 11 A.M. on Saturday, the 27th, August, 1955.

PRESENT

Shri Kotha Raghuramaiah—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi.
3. Shri Radha Raman
4. Shri C. Krishnan Nair
5. Sardar Hukam Singh
6. Sardar Swaran Singh
7. Rajkumari Amrit Kaur
8. Shrimati Renu Chakravartty
9. Col. B. H. Zaidi
10. Shri Hari Vinayak Pataskar.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri J. L. Chopra, *Deputy Secretary Ministry of Works, Housing & Supply.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*

SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee reconsidered their earlier decisions on the clauses of the Bill,

3. The Minister of Works, Housing and Supply assured the Committee that an advisory body will be set up to advise the Delhi Improvement Trust in matters of—

- (a) Slum clearance with a view to afford better and cleaner living conditions to the slum dwellers.
- (b) Providing alternate accommodation to the persons to be evicted in localities near about their present dwelling as far as possible.

The Minister further assured the Committee that he would also give the above assurances on the floor of the House.

4. In view of the assurance given by the Minister, the Committee felt that necessary powers could be given to the Delhi Improvement Trust as envisaged in the Bill. The Committee thereupon reviewed their earlier decisions dated the 29th April, 1955, in respect of the clauses of the Bill and adopted the Bill as introduced with verbal amendments in clause 1 and the Enacting formula.

5. The Committee also reviewed their earlier decision dated the 29th April, 1955, in regard to the laying of the copy of the Evidence tendered before the Committee and decided that the same need not be laid before the House.

6. The Committee decided that Minutes of Dissent, if any, may be sent after the Draft Report is considered and adopted so as to reach the Lok Sabha Secretariat by 5 P.M. on the 30th August, 1955.

7. The Committee then adjourned to meet again at 9-30 A.M. on Tuesday, the 30th August, 1955.

XI

Eleventh Sitting

The Committee met from 9-30 A.M. to 9-45 A.M. on Tuesday, the 30th August, 1955.

PRESENT

Shri Kotha Raghuramaiah—*Chairman.*

MEMBERS

2. Shrimati Subhadra Joshi
3. Shri C. Krishnan Nair
4. Shri Choithram Partabrai Gidwani
5. Lala Achint Ram
6. Sardar Swaran Singh
7. Rajkumari Amrit Kaur
8. Shri Girraj Saran Singh
9. Shrimati Renu Chakravartty
10. Shri K. S. Raghavachari

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. Ranganathan, *Joint Secretary, Ministry of Works, Housing & Supply.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

Shri S. N. Sapru, *Chairman, Delhi Improvement Trust.*

SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Minister of Works, Housing and Supply assured the Committee that the proposed advisory body would assist the Delhi Improvement Trust in policy matters.

3. The Committee considered the revised draft Report and adopted the same.

4. The Committee authorised the Chairman to present the Report on their behalf.

5. The Committee then adjourned at 9-45 A.M.

LOK SABHA

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1955.

(Report of the Select Committee)

PRESENTED ON THE 6th DECEMBER 1955.



LOK SABHA SECRETARIAT
NEW DELHI
December, 1955.

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THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 1955.

Composition of the Select Committee

1. Pandit Thakur Das Bhargava—*Chairman*
2. Shri T. N. Vishwanatha Reddy
3. Shri Venkatesh Narayan Tivary
4. Shri S. C. Deb
5. Shri Durga Charan Banerjee
6. Shri Ganesh Sadashiv Altekar
7. Shri Balvantray Gopaljee Mehta
8. Shri Gopalrao Bajirao Khedkar
9. Shri H. C. Heda
10. Shri Radha Charan Sharma
11. Shri B. B. Varma
12. Shri C. D. Pande
13. Pandit Balkrishna Sharma
14. Shri Rameshwar Sahu
15. Shri Nemi Chandra Kasliwal
16. Shri Awadheshwar Prasad Sinha
17. Shri Feroze Gandhi
18. Pandit Algu Rai Shastri
19. Shrimati Subhadra Joshi
20. Shri H. Siddananjappa
21. Shri A. M. Thomas
22. Shri C. Ramasamy Mudaliar
23. Shri M. L. Dwivedi
24. Shri Mukund Lal Agrawal
25. Shri Bahadurbhai Kunthabhai Patel
26. Shri Shivram Rango Rane
27. Shri Nettur P. Damodaran
28. Shri Shriman Narayan
29. Shri U. Srinivasa Malliah
30. Shri Shree Narayan Das
31. Shri N. C. Chatterjee

32. Shri P. T. Punnoose
33. Shri Hirendra Nath Mukerjee
34. Shri M. S. Gurupadaswamy
35. Shri Sivamurthi Swami
36. Shri Amjad Ali
37. Sardar Hukam Singh
38. Shri Shankar Shantaram More
39. Shri Anandchand
40. Shri Hari Vinayak Pataskar

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

Report of the Select Committee

1. the Chairman of the Select Committee to which the *Bill further to amend the Representation of the People Act, 1950 and to make certain consequential amendments in the Government of Part C States Act, 1951, was referred, having been authorised to submit the report on their behalf, present their Report with the Bill, as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 3rd August, 1955.

3. The motion for reference of the Bill to a Select Committee of the House was moved by Shri Hari Vinayak Pataskar on the 20th September, 1955, and was discussed together with the motion for reference of the Representation of the People (Second Amendment) Bill, 1955, to a Select Committee consisting of the same members from the 20th to 24th September, 1955, and the motion was adopted as amended (Appendix I) on the 24th September, 1955.

4. This Bill was discussed in five sittings of the Committee.

5. The Committee considered the Bill clause by clause on the 31st October, 1955 and the 1st and 2nd November, 1955.

6. The Report of the Committee was to be presented to the House by the 30th November, 1955. The Committee were granted extension of time on the 30th November, 1955, upto the 6th December, 1955.

7. The Committee considered and adopted the Report on the 5th December, 1955.

8. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

9. *Clauses 7 and 8 (New clauses).*—The Committee feel that there will be hardly any occasion before the next general elections, for altering or amending any order delimiting existing parliamentary or assembly constituencies formed under sections 6 and 9 of the principal Act and therefore references to these sections may be omitted from section 12. A new clause 7 has accordingly been inserted.

*Published in Part II—Section 2 of the Gazette of India Extraordinary dated the 3rd August, 1955.

The Committee also feel that the provisions of sub-section (1) and sub-section (2) of section 13 of the principal Act are unnecessary because the chances of forming any fresh parliamentary or assembly constituency under section 6 or section 9 or of any fresh council constituency under section 11 are practically nil. There may be only occasions for altering or amending orders delimiting existing council constituencies. A new clause 8 has been accordingly inserted omitting sub-sections (1) & (2) of section 13 and omitting from sub-section (3) of that section references to section 6 and section 9.

10. *Clause 9 (Original clause 7).*—The Committee feel that as the electoral roll of a parliamentary constituency will consist of the electoral rolls of the assembly constituencies or electoral college constituencies comprised within that parliamentary constituency and as there will be no separate preparation or revision of the electoral roll of a Parliamentary constituency, reference to “parliamentary constituency” in sub-section (1) of proposed section 13B is unnecessary and should be omitted.

The clause has been amended accordingly.

11. *Clause 15 (Original clause 13).*—The Committee feel that in view of the general nature of the language of the first proviso to sub-section (2) of proposed section 21, the second proviso to that sub-section is unnecessary and should be omitted.

In the proposed section 23, in sub-section (4) it is provided that where an application whether made to the electoral registration officer or to the chief electoral officer is rejected, an appeal shall lie to the Election Commission. The Committee consider that in the case of rejection by the electoral registration officer an appeal should lie to the chief electoral officer and in the other case to the Election Commission.

The clause has been amended accordingly.

12. *Clause 21 (New clause).*—The Committee feel that for the reason mentioned in paragraph 9, section 27E of the principal Act has become unnecessary and should be omitted.

A new clause has been inserted accordingly.

13. *Clause 24 (Original clause 21).*—The Committee feel that the proposed clause (h) of sub-section (2) of section 28 should provide not only for the revision of electoral rolls but also for correction of such rolls and inclusion of names therein. The proposed clause (h) has been re-drafted accordingly.

The Committee also feel that all rules made under this Act should be as soon as after they are made, laid before both Houses of Parliament.

The clause has been amended accordingly.

14. *Clause 26 (Original clause 23).*—The Committee is of opinion that substitution of new item 5. “The Patna Municipal Corporation” under the sub-heading “Bihar” in the fourth Schedule as proposed in the original clause is not necessary as that item will be covered by the item 1, “Municipalities” under the same sub-heading. The Committee therefore feel that item 5 should be omitted as being unnecessary.

Under the sub-heading “Punjab” in the fourth Schedule the item “Small Town Committees” has been omitted as they no longer exist.

The clause has been re-drafted accordingly.

15. Regarding the preparation and revision of electoral rolls the Committee recommend that the Minister for Legal Affairs should give an assurance on the floor of the House that the Election Commission shall make every effort to secure the co-operation of political parties and other organisations for the enrolment of all eligible voters.

16. The Select Committee recommend that the Bill as amended be passed.

THAKUR DAS BHARGAVA,

*Chairman,
Select Committee.*

NEW DELHI;

The 5th December, 1955.

MINUTES OF DISSENT

I

I substantially agree with most of the recommendations of the Select Committee but at the same time I cannot help writing a dissenting minute on one point.

Clause 11 of the Bill substitutes a new section for the original section 14 of the principal Act. This substituted section lays down 'qualifying date' which will always be the first day of March of the year during which the roll will be prepared or revised. I was one of the members of the Select Committee on the Representation of the People (Amendment) Bill, 1953, and in my minute of dissent to the Report of that Committee, I had made a definite suggestion regarding the fixing of the qualifying date. I still stand by the view then expressed.

Article 326 of the Constitution lays down that the person completing the age of 21 years "on such date as may be fixed in that behalf" by law shall have the right of being a voter. It is pointed out by the authorities concerned that the first of March as the qualifying date leaves just sufficient time for the preparation or revision of the roll prior to the election. I feel that the convenience of the administrative machinery should not come in the way of enfranchising a large number of our young men and women, who may be completing their qualifying age-period subsequent to the qualifying date but prior to the actual date of polling. I, therefore, suggested that two dates may be fixed as qualifying dates. One for the purpose of preparation of roll and another as near the date of polling as possible for the purpose of exercising the right of voting. The later date should enable a large number of persons, who complete 21 years of age subsequent to the preparation or revision of roll to vote on their production of the usual age certificate.

S. S. MORE.

NEW DELHI;

The 6th December, 1955.

II

I agree generally with the Report of the Committee, subject, however, to the observations that follow.

The Committee has recommended that Government should give an assurance on the floor of the House that the Election Commission

shall make every effort to secure the co-operation of political parties and other organisation for the enrolment of all eligible voters. In spite of an unambiguous invitation to political parties for such co-operation in the Report of the Election Commission, experience so far suggests that bureaucratic tradition die hard, and political parties, particularly those in the Opposition, are sedulously denied opportunities of such co-operation. My feeling is that there might well have been a clause in the Bill making it incumbent, for purposes of preparation and revision of electoral rolls, to invite the co-operation of parties recognised in the relevant region by the Election Commission and also to offer them all reasonable facilities therefor.

I wish also that there is a provision in the Bill for the supply, free of cost and immediately on publication, of copies of the draft as well as the final rolls to recognised political parties. This can be done by suitable amendment of clause 13.

I want to add that, generally speaking, I associate myself with Shri More's minutes of dissent particularly in respect of the desirability of the most expeditious possible registration of voters, so that the "qualifying date" and the date on which the preparation or revision of rolls is undertaken, should not be separated by more than thirty days or so. I learn that in the United States a prospective voter coming of age even by election day is permitted to be registered. We cannot perhaps go that far, but we might attempt an approximation.

HIRENDRA NATH MUKERJEE.

NEW DELHI:

The 6th December, 1955.

Bill No. 37A of 1955

**THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 1955**

(AS AMENDED BY THE SELECT COMMITTEE)

*(Words side-lined or underlined indicate the amendments suggested
by the Committee; asterisks indicate omissions.)*

A

BILL

*further to amend the Representation of the People Act, 1950,
and to make certain consequential amendments in the Govern-
ment of Part C States Act, 1951.*

BE it enacted by Parliament in the Sixth Year of the Republic of
India as follows:—

1. (1) This Act may be called the Representation of the People Short title
and com-
mencement.
(Amendment) Act, 1955. :

5 (2) It shall come into force on the 1st day of January, 1956.

2. In section 2 of the Representation of the People Act, 1950 Amendmen
of section
2.
(hereafter in this Act referred to as the principal Act), in sub-section
(1),—

10 (a) in clause (b), for the words and figure “by order made
under section 9”, the words “by law” shall be substituted;

(b) in clause (cc), for the words “Council of States”, the
words “electoral college” shall be substituted;

15 (c) in clause (f), for the words and figure “by section 6 or
by order made thereunder”, the words “by law” shall be substi-
tuted;

(d) after clause (h), the following clause shall be added at
the end, namely:—

“(i) ‘State Government’, in relation to a Part C State, means the Lieutenant-Governor or Chief Commissioner thereof.”

Amendment of section 3 A. 3. In section 3A of the principal Act, sub-section (2) shall be omitted. 5

Omission of section 5. 4. Section 5 of the principal Act shall be omitted.

Omission of section 8. 5. Section 8 of the principal Act shall be omitted.

Amendment of section 9. 6. In section 9 of the principal Act, in clause (a), after the words “each State”, the words “specified in the Second Schedule” shall be inserted. 10

Amendment of section 12. 7. In section 12 of the principal Act, the words and figures “section 6, section 9 or” shall be omitted.

Amendment of section 13. 8. In section 13 of the principal Act,—
(a) sub-section (1) and sub-section (2) shall be omitted; and
(b) in sub-section (3), the words and figures “section 6, section 9” shall be omitted. 15

Insertion of new Parts II-A and II-B. 9. After Part II of the principal Act, the following Parts shall be inserted, namely:—

“PART II-A

OFFICERS 20

Chief electoral officers. 13A. (1) There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of 25 the Election Commission, the chief electoral officer shall supervise the preparation and revision of all electoral rolls in the State under this Act.

Electoral registration officers. 13B. (1) The electoral roll for each * * * assembly constituency, electoral college constituency and council constituency shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf. 35

(2) An electoral registration officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

13C. (1) The Election Commission may appoint one or more Assistant persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions. electoral registration officers.

(2) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

PART II-B

ELECTORAL ROLLS FOR PARLIAMENTARY CONSTITUENCIES

10 13D. The electoral roll for every parliamentary constituency shall consist of the electoral rolls of so much of * the assembly constituencies or, as the case may be, electoral college constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any * parliamentary constituency." Electoral roll for parliamentary constituencies.

15 10. In Part III of the principal Act, for the heading, the following heading shall be substituted, namely:— Substitution of new heading for the heading of Part III.

"ELECTORAL ROLLS FOR ASSEMBLY AND ELECTORAL COLLEGE CONSTITUENCIES".

20 11. For section 14 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 14.

"14. In this Part, unless the context otherwise requires,— Definitions.

(a) 'constituency' means an assembly constituency or an electoral college constituency;

25 (b) 'qualifying date', in relation to the preparation or revision of every electoral roll under this Part, means the 1st day of March of the year in which it is so prepared or revised."

30 12. In section 17 of the principal Act, after the word 'constituency', the words 'in the same State' shall be inserted. Amendment of section 17.

13. For section 19 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 19.

"19. Subject to the foregoing provisions of this Part, every person who, on the qualifying date— Conditions of registration.

35 (a) is not less than 21 years of age, and

(b) is ordinarily resident in a constituency,

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

Amendment
of section 20.

14. In section 20 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A member of the armed forces of the Union shall be deemed to be ordinarily resident on any date in the constituency in which, but for his service in the armed forces, he would have been ordinarily resident on that date.”;

(b) in sub-section (4), the words “during any period or” and the words “during that period or” shall be omitted;

(c) in sub-section (5), the words “during any period or” shall be omitted;

(d) in sub-section (6), the words “during any period” and the words “during that period” shall be omitted; and

(e) sub-section (7) shall be omitted.

Substitution
of new sec-
tions for
sections 21
to 25.

15. For sections 21 to 25 of the principal Act, the following sections shall be substituted, namely:—

Preparation
and revision
of electoral
rolls.

“21. (1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The said electoral roll shall thereafter be revised in every subsequent year in the prescribed manner by reference to the qualifying date:

Provided that if for any reason the electoral roll is not revised in any year the validity or continued operation of the electoral roll shall not thereby be affected.

* * * * *

(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

22. (1) The electoral registration officer for a constituency, on application made to him for the correction of an existing entry in the electoral roll of the constituency, shall, if he is satisfied after such inquiry as he thinks fit, that the entry relates to the applicant and is erroneous or defective in any particular, amend the entry accordingly.

Correction of
entries in
electoral
rolls.

(2) Any person whose name is entered in the electoral roll of a constituency may apply to the electoral registration officer for transposing the entry to another place in the same electoral roll and if the electoral registration officer, after making such enquiry as he thinks fit, is satisfied that the applicant is entitled to have his name shown in that other place, he shall amend the electoral roll accordingly.

23. (1) Any person whose name is not included in the electoral roll of a constituency may apply in the manner herein-after provided for the inclusion of his name in that roll.

Inclusion of
names in
electoral
rolls.

(2) Where an application under sub-section (1) is made at any time after the issue of a notification calling upon that constituency or the parliamentary constituency within which that constituency is comprised, to elect a member or members and before the completion of that election, it shall be made to the chief electoral officer; and in any other case, it shall be made to the electoral registration officer of that constituency.

(3) The chief electoral officer or, as the case may be, the electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other constituency in the same State, the chief electoral officer or, as the case may be, the electoral registration officer shall inform the electoral registration officer of that constituency and that officer shall on receipt of the information strike off the applicant's name from that electoral roll.

(4) Where an application made under this section is rejected an appeal shall lie * * * * within such time and in such manner as may be prescribed—

(a) to the chief electoral officer, where the application is rejected by the electoral registration officer; and

(b) to the Election Commission, where the application is rejected by the chief electoral officer.

(5) Every application and appeal under this section shall be accompanied by the prescribed fee which shall in no case be refunded."

Substitution
of new head-
ing for the
heading of
Part IV.

16. In Part IV of the principal Act, for the heading, the following heading shall be substituted, namely:—

5

"ELECTORAL ROLLS FOR COUNCIL CONSTITUENCIES".

Omission of
section 26.

17. Section 26 of the principal Act shall be omitted.

Amendment
of section 27.

18. In section 27 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

10

"(2) For the purpose of elections to the Legislative Council of a State in any local authorities' constituency—

(a) the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth Schedule;

(b) every member of a local authority within a local authorities' constituency shall be entitled to be registered in the electoral roll for that constituency;

(c) the electoral registration officer for every local authorities' constituency shall maintain in his office in the prescribed manner and form the electoral roll for that constituency corrected up-to-date;

(d) in order to enable the electoral registration officer to maintain the electoral roll corrected up-to-date the chief executive officer of every local authority (by whatever designation such officer may be known) shall immediately inform the electoral registration officer about every change in the membership of that local authority; and the electoral registration officer shall, on receipt of the information, strike off from the electoral roll the names of persons who have ceased to be, and include therein the names of persons who have become members of that local authority; and

(e) the provisions of sections 15, 16, 18, 22 and 23 shall apply in relation to local authorities' constituencies as they apply in relation to assembly constituencies."

35

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The provisions of sections 15, 16, 18, 21 [excluding the second proviso to sub-section (2)], 22 and 23 shall apply in relation to graduates’ constituencies and teachers’ constituencies as they apply in relation to assembly constituencies.”;

(c) in sub-section (5), clause (a) shall be omitted, and clauses (b) and (c) shall be re-lettered respectively as clauses (a) and (b);

(d) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) For the purposes of sub-sections (4) and (5) the qualifying date shall be the 1st day of January of the year in which the electoral roll is prepared or revised.”

19. In section 27A of the principal Act, in sub-section (1), the words “or group of States” and the proviso shall be omitted. Amendment of section 27A.

20. In sections 27B and 27C of the principal Act, for the words “Council of States constituencies” wherever they occur, the words “electoral college constituencies” shall be substituted. Amendment of sections 27B and 27C.

21. Section 27E of the principal Act shall be omitted. Omission of section 27E.

22. Section 27F of the principal Act shall be omitted. Omission of section 27F.

23. In section 27H of the principal Act, the words “or group of States” shall be omitted. Amendment of section 27H.

24. In section 28 of the principal Act,—

Amendment of section 28,

(a) in sub-section (2), for clause (h), the following clause shall be substituted, namely:—

“(h) the revision and correction of electoral rolls and inclusion of names therein;” ; and

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) All rules made under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament.”.

25. For section 29 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 29. Staff of local authorities to be available.

“29. Every local authority in a State shall, when so requested by the chief electoral officer of the State make available to any electoral registration officer such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls.”

Amendment
of the Fourth
Schedule.

26. In the Fourth Schedule to the principal Act,—

(a) under the sub-heading "Bihar", * item "5. The Patna Administration Committee" * shall be omitted;

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(b) under the sub-heading "Madras", in item 4, for the words "Major Panchayats", the words and figure "Class I Panchayats" shall be substituted; and

(c) under the sub-heading "Punjab", item "4. Small Town Committees" shall be omitted.

Omission of
the Sixth
and Seventh
Schedules.

27. The Sixth and Seventh Schedules to the principal Act shall be omitted.

Consequen-
tial amend-
ments in the
Government
of Part C
States Act,
1951.

28. In the Government of Part C States Act, 1951,—

(a) in section 2,—

(i) in sub-section (1), in clause (b), for the words, brackets and figures "by order made under sub-section (2) of section 4", the words "by law" shall be substituted;

(ii) sub-section (2) shall be omitted;

(b) in section 4, sub-section (1) shall be omitted;

(c) section 6 shall be omitted;

(d) the First and Second Schedules shall be omitted.

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APPENDIX I

(Vide Para. 3 of the Report)

Motion in the Lok Sabha

'That the Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments, in the Government of Part C States Act, 1951, be referred to a Select Committee consisting of—

1. Pandit Thakur Das Bhargava
2. Shri T. N. Viswanatha Reddy
3. Shri Venkatesh Narayan Tivary
4. Shri S. C. Deb
5. Shri Durga Charan Banerjee
6. Shri Ganesh Sadashiv Altekar
7. Shri Balvantray Gopaljee Mehta
8. Shri Gopalrao Bajirao Khedkar
9. Shri H. C. Heda
10. Shri Radha Charan Sharma
11. Shri B. B. Varma
12. Shri C. D. Pande
13. Pandit Balkrishna Sharma
14. Shri Rameshwar Sahu
15. Shri Nemi Chandra Kasliwal
16. Shri Awadheshwar Prasad Sinha
17. Shri Feroze Gandhi
18. Pandit Algu Rai Shastri
19. Shrimati Subhadra Joshi
20. Shri H. Siddananjappa
21. Shri A. M. Thomas
22. Shri C. Ramaswamy Mudaliar
23. Shri M. L. Dwivedi
24. Shri Mukand Lal Agrawal

25. Shri Bahadurbhai Kunthabhai Patel
26. Shri Shivram Rango Rane
27. Shri Nettur P. Damodaran
28. Shri Shriman Narayan
29. Shri U. Srinivasa Malliah
30. Shri Shree Narayan Das
31. Shri N. C. Chatterjee
32. Shri P. T. Punnoose
33. Shri Hirendra Nath Mukerjee
34. Shri M. S. Gurupadaswamy
35. Shri Sivamurthi Swami
36. Shri Amjad Ali
37. Sardar Hukam Singh
38. Shri Shankar Shantaram More
39. Shri Anandchand and
40. the mover

with instructions that matters other than those dealt within the Bills, but relating to matters dealt within the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951) e.g.,—

- (i) duties of Returning Officer, Presiding Officer and Polling Officer.—(Sections 24, 27 and 28);
- (ii) appeals from decision of Returning Officer on scrutiny of nomination;
- (iii) Election accounts—(section 44);
- (iv) functions of Polling Agents and Counting Agents—(Section 49);
- (v) ballot boxes and method of voting—(sections 59, 63)—ballot boxes and method of counting;
- (vi) Return or statement of Election expenses
 - (a) whether it should be dispensed with?
 - (b) whether its filing should be before or after filing of election petition?
 - (c) whether it should be open to inspection before presentation of election expenses?
 - (d) whether there should be a ceiling?
- (vii) definition of candidate (section 79 (b)—specially having regard to the judgment of supreme Court in Katpadi Election case);

- (viii) procedure before Election Tribunal and powers of Tribunal—(sections 88, 90, 92) and composition of Tribunal;
- (ix) Incriminating Questions—should there be certificate of indemnity (section 95)?
- (x) claim for Recrimination—(section 97);
- (xi) when petitioner in election case can claim the seat—(section 101);
- (xii) withdrawal and abatement of election petition—(sections 108, 109, 110, 112, 113, 114, 115 and 116);
- (xiii) Corrupt Practices—(sections 123 and 124);
- (xiv) Illegal Practices—(section 125);
- (xv) electoral offences—(section 129 should be made applicable to all Government servants as recommended by Election Commission);
- (xvi) disqualifications arising out of illegal practices—(section 142);
- (xvii) Removal of Disqualifications—how for condonations should be made retrospective—which authority should be vested with the power to condone and in which circumstances;
- (xviii) symbols and Power of Election Commission in connection therewith;
- (xix) Disqualifications—(section 7)—apart from consequences of not lodging Election Return;

be considered and amendments allowed to be moved and made and also with instructions to report by the 30th November, 1955.'

APPENDIX II

MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE REPRESENTATION OF THE PEOPLE (AMEND- MENT) BILL, 1955.

I

First Sitting

The Committee met from 4 P.M. to 4-30 P.M. on Saturday, the 1st October, 1955.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shri T. N. Viswanatha Reddy
3. Shri Venkatesh Narayan Tivary
4. Shri S. C. Deb
5. Shri Durga Charan Banerjee
6. Shri Balvantray Gopaljee Mehta
7. Shri Gopalrao Bajirao Khedkar
8. Shri H. C. Heda
9. Shri Radha Charan Sharma
10. Pandit Balkrishna Sharma
11. Shri Nemi Chandra Kasliwal
12. Pandit Algu Rai Shastri
13. Shri H. Siddananjappa
14. Shri A. M. Thomas
15. Shri Mukund Lal Agrawal
16. Shri Bahadurbhai Kunthabhai Patel
17. Shri Shivram Rango Rane
18. Shri Nettur P. Damodaran
19. Shri Shree Narayan Das
20. Shri P. T. Punnoose
21. Shri Hirendra Nath Mukerjee
22. Shri Sivamurthi Swami

23. Shri Amjad Ali
24. Sardar Hukam Singh
25. Shri Shankar Shantaram More
26. Shri Anandchand
27. Shri Hari Vinayak Pataskar.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee decided to hold their next sitting on the 31st October, 1955, and to sit from day to day till the completion of their work.

3. It was decided that the Ministry of Law should try to supply copies of the First Part of the Report of the Chief Election Commissioner and such other materials as it may deem fit for the use of the members of the Committee.

4. It was also decided that copies of the following documents should be supplied to the members:—

- (i) Gist of Points raised during debates on these Bills in the Lok Sabha from 20th—24th September, 1955.
- (ii) The opening and concluding speeches of the Minister of Legal Affairs on the motions for reference of the Bills to the Select Committee.

5. The Committee decided that members who want to give notices of amendments to the Bills should send them by the 25th October, 1955, to the Lok Sabha Secretariat.

6. The Committee then adjourned to meet again at 11 A.M. on Monday, the 31st October, 1955.

Second Sitting

The Committee met from 2 P.M. to 5 P.M. on Monday, the 31st October, 1955.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shri T. N. Viswanatha Reddy
3. Shri S. C. Deb
4. Shri Gopalrao Bajirao Khedkar
5. Shri Radha Charan Sharma
6. Pandit Balkrishna Sharma
7. Shri Rameshwar Sahu
8. Shri Nemi Chandra Kasliwal
9. Shri Feroze Gandhi
10. Shrimati Subhadra Joshi
11. Shri H. Siddananjappa
12. Shri A. M. Thomas
13. Shri C. Ramaswamy Mudaliar
14. Shri M. L. Dwivedi
15. Shri Mukund Lal Agrawal
16. Shri Shivram Rango Rane
17. Shri Nettur P. Damodaran
18. Shri Shriman Narayan
19. Shri Shree Narayan Das
20. Shri N. C. Chatterjee
21. Shri P. T. Punnoose
22. Shri Hirendra Nath Mukerjee
23. Shri Amjad Ali
24. Shri Shankar Shantaram More
25. Shri Anandchand.
26. Shri Hari Vinayak Pataskar.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri K. V. K. Sundaram, *Chief Election Commissioner.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee took up clause by clause consideration of the Representation of the People (Amendment) Bill, 1955.

3. *Clauses 2 to 6.*—These clauses were adopted without any amendment.

4. *Amendments to sections 12 and 13 of the Principal Act.*—The Committee then considered sections 12 and 13 of the principal Act. In section 12 the words and figures “section 6, section 9 or” were omitted.

In section 13 the Committee felt that certain consequential changes were necessary. The Draftsman was directed to place a revised draft of this section before the Committee.

5. *Clause 7.*—(i) The proposed new section 13A was adopted without any amendment.

(ii) The proposed new section 13B was adopted omitting the words “Parliamentary Constituencies”. However, the Chief Election Commissioner was requested that information as to how many officers of the Local Authorities were appointed as Electoral Registration Officers during the last General Elections should be supplied to the Committee.

(iii) The proposed new section 13C was adopted without any amendment.

The Committee in this connection felt that the Minister should give an assurance on the floor of the House that every effort will be made by the Election Commission to secure the Cooperation of political and other organisations for the enrolment of eligible voters.

(iv) The proposed new section 13D was adopted with the following amendments:—

(1) In line two, the word “all” shall be omitted.

(2) In last line, the word “such” shall be omitted.

6. *Clause 9 to 12.*—These clauses were adopted without any amendment.

7. The Committee then adjourned to meet again at 11 A.M. on Tuesday, the 1st November, 1955.

Third Sitting

The Committee met from 11 A.M. to 1-40 P.M. and from 3-30 P.M. to 5-30 P.M. on Tuesday, the 1st November, 1955.

PRESENT

Pandit Thakur Das Bhargava — *Chairman.*

MEMBERS

2. Shri T. N. Vishwanatha Reddy
3. Shri Venkatesh Narayan Tivary
4. Shri S. C. Deb
5. Shri Ganesh Sadashiv Altekar
6. Shri Gopalrao Bajirao Khedkar
7. Shri Radha Charan Sharma
8. Shri C. D. Pande
9. Pandit Balkrishan Sharma
10. Shri Rameshwar Sahu
11. Shri Nemi Chandra Kasliwal
12. Shri Feroze Gandhi
13. Pandit Algu Rai Shastri
14. Shrimati Subhadra Joshi
15. Shri H. Siddananjappa
16. Shri A. M. Thomas
17. Shri C. Ramaswamy Mudaliar
18. Shri M. L. Dwivedi
19. Shri Mukund Lal Agrawal
20. Shri Bahadurbhai Kunthabhai Patel
21. Shri Shivram Rango Rane
22. Shri Nettur P. Damodaran
23. Shri Shree Narayan Das
24. Shri N. C. Chatterjee
25. Shri P. T. Punnoose
26. Shri Hirendra Nath Mukerjee
27. Shri M. S. Gurupadaswamy
28. Shri Amjad Ali
29. Sardar Hukam Singh
30. Shri Shankar Shantaram More
31. Shri Hari Vinayak Pataskar

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES FROM OTHER MINISTRIES AND OFFICERS

Shri K. V. K. Sundaram, *Chief Election Commissioner.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee resumed clause by clause consideration of the Representation of the People (Amendment) Bill, 1955.

3. *Clause 13: (i) Section 21.*—The second proviso to sub-section (2) was omitted.

(ii) *Section 22.*—This section was adopted without any amendment.

4. The proposed new section 23 was under discussion when the Committee rose at 1-40 P.M. and re-assembled at 3-30 P.M.

5. The Committee decided to hold their sittings daily from 1-30 P.M. to 5-30 P.M. upto the 9th November, 1955 and then adjourn to meet again from the 19th November, 1955, onwards till the completion of their work.

6. *Clause 13 (continued): (i) Section 23.*—Sub-section (4) was amended to provide that in case of rejection of an application by the electoral registration officer, an appeal should lie to the chief electoral officer and not to the Election Commission.

The Draftsman was directed to amend this sub-section accordingly.

(ii) Regarding sub-section (5) of the proposed new section 23 the Committee felt that the existing fees for registration of names in the electoral rolls prescribed under rule 20 of the Representation of the People (Preparation of Electoral Rolls) Rules might continue.

Clause 13 as amended was adopted.

7. *Clauses 14 to 20.*—These clauses were adopted without any amendment.

8. *Clause 21.*—(i) For the proposed clause (h) of section 28(2) of the principal Act, the following was substituted:—

“(h) The revision and correction of electoral rolls and inclusion of names therein.”

(ii) The Committee felt that the rules made under this Act should, as soon as they are made, be laid before both the Houses of Parliament.

The Draftsman was directed to include a provision accordingly.

9. *Clause 22.*—This clause was adopted without any amendment.

10. *Clause 23.*—(i) For part (a) of this clause the following part was substituted:—

“(a) Under the sub-heading ‘Bihar’ item ‘5. The Patna Administration Committee’, shall be omitted.”

(ii) After part (b) the following new part was inserted:—

“(c) Under the sub-heading ‘Punjab’ item ‘4. Small Town Committees’, shall be omitted.”

11. *Clauses 24 and 25.*—These clauses were adopted without any amendment.

12. As required by the Committee at their sitting held on the 31st October, 1955, the Chief Election Commissioner informed the Committee of the names of officers of the various local authorities who were appointed as Electoral Registration Officers during the last General Elections.

13. *Section 13 of the Principal Act.*—The Committee adopted a revised section 13 after omitting the existing sub-sections (1) and (2) of that Section and with certain consequential changes in sub-section (3).

As a consequential amendment it was also decided to omit section 27E of the principal Act.

14. A question was raised that section 6 of the principal Act was *ultra vires* of the Constitution and should therefore be suitably amended.

Discussion on this question was not concluded.

15. The Committee then adjourned to meet again at 1-30 P.M. on Wednesday, the 2nd November, 1955.

Fourth Sitting

The Committee met from 1-30 P.M. to 5-25 P.M. on Wednesday the
2nd November 1955.

PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

MEMBERS

2. Shri T. N. Viswanatha Reddy
3. Shri Venkatesh Narayan Tivary
4. Shri S. C. Deb
5. Shri Ganesh Sadashiv Altekar
6. Shri Gopalrao Bajirao Khedkar
7. Shri H. C. Heda
8. Shri Radha Charan Sharma
9. Shri B. B. Varma
10. Shri C. D. Pande
11. Pandit Balkrishna Sharma
12. Shri Nemi Chandra Kasliwal
13. Shri Feroze Gandhi
14. Pandit Algu Rai Shastri
15. Shri H. Siddananjappa
16. Shri A. M. Thomas
17. Shri C. Ramaswamy Mudaliar
18. Shri M. L. Dwivedi
19. Shri Mukund Lal Agrawal
20. Shri Bahadurbhai Kunthabhai Patel
21. Shri Shivram Rango Rane
22. Shri Nettur P. Damodaran
23. Shri Shree Narayan Das
24. Shri Hirendra Nath Mukerjee
25. Shri M. S. Gurupadaswamy
26. Shri Amjad Ali
27. Sardar Hukam Singh
28. Shri Shankar Shantaram More
29. Shri Hari Vinayak Pataskar

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri K. V. K. Sundaram, *Chief Election Commissioner.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee resumed clause by clause consideration of the Representation of the People (Amendment) Bill, 1955.

3. *Section 6 of the principal Act.*—After some discussion the consideration of this section was held over.

4. *Clause 1, Enacting Formulae and Long Title.*—Clause 1, Enacting Formulae and Long Title were adopted without any amendment.

5. The Committee then took up clause by clause consideration of the Representation of the People (Second Amendment) Bill, 1955.

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***Fourteenth Sitting**

The Committee met from 10-45 A.M. to 10-50 A.M. on Monday
the 5th December 1955.

PRESENT

Sardar Hukam Singh—(*in the Chair*)

2. Shri Venkatesh Narayan Tivary
3. Shri S. C. Deb
4. Shri Durga Charan Banerjee
5. Shri Radha Charan Sharma
6. Shri B. B. Varma
7. Shri Nemi Chandra Kasliwal
8. Shri H. Siddananjappa
9. Shri Mukund Lal Agrawal
10. Shri Shivram Rango Rane
11. Shri Nettur P. Damodaran
12. Shri Shree Narayan Das
13. Shri N. C. Chatterjee
14. Shri Hirendra Nath Mukerjee
15. Shri M. S. Gurupadaswamy
16. Shri Shankar Shantaram More
17. Shri Anandchand

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary*

2. In the absence of the Chairman Sardar Hukam Singh acted as Chairman for the sitting.

3. The Committee adopted the Bill as amended as well as the draft Report.

4. The Committee authorised the Chairman to present the Report on their behalf.

*The minutes of the 5th to 13th sittings of the Committee which deal with Representation of the People (Second Amendment) Bill have not been included in the Report.

5. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat so as to reach them by 2 P.M. on Tuesday, the 6th December, 1955.

6. The Acting Chairman announced that the Report would be presented to the House at 4 P.M. on the 6th December, 1955.

7. The Committee then adjourned at 10-50 A.M.

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