

admissible, because that subject is touched by the amending Bill."

I follow this ruling and hold the amendment in order. Is the amendment acceptable to the hon. Law Minister?

Shri A. K. Sen: Yes, Sir.

(Amendment made):

Page 1,—

after line 4, insert—

'1A. Amendment of section 24.—In sub-section (1) of section 24 of the Advocates Act, 1961 (25 of 1961) (hereinafter referred to as the principal Act), for the figures, letters and words "28th day of February, 1962", wherever they occur, the figures, letters and words "28th day of February, 1963" shall be substituted and shall be deemed always to have been substituted.' (5)

(Shri Shree Narayan Das)

Mr. Deputy-Speaker: Question is:

"That New Clause 1A stand part of the Bill."

The motion was adopted.

New Clause 1A was added to the Bill

Mr. Deputy-Speaker: The question is:

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill

Shri A. K. Sen: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.24 hrs.

MOTION RE. MODIFICATION OF CONDUCT OF ELECTIONS (SECOND AMENDMENT) RULES, 1962—*contd.*

Mr. Deputy-Speaker: The House will now take up the motion on Conduct of Elections (Second Amendment) Rules moved by Shri Shree Narayan Das on the 19th June, 1962:

"This House resolves that in pursuance of sub-section (3) of section 169 of the Representation of the People Act, 1951, the following amendment be made in the Conduct of Elections (Second Amendment) Rules, 1962, laid on the Table on the 19th April, 1962, namely:

'omit rule 3.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The Minister of Law (Shri A. K. Sen): Sir, I have to move the two amendments which stand in my name and which, I think, Shri Shree Narayan Das will accept. It will be remembered that certain apprehensions were expressed in the course of the discussion on the amended rule 93 that there may be a chance of the packets being tampered with. It was essential, therefore, that whoever opens it under a court order or under this rule must give a reasonable opportunity to the parties concerned so that they may be present and everything may be done in their presence and nothing is done behind their backs. It was also felt that the Election Commission should not make an order without recording the reasons. I am therefore moving the following motion:

"This House resolves that in pursuance of sub-section (3) of section 169 of the Representation of the People Act, 1951, the following amendment be made in the Conduct of Elections (Second Amendment) Rules, 1962, laid on

[Shri A. K. Sen]

the Table on the 19th April, 1962, namely:

'add the following as sub-rule (2) to rule 3,—

(2) To sub-rule (1) of rule 93, the following proviso shall be added, namely:

"Provided that—

(a) where any such order is made by the Election Commission, the Commission shall, before making the same, record in writing the reasons therefor; and

(b) no such packets shall be opened nor shall their contents be inspected by, or produced before, any person or authority under any such order of the Election Commission unless that person or authority has given reasonable opportunity to the candidates or their duly authorised agents to be present at such opening, inspection or production."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

Shri Shree Narayan Das (Darbhanga): Sir, I accept the amendment.

Shri Bade rose—

Mr. Deputy-Speaker: We had already had a long debate.

Shri Bade (Kharagone): The amendment was not there at that time.

Shri A. K. Sen: The amendment was as a result of that discussion.

Shri Bade: That day the discussion was postponed saying that the hon. Minister would give a reply. Instead of the reply, he has brought in an amendment.

Shri A. K. Sen: I was to have replied. But in deference to the wishes of the House, Government has introduced this amendment.

Shri Bade: That is not enough.

Shri A. K. Sen: If the hon. Member wants, he may have his say.

श्री बड़े : माननीय उपाध्यक्ष महोदय, 14 जून की बारीक जब यहाँ पर इस पर डिसकशन हुआ था तब कहा गया था कि इलेक्शन कमिश्नर अगर पैकेट्स को प्रोपन करें, तो प्रोपन करने के बाद वह क्या करने वाले हैं, इस पर प्रकाश डाला जाये। जहाँ तक मैं समझता हूँ कि पैकेट्स प्रोपन करने के बाद कुछ होने वाला नहीं है। एक बार अगर रिटनिंग आफिसर ने कह दिया कि फलां कैंडीडेट, चाहे उछल कूद से ही सही, सफल घोषित किया जाता है, उसके बाद अगर पैकेट्स को खोला जाता है तो खोलने के बाद क्या होगा, इसका कुछ पता नहीं। कोई भी अधिकार उसके बाद इलेक्शन कमिश्नर को नहीं दिया गया है। इसलिए उस रोज जो डिसकशन हुआ था उस में यही कहा गया था कि यह जो प्राविजन है, पैकेट्स को खोलने का यह रिडेंडेंट है और इसलिए इसको वापिस लिया जाये, इसको ओमित किया जाये। यह सैस उस रोज इस हाउस की थी। उस रोज यह प्रामिज किया गया था कि इस पर विचार किया जा रहा है। हम बड़ी आशा से बैठे हुए थे कि शायद इसको ओमित कर दिया जायेगा। लेकिन ऐसी कोई बात नहीं की गई है। रिटनिंग आफिसर ने एक बार जब रिजल्ट डिक्लेयर कर दिया, उसके बाद भी पैकेट्स को प्रोपन किया जा सकता है, यह जो प्राविजन रखा जा रहा है, यह बहुत ही खतरनाक है। इस वास्ते उस रोज कहा गया था कि यह एक रिडेंडेंट प्राविजन है क्योंकि इस में इसके बाद कुछ हो नहीं सकता है, उसको कोई भी किसी किस्म के अधिकार नहीं दिये गये हैं। अब जो एमेंडमेंट लाया गया है, उस में कहा गया है कि पार्टी के सामने इन पैकेट्स को खोला जायेगा। मैं समझता हूँ कि यह भी ग़र्र

आई वाश है। यह भी कहा गया है कि ऐसा करने के लिए रीजंज लिखे जायेंगे। लेकिन उसके बाद क्या करने वाले हैं आप, इस के बारे में कोई भी प्राविजन इस में नहीं रखा गया है।

हम देखते हैं कि ला मिनिस्टर साहब एमेंडमेंट आफ्टर एमेंडमेंट लाते रहते हैं। अभी आज ही उन्होंने एडवोकेट्स बिल में थर्ड एमेंडमेंट लाई थी और उसको लाने के बाद भी एक और अमेंडमेंट की है जिसके अनुसार १९६२ के स्थान पर १९६३ कर दिया गया है। इसी प्रकार से मैं समझता हूँ कि यह जो कैंडीडेट्स के सामने पैकेट खोलने का अधिकार दिया गया है, उनके खोल लेने के बाद आगे क्या होने वाला है, इसके बारे में कुछ भी नहीं लिखा गया है। इस वास्ते इस प्राविजन से इस हाउस को कोई पेंटिसफैक्शन नहीं हो सकता है। मैं चाहता हूँ कि इस पर अच्छी तरह से विचार कर लिया जाये ताकि फिर एमेंडमेंट लाने की जरूरत महसूस न हो।

Mr. Deputy-Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 169 of the Representation of the People Act, 1951, the following amendment be made in the Conduct of Elections (Second Amendment) Rules, 1962, laid on the Table on the 19th April, 1962, namely:

'add the following as sub-rule (2) to rule 3,—

(2) To sub-rule (1) of rule 93, the following proviso shall be added, namely:

"Provided that—

(a) where any such order is made by the Election Commission, the Commission shall before making the same, record in writing the reasons therefor;

and

(b) no such packets shall be opened nor shall their contents be inspected by, or produced before, any person or authority under any such order of the Election Commission unless that person or authority has given reasonable opportunity to the candidates or their duly authorised agents to be present at such opening, inspection or production."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was adopted.

Shri Shree Narayan Das: Sir, I beg leave of the House to withdraw my motion.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his motion?

Several Hon. Members: Yes.

The motion was, by leave, withdrawn.

Mr. Deputy-Speaker: We will now proceed to Private Members' Business.

14.31 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTH REPORT

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

"That this House agrees with the Sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 21st August, 1962."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 21st August, 1962."

The motion was adopted.