

the Representation of People (Amendment) Bill, 1966 as reported by The Joint Committee and the Constitution (Twenty-first Amendment) Bill, 1966, be suspended.

Mr. Chairman: The question is:

"That the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Representation of People (Amendment) Bill, 1966 as reported by the Joint Committee, and the Constitution (Twenty-first Amendment) Bill, 1966, be suspended."

The motion was adopted.

16.38 hrs.

REPRESENTATION OF PEOPLE
(AMENDMENT) BILL AND CONSTITUTION
(TWENTY-FIRST AMENDMENT) BILL

The Minister of Law (Shri G. S. Pathak): I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, as reported by the Joint Committee, be taken into consideration."

I also move:

"That the Bill further to amend the Constitution of India be taken into consideration."

Sir, the necessity for amending the Constitution arose because the Government decided that instead of the Election Tribunals, we should have High Courts so that there may be expedition of decisions in the matter of election disputes. Under article 324, the power is given to the Election Commission for the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections. The Constitution Amendment Bill seeks the deletion of the latter part, namely, the appointment of election tribunals

for the decision of doubts and disputes arising out of or in connection with elections. The object of this amendment is quite clear, because without this amendment it will not be possible to confer power on the High Court to decide election disputes. So far as the Representation of the People Act is concerned, the matter went to the Joint Committee of the two Houses and the Report of the Joint Committee is before this House. I shall make only a few observations at this stage. Later when the time arrives for amendments, I shall have to move some amendments.

Under clause 9, an amendment has been recommended by the Joint Committee and Government are accepting that amendment.

Shri D. S. Patil (Yeotmal): We are not discussing amendments now.

Shri G. S. Pathak: I am discussing the Report of the Joint Committee and not any amendment which is sought to be made here.

The amendment is that:

"The said electoral roll—

- (a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—
 - (i) before each general election to the House of the People or to the Legislative Assembly of a State; and
 - (ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency; and
- (b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission:

[Shri G. S. Pathak]

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected."

Page 42 of the Report states:

"The Committee were of the opinion that there should also be a provision in the Bill for an appeal to the Supreme Court, both on facts and law, from the High Court's order on an election petition. The Minister of Law was authorised to incorporate in the Bill a suitable provision to that effect, after consulting such authorities as he might consider necessary in this regard." Then, at page 45, the Committee say:

"As regards the question of providing for an appeal to the Supreme Court from a decision of the High Court, the Minister of State in the Ministry of Law stated that the process of consultation with the appropriate authorities was not yet complete and as such he suggested that this matter might be left to be taken up in the House when the Bill as reported by the Committee came up for consideration before the House."

Later, in this there is a provision that the order of the High Court, whether the judge is sitting singly or in a Bench, shall be final and there shall be no appeal from the order of the High Court. When an appeal is provided, suitable change might be made in this particular section.

It is not necessary for me to make any further observations at this stage, and I commend this Bill as reported by the Committee for the consideration of the House.

Mr. Chairman: Which Bill has he moved?

Shri G. S. Pathak: Both the Bills, the Constitution (Twenty-first

Amendment) Bill, and the Representation of the People (Amendment) Bill.

Mr. Chairman: I shall now place the motions before the House...

Shri Radhelal Vyas (Ujjain): May I make a submission? It is a very important Bill which is before the House.

Mr. Chairman: First, I shall place the motions before the House.

Shri Tyagi (Dehra Dun): On a point of order. It is a Constitution Amendment Bill.

Mr. Chairman: There is no point of order now. I am only placing the motions before the House.

Shri Tyagi: Before you place the motions before the House, I have a point of order to raise. Any amendment to the Constitution, when it is put to the House, requires a certain number of Members to be present...

Mr. Chairman: Voting is not being taken now. The motions are only being placed before the House for consideration and discussion.

Shri Radhelal Vyas: This is not a constitutional amendment.

Shri G. S. Pathak: The Constitution Amendment Bill is also there.

Shri C. K. Bhattacharyya (Raiganj): Let the motions be discussed.

Mr. Chairman: Motions moved:

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, as reported by the Joint Committee, be taken into consideration."

"That the Bill further to amend the Constitution of India be taken into consideration."

Shri Radhelal Vyas: I have a submission to make. Both these Bills are very important. As you know, the Opposition Members are not present here; none of them is here except our very aged, learned and experienced old veteran Dr. Aney Saheb.

I would, therefore, request you and the Law Minister and the Deputy Chief Whip to consider whether it would not be proper to adjourn the House at this moment. Had the Opposition Members been present, we would not have come to this stage today. It is about to be five o'clock. I would, therefore, request that the debate on these Bills be adjourned for tomorrow.

Mr. Chairman: Is the hon. Member moving a motion to the effect that the debate be adjourned?

Shri Radhelal Vyas: Yes, but you may ask the Law Minister also.

Shri K. N. Pande (Hata): I oppose this proposal made by Shri Radhelal Vyas. Nobody asked the Opposition to go out.

Shri Tyagi: Particularly when it pertains to elections, the reactions of the Opposition are more important

than the reactions of those belonging to the Treasury Benches.

Mr. Chairman: What does the hon. Minister say?

Shri C. K. Bhattacharyya: The motions are now before the House. Let them be discussed. That is the usual procedure. Let that procedure be adopted.

Mr. Chairman: Then, let the debate start....

Shri Radhelal Vyas: There is no quorum in the House.

Mr. Chairman: The bell is being rung—

Still, there is no quorum.

The bell may be rung a second time—. The second bell has been rung and still there is no quorum. The House stands adjourned till 11 a.m. tomorrow.

16.54 hrs.

The Lok Sabha then adjourned till eleven of the clock on Wednesday, November 9, 1966/Kartika 18, 1888 (Saka).