

the system of administration of justice as is prevailing in this country. I do hope that after these opinions have been obtained by the Government by the 31st December, 1958, they will be supplied to all the Members of this House and I would be in a position to make a motion for reference of the Bill to a Select Committee.

I do not want to take the time of the House by giving my own views regarding the arguments advanced by those hon. Members who have opposed this Bill tooth and nail and even the motion for circulation in order to elicit public opinion. The least that I can say about those hon. Members is that they are labouring under certain misapprehensions which would not be borne out by the public opinion when it is available to us. I am quite agreeable to the motion that has been placed before the House by my hon. friend Shri Shree Narayan Das for circulation of this Bill to elicit public opinion.

Mr. Chairman : To the Consideration motion, an amendment has been moved which runs thus: "That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1958." I proceed to take the opinion of the House on this motion. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1958."

The motion was adopted.

Mr. Chairman: This amendment is carried. I will proceed further.

15.26 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

(Amendment of Sections 55A, 82 and 116A)

Mr. Chairman: Shri Tangamani.

Some Hon. Members: What is the time for this Bill?

Mr. Chairman: Two and a half hours.

Shri Tangamani (Madurai): Mr. Chairman,....

Shri Shree Narayan Das (Darbhanga): Sir, I would like to rise on a point of order. The Bill that the hon. Member is going to move for consideration, I think....

Mr. Chairman: I think it is desirable that the hon. Member should be allowed to say something before the point of order is raised. Before he opens his mouth, the point of order is raised. We do not know what he will say. It is just possible that he may himself make a statement which may not necessitate the raising of the point of order. He may himself say something. He does not to move for the change of the Constitution. He may not try to see that those portions of the Bill which offend against the Constitution are proceeded with. I do not know what he will say. Let him begin. Then, the point may be raised.

Shri Tangamani: Mr. Chairman, Sir, I move:

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

In so moving, I have two or three purposes in mind and I shall briefly explain what I really meant by bringing this amendment to the Representation of the People Act. In the Statement of Objects and Reasons, I have tried, as far as possible, to explain the limited purpose which prompted me to bring this Bill. The election petitions filed in the various States after the General elections in 1957 have proved that even after the amendment effected by the Representation of the People Act of 1956, election disputes are being dragged on and section 90(8) of the Act which requires that the trial of an election petition should

[Shri Tangamani]

conclude within six months from the date of the publication of the copy of the petition in the Official Gazette is now a dead letter. In several cases, every interlocutory or other order passed during the trial of an election petition and before the passing of the final order is questioned by a writ in the High Court and by a further appeal to the Supreme Court and the trial of the election petition is stayed till the writ from the interlocutory or other order is disposed of. Although the Representation of the People Act was passed in 1951 which covers a much wider subject, namely, qualification for membership, disqualifications, conduct of general elections, procedure for election, counting of votes, publication of election results, etc., Part VI of the Act deals with election disputes. I want to confine myself only to the election disputes.

So far as election disputes are concerned, it has been laid down that these election disputes will be referred to the Election tribunals. In this, to some extent, we have also followed the Representation of the People Act of 1949 which is a U.K. Act. For the sake of really enlarging my point as to how it is necessary that these election petitions should be expedited, I will give only the figures which were supplied by the Ministry of Law to some of my questions on the floor of this House. In reply to Starred Question 240 dated 18th February, 1958 the hon. Minister of Law stated: Number of election petitions referred to the tribunal (i.e., after the 1957 elections): Lok Sabha—57; Legislatures—398; No. of election petitions still pending: Lok Sabha—28; State Legislatures—177. Three from the Lok Sabha and 35 from the State Legislatures were declared as null and void. At that time, 26 petitions were pending before the High Courts and none was pending before the Supreme Court.

I will come to a much later date, namely 18th August, 1958, about two weeks ago. In reply to Starred Question 216 dated 18th August, 1958, the following statement was made by the hon. Minister. He stated that as on 1st August, 1958 in all the 13 States and also the regions, in all numbering 17, the following was the position: No. of election petitions disposed of by the election tribunals relating to Lok Sabha: 37. Those relating to the Legislative Assemblies were 317. Number of election petitions still pending with the election tribunals: 100. Number of election petitions still pending before the High Court: 48; pending before the Supreme Court: 8. Number of election petitions disposed of in six months by the election tribunal: 158. The House knows that our law provides that the election tribunal should dispose of these election petitions as expeditiously as possible and should not take more than six months. Those disposed of by the High Court within the period mentioned (our law provides that the High Court should dispose of appeals within three months): 103. Number of elections declared null and void: Lok Sabha—2; Legislative Assemblies: 50—making a total of 52.

To summarise it, after 18 months we find that 158 election petitions are still pending either before the election tribunal or before the High Court or before the Supreme Court. That would mean one-third of the total petitions which were filed after the end of the general elections are still pending.

The intention of the Legislature was clearly that whenever there was a *prima facie* case, there must be a machinery for bringing these election petitions and it is given exhaustively under Chapter VI as to how an election petition is to be filed before a tribunal. But now difficulties have arisen, and I will mention only two or three cases.

Originally there was no appeal to the High Court and so after the tribunal had given its findings, they had really to go to the Supreme Court and invoke article 136 of the Constitution. The Supreme Court has held that under 136 they have much wider powers—if I have the time I will refer to one or two decided cases in the matter—and that this is more in the nature of residuary powers. After 1956 when the amendment has come

Shri Ajit Singh Sarhadi (Ludhiana) May I submit that the point of order raised by Shri Shree Narayan Das may be allowed? You have not taken notice of it yet.

Mr. Chairman. The hon. Member is still giving the background and he has not yet stated that he wants a certain amendment or that he wants to move clause 4 or that he wants to move the entire Bill or that he suggests that right to make application to the High Court or Supreme Court be taken away. He is only stating the background. Unless he makes out a case that he really wants to take away these powers of the High Court or Supreme Court, I do not think it is fair to allow the objection to be raised.

I know objection is going to be raised, and very seriously I am not burking, but that will be the proper time when he makes a statement that he wants to see the powers of the Supreme Court and the High Court to be taken away. He is only giving the background. He may ultimately say, as a matter of fact, that he only wants to press clauses 2 and 3. So, let him make a statement. Let it come from him that as a matter of fact he wants to take away the powers. He is only stating that there are so many applications, so many have not been decided. Let him at least say once that he wants to take away those powers before I allow the hon. Member to proceed with the point of order.

Shri Tangamani: By the amendment of 1956 a new section, section 116A, has been added. This is what the section says:

“(1) An appeal shall lie from every order made by a Tribunal under Section 98 or Section 99 to the High Court of the State in which the Tribunal is situated

(2) The High Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this Chapter as if the appeal were an appeal from an original decree passed by a civil court situated within the local limits of its civil appellate jurisdiction.

Provided that where the High Court consists of more than two judges every appeal under this Chapter shall be heard by a bench of not less than two judges.

(3) Every appeal under this Chapter shall be preferred within a period of thirty days from the date of the Tribunal under Section 98 or Section 99.

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

(4) Where an appeal has been preferred against an order made by the High Court, on sufficient cause of the order appealed from and in such a case the order shall be deemed never to have taken effect under sub-section (1) of section 98, if the appellant shows sufficient cause for not preferring the appeal within such period.

(5) Every appeal shall be decided as expeditiously as possible.

[Shri Tangamani]

and endeavour shall be made to determine it finally within three months from the date on which the memorandum of appeal is presented to the High Court."

I have read it in full just to remind this House that after 1956 a specific provision has been included giving the right of appeal. It is not as if that leave to appeal has got to be obtained from the High Court. After the tribunal has given its findings, the aggrieved party has got the right to go before the High Court and the right of appeal is here. But, of course, such a right of appeal does not exist in the U.K. today.

In the U.K., if I may say so, what happens is that the trial of the election petition takes place in an open court without jury. The petition is tried by two Judges on a Rota for the trial of parliamentary election petitions. The Judges for the time being on that Rota must, unless they otherwise agree, try the petitions standing for trial according to their seniority. The Judges are referred to as the Election Court. The Election Court has the same powers, jurisdiction, authority etc., as the High Court. The Judges, after giving a finding, will have to write to the Speaker at the completion of the trial. No appeal under section 137 of the Representation of the People Act of 1949 shall lie without the special leave of the High Court from the decision of the Election Court on any question of law, whether an appeal or otherwise, under the provisions of that part of the Act, and if leave to appeal is granted, the decision of the Court of Appeal in the case shall be final and conclusive.

I wish to draw attention to this distinction. In our case, after the ward or the finding has been given by the election tribunal, there is the right of appeal to the High Court. Under the U.K. practice, after the final award or judgment is given by the election court, an appeal lies only

on a question of law with the leave of the court of appeal. I am not really contesting this point, but the point I want to really emphasize is that the tribunals must have full powers to go into this, and when there is a right of appeal and when the right of appeal is to be used, the appellate tribunal or the appellate court—in this case the High Court—has got full jurisdiction to go into all the preliminary objections or otherwise, but that is a thin line which has got to be drawn so far as the practices in the United Kingdom and India are concerned.

The next point which I would like to mention is that inordinate delays do occur because of many reasons. The election tribunal, for reasons only known to itself, drags cases on for more than one year. It is for the Ministry to give a direction to the Election Commission or to the election tribunals to see that this matter is expeditiously disposed of, because an election petition hanging in the air is doing good neither to the petitioner nor to the respondent. It may be a good case or a bad case, but it is going to create more and more bitterness. So, it has got to be disposed of as expeditiously as possible.

I am not, however, for any kind of summary trial. It has got to be gone through very carefully also. In the 1951 Act, there was only provision for a candidate to withdraw. A candidate has got the right to withdraw within a particular period. It is well known, and, therefore, I need not repeat it here. But, after 1956, a provision has been included, namely section 55—A which authorises a candidate to retire. First, a candidate could withdraw after three days of the scrutiny or whatever period has been fixed; as soon as he withdraws, he is no longer in the field. Before the election takes place, one of the candi-

dates who has filed his nomination, and whose nomination has been accepted, has got the right to retire. When once he has retired, he has got actually no interest in the further elections or election proceedings. That is more or less commonsense. But there is still a lacuna in the law in this respect.

The misjoinder or the non-joinder of parties can be raised as a preliminary objection. Such cases do arise. As a matter of fact, I know of a case where the respondent was the Chief Minister of the Madras State, where the point was raised about the non-joinder of a party, that party being a person who had practically withdrawn from the contest by retirement, and who had the right to retire under section 55—A. Now, our practice is not the same as that in UK. In UK, if there are three candidates who are competing, and one of them is a victorious candidate, and if a candidate wants to challenge the candidate who has won, he can in his election petition bring in as a respondent only that person who has declared as elected. He cannot implicate or bring in the third man who had withdrawn; if that third man is also brought in as a party, he can claim damages for being unnecessarily dragged into the court. The only person who can be dragged is the person who has declared in election, namely the returning officer, if there is a specific allegation against the returning officer.

The Deputy Minister of Law (Shri Hajarnavis): Suppose a seat is claimed. In addition to the request for setting aside the election of the candidate who has won, suppose a seat is claimed by the petitioner. Is not the other person a necessary party in whose absence there can be no adjudication?

Shri Tangamani: It is only here that where you are not claiming to be declared as the elected candidate, you need not include the others as parties. Generally, in all the election

petitions, what is wanted is to set aside the election of the other person and also a declaration that the petitioner be declared as the elected person. In such a case, if I am not wrong—I am subject to correction—our law here specifically provides that you have to include all the persons who are in the field. But I am not sure whether there is such a provision in the UK law but my recollection is that in one of the leading cases, there is a clear decision that you cannot drag in all the people who are not interested in the election petition. But, here, the man was probably interested in the election....

Shri Satyendra Narayan Sinha (Aurangabad—Bihar): Here also, the same provision is there in section 82.

Shri Tangamani: I am just giving my understanding of the position.

Anyway, coming to my amendment, I would like to submit that my amendment seeks to exclude this anomaly. Where a person has retired under section 55—A, he must also be treated as the person who has withdrawn. So, a non-joinder of the person who has retired from the contest should not vitiate the entire trial. That was the main point that I wanted to bring to the notice of the Ministry and the House.

My next point, namely whether the Supreme Court should intervene or not is really a secondary point, so far as I am concerned. I am sure cases of the following type must have come to the notice of the Ministry, that is cases, where serious allegations are made of corrupt practices and so many other things. Suppose in this case, on this preliminary point that there has been a non-joinder of parties, that is, that the person who has retired from the contest has not been included, he gets a decision in his favour, then ultimately no court can go into the merits of this case. The whole constituency would be expecting that the merits of the case would

[Shri Tangamani]

be gone into, but because of this lacuna, the merits cannot be gone into. I want the Ministry to think seriously whether an amendment in this behalf is not called for. I am sure the Ministry may be having more details and more facts, and they will be in a position to make other similar amendments to the provision in this regard.

Therefore, clauses 1, 2 and 3 are the clauses really which I would like to press for acceptance by the Ministry. As for clause 4, when it was being drafted, I was really conscious of the lacuna, that it will go against the Constitution. But I included it because I wanted a certain assurance to be given. I know that we cannot now dictate to the Supreme Court. In fact, I distinctly remember that the Supreme Court has said so in one of the cases reported, namely AIR-54-Supreme Court-page 520. In that case, there was an appeal against the election tribunal's verdict setting aside the election, because, at that time there was no section 116-A. So, an appeal was preferred to the Supreme Court, and it was argued also that under article 329 (b):

"No election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

It was argued, very ably also, that this gave a finality to the election tribunal's verdict. Now, the finality will be an appeal to the High Court, for, the Supreme Court is very touchy about this matter, and the Supreme Court says that anybody can invoke article 136, because their jurisdiction is so unlimited; and

under the residuary powers, in their wisdom, they are saying it. I would really commend this case to the Ministry so far as this aspect is concerned. When there is a serious injustice done, naturally, the Supreme Court will be able to intervene. But where the hardship comes is where because of certain technical errors, preliminary objections are raised, and they can be taken right up to the Supreme Court; let them be decided there but my grievance is the delay which is inevitable in the nature of things as they stand today. That is why I have brought forward clause 4 also.

Mr. Chairman: So, I take it that the hon. Member is not interested in clause 4.

Shri Tangamani: I am not interested in it except to this extent.

Mr. Chairman: On this undertaking given by the hon. Member that he does not want to press clause 4, I am allowing him to move for consideration the rest of the Bill

Shri Tangamani: There are instances which will substantiate the case of hardship which I have cited. There may be a case where the challenge to the election may be very justified, but the delay may be causing unnecessary harassment to the person who has filed the petition.

There was one such case in Karakudi in Madras State. The election petition was based on certain serious allegations. When the Election Tribunal was taking up this matter, several preliminary objections were raised. I believe the matter was twice brought to the Supreme Court. Of course, the Supreme Court gave a decision against them. But only last week the trial has started.

In another case, where the person concerned is the Planning Minister in Andhra Pradesh, the trial has not yet commenced even to this day.

Such instances can be multiplied. It does not do good either to the respondent or to the petitioner. So for expeditiously dealing with these cases, we have provided in our law that the Tribunal must give its verdict within six months. But we find that even after 18 months, we have one third of the cases still pending. We have also provided under 116A that the High Courts must give their verdict within three months. Still we are told that 58 cases are pending before the High Courts. I take it that the reply of the hon. Deputy Minister of Law to my question is really in respect of those cases which are pending before the High Courts on appeal, not cases which are pending before the High Courts by way of writ petitions under article 226 of the Constitution or before the Supreme Court under article 32 by any one of those writs against any of the interlocutory orders passed by the Tribunal. We now (in Sept. 1958) find that one third of the petitions which were filed in March 1957 are still pending.

Are we to allow this sort of thing to go on? I do not know the practice in UK. But I know that if there is an election of a particular candidate which is challenged and if ultimately the election is set aside and if the member concerned had continued as member for three years, he will be asked to pay back all the salary and emoluments that he has received. No such calamity is now going to befall on similar persons here. But what is happening is that the election is set aside after the end of the fifth year which makes a mockery of the whole thing.

So I would earnestly request the Minister to consider this aspect and speedily bring such amendments to the Representation of the People Act—my clauses 1, 2 and 3 are there—as will really fill up this lacuna, so that election petitions are disposed of as expeditiously as possible.

I would even venture to make a suggestion, though it is slightly outside the scope of the Bill. Election petitions must also be screened. Now, any man able to deposit Rs. 1,000 and able to set apart about Rs. 10,000 for appeals and writs to the High Court and the Supreme Court will be in a position to file an election petition. Any poor man will not be able to do that. There has got to be some arrangement for screening. The Election Commission itself must be in a position to do this. Let it be an impartial thing. The Election Commission must have some machinery, as we are now having for the purpose of scrutiny, to see whether the election petitions could be allowed. It will not be going into the entire merits, but it will be able to see *prima facie* whether a petition should be allowed. Otherwise, there will be unnecessary election petitions which will unnecessarily prolong the whole proceeding and really make a mockery of the petitions.

After nearly 8 years of our experience, I submit that a certain revision is necessary. It is in this spirit that I have brought forward my Bill, and I request the hon. Minister to consider it favourably.

Mr. Chairman: Motion moved:

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

Shri Satyendra Narayan Sinha: I wanted to have a clarification. Do I understand the hon. Mover to say that he is not interested in clause 4 of his Bill, that he is not pressing that clause?

Mr. Chairman: He has given an undertaking that he is not going to press clause 4. On the basis of that, I have allowed him to proceed with the Bill.

Shri Shree Narayan Das: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December 1958".

I am thankful to the hon. Mover for introducing this measure in this House. By this he has given the House an opportunity to discuss a very important thing, that is, with regard to some of the provisions of the Representation of the People Act concerning election petitions

There is no doubt that even after the first general election we have noticed that a very large number of election petitions were filed before election tribunals under the provisions of the Act, and after that under the various provisions of the Constitution.

Shri Sinhasan Singh (Gorakhpur): Before the hon. Member proceeds further, may I have a clarification? The hon. Mover has said that he is not going to move clause 4 of his Bill which is the relevant portion of the Bill. Whatever remains of the Bill is only about definition of a 'contesting candidate' and addition of "and clause (a) of Section 82". I submit that if clause 4 is removed, nothing remains of the Bill. Clause 4 refers to appeals to High Court and so on. Without this clause, what is the use of taking the time of the House?

Mr. Chairman: Order, order. I have not been able to understand the objection of the hon. Member. There are four clauses to the Bill. He is not pressing one clause and the rest of the Bill is under consideration. What is the point of objection?

Shri Sinhasan Singh: Clause 4 is the only relevant clause in the Bill. Clause 1 is only the name. Clause 2

is about adding "and clause (a) of Section 82". Clause 3 gives the definition of a 'contesting candidate'. Clause 4 is the only relevant clause in the Bill which relates to appeals and so on, so that there may not be delay in the disposal of petitions in the High Courts.....

Mr. Chairman: Order, order. The hon. Member is not allowed to make a speech. What is the point of order?

Shri Sinhasan Singh: I am saying that if clause 4 is withdrawn, what remains of the Bill?

Mr. Chairman: There is no point of order.

Pandit Munishwar Dutt Upadhyay: (Pratapgarh): On a point of order. My hon friend, Shri Sinhasan Singh, should really have raised this point after the speech of the hon. Member.

Shri Satyendra Narayan Sinha: Is that a point of order?

Pandit Munishwar Dutt Upadhyay: Now he wants to speak on a point of order. I do not think it is justified.

Shri Braj Raj Singh (Ferozabad): What is the point of order of the hon. Member?

Mr. Chairman: Order, order. Unfortunately, the proceedings of this House are taking a turn which is not desirable. First of all, an hon. Member stands up on a point of order knowing full well that there is no point of order. Then another hon. Member stands up to say that it is not a point of order. It is for the Chair to decide whether there is a point of order or not and not for the hon. Member.

Shri Shree Narayan Das: I was just telling the House that there is no doubt that under the present procedure and under the provisions of the Constitution and the Representation

of the People Act there is much delay in the disposal of election petitions. As the hon. Mover has pointed out, a large number of cases are still pending before either the High Courts or the Supreme Court or election tribunals, because the Supreme Court and the High Court have, according to the powers given under the Constitution, thought it proper to intervene in the rights of the Election Tribunal or in the rights of the High Court when the appeals come to the High Courts or the Supreme Court

16 hrs.

After the experience gained in the first General Elections, the Representation of the People Act, 1951 was amended. We made some provisions for the disposal of the election cases to be expedited. Though these provisions were not mandatory, it was expressly stated that the Election Tribunal should dispose of the cases within 6 months of the publication of the Election Petition in the Gazette of India. (*Interruptions*). We expected that the election petitions would be disposed of both by the Election Tribunals and the High Courts expeditiously. But as experience has shown, it has not been possible. It has not been found possible to dispose of these cases within 6 months because appeals or certain other things were brought before the High Courts or the Supreme Court. Therefore, I think it necessary now that the House should consider the whole of the Representation of the People Act and also the constitutional provisions. If the constitutional provisions stand in the way of the speedy disposal of election petitions, Parliament is entitled to amend the Constitution.

Here I will submit that it is the sole responsibility of Parliament to regulate the elections, either to both Houses of Parliament or to the Houses of the State Legislatures. Under article 329 of the Constitution, it is provided that Parliament will make such laws. As we understood it then,

when the Representation of the People Act, 1951 was being enacted, we made a provision that the decisions of the Tribunal will be final and conclusive. By that we meant that no election cases will be taken up by the High Court or the Supreme Court. I do not mean to say that the Supreme Court or the High Courts have gone out of their way to take up these cases. They have decided—and rightly too—that under the provisions of the Constitution they have the right to interfere in some of the election matters, especially those that have been provided for in the Constitution. Yet I would say that it is the sole right of this body to lay down rules and regulations to govern the elections of Members. Therefore, I feel that with regard to the regulation of matters concerning the election of Members, the powers of the High Courts and the Supreme Court should be restricted and the Act that is passed by this House regulating the elections to either House of Parliament or to either House of the State Legislatures should give certain restricted powers to the High Courts or the Supreme Court.

I will make myself clear. Article 329 reads:

“Notwithstanding anything in this Constitution—

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;”

So far as I know, neither the High Courts nor the Supreme Court have in any decision or judgment interfered with the operation of this provision.

Clause (b) reads:

“(b) no election to either House of Parliament or to the House or either House of the Legislature of

[Shri Shree Narayan Das] -

a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

According to the provisions of this sub-clause, we made certain provisions in the Representation of the People Act. We had provided in the original Act that the decisions of the Election Tribunals as constituted by that Act will be final and conclusive. But, at that time also the High Court or the Supreme Court said that the Representation of the People Act cannot take away the powers of the High Court or the Supreme Court. Therefore, they entertained certain of the proceedings that were brought before them.

What I would like to say is this I am aware that in certain cases, especially in cases of appeals against the orders of the Election Tribunal, they shall lie before the High Court. But I would like to suggest that even against the decisions of the High Court an appeal should lie to the Supreme Court, so that we may have the findings of the learned Supreme Court in order to make the decisions or judgments in election cases uniform. If the Supreme Court is not given the right to hear appeals from the decisions of the High Courts in election cases, the different High Courts will give different rulings and there will be no opportunity for the Supreme Court to say which of the decisions of the High Courts are good and proper. I, therefore, suggest that the Representation of the People Act should be scrutinised and revised and certain provisions should be made by which we can give suitable powers to the High Courts as well as the Supreme Court so that they may be able to pronounce judgment on the varying decisions respectively of the Tribunals and of the High Courts. I would request the hon. Minister....

Shri Hajarnavis: That, I understand, is the present law. (Interruptions).

Shri Shree Narayan Das: We have not given any power to the Supreme Court to hear appeals against the judgments of the High Courts. The Supreme Court now comes in under the provisions of the Constitution, articles 132 and 136 or some of the other articles. I would request the hon. Minister to find out which are the provisions of the Constitution that stand in the way of the speedy disposal of election cases.

Shri Hajarnavis: None.

Shri Shree Narayan Das: We cannot question the right of the High Courts or the Supreme Court. As the High Courts or the Supreme Court have interpreted the Constitution, they have the powers to interfere and to entertain writs under the provisions of the Constitution. But as I have understood it, it is the sole responsibility of Parliament to regulate the election of Members. Therefore, it is the right of this Parliament to give such powers as are necessary either to the Tribunals or the High Courts or the Supreme Court. The general provisions in the Constitution pertaining to the powers of the High Courts and the Supreme Court should be curtailed in this matter.

I know that with regard to the Armed Forces, the powers of the High Court and the Supreme Court have been limited by providing suitable provisos to various provisions in the Constitution. Therefore, I would suggest that under articles 132, 136, 226, 227 and 228 and even 329, there should be provisos that all those general powers would not apply to elections to both Houses of Parliament and to the State Legislatures.

Shri Hajarnavis: May I understand the hon. Member correctly? I think that, at one stage of the speech he said

that under the Representation of the People Act, there is no right of appeal to the Supreme Court; that we have got to go back to article 13 and so on of the Constitution and that, therefore, provision for an appeal to the Supreme Court ought to be made. That is what I understand he said at one stage. Now, what thereafter fell from his speech leads me to indicate that he wants the powers to be completely taken away from the High Courts or the Supreme Court. I would like to know which one he wants.

Shri Shree Narayan Das: All the powers that have been given in the various articles of the Constitution with regard to the elections to the Houses of Parliament and the State legislatures should be taken away, and certain powers should be given under the law made by Parliament in the Representation of the People Act, by way of an appeal or certain other provisions, where, in certain suitable cases, the High Courts or the Supreme Court may interfere. That is my proposition. I think there is no contradiction.

Pandit K. C. Sharma (Hapur):
Nothing

Shri Shree Narayan Das: The Minister has sought to make certain provisions with regard to the candidate who retires. When the Representation of the People Act, 1951, was amended during the year 1956, I think, section 55A was inserted. The reason for it was, there are certain cases where a candidate, after going through the constituency, finds that he will not be able to win the election; he then does not take care to go about, and then simply sits. Previously, there was no provision that he can retire or withdraw at that time. Therefore, we felt at that time that it will be good if there is some provision made by which a candidate may retire after sometime. But, I think after the general election, from what I have heard—I do not have any

such case before me—this provision has resulted in corruption on the part of some candidates. Previously, the provision was that after the scrutiny was over, a period of three days is provided for the withdrawal of candidates and those candidates who do not withdraw are thought to be contesting candidates. Now, the question arose after the last general election whether a retiring candidate was a contesting candidate or not, and as far as I have been able to know, different high courts have given different rulings. In section 55A there is a provision that any person who had given notice of retirement under sub-section (2) shall thereafter be deemed not to be a contesting candidate for the purpose of section 52. Therefore, the high court of one of the States said that because there is no mention of section 82 under this section, the contesting candidate continues to be a contesting candidate, so far as section 82 is concerned.

Another high court—I do not remember the name—said. “No: the candidate who has retired is not a contesting candidate”. Anyway, that is the interpretation given by the courts. But what I would like to say is that this provision is not a healthy provision. I have given notice of an amendment to the effect that the whole of section 55A be omitted. There is no necessity for it. The reason is this. A certain number of candidates come up. They file nomination papers, and the candidates who are not keen retire within the time provided, that is, after three days of the scrutiny. But now, after the insertion of section 55A, some spurious candidates remain as contesting candidates even after the time for withdrawal. After sometime they begin to bargain with the contesting candidate. The contesting candidate thinks that there is only one single contestant and that if the other person is won over, is persuaded to retire, then, under the provisions he will be returned as uncontested. That leads to some corruption. So, I think there is no necessity for that provision.

[Shri Shree Narayan Das]

The second reason is this. When certain candidates come up for election, the electorate begins to think which candidate has to be supported. Suppose a certain candidate for an election wants that he should be supported, and suppose he is cajoled or is persuaded to retire, there is no option left to the electorate to cast their votes. Therefore, this aspect also, from the point of view I mentioned, is not proper. Hence, I suggest that if the amending Bill moved by my hon. friend is considered this provision should be omitted from the original Act. Suppose it is not considered, what I would suggest is this. After having had the experience of the two general elections, I have heard that the Election Commission has prepared a report, and that in that report certain suggestions have been made regarding the working of the Representation of the People Act. Therefore, having in view all these experiences and the suggestions made by the Election Commission, I would request the Government to come forward with an amending measure, as comprehensive as it should be, so that certain lacunae that are there in the present Representation of the People Act could be removed and the disposal of election petitions not delayed. Then, the Act could also work very smoothly.

With these words, I commend my amendment to the House, and I think if the Bill is circulated, there will be some opportunity to the general public to give its opinion on this point, and that could be considered by this House when a comprehensive Bill is brought forward by the Government.

Mr. Chairman: The amendment is before the House.

Shri Achar (Mangalore): I rise to a point of order, Sir. The point is this. This is a 4-clause Bill. The hon. Mover of the Bill said, if I remember aright, that he is not interested in clause 4 of the Bill. The point is whether an hon. Member can do like

that. There are several stages of a Bill. First, there is the consideration of the Bill as a whole. Later, there comes a stage where amendments are considered, during the clause-by-clause consideration of the Bill. Now, the Member has introduced the Bill which consists of four clauses. There is no amendment. Is he entitled to bring a Bill and say, "I have got four clauses," while the Bill is introduced, and while the consideration stage starts, can he say, "I give up a portion of the Bill"? Is he entitled to do it?

Mr. Chairman: I understand that the hon. Member objects to this procedure. Am I correct? I take the hon. Member to mean that the procedure that has been adopted in the House is not correct: either the Bill should be proceeded with as a whole or not proceeded with at all. Is that the contention?

Shri Achar: My submission is, when the Member brings in a Bill, he should have the permission of the House to have the consideration of the Bill as a whole. He cannot say, "I introduce the Bill" first, and then say, "I give up some clause, and I would introduce the Bill with half the clause or section" or something like that.

Mr. Chairman: This Bill consists of four clauses. The fourth clause is quite independent of the other three clauses. This is not the first occasion when a question of this nature has arisen. It has always been the practice in this House that if a Member gives an undertaking that he is not going to press one part of the Bill, then he is allowed to proceed with the other parts of the Bill. If clause 4 is so connected with the other clauses that those clauses could not be considered without clause 4 being considered, then the position would have been otherwise. It is covered by the practice of this House, and I have done what the practice of the House is. So I have allowed him.

When he goes on, after the consideration motion also, he will not be allowed to say a word about this clause 4. He has given an undertaking. On the basis of that undertaking he has been allowed to proceed with the Bill. There is no objection to that, and it is not contrary to the procedure.

Pandit K. C. Sharma: I agree that the candidate, having retired, has no interest in the dispute about the election. It is the correct position. But the point is one of the right and liability pertaining to the law in existence at the time of the dispute. That is, the right and the obligation of the candidates arises from the letter and spirit of the law as it existed at the time of election. Now, during the pendency of the dispute it is not proper to change the law, to interfere with those rights and liabilities.

My hon. friend's solicitation I understand. He has the right to contest that when a gentleman has retired he is not interested in the election, and so why should he have been made a party at all, why should he be regarded as a contesting candidate. But at time of of the elections certain position has arisen under the law as it has been in existence, and now the candidates contesting the election must stand by that position.

It is wrong in principle to change the law after that. You cannot decide the position, you cannot decide the right of a candidate from the viewpoint of a law that was not in existence. That is my difficulty. Otherwise I would agree with the contention that my hon. friend has advanced. Therefore I beg to oppose it, because it is wrong in principle. It is wrong in principle because the rights and liabilities of any disputant must relate to the law in existence when the incident relating to those rights and liabilities took place. That is the general principle of jurisprudence.

My hon. friend is not pressing clause 4. Therefore, I have not much to say. Enough to say that he has

not the right to dispute that position in the way in which he would have disputed under the Bill. Therefore, the question does not arise.

श्री ब्रज राव सिंह : समापति महोदय, मुझे लुझी है कि श्री तंतामणि के इस किल में हम को अपने चुनाव कानून पर कुछ खर्चा करने का मौका मिला है। जहाँ तक कनटोस्टिंग कैंडीडेट की परिभाषा बदलने का सवाल है, मैं समझता हूँ कि यदि पुराने कानून की धारा ५५ए रहे, तो फिर इस परिभाषा को बदल देना उचित ही होगा। लेकिन सवाल यह है कि क्या हमारी घाघ की परिस्थितियों में यह उचित है कि हम चुनाव से दस दिन पहले तक किसी उम्मीदवार को यह मौका दें कि वह कनटोस्ट से बाहर हो जाय, रिटायर हो जाय। वर्तमान कानून में यह व्यवस्था की गई है कि कोई भी उम्मीदवार चुनाव से दस दिन पहले रिटायर हो सकता है और उस के बाद उस का नाम कनटोस्टिंग कैंडीडेट्स में नहीं रह जायगा। मवाल यह है कि जो धाधमी प्रमेश्वली या पार्लियामेंट के लिए चुने जाने हैं, हम उन को मौका दें कि वे वहाँ जा कर कुछ काम करें या चुने जाने के बाद फिर चुनाव पेटिशन लड़ते रहें और जिस काम के लिए वे भेजे गए हैं, उन में वे अपना पूरा वक्त न दे सकें। वर्तमान कानून की इस व्यवस्था के परिणाम स्वरूप बहुत सी इलेक्शन पटीशनज चलती हैं। मैं यह नहीं कहता कि कोई पटीशन न चल, लेकिन हम को इस तरह के उसूल निर्धारित करने पड़ेंगे, इस तरह के सिद्धान्त तय करने पड़ेंगे, जिन के आधार पर इलेक्शन पटीशन चल सकें, लेकिन मैं बहुत ही विनम्र शब्दों में कहना चाहता हूँ कि हमें इस तरह के सिद्धान्त निर्धारित करने चाहियें, जिस से काम में कम इलेक्शन पटीशनज चल सकें। हमारे देश में जनतांत्र है, सब में बड़ी सत्ता जनता की है। जनता एक निर्णय द देती है और जो सदस्य चुना जाता है वह पार्लियामेंट में पहुँचता है। उसके बाद किसी कामनी विवकत की वजह से जनता के इस निर्णय को बदलवाने का मौका नहीं रहना चाहिए। अगर

[श्री बबराज सिंह]

कानूनी चिकित्सा की बजह से जनता के निर्णय को बदला जाता है तो यह जनतंत्र को शोभा नहीं देता है। मेरा कहना यह नहीं है कि जो कोरप्ट प्रेक्टिसिस की जाती है, उन कोरप्ट प्रेक्टिसिस की जिना पर कोई भी चुनाव प्रबंध घोषित न किया जाय। इस तरह के चुनाव प्रबंध घोषित किये जाने चाहिये। लेकिन इन कोरप्ट प्रेक्टिसिस को धांपको बहुत ही सीमित कर देना चाहिए और साफ कह देना चाहिये कि इन कोरप्ट प्रेक्टिसिस के अलावा और कोई कोरप्ट प्रेक्टिसिस नहीं होंगी। इनके अलावा और किसी पर भी चुनाव पेटिशनस दाखिल नहीं की जा सकेंगी। वर्तमान कानून की धारा ५५ (ए) में रिटायरमेन्ट सम्बन्धी व्यवस्था की गई है। इस कानून में कहा गया है कि कोई भी आयुधी चुनाव के लिए लड़ा हो सकता है। हर वोटर को चुनाव लड़ने का अधिकार दिया गया है। जब ऐसी बात है तो लोगों के दिमागों में, वोटरों के दिमागों में यह बात साफ होनी चाहिए कि कौन कौन लोग हैं जो चुनाव लड़ रहे हैं। श्री श्रीनारायण दास ने सही कहा है कि ऐसे लोग हो सकते हैं जो सिर्फ चुनाव में इसलिए भाग सकते हैं कि वे दस दिन पहले रिटायर हो जायें। आखिर जो लोग चुनाव लड़ना चाहते हैं, जो देश की राजनीति में हिस्सा लेना चाहते हैं, उनका पहले से कुछ काम हुआ करता है, कुछ नीति ठुप्पा करती है, प्लान ठुप्पा करता है, उनको क्या करना होता है, इसके बारे में उनका दिमाग साफ हुआ करता है। कुछ लोग ऐसे होते हैं जिनका उद्देश्य चुनाव लड़ना नहीं होता है, जिनको विश्वास नहीं हो पाता कि धाया के चुनाव लड़ेंगे या नहीं और जो बाद में रिटायर हो जाते हैं और धायद इसी उद्देश्य से लड़े होते हैं। इस तरह से दूसरे लोगों को और विशेषकर राजनीतिक विचारधारा रखने वाले लोगों को एक ठेस पहुंचती है। इस तरह से लोग दूसरों के दिमागों को दस दिन तक उसभाये रखते हैं जिसका नतीजा यह होता है कि न वोटरों के दिमागों में एक निर्णयात्मक स्थिरता

आ पाती है और न उम्मीदवारों के दिमागों में ही। उम्मीदवारों को पता नहीं चलता है कि किस विचारधारा वाले लोगों के खिलाफ उनको लड़ना है।

इस तरह से आप देखें कि कौन से ऐसे लोग होते हैं जो दस दिन पहले रिटायर होते हैं। किसी राजनीतिक पार्टी का सदस्य ऐसा नहीं कर सकता है। उनके धमने उसूल होते हैं, अपने नियम होते हैं जिनके मुताबिक उन्हें लड़ा होना पड़ता है तथा जिनका उन्हें पालन करना होता है। पार्टी का उन पर कंट्रोल भी होता है और वे पार्टी के खिलाफ नहीं जा सकते हैं। कुछ स्वतंत्र लोग होते हैं जो कि चुनाव लड़ते हैं अगर हम पिछली इलेक्शन के धांकड़े देखें तो हमें पता चलेगा कि काफी बड़ी तादाद में स्वतंत्र उम्मीदवारों ने चुनाव लड़ा। आखिर ये स्वतंत्र उम्मीदवार मुल्क का क्या करेंगे किधर इसको ले जायेंगे? मैं यह नहीं कहता कि उनको चुनाव लड़ने की इजाजत नहीं होनी चाहिए। हमने अपने विधान में हर व्यक्ति को, जो कि वोटर है, अधिकार दे रखा है कि वह चुनाव में लड़ा हो सकता है। लेकिन हम चाहते हैं कि हमारे देश में राजनीतिक विचारधारा चले। आखिर हमारे यहाँ बहुमत की सरकार चलती है। जब यह बात है तो हमें सोचना पड़ेगा कि अगर अधिक स्वतंत्र लोगों को चुनाव लड़ कर धाने का मीवा मिलता है तो हम कानून में कुछ परिवर्तन करें या न करें। मैं यह बात इसलिए नहीं कह रहा हूँ कि वे चुनावों में चुनकर न आवें। जो लोग जनता की सेवा करते हैं वे अवश्य आवें। लेकिन हम इस तरह की बात कभी न हॉन दें जिसमें कि उनके दिमागों में यह साफ न हो पाये कि धाया उन्हें चुनाव लड़ना भी है या नहीं। जो पार्टीया होती है, उनका चुनाव मैनिफेस्टो होता है, उनके कुछ नियम होते हैं, उनके सदस्यों में धनु शासन की भावना होती है। जब ये सब बातें होती हैं तभी वे चुनाव लड़ सकती हैं अन्यथा एक पार्टी को पार्टी ही नहीं

कहा जा सकता है। इस वास्ते मैं निवेदन करना चाहता हूँ कि मा मिनिस्टर महोदय से कि जो कानून है उस पर पूरे तरीके से विचार करने जब वह बैठें तो श्री त्रिगामिनि के इस बिल पर भी वह विचार करें। मैं चाहता हूँ कि वह गम्भीरतापूर्वक इस पर विचार करें कि प्राया इस तरह की धारा को रखने की आवश्यकता है या नहीं जिसमें कि उम्मीदवार बाद में रिटायर हो। नाम वापिस लेने के बाद फिर इस तरह की कोई बात नहीं होनी चाहिए कि कोई उम्मीदवार रिटायर हो।

एक बात में धीर कहना चाहता हूँ। पेटिशन दाखिल करने के जो आधार हैं, जो ग्राउंड्स हैं, उनको भी कुछ सीमित कर दिया जाना चाहिये। जब जनता अपना निर्णय दे देती है तो कानून की भुलभुलैया से पड़ कर, कानून के झंझले में पड़ कर, उनको पलटने की कोशिश नहीं होनी चाहिए। अगर हम जनतंत्र को पनपाना चाहते हैं तो जनता के निर्णय को बैकडोर से बदलवाने की कोशिश नहीं हानी चाहिए और इस काम में कानून को सहायक नहीं बनना चाहिए। मेरा इरादा यह बात कहने में यह नहीं है कि मैं अदालतों की निष्पक्षता में विश्वास नहीं करता या मैं उनका अपमान करता या कोई अपमानजनक बात कहता हूँ। मैं उनका बहुत आदर करता हूँ। लेकिन सब में आदर आम जनता का होना चाहिए, जो जनता अपने प्रतिनिधि चुनती है, उमका होना चाहिए। मैं चाहता हूँ कि कानून मंत्री इस पर भी विचार करें कि इस चुनाव कानून में इस तरह के किसी परिवर्तन की भी आवश्यकता है या नहीं। जिन आधारों पर चुनाव पेटिशन हो सकती है, उनको सीमित करने की जरूरत है।

इन शब्दों के साथ अन्त में मैं यही कहना चाहूंगा कि अगर इसी बिल को स्वीकार करना है तब तो हमें उसमें जो कानूनी दिक्कतें रह जाती हैं उसको भी दूर करना होगा। कंटेस्टिंग कैंडिडेट क्लॉस है, उसको सफ़्त करने के लिए

यह मुनासिब होगा कि हम जो रिटायर होता है, उसके बारे में एक साफ नीति अपनाये अच्छी बात यह होगी कि रिटायर होने की बात को ही खत्म कर दिया जाए और यह विद्वांस तक ही सीमित रहे ताकि जो सड़ना चाहते हैं उनको भी पता हो कि फला फला लोग चुनाव लड़ रहे हैं और वे लोगों में जाकर अच्छी तरह से अपने कार्य को कर सकें तथा जनता की राय को अपने हक में कर सकें।

Some Hon. Members rose—

Mr. Chairman: The time allotted for this Bill was 2½ hours, but at that time it was taken into consideration that Section 116A was also to be debated here. That has been withdrawn by the Mover. Therefore, I think we should not take much time over this Bill now. It is now a short Bill, which has been sufficiently discussed. I will allow only one or two more Members and then I will call upon the hon. Minister to reply to the debate.

Ch. Ranbir Singh (Rohtak): This is an election matter, Sir. This is a matter of life and death for those people who fight the election.

Mr. Chairman: The real question, the subject matter of the Bill, has been withdrawn. There is no debatable point now. There is only a short question, and it has been sufficiently discussed.

Shri Satyendra Narayan Sinha: Sir, may I submit one thing? After what Shri Shree Narayan Das has stated in support of his motion for circulation of the Bill, I understood that you permitted a larger scope for discussion on the Bill and you permitted Members to speak about the general situation with respect to election petitions and all that. Therefore, our remarks are not now only to be confined to the small point in the Bill.

Mr. Chairman: Some more scope was allowed and that was permissible because there was a general question.

[Mr. Chairman]

But so far as the scope of the Bill is concerned, it is very much restricted after the main question has been withdrawn. If any hon. Member is very anxious to speak, I will allow him; otherwise, if I have the permission of the House, I may just call the hon. Law Minister to reply to the debate. If any hon. Member is very anxious I shall certainly allow him.

Shri Satyendra Narayan Sinha: There is no question of our being very anxious to speak on this Bill.

Mr. Chairman: I find no hon. Member is standing up. Therefore, I take it that nobody is anxious to speak.

Sh. Rambar Singh rose—

Mr. Chairman: Very well; let him speak.

श्री० रामबंर सिंह . मभापति महोदय, मैं इस बिल का विरोध करने का लिए खड़ा हुआ हूँ। मैं समझता हूँ कि वर्तमान कानून के तहत इलकशन हो चुके हैं और उनके नतीजे के तौर पर जो पीटिशन दाखिल होनी थी वे दाखिल हो चुकी हैं और कुछ पर तो फंसले भी हो चुके हैं और बाकी जो बची है उन के बारे में भी जल्दी फैसले हो जायेंगे। बीच में ही कोई कानून बदलना मैं समझता हूँ ठीक नहीं है। मैं खास तौर पर उम धारा का अवग्य विरोध करता हूँ जो चाहती है कि इस बीच में नया की डायरेक्शन बदले।

मैं समझ नहीं पाया हूँ कि हमने जो इजाजत दे रखी है कि अगर कोई चाहें तो दस दिन पहले विद्वान अपना नाम कर लें, आया वह सही है या गलत है। यह सोचने वाली बात है। मैं राज राव सिंह जी से इस बात में सहमत हूँ कि एक लास्ट डेट मुकदर हो और उसके बाद बजाय इसके कि लोग कैंडिडेट्स को बिठाने में अपनी तरफ से जमानें, बोटर्स को बीछे जायें। कैंडिडेट्स को बिठाने की परेशानी में उनको

नहीं फंसना चाहिए। ध्यान तौर पर यह होगा है कि, चाहे यह कोर्ट प्रेजिडेंट हो या न हो, बहुत से लोग इसी बात की कोशिश करते हैं कि किसी को बिठा दिया जाए ताकि वे घासानी के साथ इलकशन सड़ सकें। जो अवोकिशन वाले होते हैं वे आपस में सीटबाजी करते हैं कि यहां पर तुम बठ जाओ, वहां पर हम बैठ जायें, यहां तुम सड़ो, वहां पर हम सड़ें इत्यादि। इस तरह से होता है यह कि—

श्री जगदीश शबस्च: (बल्हीर) : आपकी पार्टी वालों भी ऐसा करते हैं।

श्री० राजब र सिंह : हो सकता है कि हमारे साथी भी ऐसा करते हो, इससे मुझे इन्कार नहीं है।

लेकिन मैं समझता हूँ कि यह सब के लिए बेहतर है कि एक दफा विद्वान करने की जो तारीख है वह बीत जाय तो फिर बाद में किसी के लिये भी विद्वान करने का सवाल पैदा न हो ताकि जिन को इनकशन लडना है वह और जो एनकटारेट है वह दोनों कोई फैसला कर पायें। वरना आप जानते हैं कि कितना बड़ा हमारा देश है और इस देश के अन्दर बहुत से प्रादमी, ७०, ७५, ८० फीसदी प्रादमियों से भी ज्यादा ऐने हैं जो पढ़े लिखे नहीं हैं, और पढ़े लिखे प्रादमियों में से भी बहुत थोड़े ऐसे हैं जो अवधार पढ़ें हैं। लोगों के पास सबरें पढ़ूचनी ही नहीं, उन को यह भी पता नहीं लगता कि कौन उम्मीदवार है कौन नहीं। उस तारीख के खत्म होने के बाद भी मैंने कई दफा ऐसा देखा है कि जब बोटर अपनी बोट देने आता है तो उसका पता नहीं होता कि कौन उम्मीदवार है। वह सिर्फ पार्टी का नाम सुन कर आता है। इसीलिये जब पहले चुनाव हुए तो इनकशन कमिशन ने और इस हाउस ने अच्छी समझा था कि निशान लगाया जाय क्योंकि यह देश बहुत ज्यादा पढ़े लिखे लोगों का नहीं है और प्रादमियों का नाम याद रखना असमन नहीं है। तो देश

की समाज सुविक्रम को समझ कर ही यह कानून बनाया, उस को बदलने के लिये अब यह बिल आया है। जिन आंदोलनों के पास सरकार नहीं पहुँचते, जो सरकार नहीं पढ़ने हैं, जिन के पास रेडियो से सारी बातें जानने के साधन नहीं हैं, उन के हितों के खिलाफ यह बिल आता है, क्योंकि कोई आदमी आपस में मिल कर तय कर लें और एक आदमी खड़ा रह जाय बाकी हट जायें, तो यह अच्छा ही है। मैं समझता हूँ कि विद्वान् करने के लिये जो प्राक्खरी तारीख रक्खी गई है, वह रहनी चाहिये।

हम जानते हैं कि जब हम इस बिल का विरोध करते हैं तो उस संझारी पूरी दिक्कतें हल नहीं होती। इसलिये मैं माननीय मंत्री महोदय से चाहता हूँ कि बेसक वह इस बिल की मुजाविलफत करे, हमे गिरा दे, लेकिन और तब्दीलिया इस ऐक्ट मे लाने के लिये वह कोई बिजु ले प्राये तक यह जो मरदानिया है बोझ को भी और चनाव सडने वलों को भी, बे दूर हों।

Shri Hajarnavis: Sir, I rise to oppose the motion moved by the hon Member, but I can give this assurance to him and to the House and to the other Members who have pointed out the various difficulties which arise in the application of section 55A, that the Election Commission themselves are considering this matter. Whatever difficulties it might have created for the individual members and contesting candidates, there are many larger difficulties for the Election Commission themselves. They cannot, for instance, finalise the printing of ballot papers till they finally know who are the persons for whom the votes are to be cast and that sometimes causes avoidable delay. Therefore, this matter is under the examination of the Election Commission, whether section 55A itself should be allowed to be retained.

We will come before the House very shortly, we hope after this last round

of election petitions is over, a comprehensive Bill and in that Bill, I hope we shall be able to secure co-operation from all sections of the House, because so far as the process of election or the machinery for election is concerned, it should be made simple. We shall try at that time to secure as much measure of agreement as possible. This certainly would be one of the matters which will engage our attention.

I find myself in almost entire agreement with the views expressed by many hon. Members. Having some experience as candidate and also as counsel for various election petitions, I find myself almost entirely in agreement with the views expressed by Ch. Ranbir Singh and Shri Braj Raj Singh I have nothing to add. It is absolutely necessary that the law relating to elections should be made simple and very definite. By some process, if there is a serious dispute as regards elections, it should be possible to decide it expeditiously. With this end in view, we hope to bring before the House a comprehensive measure. In the meantime, I hope this assurance should satisfy the hon. Member and I hope he will withdraw the Bill.

Mr. Chairman: May I know whether the hon. Member, Shri Shree Narayan Das proposes to withdraw his amendment?

Shri Shree Narayan Das: I do not want to press my amendment.

Shri Tangamani: In view of the assurance given by the hon. Minister, I have no objection to withdraw the Bill.

Mr. Chairman: Has the hon. Member leave of the House to withdraw his Bill.

Some Hon. Members: Yes.

The Bill was, by leave, withdrawn.