

REPORT
ON THE
THIRD GENERAL ELECTIONS
IN INDIA
1962

VOLUME I
(GENERAL)



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ELECTION COMMISSION
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CHAPTER I

INTRODUCTORY

For the third time in the history of independent India, general elections were simultaneously held all over the country for reconstituting the House of the People and the Legislative Assemblies of States and were completed according to plan. The mammoth electorate consisting of 218 million adult citizens was called upon to go to the polls, for the most part during the period of ten days between the 16th and 25th February, 1962, and to choose its representatives in the legislatures. The fact that it did so in a peaceful and orderly fashion and that the elections were brought to a successful conclusion without any serious hitch anywhere is sufficient testimony, not only to the political stability of India and the efficiency of its administration, but even more significantly, to the faith it has in parliamentary democracy and free elections.

The new Legislative Assemblies were constituted in all States except Jammu and Kashmir, Kerala and Orissa during the first week of March. Although the results of practically all the parliamentary elections had also been declared by then, the formal constitution of the new House of the People was held up till the 2nd April mainly to enable the old House to meet and get through essential business. The new Legislative Assembly of Jammu and Kashmir also came into existence on this date.

Immediately after the completion of the general elections to the Legislative Assemblies, the new bodies were called upon to elect the representatives of the States in the Council of States in place of those who were due to retire on the 2nd April, 1962 on the expiration of their term of office. There were 74 such vacancies to be filled, and in all the States except Jammu and Kashmir and in the Union Territories except Delhi, the elections were held on March 29, and the results were declared immediately. The remaining two elections being uncontested, were also completed by the middle of April.

The term of office of the President of India and that of the Vice-President were due to expire on the same date, namely, May 13, 1962. It was on this date ten years ago that Dr. Rajendra Prasad and Dr. Sarvapalli Radhakrishnan after being elected under the provisions of the Constitution, assumed their respective high offices and continued therein for a second term of five years on re-election in May, 1957. A common programme for the Presidential and Vice-Presidential elections, with May 7 as the date of poll, was notified by the Election Commission on April 6, 1962. Both elections were contested. On May 11, Dr. Sarvapalli Radhakrishnan was elected President of India and on May 7, Dr. Zakir Hussain was elected Vice-President.

At about the same time as these two elections and the biennial elections to the Council of States, the series of elections to the State Legislative Councils had to be started in the eight States having bicameral legislatures. One-third of the members of these Councils were due to complete their six-year term of office on different dates in the months of April, May and June. The earliest was Madras on April 20 and the latest Andhra Pradesh on June 30. The conduct of these elections accordingly engaged the attention of the Election Commission during all the three months. There were in all 254 vacancies to be filled and 109 elections to be held, and with few exceptions, they were completed in good time before the vacancies actually arose.



CHAPTER II

THE CONSTITUENCIES

The second general elections were held early in 1957 very soon after the large-scale reorganisation of States had been completed and given effect to on the 1st November, 1956. Immediately before that date, there existed 24 States with legislatures, three without legislatures and the Andaman and Nicobar Islands, which were in a separate category. After reorganisation, the political map of India was greatly simplified. The number of States with independent legislatures was reduced to 14. Four of the former Part C States and the two groups of Islands, one to the east and the other to the west, were made into Union Territories without legislatures of their own. The second general election to the House of the People covered all the States except Jammu and Kashmir and the Part B Tribal areas of Assam, and all the Union Territories except the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amin-divi islands; and simultaneously, general elections* were held to reconstitute the Legislative Assemblies of all the States except Jammu and Kashmir.

During the interval of five years that followed, a significant change in the framework of the Indian Union was the bifurcation of the State of Bombay. The formation of this large bilingual State in 1956 by adding to the old Part A State of Bombay the whole of Saurashtra and Kutch on one side and the Marathi-speaking areas of Madhya Pradesh and Hyderabad on the other, was a matter of acute controversy right from the beginning and its bitter impact was felt at the time of the general elections in the State. The differences did not die down even after the elections and eventually led to a decision to divide the State into two, Maharashtra and Gujarat. The Bombay Reorganisation Act was passed by Parliament in April, 1960 and the two new States came into existence on the first of May.

The Bombay State as constituted by the States Reorganisation Act had a representation of 66 members in the House of the People and 27 members in the Council of States. It had a bicameral legislature with a Legislative Assembly of 396 members and a Legislative Council of 72 members. The bifurcation effected by the Bombay Reorganisation Act, 1960 divided the population between Maharashtra and Gujarat very nearly in the proportion of two to one. Accordingly, the repre-

*Strictly, the assembly elections in Andhra Pradesh were partial and not general. By virtue of a special provision made in the Constitution—article 378A—and in section 29 of the Reorganisation Act, 1956, the assembly elections of 1957 were confined to the area transferred from the former Part B State of Hyderabad to Andhra Pradesh.

sentation of Maharashtra and Gujarat in the House of the People was fixed by the Act at 44 and 22 respectively, and the then existing Legislative Assembly was dichotomised also in the ratio of two to one, 264 members forming the Legislative Assembly of Maharashtra and the remaining 132 forming the Legislative Assembly of Gujarat. Only a few of the parliamentary and assembly constituencies located near the new inter-State boundary were affected in their extent by the division.

The Bombay Reorganisation Act provided the State of Maharashtra with a Legislative Council, but not the State of Gujarat. The total strength of the Legislative Council of Maharashtra was fixed at 78. All sitting members of the Bombay Legislative Council who had been elected by territorial constituencies in the territory of Maharashtra or were otherwise connected with that State automatically became members of the Maharashtra Legislative Council thereby securing a certain amount of continuity in the membership of that House. The vacancies caused by the statutory elimination of the Gujarati section of the Bombay Legislative Council and the additional seats were filled by elections held in May 1960.

Since the new State of Gujarat was not to have an upper House, it was provided in section 19 of the Bombay Reorganisation Act that the strength of its Legislative Assembly would stand augmented from the initial 132 to 154 as from the date on which the duration of that Assembly expired by efflux of time or, if it happened to be dissolved earlier, as from the date of such dissolution.

Another important constitutional change which affected the strength of a Legislative Assembly and also that of the House of the People was made by Naga Hills—Tuensang Area Act, 1957. The Sixth Schedule to the Constitution containing special provisions as to the administration of the tribal areas in Assam put them in two groups. Six of the tribal areas were included in Part A of the Table in this Schedule and one of these was the Naga Hills District. The North East Frontier Tract and the Naga Tribal Area were included in Part B of the Table. While the Part A tribal areas called 'autonomous districts' were administered by the State Government of Assam and represented in the Legislative Assembly of the State in much the same way as any other area, the Part B tribal areas were administered directly by the Governor of Assam who in this respect acted in his discretion as the agent of the President. The Part B tribal areas were also not included in any assembly or parliamentary constituency. As a result of the unrest and disturbance in this region, the Naga Hills—Tuensang Area Act, 1957 was passed by Parliament and brought into force on the 1st December, 1957. The Naga Hills District thereupon ceased to be a Part A autonomous district in Assam. It was combined with the adjoining Naga Tribal Area to form one administrative unit known as the Naga Hills Tuensang Area and became a Part B tribal area for constitutional purposes. The Act abolished all the 3

assembly constituencies into which this district was formerly divided and consequently the total number of seats in the State Legislative Assembly was reduced from 108 to 105. It also ceased to form part of the Autonomous Districts parliamentary constituency. Special representation was however provided for the new Part B tribal area by an amendment of the First Schedule to the Representation of the People Act, 1950. In place of one seat that was formerly allotted to the North East Frontier Tract and the Naga Tribal Area in the House of the People, two seats were allotted one to the North East Frontier Tract and the other to the Naga Hills—Tuensang Area, and both these seats were filled by nomination of the President.

A long-standing boundary dispute between the States of Andhra Pradesh and Madras was settled in 1959 on the basis of an award given by Shri H. V. Pataskar, Governor of Madhya Pradesh, who had been requested by the Chief Ministers of the two States to mediate in settling the boundaries. As a result of this award 319 villages from three different talukas of Chittoor district and a small forest area were transferred from Andhra Pradesh to Madras; and in return 148 villages of Chingleput district and three villages of Salem district, together with certain forest areas and tanks, were transferred from Madras to Andhra Pradesh. The exchange of territories and the readjustment of the inter-State boundary were affected by the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959, enacted by Parliament under the provisions of article 3 of the Constitution. This Act came into force on the 1st April, 1960.

The boundaries of Chittoor parliamentary constituency in Andhra Pradesh and the boundaries of Chingleput and Tiruvallur parliamentary constituencies in Madras were altered to a considerable extent by this exchange of territories. As the greater parts of Tiruttani and Ramakrishnarajupet assembly constituencies in Andhra Pradesh were transferred to Madras in exchange for a smaller area, which was constituted into one taluk by the name of Sathyavedu, these two constituencies (one two-member and the other single-member) were replaced by a two-member assembly constituency of Sathyavedu. Consequently, the total number of seats in the Legislative Assembly of Andhra Pradesh was reduced from 301 to 300. Correspondingly, the Madras Legislative Assembly gained one seat, the total increasing from 205 to 206. A new assembly constituency called Tiruttani came into being in Madras and the extent and boundaries of Pooneri, Gummidipundi and Tiruvallur assembly constituencies were considerably altered.

At about the same time there was another transfer of territory from one State to another, but this was on a very much smaller scale, involving less than five square miles of land and no population at all. A total area of 3085 acres lying in three different villages of Chittorgarh district of Rajasthan was transferred to Madhya Pradesh in the interests of the Gandhisagar dam project on the river Chambal. This transfer effected by the Rajasthan and Madhya Pradesh (Transfer of

Territories) Act, 1959 made no appreciable difference to any parliamentary or assembly constituency of either State.

The accession of the former Portuguese territories of Dadra and Nagar Haveli to the Union of India on the 11th August, 1961 and the absorption of Goa, Daman and Diu on the 20th December, 1961 were respectively provided for in the Tenth and Twelfth Amendments of the Constitution. Each of these areas was made a Union Territory and given representation in the House of the People provisionally by nomination of the President.

Thus, the changes in the political map of India which took place during the five years from 1957 to 1961 did not make any great difference to the number and extent of parliamentary and assembly constituencies. They certainly did not create any such serious administrative problems on the eve of the third general elections as the sweeping changes brought about by the reorganisation of the States in 1956 had done immediately before the second general elections. It was, however, the decision to abolish all two-member constituencies for the House of the People as well as the State Legislative Assemblies and to have each of them divided into two single-member constituencies that altered the shape of a large number of constituencies and also the pattern of elections for filling the reserved seats in the legislatures.

It will be recalled that special provision was made in article 330 of the Constitution for the reservation of seats in the House of the People for the scheduled castes and the scheduled tribes and in article 332 for similar reservation of seats in the Legislative Assembly of each State. While these two articles laid down the basis for calculating the number of seats to be reserved in each House, the method of election for filling the reserved seats and the formation of constituencies for that purpose were left to be determined by Act of Parliament. It was further laid down in article 334 that the special provisions contained in articles 330 and 332 would cease to have effect on the expiration of a period of ten years from the commencement of the Constitution, that is, on the 26th January, 1960. In the preceding year, however, it was decided that these special provisions should be continued and maintained for ten years more. Accordingly, article 334 was amended by the Constitution (Eighth Amendment) Act, 1959 extending the period mentioned therein to twenty years. This constitutional amendment after ratification by the requisite number of State legislatures came into force on the 6th January, 1960.

The Delimitation Commission Act, 1952, provided that all parliamentary and assembly constituencies should be either single-member or two-member constituencies, that wherever practicable seats should be reserved for the scheduled castes or scheduled tribes in single-member constituencies and that in every two-member constituency one seat should be reserved either for the scheduled castes or for the scheduled tribes and the other seat should be a general seat. When

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it came to applying these statutory principles in practice, the Delimitation Commission considered it inappropriate to reserve the seat in any single-member constituency, either for the scheduled castes or for the scheduled tribes, unless the population of such castes or tribes in the constituency was more than one-half of the total population of the constituency. While it was found feasible to form on this basis an appreciable number of single-member constituencies reserved for the scheduled tribes in some States, only three such single-member constituencies reserved for the scheduled castes could be formed in West Bengal and nowhere else.

Thus at the second general elections to the House of the People, there were 312 single-member parliamentary constituencies, in 16 of which the seat was reserved for the scheduled tribes, and 91 two-member parliamentary constituencies, in 14 of which one seat was reserved for the scheduled tribes and in the remaining 77 one seat was reserved for the scheduled castes. Similarly, the total number of single-member assembly constituencies was 1934, and in 104 of them the seat was reserved for the scheduled tribes and in 3 for the scheduled castes. The total number of two-member assembly constituencies was 584; in 109 of them, one seat was reserved for the scheduled tribes and, in the remaining 475, one seat was reserved for the scheduled castes.

The two-member constituencies were for obvious reasons not liked by the candidates whether they were contesting the election on a party ticket or on their own as independent candidates. They had to cover double the area, canvass twice the number of electors and consequently incur twice the expense, as compared to those candidates who stood for election from single-member constituencies. While in the case of party candidates, these difficulties were to some extent mitigated by the fact of there being two of them working jointly in the field, the independent candidates in a two-member constituency were always considerably worse off. With about 8 lakhs of voters on an average, a two-member parliamentary constituency usually extended over two districts and sometimes over three, and was a frightening prospect from the electioneering point of view.

From the administrative point of view also, these large two-member constituencies were found difficult to manage. The law did not permit cumulative voting but there was nothing to prevent a voter from putting both the ballot papers given to him (under the old balloting system) in the ballot box of one and the same candidate instead of distributing them to two candidates of his choice. The law provided that in such cases the two ballot papers would count as only one valid vote. This was in fact not a penalty at all. It only threw upon the returning officer the task of meticulously scrutinising the serial number of every single ballot paper in every ballot box and rejecting one ballot paper whenever two with the same serial number one with the suffix A and the other with the suffix B, were found in one ballot box. Apart from the returning officer's difficulty at the stage of counting the ballot

papers, it was found that in many places the candidates were deliberately misleading the electors from ulterior motives and were asking them to waste their precious votes in this manner.

The reason and justification for reserving a certain number of seats in the legislatures proportionate to their population for members of the scheduled castes and the scheduled tribes was of course the assumption that without such reservation few members of these communities would be able to get elected on account of their social and economic backwardness. It was however found at the second general elections that in as many as 20 two-member constituencies, both the seats were captured by the candidates belonging to the scheduled castes or scheduled tribes, as the case may be, and in 9 single-member general constituencies also such candidates were elected.

One such case was the election to parliament of two persons, both members of a scheduled tribe, from the Parvatipuram constituency in Andhra Pradesh in a close four-cornered contest. The two elected candidates secured 126,792 and 124,604 votes respectively and the two defeated candidates who were actually contesting the unreserved seats secured 124,039 and 118,968 votes respectively. One of the latter, Shri V. V. Giri, challenged the election of the second scheduled tribe candidate, Shri Suri Dora, to the unreserved seat and took the matter up to the Supreme Court mainly on constitutional and legal grounds. There it was decided by a bench of five judges (one of them dissenting) that the election in a two-member constituency was a single process and it was the same joint electorate going to the poll and voting for both the seats at the same time and that it was open to the scheduled tribe candidates to contest not only the reserved seat but also the general seat. The Supreme Court upheld the constitutional validity of the clear provisions made in this behalf in the Representation of the People Act, 1951, and also the validity of the elections in this particular case.*

After it had been decided to continue the operation of the reservation provisions in the Constitution for a further period of ten years, the demand for doing away with all two-member constituencies gained in strength and eventually led to the passing of the Two-Member Constituencies (Abolition) Act in January 1961. The task of dividing each one of these constituencies into two compact and convenient single-member constituencies and deciding in which of them the seat should be reserved for the scheduled castes or scheduled tribes was given to the Election Commission. In regard to the latter part of the work, a direction was given in section 3 of the Act that the seat should be reserved in that single-member constituency which, in the opinion of the Commission had the greater concentration of population of the scheduled castes or, as the case may be, of the scheduled tribes.

*V. V. Giri v. Suri Dora, 21 E.L.R.188.

"Population" here meant the population as ascertained at the census held in 1951.

The procedure laid down in the Act for the guidance of the Election Commission was a simplified form of the procedure prescribed for the Delimitation Commission in the Act of 1952. Representatives of the legislatures were not associated with the Commission. It was required to formulate its proposals for the division of the two-member constituencies in each State, publish them in the official gazettes and in two or three important newspapers in the regional language, invite objections and suggestions by a specified date and after considering them, determine the matters finally by making necessary amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956.

The abolition of two-member constituencies in Gujarat had to be effected in a different manner. As mentioned earlier in this Chapter, section 19 of the Bombay Reorganisation Act provided that while the new Gujarat State would start with a legislative assembly consisting of 132 members, the strength of this assembly would be increased to 154 as from the date of its dissolution. This necessarily involved a re-calculation of the number of seats to be reserved for the scheduled castes and scheduled tribes of the State in the legislative assembly and a fresh delimitation of the constituencies into which the State should be divided. It also involved some minor adjustments in the boundaries and description of the extent of the Parliamentary constituencies in which the State was divided although their number remained unaltered. The Election Commission was authorised by the Act to redelimit the constituencies with the help of five associate members, who were nominated by the Central Government, two of them being members of the House of the People representing the State and the three other being members of the State legislature, including the leader of the opposition groups in that assembly.

When the Bombay Reorganisation Act was passed early in 1960, the question of abolishing two-member constituencies had not been decided and accordingly the Act provided for the reservation of seats for the scheduled castes and scheduled tribes of Gujarat in single-member constituencies wherever practicable and otherwise in two-member constituencies, on the same pattern as in the rest of India. Subsequently, therefore, when the Two-Member Constituencies (Abolition) Act was passed by Parliament towards the end of 1960, section 19 of the Bombay Reorganisation Act had to be radically amended. In particular, the directions in sub-section (3) of this section as regards the manner in which the assembly constituencies should be formed and in some cases reserved for the scheduled castes and scheduled tribes had to be brought into line with the directions given in Section 3 of the Two-Member Constituencies (Abolition) Act.

The delimitation work which the Election Commission was thus required to do in 1960 and 1961 practically on the eve of the general

elections was quite considerable and took much of its time. So far as Gujarat was concerned, the work done in 1960 had proceeded on the basis of the reservation of seats for the scheduled castes and scheduled tribes in two-member constituencies for the most part, and the Commission's proposals had been published on November 12, 1960. These proposals had to be cancelled and the work redone on the basis of reservation of all seats in single-member constituencies. Besides this, there were in all 661 two-member constituencies—91 parliamentary and 570 assembly—to be divided. The State-wise distribution is given in the Table below :—

TABLE 1

State/Union Territory	H.P.		L.A.	
	S.C.	S.T.	S.C.	S.T.
Andhra Pradesh	6	2	43	9
Assam	1	1	5	9
Bihar	7	1	40	14
Gujarat	1	—	—	—
Kerala	2	—	11	1
Madhya Pradesh	5	4	43	27
Madras	7	—	37	1
Maharashtra	6	1	33	10
Mysore	3	—	28	1
Orissa	4	2	25	14
Punjab	5	—	33	—
Rajasthan	3	1	28	12
Uttar Pradesh	18	—	89	—
West Bengal	6	2	42	15
Delhi	1	—	—	—
Himachal Pradesh	1	—	—	—
Tripura	—	1	—	—
TOTAL	76	15	457	113

No great difficulty was experienced by the Commission in dividing a constituency into two geographically compact areas with more or less equal population, having regard to the existing lines of communication and the administrative division. The allocation of the reserved seat to one of the two areas turned out to be quite a problem in an appreciable number of cases, mainly because of the lack of detailed population figures for smaller administrative units. The 1951 census tables gave the scheduled castes and scheduled tribes population only for 'tracts' the size and composition of which varied greatly. Sometimes a tract covered the rural areas of two or three tehsils in a district,

or three or four small towns, or some such grouping, which made it impossible to determine accurately the scheduled castes or scheduled tribes population of an assembly constituency as a whole or of a specified part of a constituency. The method of computing by the rule of proportion which had perforce to be adopted in these circumstances was not satisfactory. As a result of this experience, the Election Commission strongly recommended to the Census Commissioner for India that the tables prepared on the basis of the 1961 census must give the scheduled castes and scheduled tribes population figures for each primary unit (like a village or a municipal ward or a mohalla in a town) for which the total population is shown. The Commission is glad to note that this detailed information has been made available in the primary census tables. It will be of great assistance for any future delimitation work.

The Election Commission's proposals for the division of constituencies were formulated separately for each State and published in the Gazette of India, the official gazette of the State and two newspapers in the regional language of the State. Along with the proposals, the Commission also published a notice inviting objections and suggestions in relation to those proposals by a specified date. The publication was done on the following dates between March 15 and June 2, 1961 :—

March 15	.	.	.	.	Assam, Kerala.
March 20	.	.	.	.	Gujarat, Punjab
March 24	.	.	.	.	Orissa
March 27	.	.	.	.	Madras
April 14	.	.	.	.	West Bengal
April 18	.	.	.	.	Madhya Pradesh, Maharashtra
April 24	.	.	.	.	Mysore
May 12	.	.	.	.	Andhra Pradesh
May 29	.	.	.	.	Delhi, Himachal Pradesh, Tripura
May 31	.	.	.	.	Bihar, Rajasthan
June 2	.	.	.	.	Uttar Pradesh

About 1,600 objections and suggestions were received from the public. Although the law did not require that these should be considered at public sittings, the Commission considered it desirable that the public should have an opportunity of openly discussing them and accordingly visited each State and Union Territory (except Tripura) for this purpose.

The first public sitting was held on April 18, 1961, at Bhubaneswar to consider the proposals for dividing the constituencies in Orissa. It may be recalled that after the general election of 1957, a coalition Ministry consisting of representatives of the Indian National Congress and the Ganatantra Parishad was formed in this State. Owing to

differences arising between the two parties and coming to a head early in 1961, this Ministry resigned during the budget session and the Legislative Assembly was dissolved by a President's Proclamation on February 25. Very soon thereafter it was decided to hold a general election in the first week of June. The delimitation work pertaining to the State was therefore given high priority by the Commission and completed within a few days of the public sitting held on April 18. The Commission's amendments of the Orissa Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956 were published in the official Gazette on 22nd April 1961, and four days later, the general election to the State Legislative Assembly was called by the Governor.

The public sittings in the other States followed one after another during the next four months; Assam and West Bengal in May; Madras, Kerala, Mysore, Punjab, Madhya Pradesh and Maharashtra in June; Gujarat, Rajasthan, Andhra Pradesh and Uttar Pradesh in July; and finally, Himachal Pradesh and Delhi in August. All the public sittings except the one at Trivandrum (Kerala) were well attended and the political parties showed considerable interest in the matter. The lack of enthusiasm in Kerala was apparently due to the fact that the general election to the Legislative Assembly had already taken place in February 1960 on the basis of two-member constituencies and the division of the two two-member parliamentary constituencies in the State did not raise any controversy.

As was to be expected, objections to the Commission's proposals and alternative suggestions related not so much, or even principally, to the manner of dividing the constituency into two halves, as to the allocation of the reserved seat to one of them. Suggestions to draw the line of demarcation differently were often patently motivated by a desire to shift the reserved seat from one area to another. There were also occasional suggestions that the reserved seats should not be allotted to either of the divided constituencies but to an adjoining single-member constituency on the ground that the concentration of scheduled caste or scheduled tribe population was higher there or that it was desirable to adopt the principle of rotation for reservation of seats. Such proposals, being contrary to the law, had naturally to be rejected straight-away.

Amendments of the several schedules of the Delimitation Order were finalised and notified one after another in June, July and August thereby giving the public, political parties and prospective candidates sufficient time to get acquainted with the shape of the new constituencies. Even at the time of passing the Two-Member Constituencies (Abolition) Act, it had been foreseen that the extensive and numerous amendments to be made in the schedules would put them out of shape and might lead to confusion. Section 7 of the Act had accordingly provided that after all the amending notifications were published, the

Election Commission should prepare a revised Delimitation Order, bringing up-to-date the description of the extent of all constituencies and rearranging their order wherever necessary. This formal revision took about three months. Authenticated copies of the Delimitation of Parliamentary and Assembly Constituencies Order, 1961, which replaced the Order of 1956, were sent by the Commission to the Central and State Governments on December 7 and the Order was laid before the House of the People on December 8.

The following tables set out side by side the number of constituencies and seats in each State at the general elections of 1957 and at the general elections of 1962.

TABLE 2
HOUSE OF THE PEOPLE

Name of State or Union Territory	1957						1962		
	Single-member constituencies		Two-member constituencies		Total number of seats		Single-member constituencies		
	Gen.	ST	SC	ST			Gen.	SC	ST
	res.	res.	res.	res.			res.	res.	res.
Andhra Pradesh	27	—	6	2	43		35	6	2
Assam	7	1	1	1	12		9	1	2
Bihar	33	4	7	1	53		41	7	5
Gujarat	17	3	1	—	22		18	1	3
Maharashtra	29	1	6	1	44		36	6	2
Kerala	14	—	2	—	18		16	2	—
Madhya Pradesh	15	3	5	4	36		24	5	7
Madras	27	—	7	—	41		34	7	—
Mysore	20	—	3	—	26		23	3	—
Orissa	6	2	4	2	20		12	4	4
Punjab	12	—	5	—	22		17	5	—
Rajasthan	13	1	3	1	22		17	3	2
Uttar Pradesh	50	—	18	—	86		68	18	—
West Bengal	20	—	6	2	36		28	6	2
Delhi	3	—	1	—	5		4	1	—
Himachal Pradesh	2	—	1	—	4		3	1	—
Manipur	1	1	—	—	2		1	—	1
Tripura	—	—	—	1	2		1	—	1
TOTAL	296	16	76	15	494		387	76	31

*NOTE—The figures are for the Gujarat and Maharashtra areas, respectively, of the former State of Bombay.

TABLE 3
LEGISLATIVE ASSEMBLIES

Name of State	1957						1962			
	Single-member constituencies		Two-member constituencies			Total No. of seats	Single-member constituencies			Total No. of seats
	Gen.	SC res.	ST res.	SC res.	ST res.		Gen.	SC res.	ST res.	
1	2	3	4	5	6	7	8	9	10	11
Andhra Pradesh	195	—	2	43	9	301	246	43	11	300*
Assam	63	—	17	5	9	108	77	5	23	105**
Bihar	192	—	18	40	14	318	246	40	32	318
Gujarat	@ { 91	—	13	10	4	132	122	11	21	154†
Maharashtra										
	174	—	4	33	10	264	217	33	14	264
Kerala	102	—	—	11	1	126	114	11	1	126
Madhya Pradesh	121	—	27	43	27	288	191	43	54	288
Madras	129	—	—	37	1	205	168	37	1	206‡
Mysore	150	—	—	28	1	208	179	28	1	208
Orissa	47	—	15	25	14	140	86	25	29	140
Punjab	88	—	—	33	—	154	121	33	—	154
Rajasthan	88	—	8	28	12	176	128	28	20	176
Uttar Pradesh	252	—	—	89	—	430	341	89	—	430
West Bengal	135	3	—	42	15	252	192	45	15	252
TOTAL	1827	3	104	467	117	3102	2428	471	222	3121

NOTES :—

* One general seat reduced by Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959.

** Three tribal seats reduced by the Naga Hills Tuensang Area Act, 1957.

† No. of seats increased by the Bombay Reorganisation Act, 1960.

‡ One general seat increased by Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959.

@ The figures are for the Gujarat and Maharashtra areas, respectively, of the former State of Bombay.

CHAPTER III

ELECTORAL MACHINERY

The electoral machinery responsible for the preparation of electoral rolls and for the conduct of elections remained broadly the same as during the second general elections. The Election Commission was then assisted by three Deputy Election Commissioners who were temporarily appointed with their headquarters in Delhi. One of these three posts was continued on a regular basis. No additional Deputy Election Commissioners were appointed for the general elections of 1962.

In each State, the head of the electoral machinery is the chief electoral officer who is ordinarily a member of the Indian Administrative Service or of the Judicial Service of the State. Subject to the superintendence, direction and control of the Election Commission, he supervises the preparation of electoral rolls and the conduct of all elections in the State. The chief electoral officer is appointed by the Election Commission in consultation with the State Government and usually has secretarial status. During the general elections there were whole-time chief electoral officers in all States except Kerala, Punjab, Uttar Pradesh and West Bengal. In the two latter States, the chief electoral officers who were also Secretaries to the Government in heavy departments could hardly find time to undertake tours and keep themselves in touch with the election officers in the districts. This is essential, particularly during the 4 or 5 months immediately preceding the elections.

Every chief electoral officer is assisted by a deputy and provided with a secretariat staff the strength of which varies from State to State. Prior to every general election, the staff is augmented on a temporary basis. The presence of a permanent and whole-time deputy chief electoral officer in each State, an office created on the recommendation of the Commission, has proved very useful in maintaining the efficiency of the supervisory organisation, particularly when there is a change in the incumbent of the office of the chief electoral officer. The Commission recommends that this appointment should be continued in every State on a permanent basis.

For each assembly constituency, there is an electoral registration officer and it is his responsibility to prepare and revise the electoral roll for the constituency as required by law. He is assisted by one or more assistant electoral registration officers appointed by the Commission. Until 1959, the claims for inclusion of names and objections to names already included in the draft electoral rolls were disposed of by the revising authorities specially appointed for the purpose. The law was amended in that year and the work of deciding claims and objections was entrusted to the registration officers themselves. Where, however, the number of claims and objections was large, some of them

were disposed of by the assistant registration officers. Normally, officers of the rank of sub-divisional officers were appointed as registration officers. There were in all 1017 electoral registration officers and 1958 assistant electoral registration officers in 1962, as against 1130 and 1116 respectively, in 1957.

The scheme for the appointment of returning officers and assistant returning officers for the various constituencies is similar. The returning officers for assembly constituencies are generally drawn from the cadre of sub-divisional officers while those for parliamentary constituencies are usually Collectors. In one State, Madhya Pradesh, the Collector is the returning officer for all the assembly and parliamentary constituencies comprised within the district. When elections are held simultaneously to the State Legislative Assemblies and the House of the People, the returning officers and the assistant returning officers of all the assembly constituencies comprised within one parliamentary constituency are appointed as assistant returning officers for that parliamentary constituency. This is done in order to facilitate the co-ordination of statutory and supervisory functions vesting in them at different stages of the election, and more particularly at the stage of counting of votes. There were in all 1602 returning officers and 4499 assistant returning officers in 1962, as against 1003 returning officers and 1260 assistant returning officers in 1957.

From the purely electoral point of view, a parliamentary constituency would be the ideal territorial unit for making efficient arrangements at a simultaneous general election. Since, however, outside the three presidency towns of Bombay, Calcutta and Madras, the revenue district is the administrative unit, electoral arrangements also have to be based on the district and its revenue sub-divisions. Although the district officer is not charged under the election law with the responsibility of supervising the conduct of elections, he has to take on this function in practice and to be in over-all charge of the multifarious election arrangements within his district. The Commission is of the view that this factual position which has undoubtedly contributed to the smooth and efficient conduct of our elections, should be confirmed and strengthened by a suitable legal provision. The district election officer should, subject to the direction and control of the Election Commission of India and of the chief electoral officer of the State, be made statutorily responsible for co-ordinating and supervising all the work connected with the preparation and revision of electoral rolls and the conduct of elections within his district. Various functions which are now performed under the law by the registration and returning officers or by the chief electoral officer could with advantage be vested in the district election officer, *e.g.* hearing of appeals from the decisions of registration officers, providing polling stations for all constituencies, requisitioning of buildings for this purpose, selection and appointment of polling personnel, procurement of transport, receipt and scrutiny of accounts of election expenses, custody of election papers, etc.

During the last few years, extensive and strenuous attempts are being made in all States to develop local self-governing institutions with roots firmly planted in the villages. The three-tier *panchayati raj* with *gram panchayats* at the base, *zilla parishads* at the top and *panchayat samitis* in between, is the recognised pattern of development for each district. Village communities are called upon to elect their panchayats on the basis of adults suffrage. As regards elections to corporations and municipalities, and the old restrictions on franchise have disappeared almost everywhere and these elections also are open to all adult citizens resident in the city or town. In view of this development, often described as democratic decentralisation, the Commission considers it would be desirable to coordinate the machinery of the State which is responsible for the conduct of elections to these local bodies with the machinery, also of the State, which is responsible for the conduct of elections to Parliament and to the State Legislatures. While the latter is subject to the superintendence, direction and control of the Election Commission normally exercised through the chief electoral officer of the State, the former is not so subject and in most States is completely separate from the latter.

The Commission recommends that at the State Government level, there should be an election department functioning in two separate wings, one dealing with elections to all local bodies and the other dealing with elections to the legislatures. The Secretary of this department should be the Chief Electoral Officer for the State appointed by the Commission in consultation with the State Government. In this capacity, he would be responsible to the Commission for the conduct of parliamentary and legislative elections. As Secretary to the State Government in the election department, he would also be in charge of all work pertaining to elections to local bodies. (This is, however, not to suggest that the election department should necessarily replace the local self-government department which is in charge of the work relating to the functioning of local bodies in the State. Nor is it the intention of the Commission to suggest that parliamentary and assembly elections should be held simultaneously with the elections to the local bodies.) Similarly, at the district level, all work relating to the preparation of electoral rolls and the conduct of elections could, with advantage, be concentrated in a single office, namely, the district election office also functioning in two separate wings. Coordination on these lines should lead to greater efficiency and economy of administration in election matters.

CHAPTER IV

ELECTORAL ROLLS

The law regarding registration of electors was amended in certain important respects in 1958 and again in 1960. These amendments of the Representation of the People Act of 1950 were designed to improve the procedure for the registration of electors and to facilitate the proper maintenance of electoral rolls.

The liberal definition of "ordinary residence" as originally given in this Act enabled any adult citizen to get himself registered in a constituency in which he was actually residing or in which he owned a dwelling house or in which he possessed a dwelling house. Although registration in more than one constituency was expressly prohibited in the law such multiple registration could not be avoided in practice and it was found that, whether inadvertently or deliberately, an appreciable number of electors got themselves registered at two or three places. The law was accordingly amended providing that mere ownership or possession of a dwelling house in a constituency would not be sufficient to constitute ordinary residence in that constituency.

By another amendment, the qualifying date with reference to which the electoral rolls were revised every year was changed from 1st March to 1st January. This expedited the revision of electoral rolls in most States and made it possible for the electoral registration officers to complete the revision and re-printing of rolls well before the end of the calendar year.

The scope of the law was enlarged empowering the electoral registration officer of a constituency to delete entries relating to persons who were dead or had left the constituency during the currency of the roll. He could exercise this power either on application or on his own motion. It was felt that a proper use of this provision could go a long way in maintaining the rolls up-to-date during the period between one intensive revision and another. A new section 31 was added in 1958, and enlarged in scope in 1960, making it a punishable offence for any person to make a false statement or declaration in connection with the preparation, revision or correction of an electoral roll or in connection with the inclusion or exclusion of any entry in a roll.

The system of having a separate set of revising authorities for the disposal of claims for the inclusion of names in the electoral rolls and objections to such inclusions was found in practice to be combrous and not very satisfactory. It was felt that it would be better to place the responsibility of carefully revising the rolls on the electoral registration officers themselves. The reference to separate revising authorities in section 28 was accordingly omitted by the Amending Act of 1960.

and the rules were amended enabling the electoral registration officers to dispose of claims and objections. In some States, where subordinate revenue officials had been appointed as electoral registration officers, the Commission replaced them by sub-divisional officers.

The amending Act of 1958 gave to the electoral registration officers power to delete or amend erroneous entries but it did not provide for any appeal from their orders under this provision. This defect was removed in 1960 providing for an appeal from any order of the electoral registration officer, whether it was for correcting, transposing or deleting an entry under section 22 of the Representation of the People Act or for including or refusing to include a name under section 23.

After the amendment of 1960, the old set of rules under the Representation of the People Act, 1950, known as the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, were thoroughly revised and replaced by the Registration of Electors Rules, 1960. Besides, laying down the procedure for the disposal of claims and objections by the electoral registration officers, the new rules distinguished between summary revision and intensive revision of a roll and prescribed the procedure to be adopted in either case.

The preparation and maintenance of complete and accurate electoral rolls are essential pre-requisites for the holding of elections. The election law accordingly requires that the electoral rolls for every assembly constituency shall be revised every year with reference to the 1st January of that year as the qualifying date, but if, for any reason, such revision is not possible or is not completed before the end of the year, the validity or continued operation of the existing rolls is not affected.

After the general elections in 1957, the Commission directed that during each of the three following years, the electoral rolls relating to one-third of the entire area of a State should be revised intensively (*i.e.* after house-to-house visit) so that the electoral roll for every locality would have been revised intensively once at least before the next general elections in 1962. During 1961, the year immediately preceding the general elections of 1962, revision would be non-intensive in respect of the entire rural area but intensive in respect of (a) urban areas, (b) areas where there was a floating labour population or where displaced persons were congregated, (c) areas to or from where migration was known to have taken place, and (d) service voters.

This scheme was generally adopted in all States. In 1961, however, it was felt that the electoral rolls revised intensively in 1958 and summarily in subsequent years were not sufficiently accurate for use during the forthcoming elections and it was accordingly decided that where practicable some of those rolls also should be intensively revised during 1961. The electoral rolls of as many as 81 constituencies in Gujarat, 108 in Madras, 120 in Maharashtra and 82 in Rajasthan which had been intensively revised in 1958, 1959 or 1960

were again so revised in 1961. In Uttar Pradesh, the electoral rolls of 177 assembly constituencies were intensively revised during 1959, 158 during 1960 and the remaining 95 during 1961.

Under the law, the electoral roll for a parliamentary constituency in a State consists of the electoral rolls of so much of the assembly constituencies as are comprised within that parliamentary constituency and it is not necessary to prepare or revise separately the electoral roll for any parliamentary constituency. In the Union Territories, however, as there are no legislative assembly constituencies, the electoral rolls for the parliamentary constituencies are revised in the same manner as the electoral rolls for assembly constituencies are revised in the States. The intensive revision of electoral rolls in Delhi, Himachal Pradesh, Manipur and Tripura was spread over 1958, 1959 and 1960. In some parts of Delhi and Himachal Pradesh, the electoral rolls were again intensively revised in 1961.

In view of the increase in number of the seats in the Legislative Assembly of Gujarat and consequent delimitation of the new constituencies thereto and in view of the division of all two-member constituencies into two single-member constituencies, the Commission had to make full use of the provisions of rule 24 of the Registration of Electors Rules, 1960, which provides for the collation and publication of the electoral rolls for constituencies delimited anew without going through the elaborate procedure of draft publication, calling for claims and objections and final publication after deciding those claims and objections.

To facilitate intensive revision, the Commission devised a special form for enumeration of the electors in each dwelling house or tenement. This form was bound in booklets of 50 quarter-sheets printed on both sides. One booklet was sufficient to enter the names of electors residing in about one hundred houses in a particular locality. The entries in the form showed the house number, name of the elector, name of father/mother/husband, male or female and age on 1-1-1961. The form also provided for taking the signature of the head of the household below a declaration as to the correctness of the particulars entered in the form. In cases where the enumerator was unable to find the head of the family in spite of repeated visits or where the head of the family was a pardanashin lady, he was required to get the declaration signed by any other senior member of the family. The enumerator also was required to sign the declaration. These forms provided the basic record for the preparation of electoral rolls and were useful to the registration officers in exercising proper check over the enumerators and looking into complaints from the public.

In spite of wide publicity and appeal to the political parties and the general public at the time of enumeration, their full co-operation is seldom forthcoming, particularly in urban areas. The tendency is

to give the cold shoulder to the enumerator when he goes round the houses and to complain afterwards. The average citizen, even of the educated class, displays little interest at the crucial stage in seeing that his name and the names of all eligible members of his household are correctly entered in the enumerator's book. Some interest is subsequently aroused by the political parties and prospective candidates resulting in a spate of claims and objections and worse still, in numerous applications for enrolment after the final publication of the revised electoral roll. A large number of applications for inclusion of names and for correction of entries were made to the registration officers and the chief electoral officers just before the elections. The number was so large that the officers found it impossible to dispose of all of them in time. The last-minute inclusion and correction of names, apart from causing considerable inconvenience to the officers at a time when they were busy making arrangements for the conduct of elections, were also viewed with suspicion and objected to by political parties. Even if their apprehensions of regging the roll with bogus names were not justified to any appreciable extent, it was certainly inconvenient from the electioneering point of view to find numerous additions and corrections being made a few days before poll.

Section 23 of the Representation of the People Act, 1950, permits applications for inclusion of names in the electoral rolls being made at any time, even after the issue of the notification calling upon the constituency to elect and only a few days before the date of poll. In such cases, the application has to be made to the Chief Electoral Officer and as it is necessary for him to refer every application to the electoral registration officer for scrutiny and report, it is not possible for him to dispose of all the applications in time. From the point of view of the returning officer who has to make various arrangements for the poll, and also from the point of view of the contesting candidates, it is not desirable that new names should be included in the electoral rolls until practically the last minute. Finality should be given to the electoral roll at some stage. The Commission considers that the suitable date line for this purpose would be the last date for making nominations, and in that case the application could as well be made to the registration officer instead of to the chief electoral officer. Sections 22 and 23 of the Act should, in the opinion of the Commission, be suitably amended.

The Commission is also convinced that it is a waste of time and money to revise all the electoral rolls during the year of the general elections and the next two years on the off chance of bye-elections cropping up in a few constituencies. Between March, 1957 when the second general elections were held and June, 1960, there were only 129 bye-elections in all from various assembly and parliamentary constituencies in India. It should not be difficult to revise the rolls of a particular constituency as and when a bye-election is to be held there. With reasonable printing facilities and a sufficient number of

enumerators employed for the purpose, it should be possible to revise intensively the electoral roll for a constituency in about three months. The Commission has, therefore, decided that electoral rolls of a State need to be intensively revised in the year preceding that in which the general election is due in that State. If there are practical or administrative difficulties in the way of getting the work of intensive revision and reprinting completed in all the constituencies in one year, about two-fifths of the work covering only rural areas should be done in the previous year and the rest of the work pertaining to all urban areas and the remaining rural areas should be taken up in the year immediately preceding the general election. This would not only be economical but also result in generally more accurate and up-to-date rolls at the time of the general election and of bye-elections.

In some States (e.g. Bihar), village panchayats are required under the law to maintain a family register, an adult citizen register, a register of births and a register of deaths. It is obvious that if these registers are written up accurately from time to time, the task of preparing electoral rolls for the rural constituencies will be greatly simplified. Regrettably, however, the accuracy of these registers is doubtful in many cases and the local authorities do not wish to rely on the register of adult citizens even for the purpose of holding the panchayat elections but prefer to take the part of the assembly electoral roll pertaining to the village as the panchayat electoral roll. The Commission feels that the position should be, and could be, reversed by insisting on the proper maintenance of these registers under effective supervision. In States where the law does not at present provide for the maintenance of such registers, the Commission recommends amendment of the law.

According to rule 4 of the Registration of Electors Rules, 1960, the language in which the electoral rolls are to be prepared is decided by the Election Commission. The general direction given by the Commission in pursuance of this rule was that the rolls should be prepared in the regional language but in particular areas where there was a substantial section of the population speaking another language, the rolls should also be prepared in that language. Even where the linguistic minority in an area was substantial, say not less than fifth of the total population, the Commission, before deciding that the rolls should also be prepared in the minority language, took into account other relevant factors like whether the number of people literate in the minority script was fairly large, whether the literate section of the linguistic minority was by and large literate in the majority language and script and whether there was any real difference between the script of the minority language and that of the majority language. On this basis, it was found necessary to prepare the roll in a second language only for certain small areas in some of the States. The rolls for a

few constituencies in Andhra Pradesh, Assam, Mysore and West Bengal were prepared in English only.

The unfortunate language controversy prevailing in Punjab extended also to this field in 1961. On the basis of the division of the State into a Punjabi and a Hindi region by a constitutional order made under article 371, the Commission had directed in 1958 that the electoral rolls of the Punjabi region should be prepared in the Punjabi language (Gurumukhi script) and those of the Hindi region should be prepared in the Hindi language (Devanagari script). In the Chandigarh capital area, however, the rolls were to be prepared and printed in both the scripts. The transition was completed by 1961 without any complaint or representation from the public in either region. Suddenly, however, strong and persistent demands were made in Parliament and outside in the press that the rolls in the Punjabi region must be printed in Hindi also since large sections of the public in that region were not at all conversant with the Gurumukhi script and could not utilise the rolls prepared in that script. There was no corresponding demand from the Hindi region for the preparation of the rolls in the Gurumukhi script but the State Government had, as a matter of policy, introduced bilingualism in both the regions for various public purposes. The Commission accordingly decided in July 1961 that even at that late stage an attempt should be made to prepare duplicates of all the electoral rolls in the other language. Despite the fact that the direction was issued at a time when the election staff in all the districts were fully engaged in the preparatory work connected with the general election, the printing of the rolls in the second language was taken in hand straightaway and completed with commendable speed by the end of November. The transliteration and printing of 32 copies of the electoral rolls for all the 154 constituencies in the second language cost the Government the tidy sum of Rs. 5.56 lakhs. In 108 constituencies, however, the labour and expenditure was a complete waste as not a single copy was purchased by any member of the public or used for official purposes. In the Hindi region, in all only 10 copies of the rolls in Punjabi relating to 5 different constituencies, and in the Punjabi region only 146 copies of the Hindi rolls relating to 41 different constituencies, were purchased by the public. It was apparent that the demand for preparing the rolls in a second language was not on account of any real difficulty experienced by the public but on sentimental and political grounds.

The Union Territory of Delhi was another area in which considerable additional expense had to be incurred in the preparation of electoral rolls. The rolls running to more than 17,000 folio pages had to be printed in three languages, Hindi, Urdu and English.

The Commission feels that it is unduly expensive and wasteful to require the duplication of an electoral roll in another language simply because in a particular area there is a substantial minority speaking that

language. Such minorities do in fact exist to a greater or smaller extent in some of the cities and in the linguistic hinterlands. In the urban areas the literate section of the linguistic minority is by and large sufficiently acquainted with the prevailing regional language to be able to use the roll prepared in that language. It should be left to the discretion of the Commission to decide whether the roll in the minority language is really required in such places.

The enrolment of members of the armed forces of the Union and of their wives (when eligible) in a separate part of the electoral roll for each constituency and the up-to-date maintenance of this part raised a few administrative problems. Every member of the armed forces has the right under the rules to be registered in the electoral roll for the constituency in which he would be residing if he were not in defence service and this right extends to his wife if she is ordinarily residing with him. The rules also enable him to make a declaration as to this contingent place of residence and to send it to the chief electoral officer of the State.

In order to bring this part of the electoral roll up-to-date, the Commission, after consulting the Ministry of Defence, decided to call for fresh declarations from all members of the armed forces in April, 1961 and to prepare the rolls *de novo* on the basis of these declarations. Instructions were issued by the three Service Headquarters to all the Record Offices to collect the declarations and send them to the appropriate chief electoral officer. The service personnel were specially told to give full and detailed address of their probable place of residence in order that the constituency could be located. In spite of this instruction, it was found in a number of cases that the address given in the declaration was insufficient or ambiguous and much correspondence was necessary for ascertaining it.

Similar steps were taken for registering the names of foreign service personnel and of their wives, who also enjoyed the privilege of getting themselves enrolled as electors in the constituency within which they would have been resident but for their employment outside India.

The total number of electors on the rolls at the time of the general elections for all the constituencies in India (including Jammu and Kashmir) was 218,216,585. This was 49.91% of the total population of those constituencies as ascertained at the census of 1961. The figures of total population, electors on the rolls and

percentage for each of the States and Union Territories are given in the following table :—

TABLE 4

Name of State/Union Territory	Population (1961 census)	No. of electors (February, 1962)	Per- centage
1	2	3	4
1. Uttar Pradesh . . .	73,746,401	36,661,848	49·71
2. Bihar . . .	46,455,610	22,115,041	47·60
3. Maharashtra . . .	39,553,718	19,395,795	49·04
4. Andhra Pradesh . . .	35,983,447	19,007,856	52·82
5. West Bengal . . .	34,926,279	18,005,635	51·55
6. Madras . . .	33,686,953	18,675,436	55·44
7. Madhya Pradesh . . .	32,372,408	15,874,238	49·04
8. Mysore . . .	23,586,772	11,353,892	48·14
9. Gujarat . . .	20,633,350	9,534,974	46·21
10. Punjab . . .	20,306,812	10,745,652	52·92
11. Rajasthan . . .	20,155,602	10,327,596	51·24
12. Orissa . . .	17,548,846	8,785,519	50·06
13. Kerala . . .	16,903,715	8,003,142	47·35
14. Assam . . .	11,872,772	4,942,816	41·63
15. Jammu and Kashmir . . .	3,560,976	1,844,370	51·79
16. Delhi . . .	2,658,612	1,345,360	50·60
17. Himachal Pradesh . . .	1,351,144	711,596	52·67
18. Tripura . . .	1,142,005	480,609	42·08
19. Manipur . . .	780,037	405,210	51·95
TOTAL . . .	437,225,459	218,216,585	49·91

CHAPTER V

POLITICAL PARTIES AND SYMBOLS

Before the first general elections, there was no reliable material for deciding which political parties should be recognised for the purpose of allotting symbols to their candidates. As many as 29 parties had asked for recognition as national parties and many more as State parties. Taking a liberal view, the Commission recognised 14 of the former as national parties and reserved distinctive symbols for their candidates in all the States. 59 parties were similarly recognised in particular specified States.

After the first general elections were over, it was possible to assess more accurately the electoral strength of each of these parties. The yard-stick adopted by the Commission was that the party's candidates must have polled at least 3 per cent of the total valid votes polled at the parliamentary elections to secure recognition as a national party, and the same minimum percentage at the assembly elections in a State to secure recognition as a State party in that State. As a result, the Indian National Congress, the Praja Socialist Party, the Communist Party of India and the Bharatiya Jan Sangh were recognised as national parties and 19 others as State parties. Most of the latter were recognised only in one State. The Ram Rajya Parishad and the Hindu Mahasabha were found to have sufficient electoral support in six States and four States, respectively, and were recognised in those States.

Soon after the second general elections in 1957 the list was again revised on the same basis. Four parties continued to be recognised as national parties, which meant that a particular symbol was reserved for allotment to the candidates of that party at any parliamentary or assembly election anywhere in India. 15 parties were recognised most of them only in one State, and a few in two or three States, as State parties. Here again, recognition in a State secured a reserved symbol for the party's candidates at assembly elections, as well as parliamentary elections, in that State.

This method of distinguishing between national and State parties by taking into account only the votes polled in parliamentary elections in the former case and in assembly elections in the latter case, was not very satisfactory. Since recognition in this manner was equally for the purpose of allotting symbols at parliamentary elections and assembly elections, it was somewhat illogical. It was possible for a party securing 3 per cent of the votes polled in parliamentary elections to obtain recognition in every State even if it did not contest any Lok Sabha seat in some States. Such recognition was extended to all Legislative

Assemblies without reference to the party's performance at the general elections to each of those assemblies. The party might not have contested even a single assembly seat in some States, but on the strength of a minimum electoral support at parliamentary elections in a few other States it became entitled to recognition in every State. The Commission therefore considered that it would be more realistic and rational to recognise parties Statewise after taking into account the electoral support each party had in a State in parliamentary elections as well as assembly elections.

The results of the second general elections and of the mid-term general elections in Kerala and Orissa were analysed from this point of view, applying the same yard-stick of 3 per cent of the total valid votes polled as the minimum necessary for recognition in any State or Union Territory. On this basis, it was found that the various political parties which contested those elections would have been entitled to recognition for the purpose of reservation of symbol in the States and Union Territories as specified in the following table.

TABLE 5

Name of Party	States and Union Territories in which recognised
1. Congress . . .	All States and Union Territories
2. Praja Socialist . . .	All except Punjab, Rajasthan and Tripura
3. Communist . . .	All except Gujarat, Madhya Pradesh, Mysore and Himachal Pradesh.
4. Jan Sangh . . .	Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh and Delhi.
5. Socialist . . .	Andhra Pradesh, Bihar, Madhya Pradesh, Rajasthan, Uttar Pradesh and Manipur.
6. Scheduled Castes Federation. . .	Maharashtra, Punjab and Himachal Pradesh
7. Hindu Mahasabha . . .	Madhya Pradesh, West Bengal, and Delhi
8. Ram Rajya Parishad . . .	Madhya Pradesh and Rajasthan
9. People's Democratic Front . . .	Andhra Pradesh
10. Chota Nagpur Santhal Parganas Janata Party . . .	Bihar
11. Jharkhand . . .	Bihar
12. Maha Gujarat Janata Parishad . . .	Gujarat
13. Muslim League . . .	Kerala
14. Dravida Munnetra Kazhagam . . .	Madras
15. Indian National Democratic Congress . . .	Madras
16. Peasants' and Workers' Party . . .	Maharashtra
17. Lok Sevak Sangh . . .	Mysore
18. Ganatantra Parishad . . .	Orissa
19. Forward Bloc . . .	West Bengal
20. United Independent Front . . .	Himachal Pradesh

Certain changes in the party position which had taken place since the second general elections required to be taken into account. The All India Scheduled Castes Federation dissolved itself in 1958 and was replaced by the Republican Party of India. After due enquiry, this successor party was recognised in Maharashtra and Punjab. The Maha Gujarat Janata Parishad formally bound itself up and ceased to exist as a political party. The Indian National Democratic Congress which was recognised as a State party in Madras merged in the newly formed Swatantra Party and hence its recognition was withdrawn.

There was no review in 1957 of the State parties in Andhra Pradesh since the general election to the Legislative Assembly in this State was confined to the Telangana area. The Peasants' and Workers' Party which was recognised only in the old State of Hyderabad and which contested both parliamentary and assembly elections in the Telangana area did not poll the requisite number of votes. It could not therefore continue to be recognised in Andhra Pradesh. Similarly, the Praja Party which was recognised in the old Andhra State contested a few parliamentary and assembly constituencies at the second general elections but got little electoral support. Considering further that it had only two or three sitting members in the Legislative Assembly of the State, its continued recognition could not be justified. The People's Democratic Front contested only one out of 21 bye-elections held since the last general elections in the State. It had apparently ceased to function effectively as a political party and it was therefore not necessary to continue its recognition.

The Lok Sevak Sangh which was recognised as a State party in Mysore did not seem to function as a separate party nor was it functioning as a group in the Legislative Assembly of the State. Accordingly, its recognition also was withdrawn.

It was represented to the Commission that the Communist Party did not contest the general elections in the Gujarat area of Bombay State by setting up candidates of its own, but had come to an understanding with the Maha Gujarat Janata Parishad not to set up candidates in Gujarat area. So also, the Shiromani Akali Dal, which had allied itself with the Congress and did not set up candidates separately at the last general elections in Punjab, asked for re-recognition on the ground that it was again functioning as a separate political party both within the Legislative Assembly and outside. Although such electoral facts and alliances were usually not taken notice of by the Commission, in the special circumstances of these two cases, there appeared to be sufficient justification for continuing the recognition of the Communist Party in Gujarat and for according recognition to the Akali Dal in Punjab.

The Swatantra Party represented to the Commission that, although recently formed, it should be recognised for the purpose of allotment of symbols in all the States on the basis of its strength in the various

legislatures, its primary membership, the number of branches it had set up, the strength of its organisation, etc. It was obviously not possible to apply to new parties the test of a minimum electoral support at the polls but the Commission felt that it was desirable to find some other *ad hoc* basis for adjudging their claim to recognition. In the case of Swatantra Party, the Commission was satisfied that the Janata Party in Bihar, the Indian National Democratic Congress in Madras and the United Independent Front in Himachal Pradesh, all recognised parties, had merged themselves in the Swatantra Party. It had a substantial following in the State Legislatures of Andhra Pradesh and Uttar Pradesh and had been recognised as a group by the Speakers of the respective Legislative Assemblies. In Gujarat Assembly also, 8 members who between them had polled more than 3 per cent of the total votes polled in the Gujarat area, then belonged to that party. The Commission accordingly decided to recognise the Swatantra Party in these six States, and, as a consequence, to withdraw recognition from the Janata Party in Bihar and the United Independent Front in Himachal Pradesh.

In the result, the undermentioned 16 parties were recognised for the purpose of allotting reserved symbols to their candidates at parliamentary and assembly elections in the States and Union Territories as specified in the following table.

TABLE 6

Name of Party	States and Union Territories in which recognised
1. Congress . . .	All States and Union Territories
2. Praja Socialist . . .	All except Punjab, Rajasthan and Tripura
3. Communist . . .	All except Madhya Pradesh, Mysore, and Himachal Pradesh.
4. Jan Sangh . . .	Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh and Delhi.
5. Socialist . . .	Andhra Pradesh, Bihar, Madhya Pradesh, Rajasthan, Uttar Pradesh and Manipur.
6. Swatantra . . .	Andhra Pradesh, Bihar, Gujarat, Madras, Uttar Pradesh, and Himachal Pradesh.
7. Hindu Mahasabha . . .	Madhya Pradesh, West Bengal and Delhi.
8. Ram Rajya Parishad . . .	Madhya Pradesh and Rajasthan
9. Republican . . .	Maharashtra and Punjab
10. Jharkhand . . .	Bihar
11. Muslim League . . .	Kerala
12. Dravida Munnetra Kazhagam . . .	Madras
13. Peasants' and Workers' . . .	Maharashtra
14. Ganatantra Parishad . . .	Orissa
15. Akali Dal . . .	Punjab
16. Forward Bloc . . .	West Bengal

All these parties, except Akali Dal and of course Swatantra, continued to have their old reserved symbols. The symbol "hand" was allotted to Akali Dal. The five-pointed star was the symbol chosen by the Swatantra Party, but its representation that in Bihar it should be allowed to retain the Janata Party's symbol of bicycle for its first general elections was accepted by the Commission.

According to the former rules governing the allotment of reserved and free symbols, a symbol reserved for a party only in one or two States was not available in any other State for any candidate even as a free symbol. Some of the recognised parties which claimed to function also in a number of other States in which they were not recognised objected to this restriction on the ground that they would be greatly handicapped in these other States by not having their symbol for electioneering purposes. This appeared to be a legitimate grievance, and the Commission felt it was desirable that the party symbol should be made available to its candidates also in these other States provided the Commission was satisfied that the party would be setting up a sizable number of candidates. In determining the States in which this facility should be extended to particular parties, the Commission had naturally to rely on the assurances given by them. The symbols of the under-mentioned nine parties were accordingly included in the list of free symbols available in the States mentioned against each party :—

- | | | | |
|-----------------------|---|---|---|
| 1. Praja Socialist | . | . | Punjab, Rajasthan and Tripura |
| 2. Communist | . | . | Madhya Pradesh, Mysore and Himachal Pradesh. |
| 3. Jin Sangh | . | . | Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madras, Mysore, West Bengal and Himachal Pradesh. |
| 4. Socialist | . | . | Assam, Gujarat, Kerala, Madras, Maharashtra, Mysore, Orissa, Punjab, West Bengal and Delhi. |
| 5. Swatantra | . | . | Assam, Kerala, Madhya Pradesh, Maharashtra, Mysore, Orissa, Punjab, Rajasthan and West Bengal. |
| 6. Hindu Mahasabha | . | . | Bihar, Gujarat, Maharashtra, Punjab, Rajasthan and Uttar Pradesh. |
| 7. Ram Rajya Parishad | . | . | Bihar, Gujarat, Maharashtra, Punjab and Uttar Pradesh. |
| 8. Republican | . | . | Andhra Pradesh, Gujarat, Madras, Madhya Pradesh, Mysore, Uttar Pradesh, Delhi and Himachal Pradesh. |
| 9. Forward Bloc | . | . | Madras |

Although listed together with free symbols the allotment of a party symbol in any of the specified States was subject to the following restrictions :—

- (a) if the party set up a candidate in the constituency (whether parliamentary or assembly) he should be allotted the party symbol in preference to all other candidates;
- (b) if the party set up a candidate in a parliamentary constituency, the symbol should not be allotted to any candidate in any of the assembly constituencies comprised within that parliamentary constituency unless that candidate also belonged to the same party;
- (c) if the party set up a candidate in an assembly constituency, the symbol should not be allotted to any candidate in the parliamentary constituency comprising that assembly constituency unless that candidate also belonged to the same party.

These restrictions ensured that a partially recognised party setting up candidates only in a few parliamentary and assembly constituencies in a State practically secured the party symbol for its candidates.

Besides the symbols reserved either wholly or partially for the 16 recognised parties, 9 other completely free symbols were provided for the use of independent candidates. All the 25 symbols as they appeared on the ballot papers are reproduced on the opposite page.

All political parties, recognised or unrecognised, which intended to put up candidates at the general elections of 1962 were informed that the basis for continued recognition or fresh recognition would be the quantum of electoral support that the party would be getting in each State at those elections. The Commission felt that the time had come to increase the minimum from 3 per cent to 4 per cent and accordingly laid down that only a party that polled at least 4 per cent of the total valid votes cast in a State *either* at the parliamentary elections *or* at the assembly elections would be eligible for recognition in that State. In order to check the tendency to set up candidates indiscriminately on the party ticket merely to increase the total votes and obtain recognition in a State, the Commission decided that votes secured by those candidates who forfeited their security deposits would not be taken into account. The Commission also informed the parties that it would not take any notice of electoral alliances or understandings between the parties *inter se* or between a party and candidates, whether such alliances or understandings were reported to the Commission or not. A party would only be given credit for the votes secured by those candidates who were sponsored by it and who openly contested the elections on the party tickets.

On the 16th December, 1961, the Commission issued a circular letter to all recognised political parties in the country and followed it up by a press-note, detailing the manner of sponsoring candidates by political parties. The procedure to be adopted by them was as follows :—

- (1) The party should intimate to the chief electoral officer of the State by the 10th January 1962, the names of the persons who had been authorised by the party to convey its final decision as to its approved candidates at the elections in that State. It was suggested that not more than two or three such persons should be authorised by the party for this purpose and wherever more than one person was authorised in the State, the districts or areas assigned to each of them should be clearly mentioned.
- (2) Facsimile signatures of each of the persons so authorised should be sent by the party to the chief electoral officer and the returning officer for each of the constituencies in which it proposed to sponsor candidates.
- (3) Any subsequent change in the persons authorised should be similarly intimated to the chief electoral officer and the returning officers concerned.
- (4) A complete list of the approved candidates along with the names of the substitute candidates who would be set up in the event of the approved candidates' nomination being rejected should reach the chief electoral officer and the returning officer concerned sufficiently in advance of the last date for the withdrawal of the candidatures. Changes in the list would, however, be permitted at any time before that date. This list should clearly indicate who was the approved candidate and who was the substitute candidate. In the absence of this information, if the substitute candidate refused or failed to withdraw in time, two candidates officially sponsored by the party would remain in the field and the returning officer would not allot the party symbol to either of them and both of them would have to be treated as non-party candidates and allotted free symbols. The Commission also made it clear that the returning officer would allot the symbol reserved for the party to the approved candidate and a free symbol to the substitute candidate even where both of them remained in the field if he had been authoritatively informed by the party before 3 p.m. on the last date of the withdrawal of the candidatures as to who was the approved candidate of the party and who was the

substitute candidate. In other words it should not be left to the returning officer to decide as to who was the approved candidate and who was the substitute candidate.

A similar procedure was prescribed for unrecognised parties.

If the name of the same person was intimated by two political parties as their approved candidate, the returning officer was required to decide his party affiliation on the choice of the symbol given by him and to allot accordingly. Where candidate whose name had been intimated by a political party as its approved candidate did not ask for the party symbol the returning officer was asked to assume that he did not wish to stand as a candidate of that party and should not allot the party symbol to him.

No difficulty was reported to the Commission by the returning officers regarding the allotment of completely reserved symbols or of the partially reserved symbols. The necessary co-ordination between the returning officer for a parliamentary constituency and the returning officers for the several assembly constituencies comprised within that parliamentary constituency was easily secured. In allotting the partially reserved symbols, however, there were complaints, especially where two or more independent candidates had asked for an entirely free symbol and one of them had to be allotted a partially reserved symbol because no other free symbol was available. Quite a few independent candidates did not like any party symbol being allotted to them.

In some States, the procedure prescribed for the allotment of symbol was not fully followed by some of the parties which led to difficulties. Names of persons authorised by the party to convey its final decision as to their approved candidates at the elections were not communicated in a few cases till the eleventh hour. Some of the political parties deferred the selection of their candidates till the last moment in the hope of picking up a few of the independent candidates in the field and consequently their intimations to the returning officers did not in a few cases reach them in time. In spite of these difficulties, there were in all only ten cases of incorrect allotment of symbols by the returning officers. All these were regularised by the Commission under the rules and the mistakes were rectified in time.

On an analysis of the votes polled by the party candidates at the general elections of 1962, it was found that the following parties had secured not less than 4 per cent of the valid votes polled and were

accordingly eligible for a reserved symbol in the States and Union Territories as shown in the following table :—

TABLE 7

Name of Party	States and Union Territories in which recognised
1. Indian National Congress	All States and Union Territories
2. Communist Party . . .	Andhra Pradesh, Assam, Bihar, Kerala, Madras, Maharashtra, Orissa, Punjab, Rajasthan, West Bengal and Tripura.
3. Praja Socialist Party . . .	Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Mysore, Orissa and Uttar Pradesh.
4. Swatantra Party* . . .	Andhra Pradesh, Bihar, Gujarat, Madras, Mysore, Orissa, Rajasthan and Himachal Pradesh.
5. Jan Sangh . . .	Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and Delhi.
6. Republican Party . . .	Maharashtra, Punjab and Himachal Pradesh.
7. Socialist Party . . .	Uttar Pradesh and Manipur
8. All-Party Hill Leaders' Conference . . .	Assam
9. Jharkhand Party . . .	Bihar
10. Muslim League . . .	Kerala
11. Dravida Munnetra Kazhagam . . .	Madras
12. Peasants' & Workers' Party	Maharashtra
13. Akali Dal . . .	Punjab
14. Forward Bloc . . .	West Bengal

The fading out of the Hindu Mahasabha and the Ram Rajya Parishad from the two or three States where they previously had some electoral support and the emergence of the Swatantra Party in as many as seven States and one Union Territory were noteworthy features of this analysis. The Communist, Praja Socialist and Socialist parties lost ground in a number of States. The only new party which established its claim to recognition by obtaining adequate electoral support was the All Party Hill Leaders' Conference of Assam.

The results further showed that the partial recognition of some of the parties in a few other States by including their symbols among the free symbols and making them available for their candidates did not help those parties at all except in the case of the Swatantra Party. The votes gathered by the candidates set up by these parties in those States did not add up to any thing appreciable. There appeared to be no point in continuing the system of partial recognition and it was withdrawn by the Commission in September, 1962.

* Immediately after the general elections, the Ganatantra party which was recognised in Orissa and had set up candidates merged with the Swatantra Party. In view of this merger, the valid votes polled by the former party were treated as votes polled by the latter for according recognition to it in that State.

CHAPTER VI

POLLING STATIONS AND ELECTION MATERIALS

The law requires returning officer for each constituency to provide, with the previous approval of the Election Commission, a sufficient number of polling stations for the constituency and to publish the approved list before the elections are held. Instructions are issued by the Commission from time to time laying down general principles for the guidance of the returning officers in regard to this important matter. In order that this task could be taken in hand in good time and performed with care, the Commission revised and consolidated its previous instructions and issued them in September, 1960.

After taking into account the desirability of reducing the poll period and the availability of polling personnel, the Commission suggested that the optimum number of polling stations to be provided for a constituency might be arrived at by dividing the total number of electors in the constituency by 900. The returning officer could then provide a few more or a few less polling stations for the constituency according to local exigencies. Previous experience had shown that the polling staff at any polling station were able to handle without difficulty an electoral roll of 1,000 to 1,200 electors and accordingly the average of 900 electors per polling station was considered to be quite workable both in rural and in urban areas. In the larger cities like Calcutta, Bombay, Delhi and Madras, however, the average was reduced to 800. The general instruction was given that the number of electors assigned to a polling station should not exceed 1,200.

The other instructions which the returning officers were asked to bear in mind were as follows :—

(a) Where the number of voters in a village exceeded 1,200, two separate polling stations should be set up, preferably in the same building, and if convenient, a small village or hamlet in the vicinity included in one polling area.

(b) Parts of the electoral roll can be split up and the voters allotted to two polling stations, if necessary, to bring the total number of electors allotted to any polling station to the required average.

(c) Polling stations should be so set up that ordinarily no voter is required to travel more than 3 miles to cast his vote. In sparsely populated, hilly or forest areas this rule may have to be relaxed but in order to avoid voters walking unduly long distances, polling stations may have to be set up for a comparatively small number of voters.

(d) In urban areas not more than four polling stations, and in rural areas not more than two polling stations, should be located in

the same building in order to avoid overcrowding and confusion and to maintain peace and order.

(e) In most places, provision of separate polling stations for women has been found to be unnecessary. Where, however, such provision has to be made, the polling station for women voters and the polling station for men voters of a particular polling area should be located in the same building. Where two polling stations are set up in the same compound or building and the numbers of men and women voters are more or less equal, there should be no objection to allotting one of them for men and the other for women.

(f) Where the polling area for one or more polling stations comprises a number of villages, the polling station should ordinarily be located in the village with the largest number of voters. Where, however, another village is more central or has distinctly better facilities, it might be chosen in preference to the village with the largest number of voters.

(g) Due consideration should be given to the existence of obstructions like hills, forests, rivers, etc. No polling area should contain villages on either side of a river, but where a village itself is divided by a river or stream, it should be split up for polling purposes unless there are special reasons.

(h) A polling station should be located in one of the villages attached to it unless special circumstances exist for setting it up outside the polling area. It should be ensured that the entire area of the constituency is covered by the proposed polling stations.

(i) As far as possible polling stations should be located in schools (government or aided) and other government or semi-government institutions. The location of polling stations in private buildings or premises should be avoided but where this becomes unavoidable the consent of the owner should be obtained in writing. It should also be ensured after the filing of nominations at the election that the owner is not a candidate nor a known sympathiser or worker of any of the candidates at the election.

(j) No polling station should be located in police stations, hospitals, temples or places having religious significance.

(k) As far as possible, buildings should be chosen for setting up polling stations. If it becomes absolutely necessary to set up a polling station in a temporary structure, its exact location should be indicated in the list.

After the list of polling stations had been prepared by the returning officer in accordance with these instructions, he was required to publish it in draft inviting comments and suggestions from the public by a specified date. A copy of the list was supplied to each of the recognised political parties in the State and to sitting members concerned. Thereafter the returning officer discussed his proposals with party

representatives and the sitting members at a meeting, amended the provisional list of polling stations where necessary and sent it through the chief electoral officer to the Election Commission for approval under the law. The finally approved list was then published in the constituency and copies were supplied free of cost to all the contesting candidates.

The returning officer for a parliamentary constituency was not required to prepare a separate list of polling stations. He merely put together the approved lists for the several assembly constituencies comprising the parliamentary constituency and notified it as the approved list of polling stations for the latter.

The total number of polling stations provided for all the parliamentary constituencies and assembly constituencies in India (excluding Jammu and Kashmir) for the third general elections was 238,031 as against 220,478 provided in 1957. The number provided in each of the States and Union Territories was as follows :—

TABLE 8

Name of State	No. of polling stations
Uttar Pradesh	39,121
Bihar	24,215
Andhra Pradesh	21,587
West Bengal	21,465
Madras	21,041
Maharashtra	20,921
Madhya Pradesh	17,303
Mysore	12,598
Rajasthan	11,588
Punjab	11,447
Gujarat	10,960
Orissa	8,328
Kerala	7,946
Assam	5,814
Delhi	1,385
Himachal Pradesh	1,152
Tripura	621
Manipur	539
TOTAL	238,031

In the absence of suitable buildings, arrangements had to be made for the erection of temporary structures to serve as polling stations. In all 15,115 temporary structures were erected at an approximate cost of Rs. 629,433 as against 27,985 temporary structures so erected at a cost of Rs. 1,785,435 during 1957 general elections. No inconvenience was experienced in conducting the poll in the temporary structures.

The procurement and distribution of all the material equipment required for the conduct of the poll in each and every polling station imposes a heavy responsibility on the officers charged with the running

of these elections. A wide variety of articles have to be collected in sufficient quantities, made up into parcels for the use of each polling party at each polling station and kept ready for distribution at the place from which a group of polling parties will be setting out. In most States it becomes obvious that the same polling party would have to conduct the poll at two or even three polling stations one after the other in succession. A sample list of the polling materials required for a polling party and for a polling station is given in the appendix to this chapter. The more important of these are ballot boxes, ballot papers, paper seals and indelible ink.

As a result of the introduction of the marking system of voting in most parts of the country, the existing stock of ballot boxes proved to be more than sufficient and there was no need to arrange for fresh supplies. In fact, a large number of these boxes became surplus to requirement in almost all the States and their economic disposal became a problem. There was some shortage of these boxes in Manipur where the balloting system of voting was continued. This was made good by the transfer of 2,100 ballot boxes from Tripura where the marking system of voting had been adopted.

During the course of the elections, it came to the notice of the Commission that the Allwyn type of ballot boxes had a mechanical defect and could be opened without breaking the seal by treating the box in a special way. It was subsequently ascertained from the manufacturers that this defect could be removed if the boxes were subjected to a minor repair. In view, however, of the fact that a large number of other ballot boxes, which were free from any defect, were readily available and were in any case to be disposed of as surplus to requirement, it was not considered worthwhile incurring any additional expenditure on the repair of the Allwyn boxes. The Commission recommended to the Government of India and the States concerned that the Allwyn type of ballot boxes, wherever they were in use, should be completely replaced by the transfer of Godrej boxes from the State where they were surplus.

The next important requirement in connection with the conduct of the poll is the ballot paper. Under the marking system of voting which was adopted throughout the country except in the Union Territory of Manipur and a few constituencies elsewhere, the ballot paper showing the names of the contesting candidates and the symbol allotted to each of them had to be printed within the short period between the withdrawal of candidatures and the date of poll. The task would not be difficult if printing facilities were available in all local areas and each returning officer could be left to arrange locally for the printing of all the ballot papers required by him. Reliable private presses willing to undertake the work were very few and one could not be absolutely sure that they would be able to deliver the goods in time. It was decided that the work should be handled by the State printing presses in spite of the centralisation of work which it involved.

Each State Government was asked to assess the machinery and equipment available in its printing presses from the special point of view and to augment it wherever necessary. For this purpose, zonal meetings were held by the Chief Election Commissioner with the representatives of the State Governments and the superintendents of the Government Presses and the job requirement fully explained to them. As a result of this assessment, the Commission recommended to the Government of India and the State Governments the addition of printing and cutting machines in certain States.

The most difficult part of the printing of ballot papers was the numbering of such papers. Most States preferred machine-numbering while a few were content to have hand-numbering. Those States which favoured machine-numbering did not have a sufficient number of type-high numbering machines. The State Governments placed orders for such machines with local firms but the latter could not supply these machines in time. The Commission had, therefore, to intervene at the last stage and arranged for these machines through the Director General of Supplies and Disposals. The machines had to be airlifted and the Commission notes with satisfaction that these machines eventually reached their destinations in time for the printing of the ballot papers.

During the general elections to the Kerala Legislative Assembly, where too the marking system of voting was adopted, the press used symbol blocks, mounted on wood for printing ballot papers. This was found to be unsatisfactory. There was a general preference for type-high metal blocks. A bulk order was placed with a foundry in Madras which supplied these well in time.

An enormous quantity of paper was required for the printing of these ballot papers. The Commission called for estimates from all the States and placed a consolidated order with the Titagarh Paper Mills Ltd., through the Chief Controller of Printing and Stationery. As elections to the Legislative Assemblies and to the Lok Sabha were held simultaneously, paper of two different shades was ordered. White paper was used for elections to the Lok Sabha and pink paper for elections to the Legislative Assemblies. Although the supplies were made in time, there was a general complaint that the quality of the paper supplied was not up to the standard. The Commission considers that the quality of the paper should be improved before the next general elections. A total quantity of 710 tons of paper, costing about Rs. 1,155,800 was purchased.

The problem of printing ballot papers with minimum wastage was also discussed with the superintendents of various Government presses on several occasions. The Commission issued the following instructions in respect of the form and size of the ballot papers :—

- (i) The front of the ballot paper will contain only the names of the contesting candidates, the symbol of the candidate

and the name of the constituency. The name of the constituency will be printed in the middle of the first shaded area.

- (ii) The back of the ballot paper will contain the serial number of the ballot paper on the top left corner unless it is printed on the front side.
- (iii) The width of the ballot paper will ordinarily be 4 inches.
- (iv) The width of the space allotted to each candidate will be $6\frac{1}{2}$ ems and the width of the shaded area between the spaces allotted to any two candidates will be $2\frac{1}{2}$ ems. There will be no shaded area at the top and bottom, instead there will be a black line 1 em thick.
- (v) The size of each symbol will not be more than 9 ems \times $5\frac{1}{2}$ ems.

The size of a ballot paper thus varied in direct ratio with the number of contesting candidates whose names were to be shown on it. The Commission's estimate of an average of four candidates per constituency proved to be low in many States, but luckily the paper indented for was sufficient. Up to 9 candidates, the ballot paper was of a convenient size to handle, being about the size one half of a half-sheet ($13\frac{1}{2}'' \times 4''$). When the number of candidates was 10 or more, as was regrettably the case in an appreciable number of constituencies, the normal pattern of printing their names one below the other giving each a panel of $1\frac{1}{2}$ inches width, gave an unduly long ballot paper. The instruction was accordingly issued that in such cases the ballot paper should be printed in two columns divided by a shaded area similar to the one between the panels of two candidates (*See plate 2*).

Most of the State presses were able to get through this unusually heavy and unaccustomed job satisfactorily and within the limited time allowed to them. In the few States which had presses located in different parts, e.g. Rajasthan, Madhya Pradesh and Maharashtra, the work was naturally done with greater facility and the distribution of the printed ballot papers to the districts was also easier, quicker and less expensive. In Uttar Pradesh which had to print in all 75 million ballot papers for 516 constituencies, this facility was unfortunately not available and the work had to be concentrated in the Government press at Lucknow. Consequently, a few mistakes in the printing of ballot papers and a few at the sorting and bundling stage occurred which came to light later but none of them was of a serious or irremediable character. The Commission considers that with the improvement and expansion of printing facilities that is bound to take place during the next few years, it would be desirable to decentralise the work as much as possible. A part of the work could be entrusted to reliable private presses.

The distribution of the ballot papers to the various polling stations was completed without any hitch.

A few specimen ballot papers which were printed for use at the general elections are reproduced in plates.

Sufficient stocks of paper seals used for securing ballot boxes were available in most States. These stocks were augmented wherever necessary. The paper seals, which were printed anew, contained serial numbers. The old unnumbered pink paper seals, which were also used at these elections, were numbered by hand machines before such use. The additional expense on paper seals was negligible.

Marking of the left fore-finger with indelible ink is a statutory requirement. In the previous elections, the mark was made on the base of the fore-finger, whereas in the general elections of 1962, it was made just above the root of the nail on the skin. In all 372,923 phials of indelible ink were supplied to the various States at a total cost of Rs. 294,607.



APPENDIX

LIST OF POLLING MATERIALS FOR A POLLING PARTY

1. Indelible ink	One phial per day of duty and one more	12. Metal seal for Presiding Officer	1
2. Self-inking pad (violet)	1	13. Rubber stamp for marking ballot papers	6
3. Self-inking pad (red)	2	14. Thread	2 bundles
4. Copying pencil	2	15. Sealing wax	12 pieces
5. Ordinary pencil	2	16. Receipt for deposit for challenged votes	1 book
6. Ink tablet	4 red, 4 blue		
7. Inkpot	2		
8. Pen-holder and nib	2 each	17. Material for voting compartment	2
9. Blotting paper	1 sheet of D.F. size	18. Gum paste	1 bottle
10. Foolscap paper	4 sheets	19. Pusher	1
11. Pins	1 Pkt.	20. Match box	2
		21. Blade	1

LIST OF POLLING MATERIALS FOR A POLLING STATION

1. Paper Seal	6	13. Flexible wire	1 Yard
2. Card board for strengthening paper seal	6	14. Cup or empty cigarette tins for setting the indelible ink bottles	1
3. Passes for polling agents	6	15. Notice specifying polling area	2 copies
4. Rubber stamp bearing distinguishing mark of polling station	1	16. List of contesting candidates	2 copies
5. Packing paper	2 sheets	17. Covers for returned and cancelled ballot papers	2
6. Working copy of roll	3	18. List of tendered votes	2
7. Addressed tags	6	19. List of challenged votes	2
8. Labels for unused ballot papers	2	20. Cover for unused paper seals	2
9. Cover for unused ballot papers	2	21. Appointment letters of polling agents	2
10. Cover for tendered ballot papers	10	22. Presiding Officer's diary	2 foolscap sheets
11. Candle or debri	6 candles or 1 debri	23. Presiding Officer's record for blind and infirm electors	2
12. Ballot Box	5	24. Cover for ballot paper account	2

CHAPTER VII

ELECTION PROGRAMME

It is a noteworthy feature of Indian election law (*vide* sections 15 and 16 of the Representation of the People Act, 1951) that when the time comes for holding a general election for constituting a new House of the People or a new Legislative Assembly in a State, the President or, as the case may be, the Governor of the State has to issue the public notification calling the general election on such date as may be recommended by the Election Commission. This throws on the Commission the heavy responsibility of drawing up for every general election a time-table which would be convenient from the point of view of the general public and also of the administration. The responsibility and the difficulty of the task become greater when it is a question of fixing a programme for holding simultaneous general election all over the country.

When a new House of the People or Legislative Assembly is to be constituted on the expiration of the duration of the existing House or Assembly, the law permits the issue of the first notification calling the general election at any time not earlier than six months prior to the date on which the normal five year term is due to expire under the Constitution. This term commences on the date appointed by the President or the Governor, as the case may be, for the first meeting of the House or Assembly.

The term of the second House of the People elected in 1957 was due to expire on May 10, 1962. In the case of the State Legislative Assemblies elected in 1957, the due dates of expiry were as follows :—

Andhra Pradesh	.	.	.	March	31, 1962
Uttar Pradesh	.	.	.	April	11, 1962
Punjab	.	.	.	April	24, 1962
Rajasthan	.	.	.	April	24, 1962
Madras	.	.	.	April	29, 1962
Bihar	.	.	.	May	17, 1962
West Bengal	.	.	.	June	4, 1962
Assam	.	.	.	June	8, 1962
Mysore	.	.	.	June	10, 1962
Gujarat	.	.	.	June	17, 1962
Maharashtra	.	.	.	June	17, 1962
Madhya Pradesh	.	.	.	July	1, 1962
Jammu & Kashmir	.	.	.	July	17, 1962

The Legislative Assemblies of Kerala and Orissa had been elected only in February 1960 and June 1961, respectively, and consequently, in 1962, general elections were not due in these two States so far as their Legislative Assemblies were concerned. The fact that two States have thus fallen out of step and will in future have to hold their assembly elections one or two years before the parliamentary general election in the country raises the interesting question whether this is not a desirable state of affairs. It could be urged that by dissociating the two general elections and holding them separately in each State, the electors would have a better opportunity of appreciating the different issues involved. Theoretically this is no doubt a valid argument. Practical consideration of national economy and administrative convenience, however, make it distinctly preferable to hold the two general elections simultaneously all over the country. Whether it be for Parliament or for the State Assembly, a general election necessarily involves the wholesale diversion of administrative effort to that task for about six weeks; and, of course, it costs the national exchequer almost twice as much to hold the two elections separately as to hold them simultaneously. It is obviously desirable that this duplication of effort and expense should, if possible, be avoided.

The time-table for any election, including a general election, is almost fully regulated by the provisions of section 30 of the Representation of the People Act, 1951. The various stages are the issue of a notification in the official gazette calling upon the constituencies to elect a member, the making of nominations, the scrutiny of nominations, the withdrawal of candidates from the contest, the election campaign and, finally, the poll. By an amending Act of 1961, two minor changes were made in this section reducing the period allowed for making nominations from ten days to seven, and the interval between the last date for making nominations and the date of scrutiny of the nominations from three days to two. The period allowed for withdrawal of candidatures counting from the date of scrutiny of nominations continued to be three days, and the minimum period which had to be allowed for the election campaign continued to be twenty days. The section also provides that if the last date for nominations or the date for scrutiny or the last date for withdrawal of candidatures, according to the prescribed time-table, happens to fall on a public holiday, it should be fixed for the next succeeding day which is not a public holiday. The minimum period for conducting an election, from the issue of the first notification to polling day, thus comes to 32 days, assuming that the time-table is carefully drawn up avoiding public holidays.

As the general public and the political parties are getting more and more familiar with elections and more and more conscious of the heavy expenses incurred by candidates in electioneering, they are tending to the view that the period of electioneering should, if possible, be made shorter. This would certainly help in reducing candi-

dates' expenses. Looking at section 30 of the Act from this angle, the Commission recommends a reduction of five days in the minimum period prescribed for the election campaign, allowing the Commission to fix the date of poll not earlier than the fifteenth day after the last date for withdrawal of candidatures. From the administrative point of view, the limiting factor is the time required for printing ballot papers and despatching them to the returning officer of the constituency. The experience of the general elections has shown that this could be done within a period of ten or twelve days. The Commission also considers that the scrutiny of nominations could easily be taken up on the day after the last date for making nominations and that an interval of two days after the scrutiny of nominations should be sufficient for the withdrawal of candidatures. If these reductions are accepted and section 30 is suitably amended, the minimum period required for the conduct of an election will be reduced from 32 days to 25 days.

It may be mentioned in this connection that according to the explanation contained in section 30, a public holiday is not only any day which is a public holiday under the Negotiable Instruments Act, but also any day which has been notified by the State Government to be a holiday for the government offices in the State. A day notified to be a holiday in a particular locality in the State is apparently not to be treated as a public holiday for the purposes of an election time-table; but even so, this extension of the meaning of public holiday occasionally gives rise to difficulties, e.g. when such a holiday is notified just after the time-table has been announced by the Commission or when the Commission has not been informed at the proper time of the existence of such a notification. The Commission recommends that only the "negotiable instruments" holidays should be regarded as public holidays for this purpose.

The Commission began its consultation with the State Governments and representatives of the various political parties and groups in Parliament in June, 1961, and came to the conclusion that the most convenient time for holding the simultaneous general elections in 1962 would be the latter half of February. Poll in March was found to be unsuitable in several ways. The *Ardha Kumbha Mela*, an important religious occasion which occurs once in six years and attracts lakhs of pilgrims to Hardwar in Uttar Pradesh for a month, was due to begin on March 4 with the *Maha Shivaratri* celebrations. Since the police and administrative machinery of the State would have to be directed in full strength to Hardwar during this month, holding the elections at the same time was out of the question so far as Uttar Pradesh was concerned. The annual examinations in universities, colleges and schools which take place in many parts of the country in the second half of March had to be taken into account. At a general election we have to rely strongly on the staff of educational institutions for furnishing polling personnel and on their buildings

for providing polling stations, and both these would be unavailable during the period of annual examinations.

Another important, indeed decisive, consideration that weighed in favour of poll in February was the fact that one-third of the members of the Council of States would be retiring on April 2, 1962, and the biennial elections to fill these vacancies would have to be completed by that date. Although there is no constitutional bar to the new members being elected by the outgoing legislative assemblies before their dissolution, it would obviously be preferable to get them elected by the new legislative assemblies after completing the general elections. This would be possible only if the general elections could be held before the end of February and the new assemblies could be duly constituted in the first week of March.

On the same programme it would have been possible to complete by the end of February the election to the House of the People, except in about half a dozen constituencies, dissolve the existing House and constitute the new House in the first week of March. This would have avoided the summoning of the existing House to meet for a 'lame duck' session in March, the lameness of the duck being even more noticeable by the presence of an appreciable number of members who had been defeated at the general elections. The Government of India, however, considered that even though it might be practicable to summon the new House of the People by the middle of March, it would not be possible, within the available interval of one week or ten days, to form a new Ministry, to prepare the budget for the next financial year and present the same to the new Parliament in order to obtain, before the end of March, 1962, a vote on account to meet the Government's expenditure for a part of the next financial year. On both the previous occasions, in 1952 and 1957, a fairly long interval was allowed between the declaration of results in almost all the parliamentary constituencies and the date fixed for the completion of the general election. This was to enable the old House to meet for a short budget session in the latter half of March for transacting the minimum financial business such as presentation of the railway and general budgets, obtaining of the necessary votes on account, passing of urgent financial measures, etc. Following precedent, it was eventually decided to fix March 31, 1962 as the date of completion of the elections to the House of the People and allow the existing House to continue until that date.

The Commission accordingly recommended to the Central Government and to the State Governments concerned the following

programme for the general elections :—

TABLE 9

	States other than Kerala and Punjab and the Union Territories of Manipur and Tripura	States of Kerala and Punjab and the Union Territories of Delhi and Himachal Pradesh.
Notifications calling the elections	January 13	January 20
Last date for nominations	January 20	January 27
Scrutiny of nominations	January 22	January 29
Last date for withdrawal of candidatures	January 25	February 1
Dates of Poll	February 19 to 25	February 24
<i>Date of completion :</i>		
Assembly elections	March 2	March 2
Parliament elections	March 31	March 31

As compared to the two previous general elections, this programme was a very considerable improvement, both in respect of the over-all time taken for the elections and in respect of the number of days taken in each State or Union Territory for poll. It is gratifying to note that by March 2, the date fixed for the completion of assembly elections, all results except those for two constituencies in Punjab, were declared, and by March 3, the results of the elections in 485 out of 494 parliamentary constituencies were declared. The simultaneous general elections called on January 13 were thus practically completed in seven weeks. A greater measure of simultaneity was achieved in regard to polling. The week commencing on Sunday the 18th February and ending on Sunday the 25th February was the polling week throughout the country and during this period provision was made for more than 98% of the whole electorate to go to their assigned polling stations and exercise their franchise.

The polling programme during the first general elections was spread over nearly 4 months from October 25, 1951 to February 21, 1952 and during the second general elections, not counting the time taken in Himachal Pradesh and the snow-bound areas of Punjab, it was spread over 20 days from February 24, 1957 to March 15, 1957. In 1962, the main poll period was from February 16 to February 25, a period of ten days. It should be possible to reduce this further to six or seven days at the next general elections in the country. From this point of view, the following comparative statement showing the time taken for

poll during the last three general elections in the several States and Union Territories would be of interest :—

TABLE 10

Name of State	Polling period including intervening days and, within brackets, number of days of actual poll.		
	1951-52	1957	1962
Andhra Pradesh	—	15(5)	7(6)
Assam	21(3)	19(7)	6(2)
Bihar	21(18)	16(5)	8(5)
Gujarat	9(3)	15(4)	5(3)
Kerala	—	12(6)	1(1)
Madhya Pradesh	34(24)	15(13)	7(7)
Madras	24(9)	11(5)	8(4)
Maharashtra	9(3)	15(4)	6(3)
Mysore	23(19)	16(15)	7(3)
Orissa	36(36)	17(14)	7(7)
Punjab	27(25)	19(18)	1(1)
Rajasthan	21(12)	16(14)	7(6)
Uttar Pradesh	31(7)	16(6)	7(5)
West Bengal	23(21)	14(14)	10(9)
Delhi	1(1)	1(1)	1(1)
Himachal Pradesh	37(17)	15(15)	3(2)
Manipur	20(7)	15(3)	16(4)
Tripura	15(4)	12(4)	5(3)

A single day poll was achieved only in the States of Kerala and Punjab and in the Union Territory of Delhi. It is to be hoped that, although it might not be possible for the other States to reach this ideal for some years to come, they would, by the next general election, be in a position to curtail their polling programme to some extent and get through the poll in a somewhat shorter period. Insufficiency of the police force and of transport facilities in these States was the principal reason for their having to spread out the poll.

It was possible to complete in a single day the poll in nearly every assembly constituency. There were 33 exceptions, of which 29 were in Rajasthan, 3 in Madhya Pradesh and 1 was in Bihar. Owing to poor communications and the large area to be covered, poll in 28 assembly constituencies of Rajasthan had to be spread over 3 days. In the other 5 assembly constituencies, two days were found necessary for taking the poll.

As regards parliamentary constituencies, the States of Kerala, Madras, Mysore and Punjab and the Union Territory of Delhi arranged to take the poll in every constituency in one day. In Maharashtra, also, this was possible except in two districts, viz., Chanda and Ratnagiri. In West Bengal, all the 5 parliamentary constituencies of Calcutta and Howrah went to poll on the same day. The other parliamentary constituencies, in which poll was completed in one day, were

those of Hyderabad, Bangalore, Ahmedabad and Kanpur. The Commission hopes that with better planning it will be possible to add appreciably to the number of such constituencies at the next general elections.

As on the two previous occasions the poll programme for the four parliamentary constituencies of Himachal Pradesh, the Kangra parliamentary constituency and the Kulu and Seraj assembly constituencies of Punjab presented special difficulties because of their being partly snow-bound in the month of February. The due constitution of the House of the People and of the Punjab Legislative Assembly could not of course be held up until communication with these areas was practicable. Accordingly, the date of poll for all 7 constituencies was initially fixed as February 24, but later postponed to suitable dates in April. Polling took place in Himachal Pradesh on April 27 and 29 and in the Kulu and Seraj assembly constituencies which form part of the Kangra parliamentary constituency on April 21. Poll in the remaining part of the Kangra parliamentary constituency had been completed on February 24. The results of the elections in these 7 constituencies were declared by May 3, which enabled the elected members to take part in the Presidential and Vice-Presidential elections.

The existing House of the People was dissolved by the President on March 31, 1962, which was the date originally fixed for the completion of the general election to that House. Two days later, on April 2, the notification under section 73 of the Representation of the People Act, 1951, was issued by the Election Commission setting out the names of all members elected from the various constituencies by that date. The new House thus duly constituted was summoned to meet on April 18.

The pre-existing Legislative Assemblies of 10 States were dissolved on March 1, 1962, and their new Legislative Assemblies were duly constituted under section 73 of the Representation of the People Act, 1951, on March 3. In Madhya Pradesh and Uttar Pradesh, this was done on March 7. The new Legislative Assemblies were summoned to meet for the first time on the dates given below :—

TABLE 11

Name of State	Date of first meeting
Andhra Pradesh	March 20
Assam	March 23
Bihar	March 14
Gujarat	March 17
Madhya Pradesh	March 26
Madras	March 29
Maharashtra	March 15
Mysore	March 15
Punjab	March 13
Rajasthan	March 13
Uttar Pradesh	March 26
West Bengal	March 12

CHAPTER VIII

NOMINATION OF CANDIDATES AND UNCONTESTED RETURNS

The law relating to the nomination of candidates contained in sections 32 to 38 of the Representation of the People Act, 1951, was amended in regard to certain matters of detail in 1958 and 1961 on the recommendation of the Election Commission. It was found at the second general election and various bye-elections that some candidates considered it necessary to get themselves nominated by a large number of nomination papers, presumably as a safeguard against rejection of the nomination for technical defects. While this was entirely unnecessary from the practical point of view, it cast upon the returning officer the task of scrutinising a large number of nomination papers and took much of his time as well as the time of the candidates. Sub-section (6) of section 33 was accordingly amended restricting to four the number of nomination papers that could be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency.

An important amendment was made in section 36(2)(a) of the Act which provides for the rejection of the nomination of a candidate in the event of his being found to be not qualified or to be disqualified under the relevant provisions of the Constitution or the law. As no particular date was mentioned in the section, it became a matter for argument as to how the returning officer should decide the question. The amendment made it clear that the question of disqualification or lack of qualification was to be decided with reference to the date fixed for the scrutiny of nominations.

Another clarification made in the proviso to section 36(5) was that the adjournment of scrutiny proceedings by a day or two as provided therein could be given, not only where an objection is raised by or on behalf of another candidate but also when it is raised *suo moto* by the returning officer.

Sub-section (3) of section 37 also was amended requiring the returning officer to satisfy himself as to the genuineness of a notice of withdrawal and the identity of the person delivering it, before accepting the notice and taking action on it. This was with a view to preventing any malpractice being committed at that crucial stage and to putting the returning officer on his guard.

A thorough grasp of the provisions of the law relating to the nomination of candidates and their qualifications and disqualifications is essential for returning officers. Any mistakes at this initial stage of the election, particularly the rejection of a nomination on insufficient grounds, is likely to vitiate the whole election. In order that all return-

ing officers may get acquainted with their duties and responsibilities, the Commission issued a revised Hand-book for their use.

The number of candidates who were nominated was unexpectedly large. At the parliamentary elections, as well as at the assembly elections, their number was considerably more than at the general elections of 1957. The number of party candidates, as also the number of independent candidates, showed an increase.

The figures were as follows :—

TABLE 12

	Parliamentary elections		Assembly elections	
	1962	1957	1962	1957
No. of candidates nominated . . .	2,763	2,281	18,582	16,475
No. of nominations rejected . . .	35	44	247	361
No. of candidates who withdrew . .	743	643	5,689	5,321
No. of candidates returned unopposed	3	12	13	48
*No. of candidates who retired from contest	—	75	—	617
No. of contesting candidates . . .	1,985	1,507	12,646	10,128

The party-wise break up of the number of contesting candidates at the parliamentary and assembly elections in 1962 is given below :—

TABLE 13

Name of Party	No. of contesting candidates at	
	Parliamentary elections	Assembly elections
Indian National Congress	488	2,852
Bhartiya Jan Sangh	196	1,140
Praja Socialist Party	168	1,064
Swatantra Party	173	1,038
Communist Party of India	137	833
Socialist Party	107	607
Other Parties	236	1,224
Independents	480	3,888
TOTAL	1,985	12,646

The number of unopposed returns during the general elections in 1962 was much less than in 1957. Only 3 candidates were elected without contest to the House of the People and 13 to the Legislative Assemblies of States as against 12 and 48, respectively in 1957. All the 16 uncontested candidates belonged to the Indian National Congress. While all the 3 parliamentary constituencies which sent unopposed returns were general constituencies, 3 of the assembly

*At the time of the general elections of 1957 there was a provision in the Representation of the People Act, 1951, for the retirement of a candidate from the contest not less than ten days before the poll. This provision was repealed in 1958 by Parliament on the recommendation of the Commission.

constituencies were reserved for the scheduled castes, 4 for the scheduled tribes and the remaining 6 were general constituencies. Andhra Pradesh had the largest number of such returns, namely 6, Madhya Pradesh 3, Mysore 2 and Rajasthan and West Bengal had one each.

The small number of unopposed returns is partly attributable to the fact that the provisions relating to retirement from contest contained in section 55A of the Representation of the People Act, 1951, had been omitted by the Amending Act of 1958 as recommended by the Commission and were therefore not available for candidates in 1962. During the general elections in 1957, 4 candidates for Parliament and 9 candidates for three Legislative Assemblies were elected unopposed as a result of such retirement. The Commission, however, was of the opinion that the retirement provision was undesirable from several points of view and recommended that it should be repealed by Parliament. In spite of the fact that this provision apparently helped in securing a few uncontested returns and in reducing the number of contesting candidates in the field on the date of poll, the Commission has no doubt that it was undesirable in principle and rightly repealed by Parliament.

The details of unopposed returns are given in the following table :

TABLE 14

Name of the State	Name of the constituency	Name of elected candidate
<i>House of the People</i>		
Madras	Tiruchendur	Shri T. T. Krishnamachari
Orissa	Angul	Shri Hare Krushna Mehtab
Uttar Pradesh	Tehri Garhwal	H. H. Maharaja Manabendra Shah.
<i>Legislative Assemblies</i>		
Andhra Pradesh	Ponduru	Shri Kotapalli Punajah
	Allur	Shri Lakshmikantha Reddy
	Koilkuntla	Shri B. V. Subba Reddy
	Gadwal	Shri Krishna Ram Bhopal
	Vicarabad	Shri A. Ramaswamy
	Armoor	Shri T. Ranga Reddy
Madhya Pradesh	Bijapur	Shri Hira Shah
	Lakhnadon	Shri Vasantrao Uikey
	Pagara	Shri Udaibhan Shah Mardan Shah
Mysore	Talikot	Shri G. N. Patil
	Hunsur	Shri Devaraj Urs
Rajasthan	Malarna Chour	Shri Bharat Lal
West Bengal	Magrahat East	Shri Ardhendu Sekhar Naskar

CHAPTER IX

ASPECTS OF ELECTIONEERING

The Commission took up in November, 1961 the question of affording broadcasting facilities to the political parties during the electioneering period and, in consultation with the All India Radio authorities, evolved a scheme in some detail. Considering that out of the sixteen recognised parties, seven were single-State parties and three were recognised only in two States, it was clear that only six parties (Congress, Communist, Praja Socialist, Swatantra, Socialist and Jan Sangh), each of which was recognised in five or more States, were likely to set up an appreciable number of candidates for parliamentary elections. The Commission accordingly suggested that only these six parties should be regarded as eligible for participating in Central broadcasts. If, however, any other recognised party set up contesting candidates in not less than one-sixth of the parliamentary constituencies, that party would also be eligible to participate. Similarly, every recognised party in a State which set up contesting candidates in not less than one-sixth of the assembly constituencies of the State would be eligible to participate in the election broadcasts in that State.

The scheme for election broadcasts circulated by the Commission to all the recognised political parties was as follows :—

I. *Central broadcasts.*—(1) A.I.R. will reserve for central broadcasts the period of 15 minutes from 8.45 p.m. to 9 p.m. on each day from January 27 to February 16 except January 30. The talks will be broadcast from Delhi and relayed by other stations in order to secure all-India coverage. They will be tape-recorded at a pre-arranged place and time not later than 12 noon on the day of the broadcast if it is done in the A.I.R. studios in New Delhi, and not later than 12 noon on the day preceding the scheduled date if it is done in Bombay, Calcutta, or Madras. The language of the broadcast will be left to the speaker's choice.

(2) The Congress, Praja Socialist, Communist, Jan Sangh, Socialist and Swatantra parties will be eligible to participate. If any other recognised party sets up contesting candidates in not less than one-sixth of the parliamentary constituencies, it will also be eligible.

(3) The total broadcasting time of 300 minutes will be divided among the parties in proportion to the sum of the number of seats at present held by each party in the Lok Sabha and the number of seats therein actually contested by it at the forthcoming general election.

(4) A roster will be drawn up by the Chief Election Commissioner allotting particular days to the parties after taking into account the

total time available to each of them and this will be communicated to the parties as soon as practicable.

(5) Each of the participating parties will nominate a representative to a committee in New Delhi, of which the Chief Election Commissioner will be the convener and mediator, for the purpose of working out details and settling differences if and when they arise. The representatives so nominated should be available in Delhi during the entire period of the broadcasts, that is, from January 27 to February 16 so that they can meet at very short notice, if necessary.

II. *State broadcasts.*—(1) A.I.R. will reserve for State broadcasts in each State (other than Jammu and Kashmir, Kerala and Orissa) a specified period of 15 minutes on each of the 20 days mentioned above. The talks will be broadcast from the principal broadcasting centre in the State and relayed by other stations, if any, in the State. They will be tape-recorded not later than 12 noon on the day of the broadcast. The language of the broadcast will be left to the speaker's choice.

(2) Any recognised party which sets up contesting candidates in not less than one-sixth of the assembly constituencies of the State will be eligible to participate.

(3) The total broadcasting time of 300 minutes will be divided among the parties in proportion to the sum of the number of seats at present held by each party in the Legislative Assembly and the number of seats therein actually contested by it at the forthcoming general election.

(4) A roster will be drawn up by the Chief Electoral Officer of the State allotting particular days to the parties after taking into account the total time available to each of them, and this will be communicated to them as soon as practicable.

(5) Each of the participating parties will nominate a representative to a committee at the capital of the State. The Chief Electoral Officer will be the convener of this committee and mediator for the purpose of working out details and settling differences, if and when they arise. The representatives so nominated should be available in the State capital during the entire period of the broadcasts, that is, from January 27 to February 16 so that they can meet at very short notice, if necessary.

III. *General.*—While there will be no censoring of the broadcasts, it is expected of the speakers that they will maintain a high standard of decorum in their election propaganda. They will not use language which will be considered unparliamentary in a legislature. The broadcast should be confined to explaining and advocating the policies of the speaker's party and criticising in general terms, the policies of other parties in the field. There should be no propaganda for or against individual candidates and, in particular, depreciatory or insulating remarks about individuals should be avoided. So also, any form of propaganda

based on religion, race, caste or community and derogatory remarks on the religion, race, caste or community of individuals should be completely avoided. There should be no adverse references to foreign countries with which India has friendly relations.

The Praja Socialist party informed the Commission that this scheme was not acceptable to them and they did not propose to participate in it. Their main objection was to the allocation of broadcasting time on the basis of seats held at present in the House of the People or in the State Legislative Assembly and the number of seats proposed to be contested by the party. According to them, the number of seats held at present should not be given any weightage but the number of votes polled at the last general elections should be taken into account. Representatives of the other five parties met and discussed the scheme with the Chief Election Commissioner who pointed out that the number of seats held *plus* the number of seats contested provided a simple, and at the same time fair, basis for allocation of time. Other formulae for dividing the time, on the basis of votes polled at the last general elections *or* number of seats held *or* number of candidates put up *or* any combination of these three, were discussed but no formula acceptable to all the parties could be found.

The Congress representative eventually suggested a new method for allocation of time, making it clear that he was only proposing it for this general election. There should be seven broadcasts, each of 15 minutes' duration, two for the Congress and one for each of the other five parties. The first broadcast should be by the Congress, followed by those of the other parties one after the other. The last broadcast should also be by the Congress in order to enable it to reply to the diverse criticisms levelled against it as the ruling party. The representatives of the other parties present considered the proposal quite reasonable but wanted to have a little time to give the party's approval.

While the Praja Socialist and Swatantra parties accepted these proposals of the Congress without reservation, no reply was received from the Socialist Party. The Communist Party was not agreeable to the Congress being given an additional opportunity to reply. Alternatively, as the next largest party in the House of the People, it claimed that it should also be given a similar opportunity to reply. The Jan Sangh proposed that the opposition parties should also be allotted two broadcasts each, the Congress being given the opportunity to begin and conclude the series. As it did not appear to be possible to bring about an agreement between the main political parties, the Election Commission announced that its proposal for giving broadcasting facilities at the centre and in the States to the main political parties had to be abandoned for lack of agreement among them as to the basis for dividing the available radio time.

It is a matter for regret that for the second time the efforts of the Commission to make broadcasting facilities available to the political

parties for their electioneering campaign were unsuccessful and this valuable media for educating the electorate and rousing an intelligent interest in election issues was not utilised at all. During this period, the All India Radio had to be content with broadcasting impartially items of news value or interest and a few general talks by the Chief Election Commissioner and the Chief Election Officers of States. The Commission again expresses the hope that the principal parties will come to an agreement in regard to the allocation of broadcasting time for electioneering purposes, and broadcasts by party leaders will be a regular feature at the next general elections.

Most candidates began their election campaign only after the initial formalities had been gone through and the names of the contesting candidates had been announced in the constituency. Their electioneering took the usual form of public meetings, processions, village to village campaigning in rural areas, posters, pamphlets etc.

In this context, two amendments of the election law approved by Parliament in 1961 deserve to be mentioned. The systematic appeal to electors to vote or refrain from voting on the ground of caste, race, community or religion has always been a corrupt practice under the Representation of the People Act, 1951. The amendment of 1961 enlarged the scope of this corrupt practice first by including a reference to language and secondly by omitting the word 'systematic'. Thus, any appeal by a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language, either for furthering the prospects of that candidate or for prejudicially affecting the election of another candidate, was made a corrupt practice, resort to which would render the election of that candidate void and disqualify the offender from standing for any election for a period of six years. The same amendment also made it a corrupt practice, as well as a punishable offence, for a person to promote feelings of enmity and hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language. It could not, however, be said that election propaganda based on caste and communal prejudices was eliminated, or even appreciably reduced, by reason of this amendment. All that could be claimed perhaps was that such undesirable methods of canvassing were not blatantly resorted to by candidates in general.

The other amendment made in 1961 imposed restrictions on the printing and issuing of election pamphlets and posters, with the object of preventing this being done anonymously. It was made an offence for any person to print or publish any election pamphlet or poster which did not bear on its face the names and addresses of the printer and the publisher. The printer of every election pamphlet or poster was required to obtain from the actual publisher a properly attested declaration as to his identity and to send to the district magistrate a copy of the declaration, together with one copy of the document as

soon as it was printed. These were certainly appropriate and useful provisions to have in the statute book but it did not appear that they were enforced with any degree of strictness by the authorities concerned or that infringements were brought to their notice by the interested parties for prompt and effective action.

Under the election law, if a candidate or his agent hires, or even procures without payment, any vehicles for taking voters to or from polling stations, he commits a corrupt practice which may result in the setting aside of the candidate's election. The commission of this corrupt practice is also made an offence punishable with fine not exceeding Rs. 250. These are undoubtedly salutary provisions, but it has to be admitted that they were not very effective in practice.

In fact, the general impression was that in many constituencies quite a number of voters were taken to polling stations and back to their homes in vehicles provided by the candidates or by their agents or by their friends. This was occasionally brought to the notice of the presiding officers at polling stations by one or the other of the agents present, but it was not possible for the presiding officers to take any immediate or effective action under the law either against the voters or against the drivers of the vehicles. All that they could do was to record the polling agent's complaint and advise him to make it again before a Magistrate or to keep note of the fact with a view to filling an election petition later against the offending party. While this corrupt practice was alleged in an appreciable number of election petitions, it was not often that the petitioner succeeded in proving it to the satisfaction of the Courts.

Partly because of the very light punishment prescribed in the law and also because it was not easy for a complainant to prove the hiring or procuring of a vehicle as distinct from the actual conveyance of voters therein, the penal provision also did not act as a deterrent at all. There were hardly any prosecutions under section 133 of the Representation of the People Act, 1951, for committing the corrupt practice defined in section 123(5) thereof.

The Commission is of the view that the definition should be made simpler and more direct and the penal provision should also be made more stringent. It is not so much the "hiring or procuring, whether on payment or otherwise, of vehicles" that requires to be condemned as a corrupt practice, as the free conveyance of voters by the candidate or his agent as an inducement to them to vote on behalf of that candidate. The corrupt practice should be redefined so as to bring out this aspect of the matter more clearly. The maximum fine of Rs. 250 now prescribed by the section should be increased to Rs. 1,000 and, in order to enable preventive or remedial action to be taken on the spot, the offence should be made cognizable by the police. It is also desirable that the use of public transport vehicles other than buses plying on a regular schedule, particularly vehicles like motor trucks,

taxi-cabs, motor scooters and cycle rickshaws, which are systematically employed in carrying voters to and from polling stations, should either be completely prohibited, or else very strictly regulated on polling day.

The Constitution guarantees to all citizens as fundamental rights freedom of association and freedom of expression and speech. At no time is the exercise of these rights more valuable in democracy than at election time. Political parties have always been ready to recognise the need for restraint in this respect in order to ensure that these fundamental rights are effectively exercised by all and not abused by any of them during the electioneering period.

Prior to the general election held in 1960 in the politically conscious State of Kerala, steps were taken by the Administration to evolve a code of conduct for observance by organised political parties. The code which was discussed and approved by the representatives of the leading parties of the State at a meeting especially convened by the Administration for the purpose, covered in a detailed fashion important aspects of electioneering like meetings and processions, speeches and slogans, posters and placards. It was as follows :—

I. Meetings.—(1) Before deciding to hold a meeting at a particular place, the party concerned should obtain the required permission from the authority or person in charge of that place, except in respect of public places where public meetings are usually conducted without specific permission.

(2) If any permission or licence has to be obtained for the use of loud-speaker or any other facility in connection with the meeting, the party should apply to the authority concerned well in advance and obtain such permission or licence.

(3) The party should inform the local police authorities of the venue and time of the meeting well in advance so as to enable the police to make necessary traffic and security arrangements.

(4) The party should ascertain in advance if there are any restrictive orders in force in that area. If such orders exist, they should be followed strictly. If any exemption is required from such orders, it should be applied for and obtained well in advance.

(5) Organisers of a meeting should invariably apply for and obtain the services of the police on duty for dealing with persons disturbing the meeting or otherwise attempting to create disorder. It will be desirable that the organisers themselves desist from taking action against such persons.

(6) If it comes to notice that another party intends to hold a meeting at the same place about the same time, the organisers should endeavour without delay to establish contact between themselves so that it may be arranged to hold the meetings one after the other or at different places or, if possible, to hold the meetings simultaneously at

two different localities of the same place (as in a big maidan) taking care to regulate the volume of loud-speakers so as not to cause disturbance. The local authorities will assist the parties in arriving at such an arrangement and the parties should approach them in this regard as early as possible.

II. Processions.—(1) A party organising a procession should decide before hand the time and place of starting of the procession, the route to be followed and the time and place at which the procession will be disbanded. There should ordinarily be no deviation from the programme.

(2) The organisers should give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary traffic and security arrangements.

(3) The organisers should ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and should comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions should also be carefully adhered to.

(4) Before the procession starts, the organisers should take steps to arrange the processionists in such a manner, taking into account the nature of the roads, as to render the passage of the procession possible without creating blockades or hindrance to other traffic. If the procession is very long, it should be possible to organise it into segments of suitable length so that, at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages and thus heavy traffic congestion avoided.

(5) The organisers should arrange to detail responsible persons to be in charge of the procession and each segment thereof with instructions to regulate the processionists in co-operation with the police officers on duty.

(6) The procession should be so regulated as to keep as much to the right of the road as possible and the direction and advice of police officers on duty should be strictly complied with.

(7) If two or more political parties have proposed to take their processions over the same route or parts thereof at about the same time, it should be possible for the organisers of those processions to establish contact well in advance and decide upon the measures to be taken to see that the processions do not cause hindrance to one another or give rise to undesirable situations. The assistance of the local authorities will always be available in arising at a satisfactory arrangement and the parties should contact them at the earliest opportunity.

(8) The political parties should, to the extent possible, exercise control in the matter of the processionists carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement.

(9) All political parties should endeavour to respect the right of every individual for peaceful undisturbed home life, however much they may resent his political opinions or activities. Organising demonstrations or picketing before the houses of individuals by way of protesting against the latter's opinions or activities is not in keeping with democratic principles and the concept of individual liberty and should not be resorted to under any circumstances.

III. Speeches and Slogans.—(1) Depreciatory or insulting remarks about the private lives, personal habits or physical peculiarities or handicaps of individuals should be avoided on the public platforms.

(2) Derogatory remarks on the religion, caste or community of individuals should not be made.

(3) Statements that are likely to wound the religious susceptibilities of any section of the people in any manner should not be made.

(4) Statements and slogans suggestive of violent action against any members of other political parties should be avoided.

(5) A high standard of decency and decorum while making speeches or raising slogans should be aimed at by all political parties. Nothing should be said or done that is likely to excite people to acts of indecency or violence.

(6) Political parties should adopt an attitude of mutual tolerance and forbearance, especially in situations when the uncontrolled exercise of the right of free speech and expression is likely to stir up ill-feeling and lead to disorder and violence. When meetings by different political parties are held in close proximity or processions have to pass by one another, use of provocative slogans and gestures should be scrupulously avoided.

IV. Placards.—(1) Political parties should endeavour to see that the use of pictorial representations for purposes of propaganda is restricted mainly to serve the purpose of illustrating their own objectives and policies. Such representations should not be used to depict the alleged defects or alleged misdeeds of other political parties in a lurid or exaggerated manner.

(2) Pictorial representations should be sober and moderate and of real educative value. They should not be of such nature as to inflame the feelings of the followers of opposing political parties, or to incite persons to acts of indecency or violence.

(3) Pictorial representations should not be used for the purpose of humiliating individuals or bringing into ridicule the beliefs and practices of the followers of any religious or political thought.

(4) The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of defamatory demonstrations should not be countenanced by the political party.

(5) No political party should permit its followers to make use of any individual's land, building, compound wall, etc., without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans, etc.

V. General.—Every political party should make earnest endeavours to instruct its followers on the above-mentioned principles of conduct and should openly dissociate itself from any type of activity that is in contravention of these principles. There should be no hesitation on its part in taking necessary action against persons who deliberately disobey the party's instructions in this regard.

This code proved to be very useful in Kerala during the hotly contested general election of 1960. The Commission accordingly circulated it to all the recognised political parties in India and to the State Governments requesting the latter to secure acceptance of the code by all parties contesting the general elections in their States. It was reported that by and large the code of conduct was generally followed by the parties and the candidates and consequently the campaign was conducted in a peaceful and orderly manner almost everywhere.



CHAPTER X

THE POLL

The system of voting introduced in the first general elections and continued in the second was the balloting system. The voter exercised his franchise by putting a common ballot paper, distinguished only by a serial number, in the ballot box of the particular candidate for whom he wished to vote. At every polling station, a separate ballot box was placed for each candidate and a label was pasted on the ballot box bearing the pictorial representation of the symbol allotted to him. All these ballot boxes were placed in a screened polling compartment into which the voter was asked to go with his ballot paper and insert it in the ballot box bearing the symbol of the candidate of his choice, without making any mark whatsoever on the ballot paper.

While this system was simple and worked fairly well at both the general elections, it had its drawbacks. Intrinsically, it involved a cumbersome procedure with a number of ballot boxes to handle at every polling station. A more serious drawback was the unreasonable suspicion that the system seemed to evoke in the minds of some candidates about the possibility of somehow tampering with the ballot boxes. It was also possible under this system for a dishonest voter to take away the ballot paper given to him without inserting it into any of the ballot boxes and hand it over to a candidate's agent for a consideration. The Commission therefore decided to experiment with the marking system of voting at a number of bye-elections held after 1957. It was then tried out on a more extensive scale at the general election to the Legislative Assembly held in the State of Kerala in 1960 where, because of the high standard of literacy prevailing in the State, it was an unqualified success.

The marking system required to preparation of a distinct ballot paper for each election containing the names of the contesting candidates, and (for the benefit of the illiterate voters) the facsimiles of their allotted symbols. The voter was asked to mark with an inked rubber stamp on or near the symbol of the candidate of his choice inside a screened voting compartment, bring out the ballot paper after folding it, and insert it in the common ballot box kept in full view of the presiding officer and others present at the polling station. This system eliminated all possibility of the ballot paper being surreptitiously taken out of the polling station or not being put in the ballot box and of the ballot papers being transferred from the ballot box of one candidate to that of another candidate.

The revised Conduct of Elections Rules promulgated in 1961 provided for the marking system of voting as well as the balloting system, since the Commission felt that it might not be practicable or

desirable to adopt the marking system in inaccessible and backward areas. The difficulties anticipated were two-fold. In these areas, the voters who had in some measure got accustomed to the balloting system would be puzzled by the switch over to another system of voting and might not be able to mark the ballot papers correctly. Then, there was the practical difficulty of sending out polling parties to these remote areas with the ballot papers showing the names of candidates, symbols etc., within the very short time available before the date of poll. In many places the polling parties had to set out a full week before that date in order to reach their assigned polling stations in time.

In view of these difficulties the Commission decided to continue the old balloting system in the entire union territory of Manipur divided into two parliamentary constituencies, in parts of Chamba parliamentary constituency in Himachal Pradesh, in Kulu and Seraj assembly constituencies in Punjab, in Chintapalli assembly constituency of Andhra Pradesh and in 16 assembly constituencies of Gujarat forming parts of four different parliamentary constituencies (Kutch, Banaskantha, Mandvi and Bulsar). With the improvement in communications which is steadily taking place, the Commission feels that it should be possible to reduce this list and to discontinue the balloting system in some, if not all, of these areas, particularly in Gujarat and Manipur.

Parts of Kangra parliamentary constituency in Punjab and Chamba parliamentary constituency in Himachal Pradesh remain snow-bound from about the middle of October to the end of April and communications with the outside world are almost completely cut off. Arranging for elections in these areas had always presented difficult problems of logistics. During the first general elections, these were regarded as insuperable and consequently polling stations for the residents of these areas were located within the constituency but outside the snow-bound regions. This nominal compliance with the law was of practically no use to the electors. Better arrangements were made during second general elections. Polling parties specially equipped for the purpose were sent out to these areas at considerable expense to the Government after the snows had melted and the high mountain passes were traversible. This, however, meant that the elections in all the four parliamentary constituencies of Himachal Pradesh and Kangra parliamentary constituency of Punjab could only be completed in July and the elected members were unable to participate in the opening session of Parliament when the elections to the high offices of the President and the Vice-President of India were held. The Commission therefore decided that different arrangements should be made for taking the poll in the snow-bound areas by the end of April in order that the elections could be completed in time for the elected members to vote at the presidential and vice-presidential elections.

With this object in view, it was decided that the poll in Kulu and Seraj assembly constituencies forming part of Kangra parliamentary

constituency should be held under the old balloting system towards the end of April.

The dates originally fixed for the completion of elections in these three constituencies, namely March 2 for the two assembly constituencies, and March 31 for the parliamentary constituency, were subsequently altered to April 30 and the date of poll was fixed for April 21. The main obstacle to holding elections in snow-bound areas was however the impossibility of getting into the Lahaul or Spiti valley or the Bara Bangal or outer Seraj region once winter had set in. Since 1957, Lahaul and Spiti had been made into a separate district and sufficient staff was available within the area to man the polling stations and take the poll. All the material required for the conduct of elections, including ballot boxes and ballot papers, was sent to Kyelang which is the headquarter of the Lahaul and Spiti district at the beginning of September, 1961 with an officer who gave the necessary instructions to the local officials. 21 polling stations were set up at various places within the district for a total electorate of 9,686. Similar arrangements were made for the Bara Bangal and outer Seraj regions. 22 per cent of the electors turned up at the polling stations. Counting of votes was done by the local officers at Kyelong, Kaza and Ani and the result was communicated by wireless to the returning officers of the respective constituencies. The results were declared on April 28 in Seraj assembly constituency and on April 29 in Kulu assembly constituency and Kangra parliamentary constituency.

In Himachal Pradesh, similar special arrangements were found necessary only in Pangi and Bharmaur sub-tehsils of Chamba district. An officer was specially sent out in October, 1961 to these areas with the necessary election material. Poll was held in these areas, (as well as the other parts of Himachal Pradesh) on April 27 and 29, but it was possible here to transport the ballot boxes to the headquarters of the constituency, namely, Chamba. The results were declared on the 2nd and 3rd of May.

The law relating to the appointment of election agents and polling agents by candidates remained the same as at the second general elections. The candidate may appoint any one person other than himself to be his election agent, but he is not obliged to do so under the law. The appointment of experienced and well-trained election agents who look after the interests of the candidates and assist them in their electioneering work in various ways is a noteworthy feature of elections in Britain and other countries. The system is apparently not popular with candidates in India. Only 717 out of 1,985 contesting candidates in parliamentary constituencies, and 5,332 out of 12,646 contesting candidates in assembly constituencies, appointed election agents. A duly authorised election agent could relieve a candidate of several important functions in connection with the election, such as appointing polling agents and counting agents, being present at the scrutiny of

nominations, visiting polling stations during poll, keeping account of the expenses incurred by or on behalf of the candidate at the elections, watching the counting of votes, and so on. The failure of a large number of candidates to maintain expense accounts in the prescribed form and to submit them to the returning officers after the election in the prescribed manner is, partly at any rate, due to their not having election agents to assist them in this respect.

During poll, the presiding and polling officers cannot be expected to know the election agents of all the candidates with the result that sometimes the entry of an election agent into a polling station is objected to by them or by the police officers on duty. In order to avoid such a contingency, some returning officers issued identity cards to election agents. This practice deserves to be adopted every where and enforced by a suitable rule.

Every candidate has the right to appoint one polling agent and two relief agents for each polling station in the constituency. Only one of them is allowed to be present in the polling station and watch the proceedings at any time. They also have important duties to perform on behalf of the candidates and can be of great assistance to them, provided they are fully acquainted with the rules and procedure regulating poll. Immediately before the general elections, the Commission brought out a handbook for polling agents, explaining all the points they should know in order to be effective.

Most polling agents were appointed from among the people of the locality in which the polling stations were situated. Many independent candidates as well as party candidates did not appoint polling agents in all polling stations of the constituency. This was partly due to the non-availability of suitable persons willing to do the work and partly due to the inability of the candidates to meet even the small out-of-pocket and incidental expenses of a large number of polling agents.

A reduction in the polling period and in the number of actual polling days to which reference has been made in the preceding chapter, together with an increase in the number of polling stations, necessarily involved an appreciable increase in polling personnel. They were drawn from all available sources and the manpower resources of the State Governments were stretched to the maximum extent possible. The services of the Central Government officials located in the States, employees of statutory corporations like the Life Insurance Corporation of India and of local bodies like universities, aided colleges and schools, were also commissioned for the purpose. Employees of essential services like the police, medical and public health, and the operational and maintenance staff of the railway, posts and telegraphs and electricity departments were, however, exempted from such service.

The presiding officers and assistant presiding officers at polling stations were invariably government servants. Other members of the polling parties were either government servants or servants of local

authorities, such as school teachers. The latter were asked to serve as polling officers mostly in their own locality. This local recruitment considerably reduced expenditure in respect of travelling and daily allowances payable to such persons.

A polling party normally consisted of one presiding officer and five polling officers. One of them was designated assistant presiding officer and attended to the duties of the presiding officer when the latter was unavoidably absent from duty. Presiding and assistant presiding officers were generally drawn from government servants who were in receipt of a salary of not less than Rs. 150 per month, such as head masters, lecturers, supervisors and other officers of the State and Central Governments. They were given practical training by the returning officers and district election officers by holding periodical training classes at convenient centres. The other polling officers received their instructions from the presiding officers or the assistant presiding officers. Special instructions were imparted to these persons in regard to the arrangements at the polling stations, closing of ballot boxes and maintenance of peace and order at the polling station. The polling parties discharge their duties with care and diligence and their performance on the whole was commendable. It was only in rare cases that the presiding officers were guilty of procedural irregularities or lack of care.

One special feature of the polling arrangement that might be mentioned here was the provision of a common ballot box for the reception of both the assembly ballot paper and the parliamentary ballot paper after they had been marked by the voter. In order to avoid any possible confusion in the mind of the voter, he was given the two ballot papers separately and not at the same time. The procedure prescribed by the Commission was as follows :—

- (i) the first polling officer would identify and locate the name of the voter in the roll, enter in the 'marked copy' of the electoral roll the serial number of the assembly ballot paper to be issued to him, and pass on the ballot paper to the second polling officer;
- (ii) the second polling officer would similarly locate the entry relating to the voter and enter the serial number of the parliamentary ballot paper to be issued to him in the other marked copy of the electoral roll. He would then pass on both the ballot papers to the third polling officer. Simultaneously, he would also place a tick mark in ink or copying pencil against the name of every voter who has received a ballot paper and is a woman;
- (iii) the third polling officer would mark the voter's left forefinger with indelible ink and hand over both the ballot papers to him. After receiving the ballot papers the voter would go to the fourth polling officer;
- (iv) the fourth polling officer would take both the ballot papers from the voter, explain to him how to record his vote,

hand over the assembly ballot paper and an inked rubber stamp to him and pass on the parliamentary ballot paper to the fifth polling officer, who would be sitting opposite to him at the same table. The voter would proceed to the first voting compartment, record his vote on the assembly ballot paper, come out and drop the folded ballot paper into the ballot box kept on the table in front of the fifth polling officer; and

- (v) the fifth polling officer would hand over the parliamentary ballot paper and an inked rubber stamp to the voter, who would proceed to the second voting compartment and record his vote on the parliamentary ballot paper, bring it back and drop it into the same ballot box and quit the polling station.

The Returning Officers required light vehicles for supervising poll arrangements in the constituencies. Buses and trucks were also required for carrying polling personnel to their respective polling stations. It was a serious problem for the District Officers, who had been delegated the powers to requisition vehicles for election purposes, to obtain the required number of vehicles for the purpose. They, however, tackled it efficiently in the light of experience gained during the previous general elections. The transport departments of the State Governments rendered all assistance to the District Officers in this behalf. Departments of Central Government having their offices in the States also assisted the Returning Officers by lending their vehicles for use during the election period. In some States, however, the polling personnel were left to their own resources to reach the polling stations and to return therefrom. This did not work satisfactorily and the Commission is of the view that to ensure efficient conduct of poll and to avoid inconvenience to the polling personnel the Returning Officers should arrange vehicles to transport the polling personnel to and from the polling stations.

In view of the change in the method of voting, the polling hours were increased from eight to ten in Kerala, and to nine in the other States. The poll started at 7 a.m. in Kerala, at 7-30 a.m. in Assam, Bihar, Orissa, West Bengal, Manipur and Tripura and at 8 a.m. in the other States.

In order to obviate delay in the commencement of poll at the appointed hour, strict instructions were issued to polling parties to ensure that all preliminary arrangements connected with the taking of the poll were made in the night preceding the date of poll. In particular, the presiding officers were directed to have the distinguishing mark affixed on a substantial number of ballot papers on the preceding night and also have them folded so that the ballot papers would have been at the time of issue prefolded. There was no report from any State or from the public that polling started later than the time fixed for the purpose.

There was no lunch interval. A break in polling for lunch is hard on those electors who have been waiting in the queue for a long time but whose turn is not reached at the break. Some of them, particularly women with babes in their arms, find it difficult to go on waiting in the middle of the day under the sun for half an hour or one hour only to retain their places in the queue and the natural tendency is to go away after saying uncomplimentary things about the arrangements. If at a particular polling station a large number of voters are left waiting for the officials to return after lunch, they resent it and express their resentment in various ways. It has happened that some of the polling officers allowed to go out for lunch do not come back punctually and the poll is held up. The Commission is, therefore, convinced that in the interests of public convenience, smooth poll and maintenance of law and order there should be no break for lunch. It should not at all be difficult for the polling officers to take their lunch in turn during the slack period of poll.

Every voter who reaches a polling station before the time fixed for the closing of poll has to be permitted to cast his vote. This rule was scrupulously observed by polling parties and there was no complaint from any place that because of heavy rush towards the end of the day electors had to go away without being able to vote. An extreme instance was reported from the Uttamapalayam assembly constituency in Madras State where polling went on till 9-35 p.m. to enable all voters present to cast their votes.

To enable every elector to exercise his franchise during the elections, the Commission requested the State Governments to declare the day or days of poll as public holidays in the locality. The Government of India was also requested to take similar action in respect of the offices of the Central Government located in the States. The question of declaring poll days as paid holidays in commercial and industrial concerns was examined but it was not found practicable to compel them to do so. All that the Commission could do was to suggest to the State Government that the managements of those concerns which could not close on the polling days might be persuaded to allow their employees to have a reasonable period of time off during the polling hours to enable them to exercise their franchise.

By an amendment of the law made in 1961, the holding of public meetings in any polling area was prohibited, not only on the date of poll in that area, but also within 24 hours before the date of commencement of the poll. Apart from helping to induce a comparatively quiet atmosphere on the eve of poll, this provision gave some much-needed relief to the police force and facilitated their movement to their assigned places of duty on the polling day. In fact, in two or three States where the police detachments had to travel considerable distances from their headquarters for this purpose, the police would have welcomed the ban on public meetings extended to the two days immediately preceding the date of poll.

The phrase "twenty-four hours before the date of commencement of the poll" which is used in section 126 of the Representation of the People Act 1951, was not very clear to laymen and some thought that election meetings could go on even after the mid-night which marks the beginning of the day preceding the election day. The correct legal interpretation is, of course, different. The Commission recommends that the section should be clarified and the period of ban on public meetings also should be slightly extended, by wording this section as follows :

"No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area."

In most States where prohibition was not in force, the polling days were declared as dry days in order to avoid brawls at polling stations. Certain States like Rajasthan did not, however, declare any day as dry day. No untoward incidents, however, were reported from any area in any State.

The law provides that when a contesting candidate dies before the commencement of the poll in any part of the constituency, the poll in the constituency shall be countermanded and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election. No fresh nomination will, however, be necessary in the case of persons who were contesting candidates at the time of countermanding of the poll. In five constituencies, one each in Andhra Pradesh, Madras and Maharashtra and two in Uttar Pradesh the poll was countermanded on this ground. All the five cases were in respect of elections to the Legislative Assemblies. Bye-elections for filling the vacancies were held soon after the general elections.

In Sikandra Rao assembly constituency of Uttar Pradesh, a candidate duly nominated at the election died before the last date for the withdrawal of candidatures and the setting of the list of contesting candidates at the election. As the law provides for the countermanding of poll only when a contesting candidate dies, the Returning Officer took the common sense view that he could not be included in the list of contesting candidates and the poll also could not be countermanded. An election petition was later filed by an elector questioning the validity of the action of the Returning Officer but the election tribunal held it to be in accordance with law. There is, however, the political argument that if the candidate dying at the last moment is a party candidate and the substitute candidate of the party has already withdrawn or no substitute has been nominated, the position is irretrievable so far as the party is concerned and this may not be fair to it and its supporters. The Commission recommends that section 52 of the Representation of the People Act, 1951 should be amended providing for the countermand of poll also in cases where a validly

nominated candidate dies and a report of his death is received by the returning officer before he has prepared the list of contesting candidates under section 38.

Five cases of material irregularities, which might have led to repolls, were reported to the Commission. Two of these were from Bihar and three were from Uttar Pradesh. The Commission found it necessary to order repoll in two cases, both from Uttar Pradesh and from the constituency in which the Prime Minister, Shri Jawaharlal Nehru, was standing for election.

In one case the electoral rolls of two villages, Dadupur and Jalapur, which were allotted to polling station No. 86 in Phulpur assembly constituency were inadvertently attached with the electoral roll part meant for polling station No. 87. While about 60 voters of Jalapur proceeded to polling station No. 87 and voted, the remaining 280 and odd voters who went to polling station No. 86 could not exercise their franchise. In the other case, the electoral roll of village Sarai Khawaja Kalan, which was assigned to polling station No. 10 in the same constituency, was inadvertently not sent to the polling station, with the result that electors of this village numbering 47 could not exercise their franchise.

In the other three cases the Commission was satisfied that although the irregularity was substantial the result of a fresh poll at the polling station would not affect the result and accordingly issued suitable directions to the returning officer to ignore the irregularity and complete the election. This useful discretionary power was vested in the Commission by an amendment of section 58 of the Representation of the People Act, 1951, made by Parliament in 1961. The section, as it originally stood, only required a Returning Officer to report to the Commission the circumstances under which a repoll was necessary and to take its approval for the appointment of a fresh day for poll, etc. It did not vest any discretion in the Commission to decide whether a repoll was necessary or not. In certain circumstances a repoll at a particular polling station might not have any effect on the result of the poll, *e.g.* if the difference in the number of votes between the first candidate and the next succeeding candidate was much more than the total electorate assigned to that polling station. The section was accordingly amended so as to vest power in the Commission to order a fresh poll only if it was satisfied that it was necessary.

It was remarkable, as well as fortunate, that there was not a single instance of an adjournment of poll under section 57 of the Act on the ground that the poll was interrupted by riot or open violence or that it was not possible to take the poll at any polling station on account of any natural calamity.

Some minor irregularities committed by presiding and polling officers at a few stations were brought to notice. Among them were :—

- (i) failing to put challenged votes in the ballot boxes and keeping them in separate covers;
- (ii) depositing tendered ballot papers in the ballot boxes instead of keeping them in separate covers;
- (iii) failing to affix the distinguishing mark on some ballot papers;
- (iv) issue of two parliamentary ballot papers on the ground that the ballot paper issued first had been lost or misplaced or given wrongly to another voter by the polling officer;
- (v) issue of tendered ballot papers to a voter when the marked copy of the electoral roll indicated the issue to him of postal ballot papers;
- (vi) using two separate ballot boxes for the assembly and parliamentary ballot papers;
- (vii) issue of territorial council ballot papers to parliamentary electors and parliamentary ballot papers to territorial council electors in a Union territory.

Service voters, voters on election duty and electors under preventive detention were allowed in accordance with the rules to cast their votes by post. Ballot papers for service voters were printed either by the Chief Electoral Officers at the headquarters of the States or by the District Officers at their headquarters and sent direct to the voters. Ordinary ballot papers used at polling stations with the words "POSTAL BALLOT PAPER" stamped on the back were used for voters on election duty. These ballot papers were sent by ordinary post and the ballot papers were required to be returned to the Returning Officer "Service Unpaid", the postage being collected from the Returning Officer after delivery of the cover containing the ballot paper. These two modifications resulted in a considerable saving on postage. In the previous elections postage was affixed on the covers in which the ballot papers were to be returned to the Returning Officer and if any elector did not wish to vote, the postage stamps already fixed on the cover were wasted and were also capable of being misused. This was avoided by the new procedure.

The total number of postal ballot papers sent out at the general elections was 495,612. It was however only in Kerala that the bulk of them were returned in time duly marked. Out of 36,561 postal ballot papers issued in this State, 63.1 per cent were validly utilised.

Very few polling agents availed themselves of the right to vote by postal ballot. Apparently, many of them were not entitled to the facility because they were on duty at the polling station where they were entitled to vote. A fair proportion of the officials on election duty voted by post, but many of them did not take the initial trouble

of applying for the postal ballot paper as soon as they came to know that they would be on election duty on the date of poll. It was noticed that a large number of officials were on election duty in the constituencies of which they were electors, although not at the particular polling stations where they would normally be entitled to vote. The Commission felt that in such cases they should be enabled to vote personally at the polling station nearest to their place of duty and need not be required to apply before hand for the postal ballot paper. It accordingly recommended to the Government that the Conduct of Elections Rules should be amended for this purpose.*

If owing to blindness or other physical infirmity, a voter is unable to read the ballot paper or to distinguish the symbols printed on it or to make a mark thereon with the rubber stamp, the rules enabled and required the presiding officer to mark the ballot paper on behalf of the voter and in accordance with his wishes. While doing so, the presiding officer had to observe as much secrecy as possible. When he took the voter inside the voting compartment for marking the ballot paper, no candidate or election agent or polling agent was allowed to accompany them. While this procedure worked satisfactorily in practice and there were hardly any complaints against the presiding officers as to the manner in which they discharged this duty, it was open to the criticism that a partisan presiding officer could abuse his power and mark the ballot paper for his favourite candidate. The Commission accordingly recommended to the Government that the procedure should be changed relieving the presiding officer of this duty of assisting blind or infirm voters. Any such voter could be helped by a companion of his own choice, provided he was not less than 21 years of age and did not act as such companion for more than one elector at any polling station on the same day. Rule 40 of the Conduct of Elections Rules was subsequently revised providing for this new procedure.**

Every elector was required to have his left forefinger marked with indelible ink before receiving the ballot papers. While this was more or less effective in preventing the same person from impersonating another elector and voting again, suspicion of impersonation on an appreciable scale existed in big cities particularly in industrial areas with a floating population where it is difficult for the polling officers or the polling agents to detect such cases. Its scope, however, was substantially reduced by holding the poll in all urban areas on a single day.

Soon after the general elections of 1957, it was suggested to the Election Commission that the issue of identity cards, with photographs attached, to all electors in congested urban areas would greatly facilitate identification at the time of poll and avoid impersonation. The

*The Rules were recently amended *vide* New Rules 21(2) and 35-A

**This was followed in Kerala in the general elections of 1965.

suggestion was communicated to the Government of India who agreed with the proposal and made suitable amendments in S. 61 of the Representation of the People Act, 1951, and in the Registration of Electors Rules, 1960 and the Conduct of Elections Rules, 1961. The Commission tried it as an experimental measure in a selected constituency, viz. the Calcutta South-West Parliamentary constituency in which a bye-election was then due. In spite of strenuous efforts spread over a period of ten months, only 2,13,600 electors out of a total of 3,42,000 electors could be effectively photographed, and identity cards with photographs attached could thereafter be issued only to 2,10,000. Thus, three out of eight electors could not be provided with identity cards. The main reason for this was that an appreciable section of women electors refused to be photographed either by men or women photographers. A section of the voters could not be found at their places of residence from early morning till late at night. A substantial number of voters were found to have gone out of their place of residence, in some cases for about a week or more and in a few cases for over three months. Even at the time of distribution of identity cards some voters could not be found at the addresses where they were residing at the time they were photographed.

The object of preventing impersonation in Calcutta City could have been achieved only by extending the system of identity cards with photographs to all the five parliamentary constituencies of Calcutta and Howrah which have a total electorate of more than two million. The expenditure on the project for the Calcutta area alone would be of the order of Rs. 25,00,000, which would be an appreciable addition to the national expenditure on the conduct of elections. After a careful consideration of the machinery available to the Commission for the purpose and after consulting the Government of India, the Commission came to the conclusion that it would not be practicable to operate the system satisfactorily on a large scale either in Calcutta or elsewhere in the country.

Any polling agent may challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs. 2 in cash with the presiding officer. If the challenge succeeds or if the presiding officer is satisfied that the challenge was made in good faith and was not frivolous, the deposit is returned to the polling agent immediately after the presiding officer comes to that conclusion. In every other case, the deposit is forfeited to the Government. During the last two general elections this deposit was returned only at the close of the poll. Some of the parties and candidates, who could not afford to provide every polling agent with sufficient funds to challenge a large number of voters represented that the provisions of the law operated harshly against poor candidates and that the deposit for challenge should be returned immediately the presiding officer decided the case. Rule 36 of the Conduct of Elections Rules was accordingly amended so as to permit the return of the deposit as stated above.

The total number of challenged votes during the third general elections was 12,380 of which 6,358 were allowed by the presiding officers.

If a person who is not the real elector comes to a polling station and casts his vote in the name of the real elector and the real elector comes to the polling station thereafter to cast his vote, he is asked to vote on a special type of ballot paper which is preserved in a separate cover and is not counted at the time of counting. These special votes are called tendered votes. They are, however, scrutinised by election tribunals when it is represented to them that the result of the election has been materially affected by improper reception of votes. The total number of tendered votes in the whole country came to 85,525.

Although the total number of challenges, successful and unsuccessful, and the total number of tendered votes are negligible as compared to the total number of votes cast (118,583,333), it shows that the evil of impersonation does exist. It is obviously desirable that whenever a challenge is established to the satisfaction of the presiding officer, he should initiate penal action against the offender by handing him over to the policeman on duty with a complaint in writing. There should be no condoning of the offence whether out of misplaced leniency or out of a desire to avoid the bother of lodging a criminal complaint.

Voter participation in this general election was appreciably more than in the general election of 1957. The total electorate had increased from 193,652,069 in 1957 to 216,372,215 in 1962. The total number of electors who voted in the contested parliamentary constituencies was 118,583,333, i.e. 54.80 per cent of the total number of electors on the rolls of those constituencies. The corresponding percentage at the second general elections to the House of the People was 47.54.

In the 12 States where general elections to the Legislative Assemblies were held in 1962 the total electorate was 196,640,779. The number of electors who voted was 110,683,769. The average voter participation in the contested assembly constituencies came to 56.29 per cent of the electorate, which again was more than the 48.23 per cent of 1957.

The proportion of women voters to men was roughly two to three. At the parliamentary elections, about 70,703,000 men and 47,764,000 women voted, representing respectively 62.05% and 46.63% of the total electors. At the assembly elections about 65,784,000 men and 44,019,000 women voted representing 63.38 and 47.41 of the total.

The turn out of voters varied from one constituency to another even in the same State. As regards the parliamentary constituencies, the highest percentage was 80.66 in Nagapattinam constituency of Madras, and the lowest was 12.04 in Bhanjnar constituency of Orissa. As regards the assembly constituencies, the highest percentage

of 88.18 was in a Madras constituency, Kancheepuram, and the lowest was 12.17 in Bhatgaon constituency of Madhya Pradesh.

The turn out of voters varied even more from one polling station to another. The distinction of every single elector on the roll turning up at the assigned polling station goes to Kangkap in outer Manipur parliamentary constituency. At the other extreme, three polling stations in Madras State (Pinnathurai in Virinchipuram assembly constituency, Pudupalapattu in Sankarapuram assembly constituency and Ramanaichenpalayam in Attur assembly constituency) and one polling station in Andhra Pradesh (Erakum in Sullurpet assembly constituency) shared the unenviable distinction of sending away the polling party without a single ballot paper in the ballot box.



CHAPTER XI

COUNTING OF VOTES

The poll was completed on February 25 in all the assembly constituencies except two in Punjab and in all the parliamentary constituencies except four in Himachal Pradesh, two in Manipur and one in Punjab. The Commission had earlier considered the question when the counting of votes should be taken up by the returning officers, whether immediately or as soon as possible after the polling was over in the particular constituency or only after the polling was over, or practically over, throughout the country.

At both the previous general elections, the Commission was in favour of counting the ballot papers at the earliest practicable moment and avoiding the storage of large number of unopened ballot boxes for any considerable length of time. Any such delay in counting used to rouse suspicions, quite unjustified, in the minds of the candidates that the ballot boxes might in the interval be tampered with in one way or other and the ballot papers transferred from one ballot box to another. Furthermore, since the polling in every State was spread over a number of days, it was practicable for the returning officers to collect the necessary counting staff and take up counting soon after the completion of poll in their respective constituencies.

At the third general elections, the concentration of poll within a short period of six or seven days in most States made it almost impossible for the returning officers with the limited staff at their disposal to take up counting until poll was over in the entire State. Under the marking system, the risk of tampering with the ballot papers, and consequently the suspicion of candidates, was reduced to a great extent, if not totally eliminated. There was also the important consideration that the prior announcement of results in some constituencies when polling was going on in others might produce a band-wagon effect and psychologically influence a section of the electors in the latter constituencies to vote for the winning party. The Commission accordingly gave the general instruction that the counting of votes should not be taken up in any State before the last date for poll in that State. Counting commenced in Assam on February 24 and in the other States on February 25.

With the introduction of the marking system, the procedure for the counting of votes had necessarily to be different from that in vogue during the previous general elections. Under the balloting system, the counting staff had only to open the ballot boxes of the several contesting candidates one after the other and merely count the ballot papers found in each ballot box. So long as the total number of ballot papers found in the ballot boxes used at a polling

station tallied with the total number given in the ballot paper account, hardly any question arose as to the validity of particular ballot papers. The results of the count so obtained for all the polling stations were then added up by the returning officers to give final result of the poll. Under the marking system, on the other hand, the counting staff had to scrutinise each of the ballot papers and sort them out according to the candidates for whom they have been validly marked by the voter or, if they had not been validly marked for any candidate, to put them aside as invalid. The Commission issued elaborate instructions as to how the counting should be done in accordance with the statutory rules and these instructions were supplemented by the returning officers collecting the staff and explaining the procedure in detail.

It has been mentioned in the preceding Chapter that in order to avoid confusion at the time of poll, the electors were asked to put both the ballot papers, one for the assembly election and the other for the parliamentary election, in the same ballot box. While this was convenient at the polling station and expedited the process of voting, it gave rise to some complications and difficulties at the counting stage. The sorting of the two kinds of ballot papers after taking them out of the ballot boxes presented no difficulty as the parliamentary ballot paper was white and the assembly ballot paper was coloured pink. Separating the two kinds of ballot papers and sorting the valid votes for different candidates were done in the same operation by setting at the table one line of trays for the parliamentary candidates and another for the assembly candidates.

The counting was done by the returning officer for the assembly constituency who, in every case, was appointed an assistant returning officer for the parliamentary constituency in which the assembly constituency was comprised. This gave him the necessary legal authority to count the votes cast at the polling stations for both the elections. The returning officer for the parliamentary constituency was himself present whenever and wherever practicable and supervised the counting. After completion of this counting, the returning officer for the assembly constituency opened the covers containing the postal ballot papers in respect of the assembly constituency, finalised the account and declared the result for his constituency. As assistant returning officer for the parliamentary constituency in respect of the particular assembly sector, he was also required to tabulate the results of his counting in the appropriate form, bundle up all the parliamentary ballot papers according to polling stations and send them over securely sealed to the returning officer for the parliamentary constituency.

Since the parliamentary constituency comprised a number of assembly constituencies, ranging from five in Uttar Pradesh to nine in Assam, this method of counting the parliamentary ballot papers found in the ballot boxes involved the work being done simultaneously at different places by different assistant returning officers, the ballot

papers and accounts having to be transferred to the returning officer's office, and the returning officer declaring the results after counting the postal ballot papers for the parliamentary election and giving the candidates an opportunity to claim a recount in the event of their being dissatisfied on reasonable grounds with the original count done by the assistant returning officers. Special arrangements were made for transporting the ballot papers and accounts as quickly as possible from the assistant returning officers' counting place to the returning officer's counting place and for keeping them in the local government treasury under double lock arrangements. This method certainly expedited the counting of parliamentary ballot papers and rendered possible the announcement of results by the returning officers within a very short time of his assistants declaring the results for the assembly elections within that parliamentary constituency.

The returning officer for a parliamentary constituency and the returning officers for the component assembly constituencies had to work as a team. They were asked to choose their counting places and draw up their counting programme with care. A counting hall large enough to accommodate all the officials on duty, the candidates and their counting agents, with facilities for the safe storage of ballot boxes in or near the same building, was an essential requirement which, incidentally, was not readily to be had in quite a number of places. The returning officers were asked to see that the place chosen for counting was centrally situated in the assembly constituency in order to ensure the quick transport of ballot boxes from the polling stations after poll, and also to see that the place had a telegraph office or police wireless facility in order that the result of the election may be immediately communicated to the authorities concerned.

Depending on the size of the counting hall and the number of officials available for counting duty, the returning officer was instructed to put up 15 to 20 counting tables. The staff at each table consisted of one supervisor and two assistants. The returning officer had usually one assistant returning officer and 8 to 10 clerks to assist him. Thus, even with 15 counting tables, the officials assisting the returning officer at a counting centre numbered 55 to 60.

The rules provide that every candidate may appoint such number of counting agents not exceeding 16 as the returning officer may allow. Since the counting of assembly and parliamentary ballot papers was done simultaneously, the counting agents of all the assembly and parliamentary candidates had to be accommodated and without discrimination. This made it impossible for the returning officer to allow the maximum permissible number of counting agents to each candidate at any counting centre. A limiting formula had, therefore, to be devised. The Commission issued the general instruction that the number of counting agents seated at each counting table should be three, the same as the official counting staff at that table.

When the total number of parliamentary and assembly candidates was large, as in many cases it was, this restriction resulted in each of them having only one counting agent for every three or four tables. Thus, if there were four parliamentary candidates and five assembly candidates and the returning officer was able to provide 15 counting tables, each of the candidates was allowed five agents ($15 \times 3 \div 9$) to watch the operations at the counting tables and one more agent to be present at the returning officer's own table. From the point of view of the candidate, it was obviously unsatisfactory to have only one counting agent for three tables. Even at the risk of slowing down the counting process to a certain extent, the Commission felt that it would be better to separate the parliamentary papers from the assembly papers in one operation and then count them at different tables in another operation. While this would involve a doubling of the counting staff employed at each centre, it would be conducive to more orderly counting at the initial stage and would enable each of the candidates to have a larger number of agents to watch the counting.

Every appointment of a counting agent had to be made in the prescribed form in duplicate, one copy being forwarded to the returning officer and the other copy being made over to the counting agent for production before the returning officer by 6 p.m. on the day immediately preceding the date fixed for counting. The counting agent had to deliver the second copy to the returning officer and to complete and sign the declaration in the form, when he would be given a written authority for entry into the counting place. Many candidates found it difficult to comply strictly with this rule, especially when the counting was fixed for the day immediately following the date of poll. The Commission felt that the rule could be less stringent and could vest the returning officer with greater discretion in the matter of satisfying himself that the persons claiming to be counting agents were in fact appointed by the candidates. Much time was taken at the counting place in verifying the credentials of the numerous counting agents, particularly when they did not arrive punctually.

The rules provided that after the ballot papers found in ballot boxes had been completely counted, the returning officer should deal with the postal ballot papers in the prescribed manner. Experience showed that in many cases, by the time this stage was reached, the result of the election was practically known to all the candidates and their agents and they lost interest in the further proceedings. The returning officer had plenty of time at his disposal at the initial stage when the counting had just begun at the counting tables. This was particularly noticeable in parliamentary constituencies, since the returning officer had to wait a long time before his assistant returning officers sent up the ballot papers and the results of the counting in the several assembly sectors. But for the express direction in the

rules, this time could well have been utilised by the returning officers in opening the covers containing the postal ballot papers and in counting the votes recorded in them. The Commission accordingly recommended* that the scrutiny and counting of postal ballot papers should be taken up by the returning officers, not after the counting of ballot papers found in ballot boxes had been completed, but immediately it had begun.

It goes to the credit of the returning officers and their assistants all over the country that there were hardly any complaints as to the manner in which the counting of votes was done by them. The arrangements made by them for the maintenance of order at the counting centres were generally satisfactory. A serious incident, however, was reported to the Commission from Tarn Taran in Amritsar district of Punjab.

The sub-divisional officer of this place, who was the returning officer for two assembly constituencies, had completed the counting of votes in one of them, viz., Sarhali, late at night on February 25 and declared that Shri Partap Singh Kairon, Chief Minister, had won the election by a narrow margin of 34 votes. There was apparently a great deal of commotion from the supporters of the losing candidate belonging to the Akali party who made various allegations against the returning officer, *e.g.*, that an application for recount was made to him, but he refused to entertain it or pass any orders on it, that he had failed to make an open and formal declaration of the result, etc. The next day when the returning officer was proceeding with the counting of votes in the other assembly constituency, viz., Tarn Taran, a large crowd collected outside the counting centre and indulged in undisciplined demonstrations. At about 5 p.m. the returning officer reported to the Commission over the telephone that the counting had to be suspended because of serious disturbances at the counting place. This was subsequently confirmed by another telephonic message from one of the assembly candidates and one of the parliamentary candidates concerned in the counting.

The Deputy Election Commissioner was immediately sent to Tarn Taran with a direction to make a full enquiry into the matter and report to the Commission. It appeared from his report that when the counting of votes had made considerable progress, it was interrupted by the falling of tear gas shells at the place of counting. Because of the noxious gas it became impossible to continue the counting and the persons employed had to leave their seats and run away, leaving the ballot papers on the tables. One tray containing some ballot papers was lifted by some one but he was immediately caught and handed over to the police. The ballot papers in this tray were scattered on the ground at a little distance from the counting hall but within the premises. At this stage the counting was suspended.

*This recommendation was accepted and the rules were recently amended.

ed and some time later the open trays containing ballot papers were removed to a store room and locked up and the premises were guarded by the police during the night.

Next morning, the counting was resumed in the presence of the Deputy Election Commissioner and the agents of the various candidates. 73 polling stations had been established for this assembly constituency and the ballot boxes used at 72 of them were counted and found to tally with the relevant ballot paper accounts. Only in regard to one polling station the result of the poll was not correctly ascertainable because of the unlawful removal and scattering of the ballot papers. It was, however, clear from the result sheet drawn up by the returning officer that, not counting the votes polled by any of the candidates at that polling station, the difference between the votes secured by the leading candidate from those secured by the second was more than 9,000. As the total number of electors entitled to vote at that polling station was only 932, a fresh poll at that polling station could not in any way have affected the result of the election. The Commission, therefore, relying on section 58(2) of the Representation of the People Act, 1951, directed the returning officer to complete the counting of votes and declaration of results in accordance with the rules, ignoring the votes polled at that one polling station. The position in regard to the parliamentary constituency was also similar and accordingly a similar direction was given to the returning officer of that constituency.

While the wording of the section cited above appears to give sufficient authority to the Commission to intervene in this manner in such a situation, it is possible to argue from the context that the section is intended to apply only to disturbances at a polling station and not at a counting place. Although disturbances of this type have been rare at polling stations and rarer still at counting places, the Tarn Taran incident shows the need to have a similar provision in the chapter relating to the counting of votes. Incidentally, it may be mentioned that neither the assembly nor the parliamentary election concerned in the incident was challenged by means of an election petition.

Out of a number of applications for recounting of votes received at the appropriate stage, the returning officers allowed recount, either wholly or in part, only in 39 assembly constituencies and 6 parliamentary constituencies. The rules contemplated an immediate recounting by the returning officer, whenever he considered the request reasonable. In one case (Narnaul assembly constituency of Punjab) the returning officer, due to inexperience, adjourned the counting by one week which naturally led to a protest being lodged with the Commission. The returning officer was directed to take up the recount without any delay and she did so after informing all the candidates on the very next day.

At Gonda in Uttar Pradesh where recount was claimed and allowed in respect of two parliamentary constituencies, viz., Gonda and Balrampur, by the common returning officer who was the collector of the district, the question was raised as to how exactly the recounting should be done. The relevant rule provided that the returning officer should count the ballot papers again, amend the result sheet to the extent necessary after the recount and announce the amendments so made by him. The application for recount could only be made under the rule after the completion of the counting including the votes recorded on postal ballot papers, and after the returning officer had announced the total number of votes polled by each candidate. Thus, the question raised before the Commission was whether the recounting of the ballot papers only meant a mechanical recount of the several bundles of valid and invalid ballot papers pertaining to each polling station kept in separate sealed covers and checking the addition previously made, or whether it meant also (a) in regard to the several bundles of valid ballot papers, the scrutiny of each ballot paper to see first, whether it should or should not have been rejected and, secondly, whether it was a valid vote for the particular candidate in whose favour it had been counted, and (b) in regard to the bundle of rejected ballot papers, their rescrutiny with a view to see whether each of them had been rightly rejected under the rule and also to see whether any admitted ballot paper had been wrongly included in the bundle. After careful consideration, the Commission decided that the latter was the proper and legal way of doing the recount, and directed the returning officer to adopt that procedure.

The Commission, however, felt that the phrase used in the rule was somewhat ambiguous and recommended to the Government that it should be clarified by a suitable amendment.*

Out of 45 cases in which recount was allowed by the returning officers, it changed the results only in three cases. One was Narnaul assembly constituency in Punjab to which reference has been made above. At the recount, the number of valid votes secured by the leading candidate was reduced by 408, while that of the second candidate was reduced by only 135, with the result that the latter was declared elected. In Morena assembly constituency of Madhya Pradesh, the candidate who was eventually declared elected by a narrow margin, gained a nett 34 votes at the recount. In Gonda parliamentary constituency of Uttar Pradesh, the difference between the first count and the second was very surprising. The candidate who was initially leading by a comfortable majority of 1,576 votes over his nearest rival suffered at the recount a nett loss of 2,039 votes and the rival secured a nett gain of 35 votes and was declared elected.

As was to be expected, all three declarations were challenged by election petitions. In Narnaul assembly constituency, the election of

*The rule has been recently amended *vide* rule 63(5) of the Conduct of Elections Rules, 1961 as amended.

the returned candidate was upheld by the courts. The election in Morena assembly constituency was set aside, but the courts declined to declare the other candidate elected as having obtained the majority of the valid votes polled. In regard to the election in Gonda parliamentary constituency, the Election Tribunal held that the bundles of counted ballot papers pertaining to about 40 polling stations had been badly tampered with some time between the first count and the recount by the returning officer and that the result of the election ought to be declared according to the first count.

Although Gonda was an exceptional case, it was disquieting to find that it was possible surreptitiously to remove ballot papers while in the custody of the returning officer and to tamper them to such an extent as to make the loser win. The longish interval of ten days between the first count and the recount during which packets of the ballot papers, sealed only with the common official seal of the assistant returning officers, were kept in the treasury, appeared to have provided the opportunity for the tampering. The normal security measures taken to ensure safety of the ballot papers also appeared to have failed in this particular instance.



CHAPTER XII

RESULTS OF THE ELECTIONS

Counting commenced in Assam on February 24. The results of voting in only four assembly constituencies were declared on this day. 251 results were announced on February 25; 1,096 on February 26; 1,013 on February 27; 413 on February 28; 55 on March 1 and 2 on March 2, which completed the entire list of assembly constituencies in all the States except the two snow-bound constituencies of Punjab where polling had been postponed to April 30.

As regards parliamentary constituencies, 17 results were declared on February 26; 161 on February 27; 154 on February 28; 102 on March 1; 36 on March 2; 12 on March 3 and one each on March 7, 11, 14 and 18. Of these four delayed declarations, the first two were in two adjoining constituencies of Uttar Pradesh, viz., Balrampur and Gonda, where recounting of all the votes had been claimed by the candidates and allowed by the returning officer. The last two results to be declared were in the Outer Manipur and Inner Manipur constituencies which had very special problems of transport and personnel to tackle.

494 members were elected to the House of the People. The Indian National Congress came out successful with a nearly two-thirds majority, securing 361 seats. The number of seats won, the number of candidates set up and the percentage of valid votes polled by the several political parties and independents are given in the following table :—

TABLE 15

Party	No. of seats won	No. of candidates set up	Percentage of valid votes polled
1. Congress	361	488	44·72
2. Communist	29	137	9·94
3. Swatantra	22	183	8·19
4. Jan Sangh	14	196	6·44
5. Praja Socialist	12	168	6·81
6. Dravida Munnetra Kazhagam*	7	18	2·01
7. Socialist	6	107	2·69
8. Other parties	23	189	6·74
9. Independents	20	480	11·08

*This party functioned only in the State of Madras.

In the twelve States where general elections were held to constitute new Legislative Assemblies, 2,842 members were elected after contest. 1,759 belonged to the Indian National Congress. The number of seats won, the number of candidates set up and the percentage of valid votes

polled in these assembly elections by the major political parties, other parties and independents are given in the following table :—

TABLE 16

Party	No. of seats won	No. of candidates set up	Percentage of valid votes polled
1. Congress	1,759	2,839	44.38
2. Swatantra	166	1,038	7.42
3. Communist	153	833	8.59
4. Praja Socialist	149	1,064	7.01
5. Jan Sangh	116	1,140	6.07
6. Socialist	59	607	2.71
7. Dravida Munnetra Kazhagam*	50	147	3.28
8. Other parties	144	1,015	6.13
9. Independents	246	3,888	14.02

*This party functioned only in the State of Madras.

Of the 494 members elected to the House of the People, 35 were women, and of the 2,855 members elected to the 12 Legislative Assemblies, 164 were women.

Multiple Elections

A number of sitting members of the Council of States mainly those whose term was due to expire on the 2nd April 1962, stood for election, some to the House of the People and others to the Legislative Assemblies. 14 were elected to the House of the People and 7 to the Legislative Assemblies.

It is provided in section 69(2) of the Representation of the People Act, 1951 that if a person who is already a member of the Council of States is chosen a member of the House of the People, his seat in the Council of States shall, on the date on which he is so chosen, become vacant. Similarly, the Prohibition of Simultaneous Membership Rules, 1950 provide that if such a person as aforesaid is chosen a member of the legislature of a State, his seat in the Council of States shall become vacant on the expiration of 14 days from the date of publication in the official gazette of the State of returning officer's declaration that he has been so chosen. In consequence of these two provisions, there were 21 vacancies in the Council of States when it met for the budget session of 1962. While in the case of the seven persons who got elected to Legislative Assemblies, the resulting vacancies in the Council of States were regarded as normal and inevitable, the 14 members who got elected to the new House of the People felt that the law, in depriving them immediately of their seats in the Council of States and consequently of their right to take part in the last session of the old Parliament, operated harshly against them. They could not sit in the House of the People because it was the old House and not the newly elected House; and they could not sit in the Council of States because they had lost their seats in that House. This anomaly was, of course, due to the other anomaly of holding a session of Parliament with the old members after practically all the new members of the lower House had been elected

9 persons who were sitting members of different Legislative Councils were elected to the House of the People, and 29 others to Legislative Assemblies.

One person who was a sitting member of the Kerala Legislative Assembly was elected to the House of the People from the Kozhikode parliamentary constituency of that State and thereupon he resigned his seat in the legislative assembly.

There were also five instances of the same person being elected to the House of the People and to the Legislative Assembly of a State. All of them retained membership of Parliament and resigned their membership of the Assemblies.

One person in Andhra Pradesh and another in West Bengal were elected to the State Legislative Assembly from two constituencies. They resigned one of the two seats secured by them within the prescribed time.

FORFEITURE OF SECURITY DEPOSITS

Every candidate standing for election to the House of the People or to a Legislative Assembly, before presenting his nomination paper, has to make a security deposit of Rs. 500 in the former case and Rs. 250 in the latter. If, however, the candidate is a member of the scheduled castes or of the scheduled tribes, the security deposit is reduced by half. Where a person stands for election for more than one constituency, he has to make the appropriate deposit in respect of each of the constituencies.

The deposit made by or on behalf of a candidate is returned (a) if his nomination is rejected, or (b) if he withdraws his candidature within the prescribed time and in the manner, or (c) if he is elected, or (d) if he obtains more than one-sixth of the total number of valid votes polled at the election. Otherwise, the deposit is forfeited to the Central Government in respect of a parliamentary election, and to the State Government in respect of an assembly election. Where, however, a person stands for election from more than one parliamentary constituency or from more than one assembly constituency and consequently has made more than one security deposit, only one deposit will be returned to him even if he gets elected from more than one such constituency or obtains more than one-sixth of the valid votes polled at each of the elections.

The number of candidates who forfeited their security deposits at the general election was astoundingly large. They were many more than at the second general elections of 1957. In the 491 parliamentary constituencies where there was contest, the total number of candidates was 1,982 and out of them, 856 forfeited their deposits totalling Rs. 386,750. In the 2,842 contested elections for the Legislative Assemblies, 6,337 out of 12,633 candidates (a few more than one-half) forfeited a total sum of Rs. 1,369,450. The contribution thus

made to the exchequer by frivolous candidates in 1962 was considerably more than in 1957 when the Central Government got Rs. 222,000 and the State Governments got Rs. 969,125. The State-wise break-up of this distressing feature is set out in the following tables :—

TABLE 17
FORFEITURE OF DEPOSITS AT PARLIAMENTARY ELECTIONS

State/Union Territory	No. of contested seats	No. of contesting candidates	No. of candidates forfeiting deposits	Amount forfeited
				Rs.
Uttar Pradesh	85	442	234	105,500
Bihar	53	233	108	49,500
Maharashtra	44	168	69	30,250
Andhra Pradesh	43	147	51	23,750
Madras	40	151	56	26,750
West Bengal	36	112	30	14,000
Madhya Pradesh	36	159	73	31,250
Mysore	26	88	33	14,500
Gujarat	22	68	21	10,250
Punjab	22	107	58	26,500
Rajasthan	22	111	60	27,000
Orissa	19	48	10	3,250
Kerala	18	50	11	5,000
Assam	12	41	12	6,000
Delhi	5	28	17	8,000
Himachal Pradesh	4	11	3	1,500
Manipur	2	11	7	2,750
Tripura	2	7	3	1,000
TOTAL	491	1,982	856	386,750

TABLE 18
FORFEITURE OF DEPOSITS AT ASSEMBLY ELECTIONS

State	No. of contested seats	No. of contesting candidates	No. of candidates forfeiting deposits	Amount forfeited
				Rs.
Uttar Pradesh	430	2,620	1,614	351,050
Bihar	318	1,529	811	179,875
Andhra Pradesh	294	982	353	76,875
Madhya Pradesh	285	1,333	686	142,750
Maharashtra	264	1,161	590	128,400
West Bengal	251	960	411	89,375
Madras	206	798	336	72,500
Mysore	206	677	251	54,500
Rajasthan	175	889	498	106,625
Punjab	154	756	420	86,125
Gujarat	154	519	189	41,750
Assam	105	409	178	39,625
TOTAL	2,842	12,633	6,337	1,369,450

The partywise break up was as follows :

TABLE 19

Name of party	Contested parliamentary elections		Contested assembly elections	
	No. of candidates set up	No. of candidates forfeiting deposits	No. of candidates set up	No. of candidates forfeiting deposits
Congress	485	3	2,839	49
Jan Sangh	196	114	1,140	726
Swatantra	173	75	1,038	546
Praja Socialist	168	69	1,064	528
Communist	137	26	833	311
Socialist	107	75	607	435
Republican	68	35	301	211
Hindu Mahasabha	38	31	176	146
Ram Rajya Parishad	41	34	166	125
Other recognised parties	65	7	378	90
Unrecognised parties	24	8	203	96
Independents	480	379	3,888	3,074
TOTAL	1,982	856	12,633	6,337

The multiplicity of candidates contesting the general elections, both with the support of organised parties and independently of them, has been noticed in a previous chapter. The average number of candidates contesting a parliamentary constituency came to 4.04; in Uttar Pradesh it was more than 5, while in Kerala it was less than 3. For assembly constituencies the average number of candidates came to 4.44; in Uttar Pradesh it was more than 6. The number of constituencies in which there were six or more contesting candidates was considerable, instead of being rare as one would normally expect. In one case (Tosham assembly constituency of Punjab) this plethora of candidates resulted in a candidate winning the election although he polled less than one-sixth of the total number of valid votes polled in the constituency.

In almost all the constituencies where the number of candidates was large, the really serious and effective contestants were two or three, or at the most four, all the rest coming within the category of "also ran" and helping only to increase the length of the ballot paper, confusing the electors and swelling the expenses and electioneering difficulties of the main candidates. At the parliamentary elections, as well as the assembly elections, four out of every five independent candidates forfeited their security deposit, whereas their success was of the order of one in twenty four in the former case and one in sixteen in the latter.

It was remarked by the Commission in its Report on the Second General Elections that "too many independent candidates rushed into the arena of electoral contest either without any intension of going through the contest seriously or without any reasonable prospect of securing even the minimum of one-sixth of the votes". This remark applied with greater force to the third general elections. The number of this type of independent candidates increased. It was freely said that in many constituencies they only stood with a view to striking a bargain with one or other of the serious candidates and then withdrawing from the contest for a consideration, or with a view to splitting the votes of a small section of the people on caste or communal grounds. These are obviously tendencies which militate against fair democratic elections and should be eliminated.

The party-wise analysis of the candidates forfeiting security deposits further shows that even the organised political parties set up a large number of candidates who faired badly at the polls. Even before the elections, the Commission had announced that in order to secure the status of a "recognised party" and, with it, the reservation of a symbol, the candidates sponsored by the party must obtain not less than four per cent of the total valid votes polled in the State, but in this calculation the votes obtained by those party candidates who forfeited their security deposits would not be taken into account. Apparently, this did not deter the parties from setting up candidates who had very little electoral support in a number of constituencies.

If a clear verdict is to be obtained from the electorate grouped in single-member constituencies, it is essential that the contest should be limited to a few worthy candidates and light-hearted participation by individuals who know they have not substantial electoral support must be checked. The Commission would strongly recommend a trebling of the security deposit prescribed in the law for this purpose. It should be increased to Rs. 1,500 in respect of an election to the House of the People and Rs. 750 in respect of an election to a Legislative Assembly, the amount being halved in the case of any candidate belonging to the scheduled castes or to the scheduled tribes. Incidentally, it may be mentioned that in Britain the security deposit for a parliamentary election is £150, the equivalent of Rs. 2,000, and the number of electors in an average parliamentary constituency there is about the same as the number of electors in an average assembly constituency in India.

Two other suggestions have also been made with the object of discouraging frivolous candidates. One is that the security deposit in the case of an independent candidate should be double that required in the case of a candidate duly sponsored by a recognised political party. This would mean a serious departure from the existing election law which puts all candidates on the same footing and might be criticised as discriminating against non-party candidates. The second suggestion

is that an independent candidate should not be allowed to stand for election in a constituency unless he obtains the signature of a certain number of electors of that constituency, *e.g.* one thousand in an assembly constituency and two thousand in a parliamentary constituency, to show that he enjoys a minimum support. The Commission does not consider it to be administratively practicable to check the signatures of any such large number of persons effectively at a general election. Any such legal provision would only lead to confusion, delay and dispute at the initial stages of the election which must be avoided. A radical change in the law debarring non-party candidates altogether would at least have the merit of being logical and would have more to commend it than half-way measures of this type.



CHAPTER XIII

ACCOUNTS OF ELECTION EXPENSES

Every contesting candidate at an election to the House of the People or to the Legislative Assembly of a State is required to keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result, both days inclusive. The account has to contain full particulars in respect of every item of expenditure and vouchers have to be obtained unless from the nature of the expenditure, such as postage, travel by rail and the like, it is not practicable to obtain a voucher. A true copy of this account along with the vouchers has to be lodged with the returning officer within 30 days from the date on which he declares the result of the election.

The law further lays down the maximum for the total of the aforesaid expenditure. For a parliamentary election, the prescribed maximum is Rs. 25,000 in a State and Rs. 10,000 in a Union territory. For assembly elections, the maximum limit is Rs. 9,000 in Madras and Uttar Pradesh, Rs. 8,000 in Bihar, Gujarat and Maharashtra, Rs. 7,000 in Andhra Pradesh, Kerala, Madhya Pradesh, Orissa, Punjab and West Bengal and Rs. 6,000 in Assam, Mysore and Rajasthan. It is a corrupt practice for a candidate to spend more than the prescribed amount on his election. If an election tribunal finds the elected candidate guilty of this corrupt practice, his election will be declared void and he will stand disqualified for election to any legislature for a period of six years.

The accounts lodged with the returning officer by the contesting candidates are scrutinised by him in the first instance from the purely formal point of view. Within two days of the receipt of the account of a candidate, the returning officer notifies in his office the date on which the account was lodged, the name of the candidate and the time and place at which the account can be inspected on a payment of a small fee of one rupee. After the last date for lodging of these accounts has passed, the returning officer reports to the Commission whether each contesting candidate has lodged his account and whether, in the opinion of the returning officer, the account has been lodged within the time and in the manner prescribed by the Act and the Rules. Where he considers that the candidate has not submitted his account in the prescribed manner, he forwards the relevant account of election expenses together with the vouchers to the Commission.

The reports furnished by the several returning officers in this manner are scrutinised by the Commission. It records its findings as to which of the contesting candidates have failed to lodge their

accounts within the prescribed time or in the prescribed manner, informs them and also notifies their names in the official gazette of the State. A defaulter stands disqualified for being chosen as, and for being, a member of either House of Parliament or of the legislature of a State for a period of three years counting from the date by which the account ought to have been lodged with the returning officer. This disqualification, however, takes effect only after the expiry of two months from the date on which the Commission has decided that the account has not been lodged within the prescribed time or in the prescribed manner. The Commission is also empowered to reduce the period for what it regards as sufficient reason.

Since there were nearly 2,000 contesting candidates for the House of the People and more than 12,600 contesting candidates for the Legislative Assemblies, the task involved in scrutinising the reports received from hundreds of returning officers and giving decisions on them was of some magnitude and laboriousness. It is regrettable that as many as 339 of the parliamentary candidates and 2,998 of the assembly candidates had to be disqualified for failure to comply with the law. Out of these, only 70 parliamentary candidates and 351 assembly candidates took the trouble of representing to the Commission for the removal of their disqualification before the prescribed period of three years had expired. The Commission accepted the explanation given in 285 cases and removed the disqualification. The others were apparently content to suffer the mild punishment imposed on them under the law.

It was noticed that many of the accounts which came up before the Commission for scrutiny were maintained in a slipshod fashion and did not give the impression of being either complete or accurate. The law does not even require a candidate to declare that the account lodged by him is true and complete in every respect, although this is the implication of the section. In the absence of any penal provision, it is not surprising that many candidates pay little attention to the statutory duty of keeping a correct daily account when the election is in progress, and subsequently make it up anyhow for the sake of formal compliance with the law. As mentioned in a previous Chapter, many candidates do not appoint election agents and consequently have to maintain the accounts themselves which is not an easy job.

In its Report on the Second General Elections, the Commission observed that the amendments to the Representation of the People Act made in 1956, in so far as the account of election expenses was concerned, had rendered the entire scheme of the Act on this subject practically nugatory. Too many loop holes had been left in the law with the result that a candidate could easily evade the objective if he was so inclined. The restriction of the period of accounting to the interval between the date of the notification and the date of the declaration of the result completely exempted all expenses incurred or authorised by a prospective candidate prior to the notification. How-

ever large the expenses actually incurred by a candidate in respect of his election might be, there was ample scope for him to keep the portion accountable in law down to a figure well below the permissible maximum.

The Commission further observed in the same Report that the amended provisions of the law served no useful purpose and were merely a source of irritation to the candidates. Their implementation however continued to throw a heavy burden of work upon the Commission which was required to check thousands of accounts of election expenses from the formal point of view. For technical defects detected in these accounts, many of the candidates had to be first disqualified and subsequently those of them who made representations had their disqualifications removed.

After the experience of the General Elections of 1962, the Commission reiterates its view that the legal provision relating to election expenses as they stand at present are of no use and call for drastic amendments or total repeal. The general impression is that, wherever the elections are hotly contested, the really serious candidates have to, and do in fact, spend much more than the prescribed maximum amount. It is only the unwary among them who leave loopholes in their accounts of election expenses and lay themselves open to election petitions. The fact that the expenses incurred by the political parties on the electioneering campaign of individual candidates or groups of candidates do not require to be included in the accounts of the latter, makes the prescribed maxima quite unreal and meaningless. The Commission came across an account of election expenses furnished by a candidate which consisted of a single entry, namely, the payment of a certain sum to the party sponsoring his candidature, and nothing more ! It might be that this was the only expenditure incurred or authorised by the candidate in connection with his election and as such, the account was arguably, at any rate, in accordance with the letter of the law, but certainly not in accordance with its spirit.

It has to be recognised that this insistence on all candidates maintaining and rendering proper accounts of their election expenses is, after all, only the means to an end, and not an end in itself. So also, the legal bar against candidates spending more than the prescribed amount has an object in view, that of discounting the unfair advantage which candidates with ample financial resources at their command would otherwise enjoy. Although it is agreed on all hands that the heavy expenditure now incurred by parties and candidates on their election campaign is most undesirable, it is not easy to find practical, effective and generally acceptable methods which would make them spend less.

Considering the extent of the constituencies and the size of the electorates, it cannot be said that the maxima prescribed by the law

for election expenses are unduly high and require to be reduced. The electorate of a parliamentary constituency in a State now averages about 450,000 and the constituency often extends over more than one administrative district. The electorate of an assembly constituency ranges from 50,000 in Assam to 90,000 in Uttar Pradesh. In fact, the complaint is often heard that candidates find it impossible to remain within the prescribed limit and still conduct anything like an efficient election campaign in such large electorates. The Commission in its Report on the Second General Elections thought that there was substance in this complaint and expressed the view that the legal maxima might be revised to higher figures if, at the same time, all expenses incurred on behalf of a candidate by his party or well-wishers with his constructive consent were also made accountable.

Although campaigning methods naturally vary from one constituency to another and from one candidate to another, the principal items, on which parties and candidates, by and large, spend substantial amounts appear to be the following :—

- (i) motor vehicles used by candidates and their agents for canvassing during the electioneering period;
- (ii) holding of large public meetings, particularly those with loudspeaker arrangements;
- (iii) public processions and demonstrations;
- (iv) display of streamers and banners;
- (v) various forms of entertainment;
- (vi) paid canvassers and agents;
- (vii) payment of incidental expenses to voluntary helpers, including polling and counting agents;
- (viii) posters, placards and similar forms of publicity;
- (ix) election manifestos and pamphlets; and
- (x) personal canvassing on polling day, including the issue of identity slips to voters.

Suggestions are made from time to time by political parties as well as public men that restrictions should be imposed by law in respect of some of these items in such a manner that they are readily enforceable and that if this could be done, it would act as a curb on extravagant spending. There is, however, no unanimity in regard to the items to be chosen for imposing restrictions or in regard to the manner in which, and the extent to which, particular form of election propaganda should be controlled.

There is no doubt that in many constituencies much money is spent on providing motor transport to workers who go round canvassing on behalf of a party or of a candidate. Not all the expenditure actually incurred by or on behalf of the candidate on this item is

shown in his account. The Commission is of the view that it should be practicable to restrict the number of motor vehicles used for this purpose. In an assembly constituency the number may be limited to three and in a parliamentary constituency to six. In order to be effective, the law should provide for full information being given by the candidate to the returning officer as to the vehicles which would be actually used by him or by his agents and workers during the electioneering period.

Making arrangements for a well-attended election meeting is said to be an expensive affair, particularly if a number of sound amplifiers have to be provided at the meeting. It has been suggested that the number of such election meetings should be limited, say, to four. Although it might be comparatively easy to enforce such a restriction and it might also be effective in reducing the expenses of the candidate, the Commission considers that election meetings are essential for the proper education of the electorate and ought not to be restricted either in their nature or number.

The same cannot be said of public processions and demonstrations in which election propaganda takes the low and unintelligent form of shouting slogans and catch-words. The display of large sized streamers and banners, whether temporarily as part of such demonstrations or a little more permanently as a feature of the election land-scape, is also in the same category. A complete ban on such processions, demonstrations and displays organised for the purpose of promoting or procuring the election of a candidate, would not only help parties and candidates in reducing their election expenses, but also help the authorities in maintaining peace and order in the constituency. From the same points of view, it is desirable that a ban should be imposed on the use of peripatetic loudspeakers on roads and highways for election propaganda, particularly in municipal areas where they tend to become a public nuisance.

Candidates occasionally arrange for stage shows, music, dancing and similar forms of entertainment as an attraction to further their main purpose of canvassing and spend considerable sums on such entertainment. This practice, however, does not appear to be widespread. The Commission does not consider it practicable or necessary to impose restrictions on this type of election propaganda.

Although the accounts of election expenses seldom show the employment of paid canvassers and the amounts paid to them, there is good reason to believe that the practice exists and that it adds appreciably to the candidates' expenses. Its potentiality for abuses of a more serious character like buying of votes cannot be ignored. The Commission recommends that, apart from the election agent who may, if necessary, be employed on payment, the employment of paid canvassers should be debarred under the election law. Where any remuneration is paid to the election agent of a candidate, it should, of course, be included in his account of election expenses.

Every candidate has to get the assistance of a large number of volunteers to canvass for him and to work as polling agents or counting agents at the appropriate time. In many cases he has to give them small sums to cover their incidental daily expenses which may add up to a considerable amount as the total number of such agents and workers is fairly large. This expenditure, however, is unavoidable and cannot very well be restricted by law.

With regard to posters and placards on the printing and display of which substantial amounts are spent by candidates, it has been suggested that the Commission should undertake the responsibility of preparing one poster for each constituency containing the names and symbols of all candidates standing for election in the constituency and have it displayed at suitable places. If this were done, there would be no need for candidates and parties to print and display separate posters of their own and it should be possible to prohibit the display of any other posters or placards or other similar forms of publicity. Apart from the fact that this would necessarily introduce a dull uniformity which may not be palatable to the candidates and to the public, the Commission does not consider that it would be practicable for every returning officer to get such posters printed according to a uniform pattern and to get them displayed in all parts of the constituency. Another suggestion in the same connection is that the size of posters should be limited, since the printing and exhibition of large size posters is very expensive. The Commission, however, is of the view that such restrictions in regard to petty matters of this type will be difficult to enforce and are unlikely to produce the desired economy.

The printing and distribution of election manifestos and pamphlets is an item of expenditure which varies greatly in amount, depending on the sophistication or educational backwardness of the constituency and on the methods of campaigning preferred by the individual candidate. Organised political parties issue their manifestos on the eve of the general election and publicise them at their own expense. It has been suggested that the Commission should prepare a pamphlet containing the manifestos of all parties and send a copy to all electors. This would obviously mean an enormous and wasteful expense for the State without any reduction in the election expenses of candidates. It must also be remembered that since non-party candidates have the right to contest the elections, they cannot be discriminated against in this matter of free publicity. As in regard to posters discussed in the preceding paragraph, the Commission does not consider that it would be practicable for the returning officer in the short time at his disposal to print and distribute to all electors a pamphlet containing the election manifestos of all candidates in the constituency.

It has been the practice for the candidates' agents at each polling station to provide themselves with small printed slips of paper on which they enter the names and electoral roll numbers of the voters

canvassed by them. These slips are then taken to the polling station by the voters and thus become unofficial poll cards which help them to get the ballot papers without delay. It has been suggested that the candidates would be saved a lot of expense if the Commission itself could issue official poll cards to all electors in the constituency. But this suggestion overlooks the fact that the issue of these unofficial identity slips to individual voters is an important part of the personal canvassing done on behalf of the candidates on polling day. Even if the Commission were to issue official poll cards, the candidates' agents would still like to contact the voters at the polling stations. From the administrative point of view, there are various difficulties in issuing official poll cards to electors. The administration could never be sure that poll cards addressed to individual voters are actually handed over to them, with the result that impersonation would be facilitated. On the other hand, the candidates expenses on personal canvassing on polling day are not likely to be appreciably reduced by the issue of official poll cards to voters.

From this review of the main items of electioneering on which candidates appear to spend substantial amounts, it appears that there are only a few which could be effectively regulated or prohibited in order to reduce the overall expenditure. These are :—

- (i) the number of motor vehicles that may be used for electioneering purposes should be limited to three in an assembly constituency, and to six in a parliamentary constituency;
- (ii) processions and demonstrations and the display of large sized streamers and banners should be prohibited;
- (iii) the use of peripatetic loudspeakers on roads and highways for election propaganda should be prohibited;
- (iv) the employment of any paid canvassers (other than the election agent of a candidate) should be prohibited.

It has been pointed out above that the existing law relating to account of election expenses suffers from two main defects. The first is that the period of accounting is limited to the interval between the date of the notification calling the election and the date of the declaration of the result of the election. If the rendering of accounts by candidates and the prescription of a maximum limit for expenses are to have any significance, it is clear that candidates must be required to account for all expenses incurred on account of, or in respect of, the conduct or the management of the election, whether before, during or after the election. The second main defect is that the expenditure incurred by political parties on particular candidates or groups of candidates sponsored by them does not require to be included in the accounts of any of the candidates. While organised political parties cannot be debarred from spending even during the election period on party propaganda generally, they must be made to account for any

expenses incurred by them in promoting the election of particular candidates.

The Commission recommends that these two main defects should be removed and the legal provisions should be spelt out in greater detail so as to make them effective. In particular, there should be a provision on the lines of section 63 of the British Representation of the People Act of 1949 which prohibits election expenses being incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent and which further provides that where any such authorised person incurs expenses, he should furnish a detailed return of those expenses to the appropriate officer.



CHAPTER XIV

BIENNIAL ELECTIONS TO THE COUNCIL OF STATES

The Council of States was constituted on the 3rd April, 1952 after the first general elections to the State Legislative Assemblies had been completed. It consisted of 216 members, of whom 12 members were nominated by the President in accordance with Article 80(1)(a) of the Constitution and the remaining 204 members were elected to represent the States. The allocation of these elective seats among the several States which was made in the Fourth Schedule to the Constitution naturally underwent an extensive change at the time of the reorganisation of States and their total number also was increased to 220. Thereafter, when the State of Bombay was split into Maharashtra and Gujarat, the formula* for determining the number of representatives gave Maharashtra 19 and Gujarat 11, as against the 27 seats allotted to Bombay. Madras secured one more seat in 1960 as a result of the transfer of territories between that State and Andhra Pradesh which gave Madras a substantial net increase in population. On the eve of the fifth biennial elections, the Council thus consisted of 224 elected members (20 more than on its initial constitution) and 12 nominated members.

Under the Constitution, the Council is not subject to dissolution but as nearly as possible one-third of its members retire on the expiration of every second year in accordance with the provisions of section 154 of the Representation of the People Act, 1951. The term of office of the members begins on the date on which their names are notified after their election in the Gazette of India, and except in the case of a member chosen to fill a casual vacancy, lasts for 6 years. It is accordingly necessary to hold every second year elections in the States in the month of March to fill the seventy and odd vacancies that will arise by the retirement of members on the 2nd April in that year.

The term of office of 74 elected members of the Council of States was due to expire on the 2nd April, 1962. The Commission had to get through all the formalities for filling up these vacancies in time so that the members might be elected before the due date. The appointments of all returning and assistant returning officers for these elections were notified by the Commission well in advance so that they could take appropriate action for holding the elections immediately after the general elections to the Legislative Assemblies had been completed.

*The formula originally adopted in 1949 with reference to the 1941 census figures and applied in 1956 with reference to the 1951 census figures was : 1 seat per million for the first 5 millions, and one seat for every additional 2 millions, rounded off to the nearest integer.

On March 7 the elected members of the Legislative Assembly of each State (except Jammu and Kashmir) and the members of the Territorial Councils of Himachal Pradesh and Tripura were called upon to elect the number of members specified against that State or Union Territory. In Delhi and Jammu and Kashmir the issue of this first notification had to be withheld for a few days. Although the election of councillors to the Delhi Municipal Corporation took place simultaneously with the election of members to the House of the People on February 25, the newly elected councillors who formed the bulk of the electoral college for Delhi assumed office only on March 22 when the Municipal Corporation was formally reconstituted under the law. So also, the pre-existing Legislative Assembly of Jammu and Kashmir was dissolved on March 31 and the new Assembly was constituted on April 2. Accordingly the members of the electoral college of Delhi and the elected members of the Jammu and Kashmir Legislative Assembly were called upon to elect one representative each to the Council of States on March 24 and April 2, respectively.

The programme for these elections drawn up in accordance with the provisions of section 39 of the Representation of the People Act, 1951, was as follows :—

TABLE 20

	States other (than Jammu & Kashmir, Himachal Pradesh and Tripura)	Delhi	Jammu and Kashmir
(i) Date of notification calling the election	March 7	March 24	April 2
(ii) Last date for making nominations	March 14	March 31	April 9
(iii) Date for scrutiny of nominations	March 16	April 2	April 11
(iv) Last date for withdrawal of candidatures	March 19	April 5	April 14
(v) Date of poll	March 29	April 16	April 21

The hours of poll fixed for the elections naturally varied from one State to another according to the number of electors and their convenience. At 11 places, polling began at 10 a.m., while Gujarat and Mysore had polling entirely in the afternoon, the former from 2 to 5 and latter from 1 to 6. There were 6 hours of poll at 5 places, 5 hours at 6 places, 4 hours at 2 places and 3 hours at 4 places. Tripura whose electoral college had only 30 members was allotted two hours, from 10 a.m. to 12 noon, for polling.

As was to be expected, the number of contesting candidates was not many more than the number of vacancies in most of the States.

In Assam, Madras, Orissa, Jammu and Kashmir and Delhi, there was no contest. The table below shows the allocation of seats in the Council on the 2nd April, 1962 to the several States and Union Territories, the number of vacancies arising on that date in each of them and the number of contesting candidates at each of the elections :

TABLE 21

Name of State or Union Territory	Total number of seats in the Council	Number of vacancies arising on 2-4-1962	Number of contesting candidates
1. Andhra Pradesh	18	6	8
2. Assam	7	2	2
3. Bihar	22	7	12
4. Gujarat	11	3	4
5. Kerala	9	3	7
6. Madhya Pradesh	16	5	11
7. Madras	18	6	6
8. Maharashtra	19	6	8
9. Mysore	12	4	12
10. Orissa	10	3	3
11. Punjab	11	3	10
12. Rajasthan	10	4	10
13. Uttar Pradesh	34	12	17
14. West Bengal	16	6	7
15. Jammu & Kashmir	4	1	1
16. Delhi	3	1	1
17. Himachal Pradesh	2	1	2
18. Manipur	1	nil	nil
19. Tripura	1	1	2
TOTAL	224	74	123

As doubts had been expressed in some quarters whether a candidate at these elections should make a deposit along with his nomination and if so for what amount, a press note was issued by the Commission drawing the attention of prospective candidates to the relevant provisions of the law, namely, sub-section (2) of section 39 and clause (b) of sub-section (1) of section 34 of the Representation of the People Act, 1951. It was made clear that a candidate for election to the Council of States must make the same deposit as in the case of an election in an assembly constituency. If he was a member of a scheduled caste or tribe he should deposit Rs. 125 and if he was not, the amount should be Rs. 250.

The ballot papers for these elections were printed at the Government Press in each State according to the form prescribed by the Commission. In most places they were prepared in the regional language of the State. In Andhra Pradesh and West Bengal, English was used

in addition to the regional language, while in Punjab, the ballot paper was printed in Punjabi, Hindi and English.

As these elections are held in accordance with the system of proportional representation by means of the single transferable vote [*vide* article 80(4) of the Constitution], counting of votes has to be done carefully and takes a little more time. Except in Mysore State, the returning officers took up counting immediately after the close of the poll and were able to announce the results the same evening. As the poll in Mysore was taken between 1 p.m. and 6 p.m. the results could be declared only the next day. All the declarations were published on April 2 in the Gazette of India excepting Delhi and Jammu and Kashmir, the declarations for which were published on the 7th April and the 16th April, respectively.

The table below shows the number of electors who voted at each place, valid and invalid votes polled, number of candidates who forfeited their deposits and the amount forfeited :—

TABLE 22

Name of State/Union Territory	No. of electors who voted at each place	No. of valid votes	No. of invalid votes	No. of candidates who forfeited their deposits	Amount forfeited
1	2	3	4	5	6
					Rs.
1. Andhra Pradesh	296	296	nil	1	250
2. Assam*	nil	nil	nil	nil	nil
3. Bihar	307	298	9	2	500
4. Gujarat	152	150	2	nil	nil
5. Kerala	123	120	3	3	750
6. Madhya Pradesh	278	278	nil	2	500
7. Madras*	nil	nil	nil	nil	nil
8. Maharashtra	254	246	8	1	250
9. Mysore	207	207	nil	6	1,375
10. Orissa*	nil	nil	nil	nil	nil
11. Punjab	150	146	4	6	1,500
12. Rajasthan	173	170	3	3	750
13. Uttar Pradesh	428	428	nil	3	750
14. West Bengal	237	235	2	1	250
15. Jammu and Kashmir*	nil	nil	nil	nil	nil
16. Delhi*	nil	nil	nil	nil	nil
17. Himachal Pradesh	39	39	nil	nil	nil
18. Tripura	28	28	nil	nil	nil

*Candidates were returned unopposed.

Four members were nominated by the President and their names were notified by the Ministry of Home Affairs on the 2nd April, 1962.

As required by section 74 of the Representation of the People Act, 1951 the notification containing the result of the election to the Council of States and the names of the persons nominated by the President was issued on the 2nd April, by the Government of India, Ministry of Law and notified in the Gazette of India on the 3rd April, 1962. But in the case of election in the State of Jammu and Kashmir and the Union Territory of Delhi the said notification was issued on the 16th April, 1962 and published on the same date.

The term of office of the newly elected and nominated members of the Council of States will expire on the 2nd April, 1968 excepting the members elected from Jammu and Kashmir and Delhi whose term will expire on the 15th April, 1968.



CHAPTER XV

THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS

The Presidential Election

The President is elected by an electoral college consisting of the elected members of both Houses of Parliament and of the Legislative Assemblies of States. Article 56 of the Constitution fixes his term of office as 5 years counting from the date on which he assumes office.

The term of the President elected in 1957 was due to expire on the 12th May, 1962. With a view to completing the election to this office before May 12, the Commission fixed the following programme :

Date of issue of notification	April 6
Last date for nominations	April 16
Date of scrutiny of nominations	April 18
Last date for withdrawal of candidatures	April 21
Date of poll	May 7

This was practically the same programme as for the presidential election in 1957.

It was possible in 1962 to complete the elections in all the parliamentary and assembly constituencies, and also the biennial elections to the Council of States, before the date fixed for poll. There were however a small number of vacancies in the electoral college, mainly because of the election of some persons to more than one House or to the same House by more than one constituency. Efforts were made to fill up such vacancies by holding bye-elections without delay, but even so, 3 seats in the Lok Sabha, 3 seats in the Rajya Sabha and 8 seats in the State Legislative Assemblies were vacant on the date of poll. The existence of these vacancies, however, did not affect the validity of either the presidential or the vice-presidential election. Any doubts that might have previously existed on this score had been set at rest by the Eleventh Amendment of the Constitution made in 1961. This added a new clause (4) to article 71 stating that "the election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him".

The Secretary to the Lok Sabha was appointed by the Commission as the Returning Officer and the Secretaries of the State Legislative Assemblies as Assistant Returning Officers for the respective States. The Deputy Secretary, Lok Sabha Secretariat, was also appointed as an Assistant Returning Officer to help the Returning Officer in the performance of his functions.

Three candidates contested the election. They were—

Dr. Sarvapalli Radhakrishnan (Madras)

Chaudhury Hari Ram (Punjab)

Shri Yamuna Prasad Trisulia (Uttar Pradesh).

Parliament House in New Delhi and the premises of the Legislative Assemblies in each State were appointed as the places for taking the poll. All members of Parliament excepting those specially permitted to vote at the State capitals were expected to vote at New Delhi and the members of the Legislative Assemblies of the States and such members of Parliament belonging to that State as were specially permitted by the Commission to do so were expected to vote at the State capital. Subsequently, however, in order to suit the convenience of some members of Parliament, the Commission modified these groupings and gave special permits enabling them to vote at some other State capital. In all 30 special permits were issued to members of Parliament.

Ballot boxes of the special design used in 1952 and in 1957 were used on this occasion. The ballot papers were printed locally at the Government of India Press. They were of two colours, green and pink, green for use by members of Parliament and pink for use by members of the State Legislative Assemblies. The hours of poll were from 10 a.m. to 4 p.m.

On the completion of poll in each State, the sealed ballot box, the sealed cover containing the key of the ballot box and the packets containing all other papers relating to the poll were despatched by the Assistant Returning Officer for the State to the Returning Officer at New Delhi under special police escort. The ballot boxes from Assam were flown to Calcutta and thence transported by rail to New Delhi. The ballot boxes from Kerala were also permitted to be flown to New Delhi.

The counting of votes began at 11.30 a.m. on May 11 in Parliament House. It will be recalled that article 55 of the Constitution makes detailed provisions for securing uniformity in the scale of representation of the different States at the election of the President. The number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at the election has to be determined in accordance with the formula set down in clause (2) of the article, which takes into account the population of each State as ascertained at the last preceding census of which the relevant figures have been published. Although the census had been taken in 1961, the population figures had not been published and consequently the figures of the 1951 census were taken for the purpose of calculating the number of votes to which each group of electors was entitled. On this basis each elected member of Parliament had 493 votes and

each elected member of the several Legislative Assemblies had the number of votes given below :—

Andhra Pradesh	104
Assam	84
Bihar	122
Gujarat	106
Jammu and Kashmir	59
Kerala	108
Madhya Pradesh	91
Madras	146
Maharashtra	121
Mysore	93
Orissa	105
Punjab	105
Rajasthan	91
Uttar Pradesh	147
West Bengal	104

3,094 members of the electoral college voted at the election. 98 ballot papers representing 18,295 votes were found to be invalid. The number of valid votes polled by the contesting candidates was as follows :—

Dr. Sarvapalli Radhakrishnan	5,53,067
Chaudhury Hari Ram	6,341
Shri Yamuna Prasad Trisulia	3,537

Dr. Sarvapalli Radhakrishnan was declared elected as the President of India on the 11th May, 1962, and the notification announcing the election was also published on the same day. He assumed office on May 13.

It will be of interest to note here for the sake of comparison the results of the two previous elections :—

TABLE 23

	No. of votes	Per- centage
I. 1952		
Dr. Rajendra Prasad	5,07,400	83·82
Shri K. T. Shah	92,827	15·33
Shri L. G. Thattai	2,672	·44
Chaudhury Hari Ram	1,954	·32
Shri K. K. Chatterjee	533	·09
II. 1957		
Dr. Rajendra Prasad	4,59,698	99·25
Shri Nagedra Narayan Das	2,000	·43
Chaudhury Hari Ram	1,498	·32
III. 1962		
Dr. Sarvapalli Radhakrishnan	5,53,067	98·24
Chaudhury Hari Ram	6,341	1·13
Shri Yamuna Prasad Trisulia	3,537	·63

It is curious that the Presidential and the Vice-Presidential Elections Act contains no provisions similar to sections 34 and 158 of the Representation of the People Act 1951 requiring security deposits of candidates and providing for the forfeiture thereof in the event of their failing to secure the prescribed minimum of electoral support. All that is required of a candidate for election to either of these high offices is that he should find one member of the electoral college to propose, and another to second, his candidacy. The experience of the three presidential elections as statistically set out above shows the need for some statutory restrictions which would dissuade persons from launching light heartedly into the contest without any backing worth the name and avoid the waste of much effort and money in conducting the election. The Commission recommends that the Presidential and Vice-Presidential Elections Act should be amended requiring every candidate to deposit with the Returning Officer a sum of Rs. 1,000 to be forfeited in the event of his getting less than one tenth of the valid votes polled at the election. There should also be a requirement in the Act that the nomination paper of a candidate, in addition to being subscribed by two electors as proposer and seconder, should be subscribed by eight other electors as supporting the nomination.

The Vice-Presidential Election

According to clause (1) of article 66 of the Constitution, as originally enacted, the Vice-President was to be elected by the members of both Houses of Parliament assembled at a joint meeting in accordance with the system of proportional representation by means of the single transferable vote. No such joint meeting, however, took place either in 1952 or in 1957, as on both these occasions the election was uncontested. The procedure laid down in the Presidential and Vice-Presidential Elections Act, 1952, for this election was exactly the same as for the presidential election and did not visualise or provide for a joint meeting of the members at any stage. It was felt on closer consideration that the various stages of an important election of this character could not be satisfactorily or conveniently gone through at a joint meeting of 700 and odd persons assembled at one place. The clause was accordingly amended by the Constitution (Eleventh Amendment) Act, 1961, providing for election "by the members of an electoral college consisting of the members of both Houses of Parliament".

As the term of office of the Vice-President elected in 1957 was also due to expire on the 12th May, 1962, the same programme as was fixed for the presidential election was also fixed for the vice-presidential election. The last date for nominations was April 16 and the date of poll was May 7.

With the completion of all elections to the Lok Sabha, including those from the five Himalayan constituencies, and of the biennial

elections and some bye-elections to the Rajya Sabha by the first week of May, the electoral college was almost complete on the date of poll. There were only 5 vacancies in the Lok Sabha and 3 in the Rajya Sabha. The total number of electors for the election was 745.

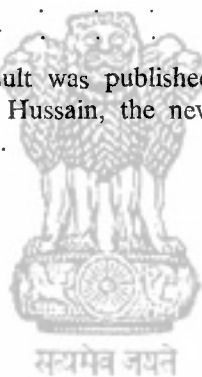
The Secretary to the Rajya Sabha was appointed as the Returning Officer and the Deputy Secretary as the Assistant Returning Officer. Parliament House, New Delhi, was fixed as the place for poll and 10 a.m. to 4 p.m. as the hours of poll.

Two candidates, Shri N. C. Samantsinhar and Dr. Zakir Hussain, contested the election. 596 members of the electoral college voted.

The counting of votes began one hour after the close of poll on May 7, and the result was announced the same evening. Out of 596 ballot papers, 14 were found invalid. The number of valid votes polled by the two contesting candidates was as follows :—

Dr. Zakir Hussain	568
Shri N. C. Samantsinhar	14

The declaration of result was published in the Gazette of India on May 8 and Dr. Zakir Hussain, the newly elected Vice-President, assumed office on May 13.



CHAPTER XVI

GENERAL ELECTION TO THE JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

The general election held in 1962 in Jammu and Kashmir to constitute a new Legislative Assembly for the State was the third general election to be held in this State since its independence and accession to India in 1947. The elected representatives of the people forming the Constituent Assembly of the State adopted on the 17th November 1956 the Constitution of Jammu and Kashmir within the framework of the Indian Constitution. This Constitution came into force on the 26th January 1957 and very soon thereafter a general election was held to constitute the Legislative Assembly of the State.

Section 138 of the State Constitution, as originally enacted, vested the superintendence, direction and control of all election matters in an Election Commissioner appointed by the Sadr-i-Riyasat. The Election Commission of India was not responsible for the conduct of the general election in 1957. Subsequently, with effect from the 26th January 1960, article 324 of the Constitution of India was made applicable in relation to the State and, at the same time, section 138 of the State Constitution was amended vesting in the Election Commission of India the superintendence, direction and control of the elections to either House of the State Legislature. The State law governing these elections, namely, the Jammu and Kashmir Representation of the People Act, passed in 1957 on the model of the Indian Representation of the People Acts 1950 and 1951, was suitably amended in 1960 to give the necessary authority and jurisdiction to the Election Commission of India in lieu of the State Election Commissioner.

The State Constitution provided that the Legislative Assembly shall consist of 100 members chosen by direct election from territorial constituencies in the State but, until the area of the State under the occupation of Pakistan ceased to be so occupied and the people residing in that area elected their representatives, 25 seats in the Legislative Assembly shall remain vacant and that area shall be excluded in delimiting the territorial constituencies into which the State was to be divided. Provision was made in section 3 of the Jammu and Kashmir Representation of the People Act for the delimitation of territorial constituencies by an order of the Sadr-i-Riyasat.

According to the Delimitation Order of 1957, there were 67 single-member constituencies and 4 two-member constituencies in each of which one seat was reserved for the scheduled castes of the State. It was, however, decided in 1961 that as in the other States of India, the two-member constituencies should be abolished and seats should be reserved for the scheduled castes in single-member

constituencies. Section 4 of the Jammu and Kashmir Representation of the People Act, 1957 was amended empowering the Sadr-i-Riyasat to make a fresh delimitation order for the purpose of elections to the Second Legislative Assembly. In pursuance of this provision, the Sadr-i-Riyasat constituted a Delimitation Commission consisting of the Legal Adviser to the State Government and the Commissioners of Kashmir and Jammu Provinces, and on its recommendation, promulgated the Second Legislative Assembly Constituencies Delimitation Order, 1961. Besides splitting up the four two-member constituencies into eight single-member constituencies, the territorial extent of some of the constituencies was also slightly modified.

The electoral rolls for all the 75 assembly constituencies were prepared afresh during 1961 after house to house enumeration. The work was taken up in March 1961 and completed in January 1962. The total number of electors on the rolls was 1,844,370.

71 returning officers and 40 assistant returning officers were appointed for conducting the elections in 75 constituencies. Most of the returning officers were of the rank of tehsildars. While by and large they proved to be adequate for the responsible task given to them, a few of them were found wanting, particularly in their grasp of technicalities and procedural rules. The Commission considers it desirable to appoint officers of a higher rank than tehsildars (e.g. sub-divisional officers) as returning officers even though this would mean one officer being in charge of three or four constituencies.

In fixing the election programme for the State the Commission had to keep in view the diverse climatic conditions in different parts and the paucity of staff available for election work. The general desire to take the poll simultaneously with the rest of the country and within a short period could not be satisfied owing to these practical considerations. The time of the year most suitable for taking the poll in all or nearly all constituencies in the State, would perhaps be April. Three or four constituencies would still be snow-bound and poll would have to be arranged about a month later in those areas. Eventually, however, after consultations with the State Government, the following programme was fixed :—

TABLE 24

	Jammu Province	Kashmir Province	Ladakh District
Notification calling upon the constituencies to elect	January 27	January 27	February 15
Last date for nominations	February 3	February 3	February 22
Date of scrutiny of nominations	February 5	February 5	February 24
Last date for withdrawal of candidatures	February 7	February 7	February 26
Date of Poll	February 24	March 15	March 15
Date by which elections were to be completed	March 31	March 31	March 31

As there was an unopposed return from Kargil constituency in Ladakh district, it did not give rise to any problem, but in the case of Leh constituency which was contested, poll had to be postponed to May 26 and the date of completion changed to June 16.

At the general election of 1957, the Jammu & Kashmir National Conference which was the predominant political party in the State had secured 69 seats in the Legislative Assembly, the Praja Parishad 5 seats and the Harijan Mandal the remaining one seat. All these three political parties had an election symbol reserved for their candidates. The symbol of the National Conference was the same as that of the Indian National Congress, namely, two bullocks with yoke on. The Praja Parishad had the rising sun as its election symbol and the Harijan Mandal had the standing lion.

In all 294 candidates presented their nomination papers. The nomination of 57 candidates was rejected on scrutiny by the returning officers on various technical grounds and 63 withdrew their candidatures within the prescribed time.

In 33 constituencies of Kashmir Province and in one constituency of Jammu Province, the election of the National Conference candidate was unopposed. The remaining 41 constituencies were contested by 140 candidates. The National Conference contested all the 41 constituencies, the Praja Parishad contested 25 and the Harijan Mandal set up candidates in 10 constituencies. Another party known as the Democratic National Conference also set up candidates in 20 constituencies and the Praja Socialist Party contested 6 constituencies.

The rules made under the State Representation of the People Act provided only for the balloting system of voting. Under this system the voter exercised his franchise by putting a common ballot paper, distinguished only by a serial number, in the ballot box of the particular candidate for whom he wished to vote. At every polling station, a separate ballot box was placed for each candidate and a label was pasted on the ballot box bearing a pictorial representation of the symbol allotted to him. All these ballot boxes were placed in a screened polling compartment into which the voter was asked to go with his ballot paper and to insert it in the ballot box bearing the symbol of the candidate of his choice without making any mark on the ballot paper.

As mentioned in Chapter IX, while this system was simple and easy for the uneducated and illiterate voter to understand, it had its draw-backs. There were complaints that at a few polling stations certain malpractices were being resorted to with the connivance of the polling staff. Not many such complaints could be established then and there and some atleast appeared to be grossly exaggerated. The existence of such complaints, however, clearly indicated the need

for the introduction of the marking system as in the other parts of the country. The Commission trusts that the rules will be changed by the State Government well ahead of the next general election and that it will be possible to adopt the marking system in all except perhaps a few remote and inaccessible constituencies.

In the 41 constituencies where poll was taken to decide the contest, 1,223 polling stations were set up. The hours of poll in all the constituencies were from 9 a.m. to 5 p.m. Out of the total electorate of 10,21,698 in these 41 constituencies, 72.8% numbering 7,43,806 cast their votes. The turn out at the polling stations was indeed satisfactory.

Polling proceeded without a hitch in all excepting four constituencies where fresh poll had to be ordered at a few polling stations owing to serious irregularities brought to the notice of the Commission.

The counting of votes was done in almost all cases at the headquarters of the returning officers and directly under their supervision. In the case of Nowshera constituency, the Commission received a report from the returning officer that a few ballot boxes had not been properly closed and the slits were found open. After taking all the relevant factors into consideration, the Commission, however, ordered that this defect was not material and that the result could be declared by the returning officer. The last result to be declared was on June 9 in Leh constituency where poll was taken on May 26.

Out of the 41 seats contested by it, the National Conference secured 36 seats. The Praja Parishad secured only 3 seats and none of the other parties was able to secure any seats. Two seats went to non-party candidates. The number of candidates who forfeited the security deposit was large. Out of the 38 independent candidates, 33 lost their deposits. A large percentage of the candidates set up by the four small parties also failed to obtain one-sixth of the valid votes polled. 15 Democratic National Conference, 9 Harijan Mandal, 6 Praja Parishad and 6 Praja Socialist Party candidates lost their deposits.

36 contesting candidates were disqualified for failure to lodge their accounts of election expenses within the time and in the manner prescribed by law.

11 election petitions were presented to the Election Commission calling in question the elections of the same number of constituencies. Two of them were dismissed by the Commission on technical grounds and four tribunals were appointed for the trial of the other nine petitions. One of them was still pending before a tribunal on the 1st

October 1965. Of the other eight petitions which had been decided, three took 15 to 16 months, four took 20 to 27 months, and one took full 3 years, to get decided.

The expenditure incurred by the State over the general election, including preparation of the electoral rolls, came to Rs. 292,649.



CHAPTER XVII

ELECTION PETITIONS

The law relating to the presentation and trial of election petitions contained in Part VI of the Representation of the People Act, 1951, was amended in a few minor respects as a result of the experience gained between the first and the second general elections. The main amendments were directed to curb the tendency to challenge elections without adequate grounds or evidence, more with a view to harassing the returned candidate than to exposing the unfairness of the election and getting redress. The deposit required of the petitioner as security for the costs of the trial was increased from Rs. 1,000 to Rs. 2,000 and an explicit direction was given in the Act itself that when a petition is dismissed, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the tribunal shall make an order for costs in favour of the returned candidate. Another amendment provided that in addition to the usual verification of the factual statements made in the petition, wherever any corrupt practice was alleged by the petitioner, the petition should be accompanied by an affidavit in respect of the allegation and the particulars of the alleged corrupt practice.

The section relating to the presentation of petitions was amended requiring the petitioner to attach to the election petition as many copies thereof as there were respondents and one more copy for the use of the Election Commission. This requirement considerably facilitated the proceeding of the election petition at the initial stage. It enabled the Commission to publish the petition in the official gazette, get the respondents served and remit it to the tribunal without delay.

In all 344 petitions calling in question the elections to the House of the People and the Legislative Assemblies (other than that of Jammu and Kashmir) were presented to the Election Commission. Although the number was intransigently large and roughly one in every ten elections was being disputed, it was gratifying to note that the number was much less than the number filed after the second general elections when as many as 472 election petitions were lodged. The biennial elections to the Council of States and to the State Legislative Councils which took place soon after the general election gave rise to 12 petitions. The Statewise distribution of the election petitions

presented to the Commission during the period from March 6 to August 2 of 1962 is given in the following table :—

TABLE 25

Sl. No.	State	House of the People	Council of States	Legislative Assembly	Legislative Council	Total
1.	Andhra Pradesh	1	—	27	1	29
2.	Assam	1	—	8	—	9
3.	Bihar	7	1	23	2	33
4.	Gujarat	1	—	12	—	13
5.	Madhya Pradesh	7	—	32	—	39
6.	Madras	1	—	12	—	13
7.	Maharashtra	—	1	19	—	20
8.	Mysore	—	—	18	—	18
9.	Orissa	2	—	—	—	2
10.	Punjab	6	2	57	2	67
11.	Rajasthan	5	—	30	—	35
12.	Uttar Pradesh	12	1	50	1	64
13.	West Bengal	2	—	10	1	13
14.	Manipur	1	—	—	—	1
TOTAL		46	5	298	7	356

Punjab contributed the largest number of petitions, namely 67, and Uttar Pradesh was a close second with 64 petitions. 80 per cent of the petitions challenging elections to the either House of Parliament and 67 per cent of the petitions challenging elections to the either House of the State Legislature came from the five north Indian States of Punjab, Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan.

Under section 85 of the Representation of the People Act, 1951, the Commission is charged with the duty of scrutinising the petitions from the formal point of view with reference to the provisions of sections 81, 82 and 117 and of dismissing those petitions which do not in its opinion comply with any of these provisions. The Commission dismissed 19 petitions, 9 on the ground that the petitioner had failed to furnish security deposit of Rs. 2,000, 6 on the ground that the petition was presented after the expiry of the prescribed period of limitation and 4 on other technical grounds. The remaining 337 petitions were admitted and referred to election tribunals for trial.

The legal provisions for the constitution of election tribunals remained the same as before. All tribunals were single-member tribunals, the members being selected and appointed by the Commission. For this purpose, the Commission was required to obtain from each High Court a list of district judges serving in the States considered by the High Court to be fit for such appointment. (The expression 'district judges' included also judges of city civil courts, additional district judges, joint district judges and chief judges of small cause courts). As the law provided that the Commission might also appoint

a person who had been a judge of a High Court as the member of a tribunal in cases where the Commission considered it expedient, a list of retired judges of High Courts who were willing to take on this work was also prepared and maintained by the Commission. Although the law permitted the appointment of a district judge of one State to an election tribunal constituted in another State with the consent of the Government of the former State, there was no occasion for the Commission to make any such appointment after the general elections of 1962.

105 election tribunals were constituted for the trial of the 337 petitions which were admitted after scrutiny. 43 petitions in which the election of a Union or State Minister or other person of importance was being challenged were assigned to 9 election tribunals presided by retired judges of High Courts. In Punjab alone, two such tribunals were constituted, to one of which 9 petitions were referred for trial, and to the other, 8 petitions. For the other 96 tribunals, district judges were selected from the lists maintained on the recommendation of the High Courts and appointed as members. Normally, the petitions referred to an election tribunal presided by a district judge were from the district in which he exercised his ordinary jurisdiction or an adjoining district.

In spite of the fact that the retired High Court Judges devoted the whole of their time to the tribunal work and the district judges had on an average only three petitions each to handle, it was a matter, not only for regret but also for general public concern, that the progress made by them in the trial of the election petitions was slow. It is laid down in the law that every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of publication of the petition in the gazette. But in practice, only 46 election petitions—roughly one in seven—were disposed of within this period. The progress of disposals by the tribunals was as follows :—

114 petitions by 1st January 1963;
218 petitions by 1st July 1963;
261 petitions by 1st January 1964;
283 petitions by 1st July 1964;
305 petitions by 1st January 1965; and
326 petitions by 1st October 1965.

On the 1st October, 1965, there were still functioning 7 election tribunals, including one presided over by a retired High Court Judge and 13 petitions were pending before them.

Every tribunal was asked to send to the Commission monthly reports of the progress made by it in the trial of the various petitions referred to it. It appeared that many of the district judges were not able to give sufficient time to this work owing to their other preoccupations like sessions trials, hearing of important appeals, administrative

work, etc. The Commission's requests that, in such cases, an additional district judge who could relieve the district judge of some of his other duties should be posted to the district or, alternatively, a competent additional district judge should be posted to take over the tribunal work from the district judge, could not be acceded to by the State authorities for lack of senior judicial officers. The transfer of district judges which took place after every summer vacation often resulted in delay of the trial. As the member of an election tribunal was appointed personally by name and not by virtue of his office, his successor to the judgeship of the district did not automatically become the member of the tribunal, but had to be specially appointed by the Commission if the other officer owing to his transfer to another place was unable to continue as member and consequently resigned his membership. Quite often the Commission received information of such transfers after the event with the result that the trial of the election petitions was delayed longer than necessary.

Another source of delay was the right of the parties to invoke the supervisory jurisdiction of the High Court over the election tribunal in regard to interlocutory orders passed by it during the course of the trial, particularly at the initial stages, and to obtain from the High Court stay of further proceedings before the tribunal. There were a number of instances in which, owing to the operation of such stay orders, the trial was held up for months but eventually the impugned order of the tribunal was upheld by the High Court and the records came back to the tribunal. In such cases it appeared that the elected candidate (respondent) was only resorting to these tactics, no doubt legitimate and within the ambit of the law, for prolonging the trial of the election petition and thereby his membership of the legislature.

There can be no two opinions as to the need for an expeditious settlement of all disputes relating to elections. The saying "justice delayed is justice denied" is certainly true in regard to these disputes. The tribunals as at present constituted have, for one reason or another, not been able to comply with the direction in the law that they should decide the petitions within the six months. Even the tribunals in charge of the retired High Court Judges working whole-time took long to dispose of the petitions.

The Commission is of the view that the objective of quick disposal of election disputes can only be achieved by a radical change in the law. This responsibility should be placed directly on the High Courts, instead of on a number of election tribunals which, although constituted *ad hoc* by the Election Commission, are under the supervisory jurisdiction of the High Courts. Every election petition should be presented to the High Court of the State in which the election was held and tried by a judge on the rota for the trial of such petitions. Two or three permanent Judges of the High Court should be put on this rota by the Chief Justice. In order to cope with the volume of work which

will necessarily come up at the same time immediately after the general election, it may be necessary for all the Judges on the rota to devote their time almost exclusively to election petitions, in which case temporary additional judges may have to be appointed under the Constitution for a year or so to take their place.

The principal advantage in making this change would be to eliminate altogether the delay caused by revision petitions to the High Court from interlocutory orders of the tribunals, by the transfer of district judges and by application to the Commission for transfer of petitions from one tribunal to another. Trial of the petition by the High Court itself on its original side would induce greater confidence in the minds of the parties to election disputes and the general public. Incidentally, it would relieve the Commission of the difficult task of finding out suitable members for the large number of tribunals it has to appoint after each general election and the mass of routine administrative and accounting work involved in maintaining the tribunals on an *ad hoc* basis.

The Commission accordingly recommends that steps should be taken to amend the law relating to the constitution of election tribunals. A minor amendment to clause (1) of article 324 of the Constitution which now expressly vests in the Commission the power to appoint election tribunals would also appear to be necessary. The words "including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States" should be omitted from this clause, simultaneously with the amendment of the election law.

As already mentioned, upto the 1st October 1965, the Tribunals disposed of 326 petitions, allowing only 63 of them. The election of 60 returned candidates was declared void. In 6 cases another candidate was declared duly elected in place of the unseated member.

On appeal to the High Courts and the Supreme Court the Tribunals' orders declaring the election of the returned candidate void were set aside in 29 cases, and their orders dismissing the election petition were set aside and the challenged election declared void in 11 cases. Thus the net result was that 45 election petitions were finally successful and 42 members were unseated. 8 of them had been returned to the House of the People, one to the Council of States and 33 to the Legislative Assemblies of States.

The total expenditure incurred by the Central and State Governments on the election tribunals up to September 1965 was Rs. 8,81,294.

CHAPTER XVIII

FINANCIAL ARRANGEMENTS

By convention, the Central Government shares equally with each State Government all expenses incurred by the latter on the following items :—

- (i) election staff employed in the office of Chief Electoral Officer and in the District Offices;
- (ii) preparation and revision of electoral rolls;
- (iii) storage and preservation of ballot boxes and other polling materials;
- (iv) the conduct of elections to the House of the People and to the State Legislative Assembly when they are held simultaneously including the payment of allowances to Government servants and others placed on election duties.

When the elections are not held simultaneously, the Central Government bears the entire expenditure incurred in respect of elections to either House of Parliament and the State Government bears it in respect of elections to either House of State Legislature.

As the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura are directly administered by the Central Government all election expenditure in respect of these territories is borne entirely by the Central Government.

The expenditure incurred in connection with the Presidential and Vice-Presidential elections and on the Election Commission of India and its establishment is also borne entirely by the Central Government.

The expenditure on every election tribunal set up in a State is initially borne by the Central Government. Where, however, the tribunal is constituted solely for the trial of the election petitions arising from elections to the State Legislature, the expenditure is recovered from the State Government at the end of each financial year. Where the tribunal is constituted solely for the trial of election petitions arising from elections to Parliament, it is borne entirely by the Central Government. Where the same tribunal is appointed for the trial of both types of election petitions, the total expenditure incurred on the tribunal is shared by the Central Government and the State Government the share of which being determined in proportion to the number of election petitions arising from elections respectively to Parliament and to the State Legislature.

The total expenditure incurred on the preparation and revision of the electoral rolls for the purposes of the general elections held

in 1962 was approximately Rs. 232 lakhs and the expenditure incurred on the conduct of the general elections was approximately Rs. 500 lakhs. The State-wise total expenditure in connection with the general elections, including the preparation and printing of electoral rolls, is given in the following table :—

TABLE 26

Name of State or Union Territory	Total expenditure in lakhs of rupees
	Rs.
1. Andhra Pradesh	62.91
2. Assam	12.00
3. Bihar	65.88
4. Gujarat	38.27
5. Kerala	12.49
6. Madhya Pradesh	52.55
7. Madras	96.28
8. Maharashtra	77.33
9. Mysore	45.36
10. Orissa	18.36
11. Punjab	28.44
12. Rajasthan	55.52
13. Uttar Pradesh	107.49
14. West Bengal	47.38
15. Delhi	5.74
16. Himachal Pradesh	1.52
17. Manipur	1.51
18. Tripura	2.55
TOTAL	731.58

It is gratifying that on the whole the conduct of elections cost less than at the second general elections of 1957. There was no expenditure on ballot boxes as the stock obtained for the first general elections, and augmented for the second, was more than sufficient for use at the third general elections. On the other hand, the production of ballot papers cost the Government considerable amount. The expenditure on setting up polling stations was considerably reduced by utilising public buildings to a greater extent and by reducing the number of temporary structures to the minimum. A stricter scrutiny and control of transport arrangements was reported by some States to have produced sizeable savings on this heavy item of expenditure.

The expenditure on election tribunals up to September 1965 was 8.81 lakhs.

CHAPTER XIX

SUMMARY OF RECOMMENDATIONS

In the preceding Chapters of this Report, a number of recommendations have been made in regard to various matters concerning election law and procedure and its administration. These are recapitulated below to facilitate ready reference.

(a) *Electoral machinery :*

(i) The chief electoral officer of the State should be a whole-time officer particularly during the four or five months immediately preceding the general elections.

(ii) The post of the deputy chief electoral officer should be a permanent and whole-time post in every State.

(iii) Provision should be made in the law for an election officer in each district who would be responsible for coordinating and supervising all election work within his district. Various functions now performed by registration and returning officers or by the chief electoral officer could then be vested in the district election officer.

(iv) In each State, the administrative machinery responsible for the conduct of elections to local bodies should be coordinated with the machinery responsible for the conduct of elections to Parliament and to the State legislatures. This coordination should be effected at the State Government level as well as the district level.

(b) *Electoral rolls :*

(i) It is a waste of time and money to revise all the electoral rolls during the year of the general elections and the next two years. As the object of this annual revision is only to provide for any bye-election that may crop up during this period, it should not be difficult to revise intensively the rolls of a particular constituency as and when a bye-election is to be held there.

(ii) State legislation should provide for the proper maintenance by every village panchayat of an adult citizen register. This would facilitate the preparation of accurate electoral rolls for assembly constituencies in rural areas.

(iii) It is expensive and wasteful to require the duplication of an electoral roll in another language simply because in a particular area there is a substantial minority speaking that language. It should be left to the discretion of the Commission to decide whether the roll in the minority language is really required in such places.

(iv) At election time, applications for inclusion of names in the electoral roll of a constituency should not be permitted after the last date for making nominations.

(c) *Election materials :*

The work of printing ballot papers for a general election should be decentralised as much as possible, particularly in the larger States. A part of the work could also be entrusted to reliable private presses.

(d) *Election programme :*

(i) In order to help reduce the heavy expenses incurred by candidates in electioneering, the scrutiny of nominations should be taken up on the day after the last date for making nominations, the interval allowed after the scrutiny of nominations for the withdrawal of candidatures should be reduced to two days, and the minimum period prescribed for the election campaign should be reduced to 15 days.

(ii) For the purpose of drawing up the election time-table, only the holidays notified under the Negotiable Instruments Act should be regarded as public holidays.

(iii) It is desirable that poll should be taken throughout every parliamentary constituency on the same day. In States where it was practicable to do so only in a small number of parliamentary constituencies, every attempt should be made to add to that number by better planning.

(e) *Aspects of electioneering :*

(i) It is desirable that the principal political parties should come to an agreement in regard to the allocation of broadcasting time for electioneering purpose so that broadcasts by party leaders would be a regular feature at the next general election.

(ii) The law relating to the corrupt practice of providing free conveyance to voters to and from polling stations should be revised and made effective. It is not so much the "hiring or procuring" of vehicles, as the free conveyance of voters by the candidate or his agent as an inducement to them to vote on behalf of that candidate that requires to be condemned as a corrupt practice. The corrupt practice should be re-defined so as to bring out this aspect more clearly. The corresponding offence should be made punishable with fine of Rs. 1,000/- and cognisable by the police.

(iii) The use of public transport vehicles, other than buses plying on a regular schedule, should either be completely prohibited or else very strictly regulated, on the polling day.

(f) *The poll :*

(i) The small number of constituencies in which the old balloting system had to be continued should be further reduced at the next general elections.

(ii) The practice adopted by some returning officers of issuing identity cards to election agents of candidates deserves to be adopted everywhere and enforced by a suitable rule.

(iii) In some States, polling personnel were left to their own resources to reach the polling station and to return therefrom. In order to ensure efficient conduct of poll, the returning officers should arrange vehicles to transport the polling personnel to and from the polling stations.

(iv) Public meetings should be prohibited in any polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll for any election in that polling area. Section 126 of the Representation of the People Act, 1951, should be amended accordingly.

(v) Section 52 of this Act should be amended providing for the countermanding of poll also in cases where a validly nominated candidate dies and report of his death is received by the returning officer before he has prepared the list of contesting candidates.

(vi) Officers on election duty within the constituency of which they are electors, but not at the particular polling station where they are entitled to vote, should be enabled to vote personally at any polling station near their place of duty.

(vii) A blind or infirm voter should not be required to depend on the presiding officer for assistance to vote. He should be permitted to take with him inside the voting compartment a companion of his choice for this purpose.

(viii) It is not practicable to introduce on a large scale the system of voters' identity cards with photographs attached either in the city of Calcutta or elsewhere in the country.

(ix) Whenever a challenge as to the identity of a voter is established to the satisfaction of the presiding officer, he should normally initiate penal action against the offender by handing him over to the policeman on duty together with a complaint in writing.

(g) *Counting of votes :*

(i) Arrangements should be made as far as practicable for every candidate to have one counting agent at each counting table. From this point of view, where a common ballot box is used for the reception of parliamentary and assembly ballot papers, the two kinds should be separated first in one operation and then counted at different tables in another operation.

(ii) The returning Officer should have greater discretion in the matter of verifying the credentials of counting agents and allowing them inside the counting place, particularly when they do not arrive in time.

(iii) Postal ballot papers should be counted right at the beginning instead of at the end.

(iv) Section 58 of the Representation of the People Act, 1951 applies only to disturbances involving the destruction or loss of ballot boxes at the polling stations. As such disturbances may also occur

at the place of counting, a similar provision should be made in the Chapter relating to the counting of votes.

(h) *Multiplicity of candidates :*

(i) If a clear verdict is to be obtained from the electorate grouped in single-member constituencies, it is essential that the contest should be limited to a few worthy candidates, and light-hearted participation by individuals who do not have any substantial electoral support must be checked.

(ii) The security deposit of candidates prescribed in the law should be increased to Rs. 1,500/- in respect of an election to the House of the People and Rs. 750/- in respect of an election to a Legislative Assembly.

(iii) In regard to the unduly large number of independent candidates, it is common knowledge that many of them only stand with a view to striking a bargain with one or the other of the serious candidates and then withdrawing from the contest for a consideration or with a view to splitting the votes of a small section of the people on caste or communal grounds. These are tendencies which militate against fair democratic elections and should be eliminated.

(i) *Election expenses :*

(i) The Commission is of the view that the legal provisions relating to election expenses as they stand at present are of no use and call for drastic amendments or total repeal.

(ii) The fact that the expenses incurred by the political parties on the electioneering campaign of individual candidates or groups of candidates do not require to be included in the accounts of the latter makes the prescribed maxima unreal and meaningless.

(iii) Although the heavy expenditure now incurred by parties and candidates on their election campaign is undesirable, it is not easy to find practical, effective and generally accepted methods which would make them spend less.

(iv) The number of motor vehicles that may be used for electioneering purposes should be limited to three in an assembly constituency and to six in a parliamentary constituency.

(v) Processions and demonstrations and the display of large sized streamers and banners should be prohibited.

(vi) The use of peripatetic loudspeakers on roads and highways for election propaganda should be prohibited.

(vii) The employment of any paid canvassers other than the duly appointed election agent of a candidate should be prohibited.

(viii) The Commission does not consider it desirable to impose restrictions on other forms of propaganda like large public meetings with loudspeaker arrangements, payment of incidental expenses to voluntary adult members, election manifestos and pamphlets etc.

(ix) The two main defects in the existing law relating to accounts of election expenses, namely, limiting the period of accounting to the interval between the date of calling the election and the date of declaration of the result and not requiring the inclusion of expenditure incurred by political parties, should be removed by amending the law.

(x) The legal provisions should be spelt out in greater detail so as to make them effective. In particular there should be a provision which prohibits election expenses being incurred by any person other than the candidate or his election agent unless authorised in writing by the candidate and which further provides that, where any such authorised person incurs expenses, he should furnish a detailed return of those expenses.

(j) *Presidential elections :*

(i) Every candidate for the Presidential election should be required by law to deposit with the returning officer a sum of Rs. 1,000/- to be forfeited in the event of his getting less than one-tenth of the valid votes polled at the election.

(ii) The nomination paper of a candidate, in addition to being subscribed by two electors as proposer and seconder, should be subscribed by eight other electors as supporting the nomination.

(k) *Jammu and Kashmir elections :*

(i) Officers of a higher rank than tehsildars (e.g. sub-divisional officers) should be appointed as returning officers, even if this would mean one officer being in charge of three or four assembly constituencies.

(ii) The marking system of voting should be introduced in the State as in other parts of the country.

(l) *Election petitions :*

(i) The objective of a quick decision of election disputes can only be achieved by placing the responsibility directly on the High Courts. Every election petition should be presented to the High Court of the State in which the election was held and tried by a permanent Judge on the rota for the trial of such petitions.

(ii) Clause (1) of article 324 of the Constitution should be amended by omitting the words "including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States", simultaneously with the amendment of the election law providing for the trial of election petitions directly by the High Courts.

CHAPTER XX

CONCLUSION

The brunt of the responsibility for conducting the general elections smoothly and efficiently falls on the administration, particularly at the district level. It has a vital role to play in conducting the elections in such a manner as to inspire the confidence of the general public, the political parties and the contesting candidates. It goes to the credit of the great army of public servants who undertook various election duties, at much personal inconvenience and discomfort and without any additional remuneration, that they stood up to this test very well. The Commission takes this opportunity of recording its grateful appreciation of the keenness and devotion of duty displayed by many of them.

Writing on "Free Elections", Prof. W. J. M. Mackenzie sets out, among the conditions ideally necessary for them, an honest, competent, non-partisan administration to run the elections, a developed system of political parties well enough organised to put their policies, traditions and teams of candidates before the electorate as alternatives between which to choose, and a judiciary independent of the government in office to interpret the electoral law and adjudicate without fear or favour. With the experience of three general elections to support us, it can be legitimately claimed that these three essential elements exist in a large measure in India. They have made the last elections a success; and so long as they continue to exist undiminished, we can confidently look forward to running future general elections equally well.


सत्यमेव जयते
K. V. K. SUNDARAM
Chief Election Commissioner

New Delhi,
2nd December, 1965.