



REPORT
ON THE
FIRST GENERAL ELECTIONS
IN INDIA
1951-52

VOLUME I
(GENERAL)

ELECTION COMMISSION
INDIA

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P R E F A C E

The first general elections in India during 1951-52 on the basis of adult franchise attracted a good deal of interest and attention in the country as well as abroad. The organisation and the holding of the elections on such a vast scale naturally presented enormous difficulties which had to be surmounted. Although there is no provision in law requiring the preparation of a report on the elections, the Election Commission considered it necessary and desirable, for obvious reasons, to prepare an exhaustive record of the different aspects of this remarkable administrative task. I have also taken advantage of the occasion to review the working of our election law and procedure, as also to offer comments and suggestions for the improvement of the same.

Unfortunately, however, there has been a good deal of regrettable delay in bringing out this report. The rough frame-work was, in fact, ready by October, 1952, and was circulated to all States which were required to supply the basic data. The Forms for the statistical part of the report, Volume II, were sent to the States in May, 1953, with the same object. Some of the States found it difficult to collect the facts and figures readily and it was only in late 1954 that all necessary materials were made available.

Some other factors also contributed to the delay. During the last year or more, I have been engaged almost whole-time in connection with the work of the Delimitation Commission. Before that, I had to remain abroad for more than

(ii)

a year and two months soon after the elections were over. I was on leave for part of the period, and later, I was serving in the Sudan as the Chairman of the International Electoral Commission. A more serious handicap arose from the fact that no additional staff whatsoever was made available to the Election Commission for expediting this report. The normal work in the office was very heavy immediately after the conclusion of the general elections. In spite of this, the existing staff of the Commission had to be drawn upon for work relating to the preparation of the report, as and when practicable, although, in point of fact, they could hardly be spared for such a heavy undertaking.

I acknowledge with gratitude the help that I have received in drawing up and completing this report from the present Secretary of the Election Commission, Shri P. N. Shinghal, and some members of the staff of the Commission. My thanks are also due to the Government of India Press, New Delhi, for the promptitude with which they have printed this report, and to the Assistant Secretary of the Election Commission, Shri D. J. Sen Gupta, for seeing it through the Press.

NEW DELHI ;
The 4th February, 1955.

SUKUMAR SEN,
Chief Election Commissioner.

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PART I
INTRODUCTORY

CHAPTER I

THE LEGAL FRAMEWORK

India has a written Constitution. The Indian Constitution has adopted a democratic republican form of government for the country and its salient provisions have been largely adopted with suitable modifications from the constitutions and constitutional practices of other democratic countries like the United Kingdom, the United States of America, Canada and Australia.

Form of Government.

In one vitally important respect, however, the Indian Constitution is almost unique and follows the example of Canada. The *sine qua non* for a true democracy is the holding of fair and free elections of the peoples' representatives to the legislative bodies. The elections, in other words, must be conducted and directed in a completely non-partisan spirit. The framers of the Indian Constitution drew largely from the experience of such elections in other countries and tried to avoid the abuses and pitfalls experienced there in the early days. Provision was accordingly made in the Constitution to ensure that the party in power at any time might not be placed in a position to influence the conduct of elections in a manner which would go to favour its own interests.

Safeguards for elections.

The superintendence, direction and control of the preparations for, and conduct of, all elections to the Legislatures and to the offices of the President and the Vice-President have therefore been vested in a permanent constitutional body—the Election Commission—which has been made independent of the government of the day. It has also been vested with the power of appointment of Election Tribunals for the decision of doubts and disputes arising out of elections.

The Election Commission.

The Election Commission has to function in accordance with the provisions of the Constitution and of the statute law relating to elections. In matters not covered by these, it has unfettered discretion to take its own decisions and to issue all necessary directions.

At one stage, during the framing of the Constitution by the Constituent Assembly, the idea was mooted that

an Election Commission might be set up for the federal elections only, while there might be a separate Election Commission in each state for elections to the State Legislature. In the end, however, a single Commission was provided for to be in charge of all elections to the Central and State Legislatures.

**Provisions
made by the
Constitution.**

The provisions of the Constitution relating to matters connected with elections, the Constitution (Determination of Population) Order, 1950, and the statements issued thereunder, have been reproduced in the Appendix.

It will be noticed that the Constitution has made specific provisions to cover the following matters:—

- (i) the election of the President;
- (ii) the election of the Vice-President;
- (iii) the Union Parliament and the composition of the two Houses thereof;
- (iv) qualifications and disqualifications of members of Parliament;
- (v) composition of the State Legislatures;
- (vi) qualifications and disqualifications of members of State Legislatures;
- (vii) duration of the Houses of Parliament and of the State Legislatures;
- (viii) elections;
- (xi) reservation of seats in the House of the People and State Legislative Assemblies for the Scheduled Castes and the Scheduled Tribes; and
- (x) determination of population for the purposes of elections.

**Legislation
by State
Legislatures.**

The Constitution did not make exhaustive provisions to cover the details of the law of elections. These details were left to be laid down by subsequent legislation by Parliament and the State Legislatures. In fact, no State has undertaken any legislation on any matter relating to, or in connection with, elections to the State Legislature except that most of the States have enacted laws removing certain disqualifications of members of State Legislatures.

Parliament passed two major measures laying down the detailed law under which elections were to be held. The first of these measures was the Representation of the People Act, 1950, which provided for the qualifications of voters and matters connected with the preparation and publication of electoral rolls. It laid down the procedure for the delimitation of constituencies of the House of the People and the State Legislatures. The Act also allocated the number of seats in the House of the People to the several States and fixed the number of seats in each State Legislature.

The second of these measures was the Representation of the People Act, 1951, the provisions of which covered the following important matters:—

- (i) qualifications and disqualifications for membership of Legislatures;
- (ii) notifications for election to the Legislatures;
- (iii) administrative machinery for conducting the elections;
- (iv) conduct of elections and the various stages thereof;
- (v) election agents;
- (vi) procedure for elections in constituencies where seats are reserved for the Scheduled Castes or the Scheduled Tribes;
- (vii) the poll;
- (viii) counting of votes;
- (ix) publication of election results;
- (x) election expenses;
- (xi) disputes regarding elections—election petitions and Election Tribunals;
- (xii) corrupt and illegal practices;
- (xiii) electoral offences;
- (xiv) incurring of disqualifications and their removal; and
- (xv) bye-elections.

Under each of these two Acts, statutory rules were made by the Central Government. These were respectively called the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and the Representation of the

People (Conduct of Elections and Election Petitions) Rules, 1951.

Amendments. Subsequently, the two Acts were amended by the following measures:—

1. The Representation of the People (Amendment) Act, 1950.
2. The Representation of the People (Amendment) Act, 1951.
3. The Representation of the People (Second Amendment) Act, 1951.

Some amendments to the provisions of the two main Acts were also made by the Government of Part C States Act, 1951, in order that some of the Part C States might be provided with Legislative Assemblies.

Amendments were made in the Rules from time to time as and when necessary.

The Frame-work.

It is within the above frame-work of law that the general elections were held in the country. The law came by instalments, as occasion arose. This was the result of the sense of urgency which prevailed, the Government and country having been committed to the holding of elections as early as practicable. The preparations for, and the initial stages of, the elections had to be undertaken before the election law could be codified in full. Although such piece-meal legislation were not quite satisfactory and may tend to leave a layman confused in the tangled multiplicity of legislative measures, there was hardly any other alternative.

Comprehensive Election Code.

The difficulty was appreciated at the time and it has always been the intention to replace all this mass of dispersed law after the first general elections by a comprehensive Election Code and a body of consolidated Rules made thereunder.

At present, certain piece-meal amendments of the election law are on the legislative anvil but no attempt has yet been made to codify the entire election law in a comprehensive manner. It is very desirable, however, that this work should be completed at least a year before the next general elections so that the election machinery, the political parties, the candidates and the individual voter may become fully conversant with the law under which the next elections will take place.

CHAPTER II

ADULT SUFFRAGE

It is perhaps not commonly known that republican forms of government existed in many parts of ancient India. There are numerous references to such Governments in the Buddhist literature. Even in the 4th century B.C., there was a republican federation known as the Kshudrak-Malla Sangha, which offered strong resistance to Alexander the Great. The Greeks have left descriptions of many other republican states in India, some of which were described by them as pure democracies while others were said to be "aristocratic republics".

Historical
background.

Although full details of the working of the republican forms of government in ancient India are not available, it is known that in some of these republics every adult male member had the right to vote and to be present in the general assembly which decided all public affairs. With the increase of population and the growing complexities of the social structure, it became increasingly difficult for all citizens to assemble at one place for the purpose of deliberation on state affairs, and gradually this resulted in the evolution of some kind of representative government. We find numerous references to election, referendum, voting, ballot papers, etc., in the history of the Hindu polity.

The nature of franchise for election to the popular assemblies is not fully known. While in the aristocratic republics, the basis appears to have been a family, in other states all adult male persons, who were not otherwise disqualified, appear to have had the right to vote. By naturalisation, even foreigners could become citizens, and acquire the right of vote.

A vote was known as "chhanda" which literally means a "wish". This expressive term was used to convey the idea that by voting a member was expressing his free will and choice. We also find description of the methods of collection of votes of citizens who could not be present at

the meeting of the assembly. For purposes of voting in the assembly, there used to be multi-coloured voting tickets, called "shalakas" (pins). These were distributed to members when a division was called and were collected by a special officer of the assembly, known as "shalaka grahak" (collector of pins). This officer was appointed by the assembly as a whole. It was his duty to take the vote which could be either secret or open.

Apart from the evolution of the democratic form of government in sovereign states in ancient India as described above, the genius of India also evolved, as a natural growth, the system of autonomous and almost self-sufficient village communities, under every system of government. These communities, which lasted through the ages, were run on truly democratic lines without, of course, the outward trappings of the vote and the ballot box. In later days, they went by the name of village panchayats and were a vital force in the social life of the countryside.

Even after the republican states were absorbed within empires, the system of regulating the local corporate life through popular assemblies survived for a very long time. Almost every imperial conquerer left the conquered states and communities to carry on their administrative and social system in their own way as before. During the Muslim period, the affairs of the trade corporations and the villages continued to be carried on by popular assemblies. A fundamental change came with the British administration when revenue, judicial and legal affairs were centralised and conducted away from the villages. This factor, coupled with the consequent decay of the agricultural and industrial economy of the countryside, resulted in the deterioration of the corporate life of the rural communities and gradually the organisations based on the popular will faded out.

In the context of history, therefore, the establishment by the Constitution of the democratic and Parliamentary form of Government in the country on the basis of adult franchise was like the rejoining of a historic thread that had been snapped by alien rule. Franchise on a liberal scale had been common in various parts of ancient India, and by providing for universal adult suffrage, the country boldly achieved the consummation of its electoral aspirations on a national basis.

Before the general elections of 1951-52, all the nine Part A States which were then known as Provinces, had experience of elections, on a restricted franchise, to the Central (later Dominion) and Provincial Legislatures, under the Government of India Act, 1935. The qualifications of an elector for the Central and Provincial elections differed from each other and in each Province, again, differing qualifications were prescribed. In every case, the franchise was a very limited one and was related to factors like taxation, property, literacy, community, etc. The result was that only a small percentage of the adult population of the country had the right to vote. Approximately, franchise was enjoyed by only 14 per cent of the population.

Past experience of elections.

The position in regard to the Indian States ruled by the Indian princes (which are now comprised in the Part B and some of the Part C States) differed widely from State to State. Most of the important States had elected or partially elected Legislatures. The franchise was very much restricted in these States, except in Travancore which adopted adult suffrage in 1948. The qualifications for enrolment as voters naturally differed from State to State.

The elections held in British India on a restricted franchise merely whetted the country's desire for full and universal adult suffrage. Restrictions imposed on the right of franchise on the ground of qualifications based on property, payment of taxes, etc., were considered as arbitrary, unnatural and retrograde. As far back as 1928, the Nehru Committee, appointed by the All Parties Conference to determine the principles of a Constitution for India, recommended the adoption of adult suffrage, after a careful consideration of the various arguments for and against the same.

Progress towards adult suffrage.

The Franchise Sub-committee of the First Round Table Conference was of the opinion that adult franchise was the goal that should ultimately be laid down for the country. The Indian Franchise Committee, which submitted its report in 1932, admitted that there were powerful arguments in favour of adult suffrage in India, but it ultimately came to the conclusion that it would not be desirable to launch the Constitution on the basis of adult franchise and that a more manageable basis should be adopted for the time being,

leaving it ultimately to the Legislatures themselves to determine at what pace the electorate should be expanded. The Fundamental Rights Sub-committee and the Minorities Sub-committee of the Constituent Assembly recommended that adult suffrage should be incorporated as a fundamental right under the Constitution. Although the Advisory Committee on Minorities and Fundamental Rights agreed with the recommendation of the Sub-committee in regard to adult suffrage, it suggested that instead of being included in the list of fundamental rights, it should find a place in another part of the Constitution. Provision was accordingly made in article 326 of the Constitution that elections to the House of the People and to the Legislative Assembly of every State shall be held on the basis of adult suffrage.

Arguments
against
adult
suffrage.

The main argument levelled in the past against adult suffrage was the magnitude of the task involved. It was felt that the number of voters under adult suffrage would exceed all reasonable bounds and that its adoption would involve too stupendous an administrative task for the governments. A second important argument advanced by the opponents of adult suffrage was the illiteracy of the voters which would render an election a farce unless an electoral system could be devised under which even an illiterate voter could cast his vote intelligently and in secret.

An act of
faith.

Undoubtedly, these were formidable difficulties and the Constituent Assembly of India had to face them when it came to draft the country's Constitution. In the true spirit of democracy, the Constituent Assembly unhesitatingly adopted the principle of adult suffrage with full knowledge of the difficulties involved. This was indeed an act of faith—faith in the common man of India and in his practical common sense. This decision launched a great and fateful experiment unique in the world in its stupendousness and complexities.

Interest in
foreign
countries.

The carrying out of this unprecedented experiment attracted world-wide attention and journalists, politicians and other observers came from numerous foreign countries to study its working at first hand. The governments of Nepal and Indonesia sent official teams for intensive study of the elections from the administrative and legal angles as these countries are also committed to setting up a democratic form of government on adult franchise and have problems similar to those of India. In fact, every country desiring to adopt parliamentary elections on adult

franchise but is faced with difficulties in the shape of illiteracy, ignorance and undeveloped communications evinced the utmost interest in the Indian elections and numerous enquiries have been received from such countries in the Middle East, Africa and South America for detailed information regarding these elections. It appears probable that the main features of our system of elections will be adopted in future years by many of these countries.

In fact, another country, the Sudan, has already successfully made a similar experiment on the Indian model with suitable modifications to serve her particular needs and conditions. A general election on adult franchise was held in the Sudan in November-December, 1953, under the control and supervision of an international commission of which the Chairman was the Chief Election Commissioner of India. The Indian law and procedure of elections were largely adopted in this election and proved very suitable. Literacy is only 2 per cent in the country which is nearly as large as India in area but has far poorer communications and a much less developed administrative machinery. In spite of this, adult suffrage was a remarkable success and proved a potent factor in itself for advancing the political education of an illiterate mass which had little or no background of political experience.

Experience demonstrates, therefore, that literary education, however desirable, is not an essential condition for the successful working of adult suffrage. However backward and ignorant the common man in an "undeveloped" country may be, he possesses in his own way enough common sense to know what is good for him. Given a simple enough system of ballot which he understands, he can be trusted to cast his vote intelligently in accordance with his own free will in favour of the representative of his choice. It is essential, however, that in order that the system of adult suffrage may work fairly and smoothly, two other conditions must be satisfied viz., (1) the conduct of elections must be strictly non-partisan or under neutral control, and (2) the executive government must sincerely desire free and fair elections and actively work for the same.

A similar experiment.

Conditions for the success of adult suffrage.

CHAPTER III

COMPOSITION OF THE LEGISLATIVE BODIES

The two Houses of the Union Parliament are known respectively as the Council of States and the House of the People.

Council of States.

The Council of States as first constituted in 1952 consisted of 216 members*. Of these, twelve members were nominated by the President, as required by the Constitution, being persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service. The remaining 204 members were elected to represent the States. The Fourth Schedule of the Constitution distributed these seats amongst the various States as follows:—

Representatives of States specified in Part A of the First Schedule.

Name of the State	Total number of seats allotted
1. Assam	6
2. Bihar	21
3. Bombay	17
4. Madhya Pradesh	12
**5. Madras	27
6. Orissa	9
7. Punjab	8
8. Uttar Pradesh	31
9. West Bengal	14
TOTAL	145

* After the formation of the new State of Andhra out of the State of Madras, the number has increased to 219.

** After the formation of Andhra in 1953, it has been allotted 12 seats, while the number of seats allotted to Madras has been reduced to 18.

Representatives of States specified in Part B of the First Schedule.

Name of the State	Total number of seats allotted
1. Hyderabad	11
2. Jammu and Kashmir	4
3. Madhya Bharat	6
4. Mysore	6
5. Patiala and East Punjab States Union	3
6. Rajasthan	9
7. Saurashtra	4
8. Travancore-Cochin	6
TOTAL	49

Representatives of States specified in Part C of the First Schedule

States and Groups of States	Total number of seats allotted
1. Ajmer and Coorg }	1
2. Bhopal	1
3. Bilaspur and Himachal Pradesh }	1
4. Delhi	1
5. Kutch	1
6. Manipur and Tripura }	1
7. Vindhya Pradesh	4
TOTAL	10
Total for all States	204

The representatives of each State specified in Part A or Part B of the First Schedule of the Constitution, excepting the State of Jammu and Kashmir, are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote. The representatives of the Jammu and Kashmir State were chosen by the President in consultation with the Government of the State, as required by the Constitution (Application to Jammu & Kashmir) Order, 1950, (C.O. 10). The State Government, in actual practice, acted upon a unanimous resolution of the Constituent Assembly of the State

in recommending the names of persons to be chosen by the President.* The representatives of each Part C State or group of States are chosen by the electoral college constituted for the purpose under the provisions of section 27A of the Representation of the People Act, 1950.

The Council of States 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 from the date on which the names of the elected and nominated members are notified by the Government of India in the Gazette of India.

House of
the People.

The House of the People consists of 497 members. The Representation of the People Act, 1950, distributed these seats amongst the various States as follows:—

Name of the State or area	Total number of seats allotted
PART A STATES	
Assam	12
Bihar	55
Bombay	45
Madhya Pradesh	29
**Madras	75
Orissa	20
Punjab	18
Uttar Pradesh	86
West Bengal	34
TOTAL	374
PART B STATES	
Hyderabad	25
Jammu & Kashmir	6
Madhya Bharat	11
**Mysore	11
Patiala and East Punjab States Union	5
Rajasthan	20
Saurashtra	6
Travancore-Cochin	12
TOTAL	96

* According to the terms of the Constitution (Application to Jammu and Kashmir) Order, 1954, dated the 14th May, 1954, all future vacancies in the Council of States arising in the State of Jammu and Kashmir are to be filled by election by the elected members of the Jammu and Kashmir Legislative Assembly. The first such election took place in November, 1954.

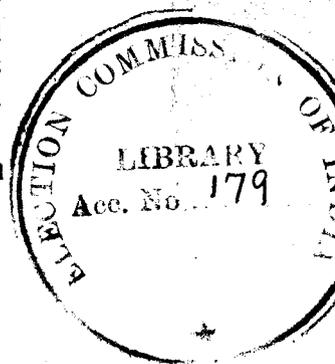
** After the formation of the State of Andhra, the number of seats allotted to Madras and Andhra have been fixed at 46 and 28 respectively, while one additional seat has been allotted to Mysore.

Name of the State or area	Total number or seats allotted
PART C STATES	
Ajmer	2
Bhopal	2
*Bilaspur	1
Coorg	1
Delhi	4
*Himachal Pradesh	3
Kutch	2
Manipur	2
Tripura	2
Vindhya Pradesh	6
TOTAL	25
OTHER AREAS	
Andaman & Nicobar Islands	
Part B tribal areas of Assam	1
TOTAL	2
GRAND TOTAL	497

The President nominated two more members under article 331 of the Constitution to represent the Anglo-Indian community in the House, thus raising the strength of the House to 499.

The 8 seats allotted to the State of Jammu & Kashmir, the Andaman & Nicobar Islands and the Part B Tribal Areas of Assam were filled by persons nominated by the President. As in the case of the Council of States, the President chose the representatives of the State of Jammu & Kashmir in consultation with the Government of the State as required by the Constitution (Application to Jammu & Kashmir) Order, 1950, (C.O. 10). The State Government, in actual practice, acted upon a unanimous resolution of the Constituent Assembly in recommending the names of the persons to be chosen by the President. All the other 489 seats were filled by persons chosen by direct election from territorial constituencies, by adult suffrage.

*After the merger of Bilaspur in Himachal Pradesh in 1954, the total number of seats allotted to Himachal Pradesh has been increased to 4.



Legislative Councils.

The Legislatures of seven States only, namely, Bihar, Bombay, Madras, Punjab, Uttar Pradesh, West Bengal and Mysore consist of two Houses, while those of the other States have only one House. The upper House is known as the Legislative Council. The composition of the Legislative Councils is determined according to the provisions of article 171 of the Constitution. Under section 10 of the Representation of the People Act, 1950, the allocation of seats in the Legislative Councils was made as follows:—

Name of State	Total No. of seats	Number elected by				No. nominated by the Governor or Rajpramukh
		Local Bodies	graduates	Teachers	Members of the Legislative Assembly	
I	2	3	4	5	6	7
1. Bihar .	72	24	6	6	24	12
2. Bombay .	72	24	6	6	24	12
*3. Madras .	72	24	6	6	24	12
4. Punjab .	40	13	3	3	13	8
5. Uttar Pradesh .	72	24	6	6	24	12
6. West Bengal	51	17	4	4	17	9
7. Mysore .	40	13	3	3	13	8

Elections to the Legislative Councils are held according to the system of proportional representation by means of the single transferable vote.

As in the case of the Council of States, the Legislative Councils are not subject to dissolution but as nearly as possible one-third of the members retire on the expiration of every second year, in accordance with the provisions of section 156 of the Representation of the People Act, 1951.

Legislative Assemblies.

Each of the Part A or Part B States, with the exception of Jammu & Kashmir, has a Legislative Assembly. The Jammu and Kashmir Constituent Assembly which functions as that State's Legislative Assembly was not constituted under the Constitution of India and elections thereto were held under a proclamation of the then Maharaja of Kashmir. Of the Part C States, the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and

*After the formation of the new State of Andhra out of the State of Madras in 1953, the total number of seats in the Madras Legislative Council has been reduced to 51.

Vindhya Pradesh have Legislative Assemblies. The number of seats in the Legislative Assemblies was as follows:—

Name of State	Total number of seats allotted
PART A STATES	
Assam	108
Bihar	330
Bombay	315
Madhya Pradesh	232
*Madras	375
Orissa	140
Punjab	126
Uttar Pradesh	430
**West Bengal	238
TOTAL	2,294
PART B STATES	
Hyderabad	175
Madhya Bharat	99
*Mysore	99
Patiala & East Punjab States Union	60
Rajasthan	160
Saurashtra	60
Travancore-Cochin	108
TOTAL	761
PART C STATES	
Ajmer	30
Bhopal	30
Coorg	24
Delhi	48
***Himachal Pradesh	36
Vindhya Pradesh	60
TOTAL	228
GRAND TOTAL	3,283

* After the formation of Andhra in 1953, it has been allotted 140 seats for its Legislative Assembly, while the number of seats allotted to Madras has been reduced to 230 and 5 additional seats have been allotted to Mysore.

** After the merger of Chandernagore in West Bengal in 1954, the number of seats has been increased by 1.

*** After the merger of Bilaspur in Himachal Pradesh in 1954, the number of seats allotted to Himachal Pradesh has been increased to 41.

The members of the Legislative Assemblies are all chosen by direct election from territorial constituencies.

Under article 333 of the Constitution, the Governors of States and the Rajpramukhs of Mysore and Travancore-Cochin nominated in addition the following number of members to the respective Legislative Assemblies to represent the Anglo-Indian community:—

Name of State	Number of members nominated
Bihar	1
Bombay	1
Madhya Pradesh	1
Madras	1
West Bengal	2
Mysore	1
Travancore-Cochin	1
TOTAL	8

Electoral
Colleges.

For filling the seats in the Council of States allotted to the Part C States, electoral colleges were constituted. The members of the Legislative Assemblies of the States of Ajmer, Bhopal, Coorg, Delhi and Vindhya Pradesh form respectively the electoral colleges for those States. The electoral college which elects the representative of the States of Bilaspur and Himachal Pradesh consisted of the members of the Himachal Pradesh Legislative Assembly and the member representing Bilaspur in the House of the People.* Members of the electoral colleges of the remaining three Part C States, namely, Kutch, Manipur and Tripura, are elected by adult franchise from the territorial constituencies provided by an order made under section 27C of the Representation of the People Act, 1950. Electoral Colleges in these three States have to be constituted afresh for each general election.

The seat in the Council of States allotted to the States of Ajmer and Coorg is filled by a person elected by the electoral college for the State of Ajmer or Coorg, in rotation. Similarly, the seat allotted to the States of Manipur and Tripura is filled by a person elected by the electoral

*The State of Bilaspur was merged into Himachal Pradesh by the Himachal Pradesh and Bilaspur (New State) Act, 1954, and the electoral college of the new State now consists of the elected members of the enlarged Legislative Assembly of the State.

college for the State of Tripura or Manipur, by rotation. Any casual vacancy in the seat allotted to Ajmer and Coorg, or to Manipur and Tripura, is filled by election in the State in which the election to fill the seat was held at the last preceding general or biennial election, as the case may be.

Subject to the above, the seat or seats in the Council of States allotted to any Part C State or group of States is filled by a person or persons elected by the members of the electoral college for such States in accordance with the system of proportional representation by means of the single transferable vote.

CHAPTER IV

THE TIME-TABLE

Preliminary steps taken by the Constituent Assembly.

In July, 1947, the Constituent Assembly adopted the reports of the Provincial and the Union Constitution Committees which outlined the principles of a model Constitution for India. The reports envisaged a Legislature for every State, consisting of the Governor and the Legislative Assembly, except for certain States which were to have a Legislative Council in addition. The Parliament was to consist of the President and two Houses—the Council of States and the House of the People. The representatives in the House of the People and in the Legislative Assembly of each State were to be chosen on the basis of adult suffrage—an adult being a person of not less than 21 years of age. The Constituent Assembly realised that the mere preparation of the first electoral rolls on the basis of adult suffrage in a vast country like India with a population estimated then at about 348 millions would by itself be a major administrative task and would take considerable time and present numerous difficulties. It was therefore decided that the work should be taken in hand immediately. Preliminary steps were taken to implement this decision even though it was then not at all certain as to what provisions would ultimately be made in the Constitution or the future electoral law with regard to the qualifications for registration of voters.

In November, 1947, the secretariat of the Constituent Assembly invited the attention of all the State Governments to the decision of the Constituent Assembly to introduce adult franchise for elections to Legislatures and requested them to examine the administrative problems involved in the preparation of voters' lists on that basis. The draft Constitution was published on the 21st February, 1948. In March, 1948, the Secretariat of the Constituent Assembly informed the States of the Assembly's desire to complete the elections to the future Central and Provincial Legislatures "as early as possible after the new Constitution came into operation". Detailed tentative instructions regarding the preparation of the voters' list were given covering matters like the form of the electoral

roll and the requirements in respect of age, citizenship and residential qualifications which a person must satisfy in order to be a voter. As the Constituent Assembly had not taken any decision about the qualifications for citizenship, the question of enrolling the names of the large number of displaced persons who had migrated to the territory of India from territories included in Pakistan presented serious difficulties. The States were accordingly advised that pending final decision, all such persons who had migrated to India should, on a mere declaration by them of their intention to reside permanently in a town or village, be included in the voters' list of such town or village irrespective of the actual period of residence therein.

In July, 1948, a public announcement of what was being done and also proposed to be done in the future in regard to the enumeration of voters, was made by the secretariat of the Constituent Assembly. The 1st January, 1949, was mentioned therein as the date with reference to which the electoral rolls were to be prepared. At the same time, instructions were issued to the effect that the rolls should be prepared for each village, or other convenient unit, so that when the constituencies came to be delimited, there might be no difficulty in consolidating them into the electoral rolls for the constituencies.

As a result of these efforts, some progress was made in the preparation of the rolls. Pending the enactment of the electoral law, instructions were issued explaining the position in respect of the enumeration of refugee voters and the inclusion of names of persons who were in prisons undergoing sentences of imprisonment for criminal offences. While there could be no statutory publication of the rolls until the new electoral law was enacted, the States were directed to take up the printing of the preliminary rolls in order to avoid delay, as also to publish the preliminary rolls unofficially so that they might be improved on the basis of any informal claims for inclusion of names that might be received.

In most of the Provinces and States, the work of preparation of such preliminary electoral rolls proceeded reasonably satisfactorily. On the 8th January, 1949, the Constituent Assembly adopted a motion moved by the Prime Minister directing the issue of instructions for the preparation of the electoral rolls and for the taking of all

Tentative
date for
elections.

necessary steps so that "elections to the Legislatures under the new Constitution may be held as early as possible in the year 1950".

The Election Commission.

The provisions of the Constitution relating to citizenship (articles 5, 6, 7, 8, 9) and article 324 regarding the setting up of the Election Commission were brought into force on the 26th November, 1949, while the rest of the Constitution came into force on the 26th January, 1950. The Chief Election Commissioner assumed charge on the 21st March, 1950. The Office of the Election Commission had already been set up on the 25th January, 1950. Although the Constitution provides for the appointment of other members of the Election Commission as and when necessary, it has not been found necessary so far to appoint any other member of the Commission.

Reasons for delay in holding elections.

After its constitution the Election Commission took stock of the progress already made, with particular reference to the terms of the motion adopted by the Constituent Assembly on the 8th January, 1949. It was clear that the elections could not possibly be held during the year 1950 for the following reasons—

- (1) The electoral law was yet to be passed by Parliament.
- (2) The Scheduled Castes and the Scheduled Tribes had not till then been specified by an Order of the President as required by articles 341 and 342 of the Constitution. The population strength of these Castes and Tribes could not, therefore, be determined. As the extent of reservation of seats in the legislatures for the Scheduled Castes and Tribes depends strictly on the exact proportion that their numbers bear to the total population in any State or in the country as a whole, no decision could be taken at that stage regarding the number of seats to be reserved for them in the various Legislatures.
- (3) The electoral rolls so far prepared were only informal drafts without any legal sanction, the basis for their preparation having been what the electoral law was expected to provide for eventually. Accordingly, the electoral law

had to be passed first to make specific provisions on many important points before the rolls could be made ready even for preliminary publication under legal authority.

- (4) The work of delimiting the constituencies could not be taken up in the absence of an Order under article 387 of the Constitution for the determination of the population of the States and the different areas in each State. In the absence of delimited constituencies, electoral rolls could not be published even when they were ready in any area.
- (5) The state of preparedness for elections varied considerably in the different States. While it might conceivably have been possible to hold the elections during the winter of 1950-51 in a few States, it was impossible to do so in others.

These facts were brought by the Election Commission to the notice of the Government and it was agreed that the elections could not be held in 1950. The Prime Minister made a statement in Parliament on the 19th April, 1950, expressing his hope that elections would be held in the spring of 1951.

In order to expedite the elections, it was decided to enact the electoral law in two stages. The more urgent provisions were dealt with in the first enactment, namely, the Representation of the People Act, 1950. This Act mainly covered the preparation and publication of the electoral rolls and the delimitation of constituencies. Provisions for the actual conduct of elections and matters ancillary thereto were left to be covered by a subsequent piece of legislation.

Enactment of
electoral law.

The provisions of the Representation of the People Act, 1950, (which was passed by Parliament on the 20th April, 1950), underwent major changes during its passage through Parliament and, as a result, it became necessary to cover afresh some of the stages which had already been gone through in the informal preparation of the electoral rolls. For instance, the Constituent Assembly had issued instructions that all persons who were not less than 21 years of age on the 1st January, 1949, and had resided in a particular constituency for not less than 180 days during the year

ending on the 31st March, 1948, were to be registered in the electoral roll of the constituency. The Act as passed, provided, on the other hand, that all persons who were not less than 21 years of age on the 1st March, 1950, and who had resided in a constituency for not less than 180 days during the period from the 1st April, 1947 to the 31st December, 1949, were entitled to have their names so registered. A large age-group was thus added as prospective voters and had to be brought on the rolls in every State. Steps were immediately taken by the Commission to have supplementary rolls prepared for every town and village in accordance with the provisions of the 1950 Act. As a consequence, formal publication of the electoral rolls had to be postponed until such supplementary rolls were ready.

The second major change made in the Bill in the course of its passage through Parliament was in respect of the procedure to be followed for the delimitation of constituencies. The original proposals in the draft Bill had laid down a simple and quick procedure and did not contemplate the setting up of any Parliamentary Advisory Committees. The procedure prescribed by the Act as passed by Parliament required consultation with such committees, which were set up, one for every State. Naturally, this resulted in some delay in completing the work of delimitation.

The Representation of the People Act, 1951, was ultimately enacted as late as the 17th July, 1951. The electoral machinery could be formally set up only after the passage of that Act.

**Electoral
rolls made
up-to-date.**

In view of all this unavoidable delay, the prospects of holding the elections in the spring of 1951, as originally hoped for, gradually receded. In an attempt to adhere to the original time-table, if possible, the Election Commission made every attempt to expedite the work of preparation of the supplementary electoral rolls in the States. Advantage was taken during such preparation to supply omissions in the draft rolls already prepared. There had been complaints of large scale omissions particularly in respect of the electoral rolls of Punjab and Assam. The Chief Election Commissioner personally visited every State in order to check its state of preparedness for holding the elections. During these tours, he made it a point to meet representatives of the political Parties and

the Press and to take them into the fullest confidence in regard to the preparations made. He sought their co-operation in making the public at large election-conscious and in creating the atmosphere necessary for ensuring that elections would be peaceful, fair and free.

As very little progress had been made in the work of delimitation of constituencies, the Commission had to follow a very tight time-table to cover the various stages of this work. The Parliamentary Advisory Committees were requested to communicate their recommendations early so that the Commission might be in a position to submit its delimitation proposals to the President by the end of July, 1950. This was not found feasible in practice, however.

On the eve of the third session of Parliament in November, 1950, the Election Commission again reviewed the progress made in the preparation for the holding of the general elections. As there was delay in the issue of the President's Orders specifying the Scheduled Castes and the Scheduled Tribes, and determining the population of these Castes and Tribes in the different States and the autonomous districts of Assam, not much progress could be made in the work of delimitation of constituencies. In fact, the Scheduled Castes Order was not issued until the 10th August, 1950, and the Scheduled Tribes Order, until the 6th September, 1950.

In the meantime, each State Government had been requested to send to the Commission, by the end of May, 1950, its proposals for dividing the entire area of the State into as many units as there were seats allotted to the State in the Legislative Assembly and in the House of the People. It was intended that some of these units would later be combined into pairs as necessary in order to constitute the required number of two-member constituencies in each of which one seat would be reserved for the Scheduled Castes or Scheduled Tribes. In the alternative, some units could be combined to constitute multi-member constituencies, should that be decided upon eventually.

**Delimitation
of Consti-
tuencies.**

While delimitation proposals were duly received from some of the States, there was delay in respect of two Part 'A' States and four Part 'B' States. A decision had also not been taken till then in regard to the general rule to

be followed in delimiting the constituencies—namely, whether they were normally to be single-member or multi-member. It was, therefore, clear that the delimitation orders could not possibly be finalised by Parliament until the middle of November, 1950.

While the Governments of some States were quite prompt in the work of preparation of the electoral rolls, others defaulted in this respect, namely, the Governments of West Bengal, Punjab, Madhya Bharat and Rajasthan.

Further
postpone-
ment of
elections.

As a result of all this delay, it became impossible to hold the elections by April-May, 1951. On the 14th November, 1950, in the course of his address to the third session of the Parliament, the President stated that while the Government had been anxious to hold the general elections as early as possible in accordance with the new Constitution, and while every effort had been made to complete all preparation so as to hold the general elections in April-May, 1951, the position was that Parliament had been unable to finalise many matters connected with elections and that various assumptions on which the States had made preparations for the elections might or might not turn out to be correct. Some States had strongly expressed their inability to hold the elections in April-May, 1951. In Bihar, the acute deterioration of the food position created formidable difficulties. The President observed that for all these reasons the Government had, after taking into consideration both official and non-official view-points, come to the conclusion that "any date in April-May next will give rise to serious difficulties and may not, in the circumstances, be considered a firm date." He announced that the Government had therefore "decided to fix definitely the date for the general elections in the second half of November or early December, 1951."

After this unequivocal announcement by the President, the Election Commission revised the election time-table and impressed upon the State Governments to make up all leeway in their preparations so as to be able to hold the elections in time according to the revised programme.

Publication
of electoral
rolls.

The preliminary electoral rolls were published in all Part 'A' States, except Punjab and West Bengal, by November, 1950. The West Bengal rolls were published between the 22nd December, 1950, and the 6th January,

1951. In Punjab, advantage was taken of the postponement of elections to revise the entire electoral rolls thoroughly with a view to eliminate large numbers of duplicate entries therein which had resulted from large-scale movements of displaced persons within the State during the years of preparation of the rolls due to quasi-permanent allotments of land to them. The rolls for the Bombay City, which had been prepared and published only in the Devanagri script, were directed to be published in English also. Suitable directions were also given for the publication of rolls for a number of small bilingual areas in Bihar, Madras and Orissa in languages other than those in which they had originally been prepared.

The State Governments were requested to intimate the period that would be most suitable for the taking of the poll. Almost all the States, except Uttar Pradesh, suggested the period from October to December, 1951, for the taking of the poll. Uttar Pradesh recommended January-February, 1952, for the polls and expressed inability to have the poll earlier. The bulk of the polling for the House of the People and the State Legislative Assemblies actually took place during December, 1951, and January, 1952, except that for climatic considerations, polling in some difficult areas of Himachal Pradesh and Uttar Pradesh respectively took place in October, 1951, and February, 1952. Polling for elections to the Upper Houses of the Legislatures and the office of the President took place between March and May, 1952.

Final time-
table.

CHAPTER V

THE ELECTORAL MACHINERY

The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State, and of elections to the offices of the President and the Vice-President, including the appointment of Election Tribunals, is vested in the Election Commission, by virtue of article 324 of the Constitution. The Commission consists of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may, from time to time, fix.

The Election Commission.

The appointment of the Chief Election Commissioner and other Election Commissioners is made by the President. In order that the Election Commission may be independent of the executive Government, it has been provided in the Constitution that the Chief Election Commissioner shall not be removed from his office except in like manner and on like grounds as a Judge of the Supreme Court, and the conditions of his service shall not be varied to his disadvantage after his appointment. Similarly, protection has been given by the Constitution to the other Election Commissioners and Regional Commissioners and they cannot be removed from office except on the recommendation of the Chief Election Commissioner. The whole of the election machinery has also been placed under the superintendence, direction and control of the Election Commission, which alone is entitled to issue directives in matters concerning elections.

While the nucleus of the office of the Election Commission was set up on the 25th January, 1950, the Chief Election Commissioner, Shri Sukumar Sen, I.C.S., assumed charge of his duties with effect from the 21st March, 1950. There has not been occasion so far for appointing any other member of the Commission.

Regional Commissioners.

On the 8th August, 1951, the President's sanction was conveyed to the creation, on a temporary basis, of four

posts of Regional Commissioners, from the dates they were filled. These officers were to assist the Election Commission in the performance of its functions in connection with the ensuing general elections. Of the four posts sanctioned, only two were eventually filled. Shri M. R. Meher, I.C.S. (Retd.), was appointed as Regional Commissioner with effect from the 1st November, 1951, with headquarters at Bombay, and Shri T. G. N. Iyer, I.C.S., took over his duties on the 31st October, 1951 with headquarters at Patna. These appointments continued until the 1st April, 1952.

When the Constituent Assembly took up with the State Governments the question of the preparation of electoral rolls, necessity was felt for the creation of an office in each State to be in over-all charge of the work. Accordingly, the States appointed officers with varying designations, e.g., State Election Officers, to whom all work relating to elections was entrusted. In some of the States, they were whole-time officers, while in the others they discharged other duties in addition. In every State, however, an election office was set up. In order to secure uniformity in the designation of the officers in charge of such offices, the Election Commission suggested to all States that the Officer in charge of elections in a State may be called the "Chief Electoral Officer". The proposal was generally accepted. It was felt later that it was necessary to invest the Chief Electoral Officer with a legal status. The term "Chief Electoral Officer" was accordingly defined in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, to mean the officer appointed by the State Government to perform the functions of the Chief Electoral Officer under the Rules [Rule 2(b)]. The State Governments were thereafter requested to make formal appointments under the rule. As the provisions of rule 2(b) were not suitable for Part 'C' States, an amendment was made on the 31st July, 1951, to the effect that in respect of these States the Chief Electoral Officer shall be appointed by the Central Government or the Chief Commissioner of the State. Subsequently, it was considered more appropriate that the appointment of a Chief Electoral Officer should be made with the concurrence of the Election Commission and another amendment was accordingly made on the 6th May, 1952, providing for the same.

**Chief
Electoral
Officers.**

**Preliminary
publication
of rolls
by adminis-
trative
units.**

As the preparation of the draft rolls progressed and the rolls were ready for preliminary publication in a number of States, it was found that in the absence of delimitation of constituencies, it was not possible to publish the rolls with reference to specific constituencies. It would have delayed the publication of rolls materially if such publication were to be postponed until the constituencies had been finally delimited. An amendment was therefore made in the law enabling the preliminary publication of the electoral rolls according to administrative units without any reference to constituencies. Section 22 of the Representation of the People Act, 1950, was amended so that Electoral Registration Officers might be appointed with jurisdiction over administrative and other similar units.

**Electoral
Registration
Officers for
administra-
tive units.**

The State Governments made suggestions regarding appointments of Electoral Registration Officers and the Election Commission's notifications making these appointments were issued under the amended law and published in the Gazette of India, on the 1st November, 1950. This made the preliminary publication of the draft rolls possible for each administrative unit without waiting for the actual delimitation of constituencies. Revenue Officers of the status of Collectors, Deputy Collectors, Tahsildars etc. were usually appointed as Electoral Registration Officers. In all, 1,652 such appointments were made.

**Revising
Authorities.**

It was decided to appoint judicial officers as Revising Authorities for deciding claims and objections to the draft rolls filed after their preliminary publication. The Commission obtained the approval of the various High Courts to the appointment of Judicial Officers as Revising Authorities within their respective jurisdictions and the appointments were duly made. It was felt that in order to facilitate the filing of claims and objections by persons who lived far away from the offices of the Revising Authorities, it would be necessary and desirable, in some areas, to appoint some other officers only for receiving claims and objections for onward transmission to the competent Revising Authorities. A number of such appointments were made under rule 10(3) of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950. This procedure proved very convenient for the public, and was taken advantage of widely. In order that the claims and objections might be quickly disposed of,

the Revising Authorities were requested to give top priority to their disposal. Wherever the volume of work was heavy, additional Revising Authorities were appointed. In all, 1,529 persons were appointed as Revising Authorities.

After the constituencies had been delimited, the Commission appointed an Electoral Registration Officer for each constituency, under the provisions of section 22 of the Representation of the People Act, 1950, for the final publication of the rolls constituency-wise. Revenue Officers of the status of Commissioners, Collectors, Sub-divisional Officers and the like were appointed Electoral Registration Officers for the various Parliamentary and Assembly constituencies, in consultation with the State Governments. The actual arrangements varied from State to State. For instance, in Uttar Pradesh, District Officers were not assigned any such duty. All appointments were made by the end of September, 1951. In all, 324 persons were appointed as Electoral Registration Officers for the Parliamentary constituencies, and 1,275 for the Assembly constituencies. The appointments of Electoral Registration Officers for elections to Legislative Councils were made soon after this and 53 such officers were appointed.

Electoral
Registration
Officers for
constitu-
encies.

Simultaneously with the appointment of Electoral Registration Officers, the Commission took up the question of appointing a Returning Officer and an Assistant Returning Officer for each constituency under sections 20, 21 and 22 of the Representation of the People Act, 1951, for conducting the elections. Generally speaking, administrative officers of the status of Commissioners, Collectors, Sub-Divisional Officers, etc. were appointed Returning Officers for Parliamentary and Assembly constituencies. Secretaries of the various Legislatures were, generally speaking, appointed Returning Officers for elections to the Council of States and to the Legislative Councils by members of the Legislative Assemblies. Assistant Returning Officers were also appointed for helping the Returning Officers in their work. In all, 1,253 persons were appointed as Returning Officers and 1,962 as Assistant Returning Officers.

Returning
Officers and
Assistant
Returning
Officers.

While section 22(2) of the Representation of the People Act, 1951, provides that every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of

Their
duties and
powers.

the Returning Officer, the proviso to that section places certain restrictions upon these wide powers.

Difficulties
experienced,

The Assistant Returning Officer cannot, for instance, perform any of the functions of the Returning Officer which relate to the acceptance of a nomination paper (*i.e.* physically receiving it) or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing these functions. In some cases, these restrictions proved inconvenient. In their normal role as administrative officers, the Returning Officers have to go out on tour in connection with their normal duties and doubt has been expressed whether they could, when absent on such tours, be said to have been "unavoidably prevented" from acting as Returning Officers within the meaning of the law. Difficulty was also experienced in respect of counting of votes. In multi-member Assembly constituencies, as also in most Parliamentary constituencies, counting of votes took a good deal of time as the Returning Officer alone could do the counting. If the proviso to section 22(2) of the Representation of the People Act, 1951, had not applied to the counting of votes, it would have been possible for the Assistant Returning Officers to do the counting in some of the constituencies. The law on this point may be suitably amended.

Suggestion

Presiding,
and polling
officers.

The large number of Electoral Registration Officers, Revising Authorities, Returning Officers and Assistant Returning Officers could be secured only by drawing very heavily upon the available supply of superior Government servants in each State. But the problem of finding a far larger number of persons for appointment as Presiding and Polling Officers for the actual conduct of polling proved more difficult. In view of the magnitude of the work and the difficulty of getting suitable personnel in sufficient numbers, the Commission took up the question very early and on the 8th April, 1950, the State Governments were requested to examine their requirements of Presiding Officers, Polling Officers and policemen for carrying out polling duties and to make their plans for meeting this demand. Although the number of Presiding Officers and Polling Officers required for manning the 1,32,560 polling stations with 1,96,084 booths was bound to be very large, the Commission directed that proposals for all such appointments should be scrutinised carefully from the point of view of the suitability of the persons to be appointed

for such duties. The Commission suggested that only such Government employees, and employees of Government-aided institutions, as were in receipt of a monthly salary of Rs. 60 and above, might, so far as practicable, be appointed Presiding Officers. As for Polling Officers, it was enough that they should be literate and, as far as possible, be Government servants or employees of local bodies or of Government-aided educational institutions. It was calculated that the requirement of polling personnel, excluding policemen, would be in the neighbourhood of 9,00,000. It was eventually found necessary in a few difficult areas to employ teachers from private educational institutions as well.

The general question as to whether non-officials should be employed for polling duties along with officials was also carefully considered. The Commission ultimately decided that it would be more convenient and practical to employ government officials alone for such duties at the present stage of political development in the country, unless this was found impossible. The Commission apprehended that the employment of non-officials on any large scale would give rise to a much greater volume of complaints of partisanship and discrimination against the polling personnel. Finally, no non-officials were employed for the purpose, except in very rare instances where it was found impossible to raise the minimum man-power otherwise.

Employment of non-officials for polling duties.

For maintaining law and order at the polling stations, the State Governments detailed a small party of police for duty at each polling station on the polling day. The number of policemen employed at a polling station varied according to local requirements, the normal complement being one Assistant Sub-Inspector of Police or Head constable and three Police Constables. Apart from this, the police helped in the custody and transport of polling materials including ballot boxes and ballot papers before and after polling. A total of 3,38,854 policemen were actually detailed for polling duties at the general elections all over the country.

Policemen for polling stations.

One of the difficulties experienced in selecting the superior election officers, e.g. Returning Officers and Electoral Registration Officers was an almost complete absence of experienced hands in many States. So far as Presiding

Difficulties experienced.

and Polling Officers were concerned, there was, in addition, the problem of the inadequacy of man-power. It was not desirable or feasible to transfer Officers from one State to another. Accordingly, the best use had to be made of the available resources in personnel in each State. The standard of administration naturally differed from State to State. Much greater difficulty was experienced in Part 'B' States (except the States of Hyderabad, Mysore and Travancore-Cochin) to obtain the required personnel as these States had been formed only recently by integration of smaller States whose public services were usually inadequate and of varying calibres.

**Rehearsals
or "mock"
elections.**

The Election Commission was confident, however, that given adequate and intensive training, the officers, however inexperienced and of whatever calibre, would be able to undertake and discharge the responsibility of running the elections. The Commission, accordingly, decided to hold test or "mock" elections on a wide scale all over the country so that the officers might acquire sufficient familiarity with the relevant provisions of the law, and receive the necessary training in the practical conduct of polling. Rajasthan was selected for the first polling rehearsal which was held at Udaipur on the 5th August, 1951. All the District Electoral Officers of Rajasthan, and the Election Officers of the Ajmer State, attended this rehearsal. The Chief Election Commissioner personally supervised the arrangements and all the legal formalities were gone through during the demonstration of the polling procedure. The rehearsal succeeded in its main objectives, namely, creating public interest in the elections and, at the same time, giving practical experience to the election officers in their future task. The rehearsal attracted country-wide attention and was followed by a series of similar rehearsals in Rajasthan and in every other State. The Chief Election Commissioner attended at least one polling rehearsal almost in every State in order to ensure that the procedure followed all over India was uniform and properly understood and that no mistakes were made or misapprehensions entertained in any State. The rehearsals also gave an opportunity for examining the suitability of the provisions of the law laying down the election procedure. The rehearsals were so extensively held in every State that, so far as practicable, almost all prospective election officers received adequate training

in time. These rehearsals ensured that a sufficient number of trained officers would be available for polling duties.

The Commission felt that it would be desirable to issue a set of simple and consolidated written instructions for the guidance of Presiding and Polling Officers. A model of such instructions was accordingly prepared by the Commission in the form of a hand-book and sent to all the States for adoption with such modifications or additions as the local conditions might call for. All the States adopted the model instructions and circulated them to the officers concerned.

Presiding
Officers'
hand-book.

In order to provide the Returning Officers with some guidance in the task of scrutinising nomination papers, the Commission issued circular letters inviting their pointed attention to some of the basic provisions of the law on the subject. These instructions proved of considerable help to them.

PART II
ELECTIONS TO THE HOUSE OF THE PEOPLE,
STATE LEGISLATIVE ASSEMBLIES AND
ELECTORAL COLLEGES

CHAPTER VI

DELIMITATION OF CONSTITUENCIES

The Constitution provides that the House of the People shall consist of not more than 500 members directly elected by adult suffrage [Art. 81(1)(a)]. The allocation of seats to the various States is shown at pages 14 and 15. The number of seats allocated to the Legislative Assembly of each Part A and Part B State is shown at page 17.

Provisions
of the Cons-
titution.

The Constitution makes strict and detailed provisions in order to provide against any risk of 'gerrymandering' of constituencies either for the House of the People or for any of the Legislative Assemblies. These provisions require that as far as practicable the scale of representation in terms of population for every constituency of the House of the People should be the same throughout India and that the scale of representation in terms of population for every constituency of a State Legislative Assembly should be the same throughout the State.

As for the House of the People, article 81(1)(b) of the Constitution requires that each State should be divided, grouped or formed into territorial constituencies for elections to the House of the People and that the number of members to be allotted to each constituency should be so determined that there shall be not more than one member for every 5,00,000 of the population. The article, as it stood at the time of the last general elections, also provided that there shall not be less than one member for every 7,50,000 of the population. Clause (1)(c) of the article prescribes the principle of uniformity of the scale of representation by laying down that the ratio between the number of members allotted to each territorial constituency of the House of the People and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published, should be the same throughout the territory of India, as far as practicable. It was found by experience that article 81(1)(c) is by itself an effective enough safeguard against the creation of unequal constituencies and that the maximum of 7,50,000 originally laid down in article 81(1)(b) was

House of the
People.

redundant and operated in practice as a much too artificial and technical handicap. The maximum limit has in fact since been deleted by an amendment of the Constitution in view of the increase of population revealed in the census of 1951 which made it unworkable in practice

**Legislative
Assemblies.**

In respect of the Legislative Assemblies in Part A and Part B States, provisions in similar terms have been made in clauses (2) and (3) of article 170. The minimum population which can return a member to an assembly in a Part A or Part B State is 75,000, the only exceptions to this rule being made in respect of the 'autonomous districts' of Assam and of the constituency comprising the cantonment and the municipality of Shillong in that State. It is interesting to note that no maximum limit was laid down for Legislative Assembly constituencies in respect of their population, as was originally the case with the House of the People constituencies. There is, however, an over-riding proviso to the effect that the total number of members in the Legislative Assembly of a Part A or Part B State must not exceed 500, nor be less than 60. The total population of P.E.P.S.U., as also of Saurashtra, is less than 45,00,000. As a result, although the Legislative Assembly in each of these two States has the minimum of 60 members only, the prescribed minimum of a population of 75,000 per seat in the Legislative Assembly became inapplicable and ineffective.

**Part C
States.**

The Constitution makes no specific provision in respect of constituencies in Part C States—either for the House of the People or the Legislative Assemblies. Article 82 of the Constitution however empowers Parliament to provide by law for representation in the House of the People of Part C States and of other territories comprised within the territory of India but not included in any State. The Representation of the People Act, 1950, fixes the number of seats in the House of the People for each Part C State as shown at page 15. Article 240 of the Constitution empowers Parliament to create Legislatures for Part C States. The Government of Part C States Act, 1951, provided for the constitution of Legislative Assemblies in the Part C States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh. In accordance with subsection (2) of section 4 of that Act, the President determines the constituencies into which each Part C State is to be divided. The limits regarding the scale of representation in the constituencies are also required to be determined by the President.

Article 80(4) provides that the elected members of the Legislative Assembly of a Part A or Part B State will elect the State's representatives in the Council of States, while article 80(5) empowers Parliament to prescribe by law the manner in which Part C States are to choose their representatives in the Council of States. The Representation of the People Act (Sections 27A to 27K) creates an electoral college in each Part C State for the purpose. Where there is a Legislative Assembly, the members of such Assembly form the electoral college. In the three Part C States of Kutch, Manipur and Tripura where there are no Legislative Assemblies, it has been provided that in each of these States, an electoral college shall be directly elected by adult franchise for the purpose of electing the State's representative in the Council of States. The President by an Order determines the constituencies into which each such State is divided for the purpose of election of members to the electoral college, and the extent of each constituency. The delimitation proposals are formulated by the Election Commission in consultation with the Advisory Committees set up in respect of each Part C State and submitted to the President for making the Order.

Special provision has been made by article 330 (1) of the Constitution for reservation of seats in the House of the People for—

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam; and
- (c) the Scheduled Tribes in the 'autonomous districts' of Assam.

Clause (2) of article 330 provides that the number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

Under article 332(1) of the Constitution, seats are also required to be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every Part.

A and Part B State. Although no provision was made in the Constitution for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of Part C States, such reservation has nevertheless been made in those Assemblies under section 4(2)(d) of the Government of Part C States Act, 1951, on the principle that the Scheduled Castes and the Scheduled Tribes should be assured their proper share of representation in those Legislatures also.

Autonomous districts of Assam.

Special treatment has been accorded to the Scheduled Tribes in the 'autonomous districts' of Assam. No person who is not a member of a Scheduled Tribe of an autonomous district of Assam is eligible for election to the Legislative Assembly of the State from any constituency of that district. The only exception to this rule is the constituency which comprises the cantonment and municipality of Shillong. Further, the representation to be given to these districts is on a more liberal scale than what obtains elsewhere in the State, inasmuch as the number of seats to be reserved for an autonomous district in the Legislative Assembly must bear to the total number of seats in that Assembly a proportion not less than what the population of the district bears to the total population of the State (article 330). The result is that for any fraction, however small it may be, over an integer in the arithmetical calculation of the number of seats to which an autonomous district is entitled, a full seat must be allotted to it.

Procedure for delimitation of constituencies.

The basis for delimitation of constituencies is laid down in articles 81(1)(c) and 170(3). Each State which has only one seat in the House of the People, can form only one constituency. According to the provisions of sections 6 and 9 of the Representation of the People Act, 1950, the President was to determine by order—

- (a) the Parliamentary and Assembly constituencies into which each State to which more than one seat was allotted, was to be divided;
- (b) the extent of each such constituency;
- (c) the number of seats allotted to each constituency; and
- (d) the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes in each constituency.

Section 13 of the Representation of the People Act, 1950, laid down the procedure according to which the

President's order regarding delimitation of constituencies was to be made. The Election Commission had first to formulate the proposals for such delimitation in respect of each State in consultation with the Parliamentary Advisory Committee set up for that State and to submit the proposals to the President for making the order. The President's order was thereafter to be laid before Parliament and was subject to such modifications as might be made by Parliament on a motion made within 20 days from the date on which the order was so laid.

Under the Constitution, the scale of representation in the territorial constituencies is to be based on the population as ascertained at the last preceding census. The previous census having been held in 1941, it was felt that the population figures thereof would be too out of date and inaccurate in view of the lapse of so many years, and of the large-scale migrations of population that had taken place in some parts of the country consequent on the partition of India in 1947. The Constitution accordingly provided by article 387 that for purposes of elections held during a period of three years from the commencement of the Constitution, the population of India or any part thereof would be determined in such manner as the President might by order direct, and that different provisions might be made for different States and for different purposes by such order. Accordingly, the President made an order called "The Constitution (Determination of Population) Order, 1950". The Order provided that for the purpose of elections held during a period of three years from the commencement of the Constitution, the population of a State or any part thereof would be determined in the following manner:—

Determina-
tion of
population.

- (1) The Census Commissioner would prepare estimates of the population of every State as on the 1st March, 1950—
 - (a) after taking into account the population as ascertained at the census of 1941, and such records as were available to him regarding births and deaths since that census, as also of the movement of persons displaced by reason of the partition of the country, and
 - (b) on the basis of the mathematical projection of the trend indicated by the population figures:

of the State as ascertained at the last five decennial censuses, after taking into account the movement of persons on account of the partition.

The population of the State was thereafter to be determined by taking the average of the two estimates.

- (2) On receipt of the Census Commissioner's statement showing the estimated population of each State, the President would notify the population so determined, in the Gazette of India.
- (3) The population of the Scheduled Castes and the Scheduled Tribes was to be determined on the basis that it would bear to the total population of the State the same proportion which their population as ascertained at the 1941 census bore at that time to the total population of the territories comprising that State.
- (4) The population of each of the autonomous districts of Assam was to bear to the total population of that State the same proportion which the population of the District as ascertained at the census of 1941 bore at that time to the total population of the territories comprising that State.
- (5) If in any particular case the necessary population figures had not been ascertained at the census of 1941, the population figures, which were ascertained at the census of 1931, were to be taken into consideration for determining the proportion of the Scheduled Castes or the Scheduled Tribes referred to in sub-paras (3) and (4).
- (6) In cases in which the population figures had not been ascertained at the census of 1941 or at the census of 1931, the population was to be estimated in such other manner as the President might direct.
- (7) On being approved by the President, and after notification in the Gazette of India, the estimates made by the Census Commissioner were to be final and conclusive for purposes of delimitation of constituencies.

- (8) The population of any area within a State to be included in a constituency was, unless otherwise directed by the President in the case of any particular area or class of areas, to be determined by multiplying the number of voters entered in the provisional electoral rolls in that area by the total population of that State as determined in accordance with the above provisions, and then by dividing the product by the total number of voters entered in the provisional electoral rolls of the whole State.

In pursuance of the provisions of the Constitution (Determination of Population) Order, 1950, the statement showing the population of each State, as determined by the Census Commissioner, was notified in the Gazette and formed the basis for the delimitation of constituencies.

Allocation of seats to all Part A and Part B States (excluding Jammu and Kashmir) in the House of the People was made on the basis that one seat would be allotted for every 7,20,000 of the population, which was the average population for each seat in all these States taken together. The estimated population, as on the 1st March, 1950, was divided by 7,20,000 in respect of each of the States and the quotient gave the number of seats to be allotted to the State in the House. A fraction of more than one-half was rounded off to the next higher integer and entitled the State to an additional seat, while smaller fractions were ignored. 470 seats were, in this way, allotted to the Part A and Part B States under section 3 of the Representation of the People Act, 1950, including the 6 seats allotted to Jammu and Kashmir. Under the same section, read with article 82 of the Constitution, 25 seats were allotted to Part C States and one seat each was allotted to (i) the Andaman and Nicobar Islands and (ii) the Part B tribal areas of Assam, making a total of 497 seats. The average population of 7,20,000 did not apply to Part C States or the aforesaid areas which, in fact, got a good deal of weightage in this respect.

Allocation of seats.

As regards the State Legislative Assemblies, it was decided, for reasons of practical convenience, that the total number of seats allotted to the Assembly of a Part A or Part B State (other than Jammu and Kashmir) should be an integral multiple of the number of seats allotted to that State in the House of the People. Seats were accordingly

allotted to the various State Legislative Assemblies under section 7 of the Representation of the People Act, 1950, the multiples ranging from 12 to 5 as follows:—

Name of State	Multiple
PEPSU	12
Saurashtra	10
Assam, Madhya Bharat, Mysore and Travancore-Cochin	9
Madhya Pradesh and Rajasthan	8
Bombay, Orissa, Punjab, West Bengal and Hyderabad	7
Bihar	6
Madras and Uttar Pradesh	5

In respect of the six Part C States having Legislative Assemblies (i.e. the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh) the number of seats allotted to their Legislative Assemblies were specified in the Third Schedule to the Government of Part C States Act, 1951. In fixing the number of these seats also, care was taken to ensure that the total number of seats allotted to each State formed an integral multiple of the total number of seats allotted to it in the House of the People.

**Principles
for delimit-
ing consti-
tuencies.**

It was eventually decided that every constituency of the House of the People and the State Legislative Assemblies would, as a general rule, elect only one member and that two-member constituencies would be set up, as necessary, only where seats were to be reserved for the Scheduled Castes or the Scheduled Tribes. It was also decided that the seat even in a single-member constituency might be reserved for the Scheduled Castes or the Scheduled Tribes if they constituted a clear majority of the total population of the constituency and if other circumstances justified such a reservation.

For purposes of calculating the population of a district or any other area, the number of voters entered in the preliminary electoral rolls of the district or the area was multiplied by the total population of the State, and the product was divided by the total number of voters entered in the preliminary rolls of the whole State. The average population per seat in the State (House of the People or Legislative Assembly) was ascertained by dividing the total population of the State by the total number of seats allocated to the State in the House of the People or the Legislative Assembly of that State.

The number of voters enrolled in the revised draft rolls was taken into consideration in the calculations of population made for purposes of delimitation, i.e. the number of voters originally enrolled in an area was added to the number of voters enrolled in the supplementary enumeration, and from the total thereof was deducted the number of voters whose names had been struck off the roll on account of death or other causes.

The Election Commission decided, in the interests of practical convenience, that in every State, as a general rule, each district was to get an integral number of seats in the Legislative Assembly and that wherever it could be reasonably avoided, parts of two different districts should not be joined together for forming an Assembly constituency. An exception had, however, to be made to this rule in the case of a few constituencies in Assam, Bombay, Punjab, Madhya Bharat, Mysore, P.E.P.S.U., Travancore-Cochin and Vindhya Pradesh.

The number of Legislative Assembly seats to be allotted to each district was determined in the following manner. The estimated population of the district was first divided by the State average of the population per seat upto two places of decimal. Each district was then allocated the number of seats according to the integral number in the quotient thus obtained. The seats still remaining to be distributed after this process were allotted, one by one, to each of the districts whose quotients contained the highest fractions until all such seats had been distributed. Each district was thereafter divided into as many units as there were seats to be allotted to the district. In doing so, an effort was made to keep the population of each unit as near the average population per seat for the district as possible. In order that administrative units might preserve their integrity as far as possible within a constituency, departures from this average up to ten per cent above or below the same were freely made. If a slightly greater departure in this respect helped to preserve the integrity of a revenue or other administrative unit, the same was made, wherever necessary.

In view of the provisions in the Constitution to the effect that (i) the population of a Parliamentary constituency returning one member must not exceed 7,50,000 and that (ii) in an Assembly constituency there was

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not to be more than one member for every 75,000 of the population, the population of the constituencies had necessarily to be adjusted so as not to violate these limits.

Difficulties experienced.

It may be mentioned here that in the States of Assam, Madhya Bharat, Mysore and Travancore-Cochin, where there are 9 Legislative Assembly seats for each Parliamentary constituency, the maximum possible average population for a Legislative Assembly seat could be only 83,333. On the other hand, the minimum population for a seat according to the Constitution is 75,000. These two limits are so close to each other that considerable difficulty was experienced in delimiting constituencies in these States and administrative units had to be dismembered or cut across far too often, merely to ensure that the maximum or minimum limits of population enjoined by the Constitution were not violated—sometimes by very small margins. Similar difficulties are certain to be experienced in future delimitations as well. The obvious remedy is either to reduce the multiple from 9 to a lower figure *e.g.* 8 or 7, or, alternatively, to do away with the constitutional minimum of 75,000 for the population per seat for a Legislative Assembly. The first alternative may be difficult to adopt for political or practical reasons. It should be seriously considered whether the constitutional minimum population for a Legislative Assembly constituency should not be done away with in the same way as the constitutional maximum for the population of a House of the People Constituency has been. Article 170(3) of the Constitution will, even then, prove in actual practice a sufficient safeguard against any glaring inequalities in the constituencies.

Suggestions

The number of Assembly seats in every State being an integral multiple of the number of Parliamentary seats, each Parliamentary seat comprised within itself the number of Assembly seats equal to that integral. An exception to this rule was Assam, where on account of the weightage in representation given to the autonomous districts, the number of Assembly seats in a Parliamentary seat varied in two instances.

Other principles adopted.

A district was, wherever possible, given a complete number of seat or seats in the House of the People. Even where splitting up of a district became necessary, an attempt was made to do so in such a manner as would

give to the district as many complete House of the People seats as it was entitled to, and a proportionately effective voice in the House of the People constituency into which the surplus part of the district was included.

For Parliamentary constituencies, the smaller administrative units were, as far as practicable, not broken up.

Two contiguous Assembly units which might otherwise have been joined to form a two-member constituency with one seat reserved for the Scheduled Castes or the Scheduled Tribes, were not so joined if they had to be included in two different House of the People constituencies.

The headquarters station of a district or other administrative unit was, wherever practicable, left with the bulk of the unit and not combined with another unit.

If a question arose as to which of two administrative units should be broken up for forming a constituency, the smaller of the two units which was not in any case entitled to a seat, was broken up.

As far as possible, an integral number of seats was allotted to a city or a town, any excess left thereafter being combined with the contiguous rural areas.

To determine the number of seats to be reserved for the Scheduled Castes or the Scheduled Tribes in a State, the proportion of the Scheduled Castes or the Scheduled Tribes population to the total population of the State, was first worked out. Thereafter, the proportion so determined was multiplied separately by the total number of (i) the House of the People and (ii) the Legislative Assembly seats allotted to the State. The products thus obtained, after the rounding up of fractions, yielded the number of seats to be reserved in the State for the Scheduled Castes or the Tribes in the respective Houses.

Reserved
seats—multi-
member
constitu-
encies.

The concentration of the Scheduled Tribes population in some areas in the States of Assam, Bihar, Madhya Pradesh, Orissa, Madhya Bharat, Rajasthan and Manipur justified the reservation of seats for the Scheduled Tribes

in single-member constituencies. The number of such reservations was as follows:—

House of the People

Name of State	No. of reserved single-member constituencies
Assam	1
Bihar	2
Madhya Pradesh	1
Orissa	3
Madhya Bharat	1
Manipur	1
Rajasthan	1
	10

Legislative Assemblies

Name of State	No. of reserved single-member constituencies
Assam	17
Bihar	25
Bombay	9
Madhya Pradesh	11
Orissa	16
Madhya Bharat	9
Rajasthan	1
	88

In areas where the concentration of the Scheduled Tribes was not high enough to justify the reservation of single-member constituencies for them, two-member constituencies were formed, one of the seats in each such constituency being reserved for the Scheduled Tribes.

So far as the Scheduled Castes were concerned, they were in no part of India sufficiently concentrated to justify the reservation of a single-member constituency for them—except in the Mainaguri Assembly constituency in West Bengal where alone a single-member constituency could be reserved for them. Everywhere else, seats reserved for the Scheduled Castes were included in two-member constituencies. In Bombay, one Assembly constituency was made a three-member constituency to provide representation to both the Scheduled Castes and the Scheduled Tribes of the area. A similar three-member constituency

was set up for the House of the People in the northern part of West Bengal.

The areas where the Scheduled Castes or Scheduled Tribes were most concentrated, were selected for the reservation of seats for them. Different combinations were tried to cover the areas with the highest concentration in order to obtain the maximum concentration of the Scheduled Castes or Tribes. At the same time, it was also ensured that so far as practicable the Scheduled Tribes population in a multi-member constituency did not outnumber the rest of the population in the constituency, the reason being that in that case, a candidate not belonging to such Scheduled Tribes would have little or no chance of being elected to the unreserved seat and all the seats in the constituency would in all probability go to the tribal candidates.

A seat in the House of the People reserved in a State for the Scheduled Castes or the Scheduled Tribes can be contested only by a member of the Scheduled Castes or Tribes, whether of that State or of any other State, provided that he is an elector for a Parliamentary constituency anywhere in India. In the case of a seat reserved for the Scheduled Tribes in the autonomous districts of Assam, however, the seat can be contested only if the candidate is a member of any of those Scheduled Tribes and is an elector for the particular Parliamentary constituency comprising any such autonomous district.

Eligibility of candidates for reserved seats.

For State Legislative Assemblies, a seat reserved in a State for the Scheduled Castes or the Scheduled Tribes can be contested only by a person who is a member of any of those castes or tribes, respectively, and is also an elector for any Assembly constituency in that State. A seat reserved for the Scheduled Tribes in an autonomous district of Assam, other than a seat the constituency for which comprises the cantonment and municipality of Shillong, can be contested by a person only if he is a member of the Scheduled Tribes of that district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district.

A member of the Scheduled Castes or Scheduled Tribes alone can fill a reserved seat in a multi-member constituency. He is also eligible to be elected to fill even the unreserved seat in such a constituency. Accordingly, after

Eligibility for unreserved seats.

the reserved seat has been filled, whoever out of the remaining candidates has secured the highest number of votes must be declared to have been elected to the unreserved seat and he may happen to be a member of the Scheduled Castes or Tribes.

The system of multi-member constituencies has adequately served the purpose of providing due representation to the Scheduled Castes and Scheduled Tribes. In the following cases, members of the Scheduled Castes were elected to unreserved seats:—

Name of State	Name of House	Name of constituency	No. of unreserved seats filled by members of Scheduled Castes.
Madras	House of the People	Eluru	1
West Bengal	Legislative Assembly	Bhangore	1
		Keshpur	1
Travancore-Cochin	Legislative Assembly	Devicolam Peermade	1
		TOTAL	4

There was no instance of a member of the Scheduled Tribes being elected to an unreserved seat. The main criticism that has been levelled against the system of multi-member constituencies is that the population and area of such a constituency increase considerably—roughly two-fold in a two-member constituency—and the candidates are put to greater effort and expense as a result in organising their election campaign. Another difficulty felt was that in an appreciably large number of cases, voters cast all their votes into the ballot box of the same candidate and this led to the rejection of all but one vote of each such voter at the time of counting for the violation of the law against cumulative voting. At the general elections, the maximum number of such rejections took place in the case of the North Bengal House of the People constituency where the number of rejected votes was as high as 1,33,063 out of a total of 9,90,800 votes cast.

Difficulty was also experienced by Returning Officers in counting the votes in multi-member constituencies inasmuch as they had not only to count a larger number of

votes but to arrange the ballot papers found in each ballot box according to their serial numbers in order to detect cases of cumulative voting. If a voter casts more than one vote for a candidate, i.e., puts more than one ballot paper into the same ballot box, the additional vote or votes have to be rejected under the law. The ballot papers supplied to an individual voter have the same serial number but can be distinguished from each other by their suffixes. While counting, therefore, the Returning Officers have to check if there are more ballot papers than one with the same serial number, in any of the ballot boxes. The counting of votes took as many as 20 days in the case of a two-member House of the People constituency in Uttar Pradesh, and 12 days in the case of an Assembly constituency in Travancore-Cochin. In the three-member Parliamentary constituency of West Bengal, and in the three-member Assembly constituency in Bombay, counting of votes took 8 and 3 days respectively, although the counting was continued far beyond the usual working hours on each day.

Another unfortunate feature of the system of multi-member constituencies is that if the election of any one of the elected candidates is successfully challenged on the ground (1) that the election was not a free one by reason that the corrupt practice of bribery or undue influence extensively prevailed at the election, or that coercion or intimidation was exercised or resorted to by any particular community or group, or (2) that there had been any improper acceptance or rejection of any nomination paper, which materially affected the result, the election has to be declared wholly void and all the seats declared vacant although the successful candidate or candidates may not have been to blame at all. This actually happened in 29 cases. On the whole, however, the system of multi-member constituencies has worked satisfactorily. In any case, no better substitute for the system has been put forward so far. The hardship involved in unseating one of the elected candidates for the fault of another person can be remedied, partly at least, by suitably amending section 100(1) of the Representation of the People Act, 1951.

The Election Commission prepared statements showing the distribution of seats among the various districts, and asked the Chief Electoral Officers in the first place to make suggestions for actual delimitation of the constituencies

in accordance with the principles laid down by the Commission. These proposals were then released to the Press for inviting objections and suggestions from the public. Meanwhile, an Advisory Committee for each State was set up by the Speaker of Parliament under section 13 of the Representation of the People Act, 1950. In respect of a Part A or Part B State (other than the State of Jammu and Kashmir), the Advisory Committee consisted of not less than 3 and not more than 7 members of Parliament representing the State, and in respect of each Part C State, other than Bilaspur, Coorg and the Andaman and Nicobar Islands, the Advisory Committee consisted of the members of Parliament representing that State. It was not necessary to delimit any constituencies for Bilaspur or Andaman and Nicobar Islands. As regards Coorg, it was necessary only to delimit the constituencies of the Legislative Assembly and the Delimitation Advisory Committee for that State consisted of the only member representing the State in Parliament. Copies of the proposals formulated by the Chief Electoral Officer of a State were sent to the members of the Advisory Committee for that State, who were requested to examine the proposals along with any objections or suggestions received from the public and to send their recommendations to the Election Commission. For some States, the Chief Election Commissioner was able to arrange detailed personal consultations with the members of the Advisory Committees. There was no sufficient time to do so for the other States.

After considering the recommendations of the Advisory Committees, the Election Commission formulated its own recommendations. In respect of the States of Assam, Orissa, West Bengal, Hyderabad, Madhya Bharat, Mysore, P.E.S.U. and Saurashtra, the Advisory Committees and the Election Commission arrived at agreed proposals. It was unfortunately not found possible to reach similar agreement in respect of the other States and the Election Commission's own delimitation proposals varied from the recommendations of the Advisory Committees. These proposals were submitted to the President along with the detailed comments of the Election Commission.

**Final
Delimitation
Orders**

The proposals sent to the President by the Election Commission for making the Delimitation Orders were duly considered by the Union Government. It was felt by the Government that too strict an application of the

principle of locating seats reserved for the Scheduled Castes on the sole basis of their concentration tended to crowd such reservations too thickly in particular areas of the State and to deny adequate representation to people not belonging to such Castes in those areas, as also to members of the Scheduled Castes living in other areas in the State. It was accordingly decided that the seats reserved for the Scheduled Castes should be distributed more evenly within each State. The formula that was evolved was that the number of seats to be reserved for the Scheduled Castes in each district should first be decided in accordance with their numerical strength in the district and thereafter these seats should be located in such areas of the district where they were most concentrated. The Commission's proposals were revised by Government accordingly and a Delimitation Order was drawn up for each State and issued by the President during May, 1951. These Orders were laid before the Parliament in accordance with sub-section (3) of section 13 of the Representation of the People Act, 1950. Some of these Orders proved to be very unpopular with a section of the members of Parliament and many of them were materially altered by Parliament.

The amendments made by Parliament were notified by the Parliament Secretariat on the 13th August, 1951.

In September, 1951, Parliament enacted the Government of Part C States Act, 1951, which, among other things, set up Legislative Assemblies for all Part C States, except Kutch, Manipur and Tripura. That Act also fixed the composition of those Legislative Assemblies and provided for the delimitation of the constituencies for the purpose. This necessitated the revision of the proposals which the Election Commission had already formulated on the basis that there would be electoral colleges and not Legislative Assemblies in these States. Unlike the constituencies for the Legislatures of Part A and Part B States, the President's Orders providing for the delimitation of constituencies for Part C States did not require to be approved by the Parliament. The President's Orders in respect of these States were issued in November, 1951.

Delimitation
in Part C
States.

Of the 489 seats in the House of the People to be filled by election, 72 seats were reserved for candidates belonging to the Scheduled Castes, and 26 for candidates belonging

Statistics.

to the Scheduled Tribes. The North Bengal constituency is the only three-member Parliamentary constituency in which one seat each was reserved for the Scheduled Castes and the Scheduled Tribes. The remaining 71 seats were reserved for the Scheduled Castes in two-member constituencies. There was no single-member constituency reserved for the Scheduled Castes. Of the 26 seats reserved for the Scheduled Tribes, one was reserved in the three-member North Bengal Constituency while 10 seats were reserved in single-member constituencies and the remaining 15 in two-member constituencies. There were thus 314 single-member constituencies, 86 two-member constituencies, and one three-member constituency of the House of the People.

The total number of seats in the Legislative Assemblies of the States was 3,283. Out of these, 477 seats were reserved for the Scheduled Castes, and 192 for the Scheduled Tribes. The Nasik-Igatpuri constituency in Bombay was the only three-member Assembly constituency in which one seat each was reserved for the Scheduled Castes and the Scheduled Tribes. The Mainaguri constituency in West Bengal was the only single-member constituency reserved for the Scheduled Castes in the whole country. More single-member constituencies could not be reserved for the Scheduled Castes for the reason that the Scheduled Castes, unlike the Scheduled Tribes, are more or less evenly distributed over almost the entire area in each State and are nowhere else in a substantial majority. Unless the community in favour of which a reservation is made in a single-member constituency is in such majority, it is obviously unfair to the general population to reserve a seat for that community in such a constituency. The inevitable result, therefore, was that 475 out of 477 seats reserved for the Scheduled Castes were reserved in two-member constituencies. The Scheduled Tribes, on the other hand, are usually overwhelmingly concentrated in well-defined areas. Of the total of 192 seats reserved for the Scheduled Tribes in the various Assemblies, as many as 88 were accordingly reserved in single-member constituencies, and 103 in two-member constituencies and the remaining one in the Nasik-Igatpuri three-member constituency. In Assam, 17 single-member constituencies were reserved for the Scheduled Tribes in the autonomous districts. It would appear from the figures given below that an appreciable number of single-member

Assembly constituencies was also reserved for the Scheduled Tribes in the States of Bihar, Bombay, Madhya Pradesh, Orissa and Madhya Bharat:—

Name of State	Total No. of seats reserved for Scheduled Tribes.	Reservation in single-member constituencies.
Bihar	35	25
Bombay	29	9
Madhya Pradesh	27	11
Orissa	28	16
Madhya Bharat	12	9

In all, there were 2,124 single-member Assembly constituencies, 578 two-member constituencies, and one three-member constituency, in the State Legislative Assemblies.

The delimitation of constituencies made during 1951 was temporary in character and was effective only for the 1951-52 general elections and subsequent bye-elections to the Houses of Legislatures then constituted. According to the Constitution, constituencies have to be re-delimited after every census operation on the basis of the finally published population figures according to the census. The last census operations took place in 1951 and the population figures were finally published in 1953. For all general elections thereafter, the delimitation of constituencies made in 1951 would be out of date. In fact, general elections have since been held to the Legislative Assemblies of three States, viz., P.E.P.S.U., Travancore-Cochin and Andhra on the basis of a fresh delimitation of constituencies in these States.

The procedure followed for delimitation in 1951 did not work out smoothly or satisfactorily. Delimitation of constituencies involves a lengthy and meticulous examination of population figures and its distribution with reference to administrative units and of the relative concentration of the Scheduled Castes and the Scheduled Tribes in different areas. From a practical point of view, every effort has to be made in order to avoid unnecessary breaking up of the smaller administrative units. Many conflicting claims have to be adjusted and no section, interest or geographical area should be left with a sense of grievance if that can be reasonably

Working of
the pro-
cedure.

avoided. The legal position in 1951 was that the Delimitation Orders issued by the President were subject to amendments by Parliament and many of them were in fact materially amended as already mentioned. It cannot be reasonably expected that Parliament in the midst of its multifarious business and pre-occupations would be able to find the time for giving full and adequate consideration to such an intricate and contentious subject. Moreover, delimitation of constituencies is hardly a matter which can be adequately or satisfactorily decided by a majority of votes in a Legislature, where every member is likely, in some measure or other, to be personally interested in the question.

At the end of the general elections, therefore, the Election Commission recommended to Government that the future delimitation of constituencies should be made by an independent Commission more or less judicial in composition and that the decisions of such a Commission should be made final in law.

The new law of delimitation of constituencies.

The suggestions made by the Election Commission for revising the procedure for delimitation of constituencies were generally accepted and an Act called "The Delimitation Commission Act, 1952" (No. LXXXI of 1952), was passed by Parliament. Under that Act, the duty of re-adjusting the representation of the several territorial constituencies in the House of the People and of the several territorial constituencies in the Legislative Assembly of each State (other than Jammu and Kashmir), as also of delimiting the constituencies, has been entrusted to a Commission called the Delimitation Commission.

The Commission which has been appointed under this Act consists of three members, the Chairman being a retired Judge of the Supreme Court. The second member is the retired Chief Justice of a High Court. The Chief Election Commissioner, *ex-officio*, is the third member. The Commission is assisted by two to seven associate members from each State. These members are drawn from amongst members of the House of the People representing the State and of the State Legislative Assembly. In the case of Kutch, Manipur and Tripura, which have no Legislative Assembly, the two members of the House of the People representing each of these States were appointed associate members for that State. The associate members were appointed by the Speaker of the House of which they were members. In making these appointments,

due regard was paid by the Speakers to the composition of the House.

The decisions of the Commission are taken according to the views expressed by the members and in the case of a difference of opinion, the opinion of the majority prevails.

Readjustment and delimitation of constituencies are to be made by the Delimitation Commission according to the following procedure. The Commission first determines, on the basis of the latest census figures, the number of seats to be allotted to each of the States in the House of the People and the State Legislative Assembly. The Commission also determines the number of seats, if any, to be reserved for the Scheduled Castes and the Scheduled Tribes of the State, and then distributes the seats allotted to each of the States (other than Jammu and Kashmir) in the House of the People. The seats assigned to the Legislative Assembly of each Part 'A' State and of each Part 'B' State (other than Jammu and Kashmir) and the seats allotted to the Legislative Assemblies of certain Part 'C' States are then distributed amongst territorial constituencies which are delimited in accordance with the provisions of the Constitution and of section 3 of the Government of Part 'C' States Act, 1951, on the basis of the latest census figures. The following principles have been laid down in the Act for the delimitation of constituencies:—

1. All constituencies shall be either single-member constituencies or two-member constituencies.
2. The Commission may, however, if it finds necessary so to do, continue either or both of the existing three-member constituencies (namely, a House of the People constituency in West Bengal and a Legislative Assembly constituency in Bombay) whether with or without alterations in their boundaries. In any such three-member constituency, one seat would be reserved for the Scheduled Castes and another seat for the Scheduled Tribes.
3. Wherever practicable, seats may be reserved for the Scheduled Castes or for the Scheduled Tribes in single-member constituencies.

4. In every two-member constituency, one seat shall be reserved either for the Scheduled Castes or for the Scheduled Tribes, and the other seat shall not be so reserved.
5. Constituencies in which a seat is reserved either for the Scheduled Castes or for the Scheduled Tribes shall, as far as practicable, be located in areas in which the population of the Scheduled Castes or, as the case may be, of the Scheduled Tribes is most concentrated. In regard to the Scheduled Castes, however, care shall be taken to distribute the seats reserved for them in different areas of the State.
6. All constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.

The initial proposals of the Delimitation Commission are formulated after consultation with associate members. These proposals are published along with the dissenting proposals, if any, of the associate members. A date is also specified on or before which members of the public may make objections to or, suggestions in respect of, the proposals. All objections and suggestions made before that date are further considered by the Commission in one or more public sittings. Thereafter the Commission's final delimitation orders are published in the Gazette of India and become final on such publication. They cannot be called in question in any court. It has, however, been made permissible to amend a final order of the Delimitation Commission at any time within six months from the date of its publication in the Gazette, if any clerical or arithmetical mistake is found in the order, or if an error has arisen from an accidental slip or omission. Such mistakes, slips or omissions can be corrected by the Chief Election Commissioner by order made with the previous approval of the other members of the Delimitation Commission or of such of them as may be available.

CHAPTER VII

PREPARATION AND PUBLICATION OF ELECTORAL ROLLS.

In July, 1947, the Constituent Assembly decided that elections to the lower Houses of the Union Parliament and of the Provincial Legislatures should be on the basis of adult suffrage and that all elections to the Central and Provincial Legislatures should be held on the basis of joint electorates. In order that the minority communities might not feel apprehensive about the effect of a system of unrestricted joint electorates on the quantum of their representation in the Legislatures, it was originally contemplated that, as a general rule, seats for Muslims, Scheduled Castes and Christians (in the Central Legislature and in the Provincial Legislatures of Madras and Bombay) would be reserved on the basis of their population. Preliminary steps.

The Constituent Assembly accordingly initiated the preparation of composite electoral rolls on the basis of adult franchise. The Provincial and State Governments were requested, as early as November, 1947, to examine the question in detail and to formulate plans for the preparation of electoral rolls. The necessity of preparing the rolls as expeditiously as possible was emphasised so that elections to the future Central and State Legislatures might be completed soon after the coming into force of the Constitution.

Some detailed instructions were also issued regarding the manner and procedure to be followed for preparing the draft electoral rolls. The draft rolls were to be prepared in respect of each village or other suitable unit. Registration of voters was required to be done after a house-to-house enquiry and the enumeration was to proceed on the basis of house numbers assigned at the 1941 Census—new premises being given supplementary numbers. The name of every person who (i) would be a citizen of India, (ii) would be over 21 years of age on the 1st January, 1949, and (iii) would have resided in the village or other unit for not less than 180 days in the year ending on the 31st March, 1948, was to be included in the electoral roll. If a per-

son was temporarily absent from the place of his usual residence, such absence would not stand in the way of his being considered a resident of that place so long as he was at liberty to return to the place at any time. This concession would not, however, apply to a person held in a jail nor would such a person be deemed, during the period spent in the jail, to be resident in the place where the jail was situated.

The electoral rolls were to include particulars regarding (i) the name of the elector, (ii) the name of his father or mother, and in the case of a married woman, the name of her husband, (iii) his house number and address, (iv) his sex, (v) his age and (vi) whether he was a Muslim or a Christian or belonged to any of the Scheduled Castes or the Scheduled Tribes. As elections were to be held on the basis of joint electorates, it was not really necessary to include in the electoral roll any information regarding the religion or the caste of the voter. In order, however, to help the Returning Officer to decide whether a particular voter would be eligible to contest a seat reserved for a Muslim, a Christian or a person belonging to the Scheduled Castes or to the Scheduled Tribes, as the case may be, it was considered desirable that the electoral rolls should mention whether a voter on the roll was a Muslim, a Christian, or a person belonging to one of the Scheduled Castes or the Scheduled Tribes. The State Governments were accordingly asked to include in the electoral rolls a column for this purpose. In May, 1949, however, the Constituent Assembly reversed its original decision in favour of the reservation of seats for Muslims and Christians. About the same time, the Diwakar Committee set up by the Constituent Assembly recommended that no person should be required to furnish information relating to his religion or caste in any public document. The question of including a column for religion or caste in the electoral rolls was, therefore, reconsidered in the light of these decisions. As the information included in the electoral rolls regarding the caste of a voter could not in any case be taken by itself as sufficient or dependable evidence of the voter's right to stand for election to a reserved seat and as the proposal to reserve seats in the Legislatures for Muslims and Christians had been abandoned, the State Governments were directed to delete this column from the electoral rolls. All the States did not readily accept this direction.

In fact, Madras strongly opposed it and, in the first electoral rolls prepared under the Constitution, retained this column. The main argument advanced in support of this was that inclusion in the electoral rolls of information as to the religion and caste of a voter would be very helpful in identifying him at the time of poll. In accordance with the directions of the Election Commission, however, this column was ultimately deleted when the rolls were next revised.

Although the preparation of electoral rolls was going on, the Constituent Assembly had not precisely defined as to who was a citizen of India. This lacuna created difficulties in regard to the registration of the large number of persons who had migrated into India on account of disturbances, or fear of disturbances, in their former places of residence in Pakistan. The Constituent Assembly eventually decided that the name of every such person should be entered in the electoral roll for any place in India on a mere declaration by him of his intention to reside permanently in that place whatever the actual period of his residence there might be. The intention was that such entries would be revised, if necessary, in accordance with the provisions of the electoral law after its enactment.

Displaced persons.

The first part of the electoral law—the Representation of the People Act, 1950,—covering *inter alia* the qualifications of the voters and the preparation of electoral rolls was enacted in April, 1950. As already mentioned in Chapter IV, this measure materially altered the basis on which the draft electoral rolls had been prepared during the preceding two years and a half. The qualifying date with reference to which the age of an elector was to be ascertained was changed from the 1st January, 1949, to the 1st March, 1950 and the qualifying period during which an elector was to be ordinarily resident in a constituency for not less than 180 days was changed to the period from the 1st April, 1947, to the 31st December, 1949, instead of the period originally intended, namely, the 1st April, 1947, to the 31st March, 1948. The Act also provided that a person was to be considered to be ordinarily resident in a constituency if he merely owned or possessed a dwelling house in that constituency even though he did not physically reside there for any period. These basic changes made the draft electoral rolls prepared in the various States largely inaccurate and out of date and a

The Law.

vast amount of fresh effort was called for in order to make the draft electoral rolls up to date in conformity with the provisions of the law.

**Supplemen-
tray electoral
rolls.**

A large body of persons had become eligible for registration as voters as a result of these changes, either because they had attained the age of 21 years between the 1st January, 1949, and the 1st March, 1950, or because they satisfied the more liberal provisions regarding residential qualification which were made in the 1950 Act. The Commission accordingly directed the State Governments to have supplementary rolls prepared for these categories of voters. The opportunity was taken during the preparation of the supplementary rolls also to include therein the names of persons who were even previously eligible for inclusion in the draft rolls but whose names had been omitted therefrom through inadvertence or mistake. The attention of the State Governments was also invited to the provisions in the law for the registration of electors who were members of the Armed Forces or persons holding certain offices under Government, and it was directed that the names of these categories of electors should be printed in a separate part of the electoral roll of each constituency, in order to facilitate the system of postal voting which was prescribed for them. In order to elicit full public co-operation in the preparation of the supplementary lists, the Commission directed, on the 16th May, 1950, that the relevant parts of the original electoral rolls should be informally made available for inspection to the public at numerous centres, e.g., the district headquarters, sub-divisional headquarters, thanas, tehsils, village or union centres. This was publicised in the press and the public were appealed to for co-operation. This informal publication proved very useful and numerous mistakes and omissions in the electoral rolls were made good informally under this procedure.

**Preliminary
publication
of electoral
rolls accord-
ing to
administra-
tive units.**

The 1950 Act also made provision for the delimitation of constituencies. This work, however, took a long time to complete and the constituencies for the Legislative Assemblies and the House of the People had not taken shape by the time the revised electoral rolls were ready for formal preliminary publication. Normally, electoral rolls are published constituency-wise but this was not feasible in the absence of constituencies. Any delay in the formal publication of electoral rolls

would have resulted in a corresponding delay in holding the elections. Accordingly, the Representation of the People Act, 1950, and the rules made thereunder, were suitably amended so as to allow preliminary publication of the electoral rolls according to administrative units, and not constituency-wise.

This amendment was effected by the Representation of the People (Amendment) Ordinance, 1950, which was promulgated on the 17th October, 1950. Section 22A inserted into the Act by this Ordinance provided for the preparation of the electoral rolls in relation to such areas or 'electoral units' in each State as the Election Commission might, in consultation with the Government of the State, direct. Provision was also made for the preliminary publication of the electoral rolls in such manner, and at such places, as might be prescribed, by reference to the electoral units for which the rolls were prepared. Some other sections of the Act were also suitably amended in order to give effect to the provisions of the new section 22A. The provisions of the amending ordinance were subsequently enacted by the Representation of the People (Amendment) Act, 1950 (No. LXXIII of 1950), which became law on the 23rd December, 1950. This amendment proved very helpful and materially expedited the holding of the elections. While the delimitation of constituencies was proceeding on the one hand, the publication and revision of the electoral rolls progressed simultaneously on the other, so that by the time the constituencies were delimited, the preliminary electoral rolls had been published in all States and claims and objections relating to them had been disposed of.

Electoral
units.

The Commission directed all State Governments to take steps for the preliminary publication of the electoral rolls by the first week of November, 1950, for inviting claims and objections. One complete set of the electoral rolls of each district was required to be published at the district headquarters, another set in relevant parts at the sub-divisional offices, and a third set in separate relevant parts in the revenue circles or tehsil offices, local board offices, Police stations or village panchayats, etc. For the convenience of the public, the Commission directed informal publication of a fourth set of rolls, village by village, in every village.

Method of
publication
of electoral
rolls.

Programme
of publica-
tion.

The following programme was fixed for the preliminary publication of the electoral rolls:—

Printing of supplementary lists	15th October, 1950.
Preliminary publication of rolls	31st October, 1950.
Claims and objections to be filed upto	21st November, 1950.

When the Government decided to postpone the general elections until November-December, 1951, the Election Commission took steps to ensure that the longer time available as a result of this postponement was utilised for making the rolls satisfactory in all respects. The Commission decided that in the States where the electoral rolls had already been preliminarily published, either in part or whole, the time for filing claims and objections should be extended up to the 23rd December, 1950. This date was further extended in all States from time to time so as to give the maximum opportunity to the public to scrutinise the rolls and file claims and objections. At the same time, those States which were behind schedule were requested to expedite the preliminary publication of the rolls. By November, 1950, the electoral rolls had been preliminarily published in all Part 'A' States except West Bengal, Punjab, Bihar and Orissa. In West Bengal, the rolls were published between the 22nd December, 1950, and the 6th January, 1951. In Punjab, it became necessary to re-check the entries in the rolls prior to preliminary publication so as to eliminate large numbers of obviously duplicate entries therein in respect of displaced persons who had moved from one place to another and been registered in more places than one. Bihar, Orissa and Punjab were the last States to publish electoral rolls preliminarily on the 31st March, 1951.

Final publi-
cation of
electoral
rolls.

The claims and objections which were filed after the preliminary publication of the electoral rolls were disposed of in the different States during the period from the 31st October, 1950, to the 2nd October, 1951. Thereafter, lists of addenda and corrigenda to the preliminarily published electoral rolls, prepared in the light of the decisions given by the Revising Authorities, were printed. In the meantime, the constituencies had been delimited and it was possible to make the electoral rolls final and publish them constituency-wise, as required by law. The various orders delimiting the constituencies were issued in

August, 1951 and the Commission directed the immediate final publication of the rolls. The following preliminary steps were taken before such final publication:—

- (1) appointment of Electoral Registration Officers for each Parliamentary and Assembly constituency;
- (2) collation of the rolls constituency-wise;
- (3) printing of addenda and corrigenda;
- (4) printing of title pages; and
- (5) selection of centres for final publication.

The Commission decided that the electoral rolls of each constituency should be finally published at the headquarters of the Electoral Registration Officer of the constituency by displaying them at a conspicuous place in his office. In several States the boundaries of constituencies as finally delimited were materially different from those proposed by the Commission. The work of collation of the rolls, therefore, required considerable labour and time and, in spite of the utmost efforts, it was not possible to publish any of the rolls finally before the first week of September, 1951. No uniform date was fixed for publication and the rolls were published as and when ready. The last rolls were published on the 15th November, 1951.

The electoral rolls are published in draft to afford opportunity to every person who is entitled to be registered as an elector but whose name has been left out to have his name registered by making a claim for such inclusion. It also gives an opportunity to every elector in the constituency to oppose the inclusion in the electoral roll of the constituency of the name of a person who is not entitled to be so included. A period of 21 days after such publication is allowed by law for the filing of claims and objections. It is, however, a common experience that the ordinary voter is very apathetic at that stage, with the elections still far off, and that he takes very little advantage of this opportunity unless political parties and their workers take active interest and persuade him to file a claim for the inclusion of his name in the roll. Adult suffrage being new to the country, the Commission liberally extended the period for the filing of claims and objections in every State. Considering the size of the State, the number of claims presented in Assam (1,02,339) was

Claims and
objections.

quite considerable. The maximum number of claims and objections (7,65,521 claims and 3,44,227 objections) were filed in Uttar Pradesh. Altogether, a total of 16,58,428 claims and 7,31,750 objections were filed throughout the country, of which 13,93,526 claims and 7,12,802 objections were allowed.

Claims and objections by Electoral Registration Officers.

The Representation of the People (Preparation of Electoral Rolls) Rules, 1950, empowered the Electoral Registration Officers to file applications before the appropriate Revising Authorities for the inclusion in, or the exclusion from, the electoral rolls of the names of persons belonging to certain categories, namely the Armed Forces of the Union, persons holding any office in India declared by the President to be an office the holder of which would be entitled to such inclusion, persons employed under the Government of India in a post outside India, the wife of any of the aforesaid persons, or a person who was a citizen of India and had migrated from the territory of Pakistan into the territory of India before the 25th July, 1949, on account of disturbances or fear of disturbances in his former place of residence. The rule also permitted the Electoral Registration Officers to make similar applications with the permission of the Election Commission in respect of the names of any other persons not belonging to any of these categories. The intention was that when an electoral roll was materially incomplete or defective through the laches of the official machinery and a large number of voters was involved, the officials themselves should take the initiative in order to improve the rolls. On the 22nd November, 1950, the Election Commission invited the attention of the Chief Electoral Officers of the States to this provision in the rules and suggested that in a constituency where a large-scale omission of names of voters from the electoral rolls had come to notice, the Electoral Registration Officer should himself file applications for their inclusion. The Electoral Registration Officers made use of this provision wherever it was called for.

Enrolment of voters satisfactory.

The total number of voters enrolled in the whole of India (excluding Jammu & Kashmir) was 17,32,13,635. Of these, approximately 45 per cent were women voters. The total population of India (excluding Jammu & Kashmir) according to the 1951 census was 35,66,91,760. As much as 49 per cent of the total population was thus enrolled as voters. The census figures of 1951 reveal that the percentage of adults (i.e. persons over 21 years of age) is:

50.55 of the total population. Out of a total adult population of 18,03,07,684, therefore, the electoral rolls included 17,32,13,635. Only 70,34,839 adults, some of whom must have lacked the necessary qualifications, were left out of the rolls. In the light of these figures, it must be conceded that the enrolment of voters was reasonably satisfactory.

In view of the chequered history of the preparation of the rolls between 1948 and 1951, it is not surprising that the final electoral rolls were not always as accurate and satisfactory as might have been desired. The names of quite a large number of eligible electors could not be brought on the rolls in spite of all efforts. The reasons were (i) ignorance and apathy on the part of the common voter, (ii) lack of adequate organisation and experience in so far as the political parties were concerned and (iii) inexperience and defective organisation of the governmental machinery in some of the States. It may be mentioned that even in an advanced country like the United Kingdom, with centuries of experience of democratic elections, the governmental machinery takes very little active part in making the electoral rolls upto date during revisions and the bulk of this burden falls on the political parties. It may be expected that in India also the political parties will, in their own interests, take much greater interest in this important work and actively co-operate with the election officials in making the rolls as nearly perfect as they can reasonably be made. It will be recalled that in the early stages of the preparation of electoral rolls, there was no electoral law in existence and the work proceeded on presumptions some of which were upset when the law took shape. Not until March, 1950, was there any whole-time central directing or supervisory authority. When the law came into operation, a full scale revision of the draft rolls had to be ordered by the Election Commission. Because of the imperative necessity felt for holding the elections as early as practicable, the work of revision of the rolls had to be hurried through. All this made it difficult to attain such accuracy and method in the work as could have been wished for. The result was that the rolls were not entirely satisfactory. A rough idea of the defective character of the rolls may be had from the fact that after the final publication of the rolls, the Election Commission allowed as many as 732 applications for inclusion of names in the rolls, mostly from intending candidates at the general elections, although each

Quality of
the electoral
rolls.

of them had to pay a fee of Rs. 50 along with his application. If so many omissions could take place even amongst prominent citizens who aspired to contest the elections, it may be easily imagined that omissions amongst the common people must have been on a more extensive scale.

Enrolment
of displaced
persons.

A serious problem arose in respect of the displaced persons in West Bengal, Punjab, Delhi and, to some extent, in Assam. There was a large influx of migrants from Pakistan into these States during 1947—1951 and these constituted a considerable floating population. It proved a very difficult task to register as voters such of them as were eligible for registration under the law.

Delhi.

At the time of the preparation of the electoral rolls in the year 1950, the State of Delhi had a large population of displaced persons, mostly residing in temporary stalls and huts. By September 1951, some of them had shifted elsewhere within the State, to newly built townships and colonies. Their enrolment at their new places of residence before the general elections was not possible as they had not acquired the necessary residential qualification there. Moreover, the electoral rolls for the Parliamentary constituencies from which the electoral rolls for the Assembly constituencies are abstracted in Part 'C' States, had already been finally published in the State by then. Another difficulty for these voters was that they were not entitled to cast their votes at the polling stations which were set up in the localities to which they had shifted, inasmuch as the localities where they had been originally resident and where they had been actually enrolled formed part of other constituencies. The Delhi Transport authorities, however, ran a few special buses on the date of poll and that partially solved the difficulty. A majority of such persons were, as a result, able to exercise their right of vote.

West Bengal.

In West Bengal, there was some discontent amongst the displaced persons who found themselves ineligible for supplementary enrolment as voters by reason of their having migrated from the territory of Pakistan into the territory of India after the 25th July, 1949, when it was too late for them to obtain Indian citizenship under article 6 of the Constitution. Nevertheless, a large number

of other displaced persons who were eligible, were enrolled.

As a result of the partition of the Punjab, nearly two million displaced persons moved from West Punjab into East Punjab. The Constituent Assembly decided that the names of these persons might be included in the electoral rolls on the strength of their oral declarations, and that a distinguishing mark might be placed against their names in order that it might be possible to check their citizenship with reference to the requirements of the Constitution after it had been adopted. Consequently, the third letter of the Urdu alphabet was placed against the names of the displaced persons in the draft electoral rolls, to distinguish them from other voters. According to article 6 of the Constitution all displaced persons migrating on or after the 19th July, 1948, or those to whom the proviso to article 7 of the Constitution applied, were required to register themselves as Indian citizens before the commencement of the Constitution. While a majority of the refugees had entered India from West Pakistan before the 19th of July, 1948, and had thus automatically become citizens of India, there were others who had entered India later, and had not acquired Indian citizenship. They could not, therefore, be enrolled as voters until they had acquired such citizenship. All such persons were invited by public notice to apply for Indian citizenship. In all, certificates of citizenship were issued to 8,051 such persons and they were, thereafter, enrolled as voters.

Difficulty was also experienced in Punjab in the preparation of the supplementary electoral rolls in the year 1950 on account of the movement of displaced persons from their original places of residence at the time of enrolment (where they had already been registered as voters) to other places as a result of the quasi-permanent allotment of land and houses to them in the latter places. In spite of these difficulties, nearly 11,00,000 voters were registered in the supplementary electoral rolls of Punjab.

Representations were made to the Commission from Punjab that the names of a large number of displaced persons had been entered twice as a result of their having moved from one place to another. Taking advantage of the postponement of the elections referred to in page 26, the

Commission took steps to have such duplicate entries checked and corrected and to bring the electoral rolls in conformity, as truly as possible, with the actual state of affairs. Double entries were scored out after enquiry and 82,497 such entries were actually deleted from the rolls. The names of 1,34,815 other persons were also deleted either because they were dead or had themselves applied for the exclusion of their names from the rolls of particular constituencies where they had been originally enrolled.

Women voters.

It came to the notice of the Election Commission during the preparation of the electoral rolls that a large number of women voters had been enrolled in some States not by their own names but by the description of the relationship they bore to their male relations (e.g. A's mother, B's wife etc.). The reason for this was that according to local custom, women in these areas were averse to disclosing their proper names to strangers. As soon as the matter came to the notice of the Election Commission, instructions were issued that the name of an elector being an essential part of his or her identity, must be included in the electoral rolls and that no elector should be enrolled unless sufficient particulars, including the name, were given. The Electoral Registration Officers were, therefore, instructed to substitute the women voters' proper names for their description in such cases. Directions were also issued to the effect that any woman who refused to give her proper name should not be registered as a voter and if she had already been registered without the name, the entry should be deleted. The Electoral Registration Officers were also instructed to avail of the provisions of the law, wherever possible, for taking the initiative themselves and making application for the substitution of the proper names of women voters if they had been enrolled by description only. The voters were also requested by public appeals to give the necessary particulars to the Electoral Registration Officers. A special extension of one month was given in Bihar for filing such applications so that the number of women voters whose names were liable to be struck off the rolls for this reason might be reduced. This extension was made good use of and the rolls were considerably improved in that State. Although such an extension was given in Rajasthan as well, the response there was poor and a large number of entries relating to women voters had to be deleted for this defect.

The unfortunate result of all this was that many women voters had their names struck off and could not vote at the general elections as their names were not on the electoral rolls. Out of a total of nearly 80 million women voters in the country, nearly 2.8 million eventually failed to disclose their proper names, and the entries relating to them had to be deleted from the rolls. Practically all such cases were from the States of Bihar, Uttar Pradesh, Madhya Bharat, Rajasthan and Vindhya Pradesh. The general elections have demonstrated the value of the vote and it is expected that the women voters and the women's organisations will co-operate more effectively with the Registration Officers and that no difficulty in the enumeration of women voters will be experienced in future. Recent reports indicate that no difficulty is being experienced in any State in enrolling women voters by their proper names.

The first electoral rolls relating to Madras were preliminarily published during November-December, 1950, except that the rolls relating to the West Coast Islands, namely, the Laccadive and Minicoy Islands of Malabar District and the Amindivi Island of South Kanara District, could not be published at that time as the transshipment of the rolls by sea to the islands could not be arranged. These islands lie out in the sea 123 to 240 miles away from the mainland and form part of the Chevayur Assembly and Kozhikode Parliamentary constituencies. Island vessels are not provided with auxiliary power and so could not be utilised on account of the prevailing cyclones. Attempts were therefore made to secure a more powerful vessel for the purpose. The State Government arranged to charter a private vessel at considerable cost which made two attempts to reach the islands, but on account of severe and unfavourable weather even these attempts failed. Ultimately, on the 19th March, 1951, the preliminary electoral rolls of these islands had to be published on the mainland in the offices of the respective Electoral Registration Officers *viz.*, the Tahsildar, Kozhikode, and the Tahsildar, Mangalore. As the rolls could not be transhipped for publication in the Islands, the Commission extended the period for the filing of claims and objections up to the 9th May, 1951, and attempts were again made in vain to charter a bigger vessel and even a naval vessel to take the rolls to the Islands. In the face of these difficulties, the Commission had to decide that the preliminary publication of the rolls of the Islands made in the offices of the Electoral

Difficulties
in particular
cases—Lac-
cadive,
Minicoy and
Amindivi
islands in
Madras.

Registration Officers concerned on the 19th March, 1951, was sufficient compliance with the provisions of the law relating to the publication of draft electoral rolls.

One defect, however, remained in these rolls. The rolls had been prepared with reference to the 1st January, 1949, as the qualifying date, and the year ended 31st March, 1948, as the qualifying period. According to the provisions of the Representation of the People Act, 1950, however, the qualifying date and the qualifying period for the purpose of preparation of the electoral rolls were the 1st March, 1950, and the period beginning on the 1st April, 1947, and ending on the 31st December, 1949, respectively. The rolls had not been revised so as to give effect to these provisions. The possibility of rectifying this defect by ordering a revision under section 25(a) of the Representation of the People Act, 1950, was examined, but the idea had finally to be given up as impracticable, as it was not found possible to obtain a vessel to tranship the rolls, in time, for necessary action under section 25(a). The Parliamentary roll was, therefore, published finally in the office of the Electoral Registration Officer on the 10th October, 1951 and the Assembly roll on the 4th October, 1951, without any further revision. Copies of the electoral rolls were of course sent to the Islands well in time for the elections.

Part played
by parties.

The physical work of preparing the electoral rolls was stupendous by itself. Added to it were difficulties caused by the inexperience and apathy of eligible voters. The whole work was done by Governmental machinery and there was little support or help from any other quarter. The political parties played very little active part in the preparation of the rolls although they could have rendered substantial help in this task. Only some displaced persons' associations pointed out defects in the enumeration of such persons as voters, and took advantage of the special facilities provided for their enrolment with the result that a large number of them were enrolled. If similar interest had been taken by the political parties, the electoral rolls would have been far more satisfactory. The Commission expects, however, that the political parties will have built up the necessary organisation well before the next general elections and that the registration authorities will be receiving more and more help and co-operation from them in the revision of electoral rolls.

Originally, the Commission suggested to each State that 200 copies of the electoral rolls might be printed. The number was, however, varied at the request of some of the State Governments who used the same rolls for elections to their Local Bodies. The estimated requirement of paper for the printing of the rolls was so considerable that the Government of India had to make special arrangements for its supply in time for printing. In all, 3,84,215 reams of paper were used for the printing of the rolls including supplementary rolls and the lists of additions and corrections.

Printing
of electoral
rolls.

The volume of the printing work was also very considerable and in order to conform to the programme fixed for the elections the State Governments had to distribute the work amongst a large number of private and government presses. Comparatively high charges had to be paid for printing on account of the shortness of the period within which the work was required to be completed.

As the boundaries and extent of the constituencies had not been settled at the time when the printing of rolls commenced, the presses were required to print the rolls separately for each village or town. After the constituencies had been finally delimited, a good deal of detailed and careful work had to be done to collate the rolls, printed unit-wise, into sets of electoral rolls, constituency-wise. Some idea of the magnitude of the work can be formed from the fact that 16,523 clerks were employed for the purpose all over the country over a period of nearly 6 months.

Collation
of the
rolls.

Section 23 of the Representation of the People Act, 1950, requires that the electoral rolls for each constituency shall be "prepared" every year in the prescribed manner by reference to the qualifying date. In order that the defective rolls prepared for the last general elections may be thoroughly revised in course of such annual revisions, or, rather, preparation, the Election Commission took the earliest opportunity after the completion of the general elections to issue detailed instructions calculated to ensure that the electoral rolls for the next general elections were full and accurate. According to these instructions, each State Government is required to revise intensively every part of the electoral rolls in the State at least once during the period of five years following the general elections. By intensive revision is meant revision by means

Annual
revision
of elec-
toral rolls.

of personal house-to-house enquiry in the field. The work has been so planned that, generally speaking, during each annual revision of electoral rolls, one-fifth of the area of each State is covered by such intensive revision, in turn, while in respect of the rest of the State, there is no house-to-house enquiry but the revision is of a routine nature, which means that it proceeds on the basis of the existing rolls with such amendments as may be worked out by the registration authorities by reference to the National Register of Citizens, the records of deaths, and any decisions on claims and objections which may be filed. For urban areas, areas having a floating labour population and areas to and from which a large migration of the population is known to have taken place, as also for those parts of the rolls which relate to electors who are entitled to vote by post, intensive revision has been directed to be made every year so as to keep the rolls up to date. Special instructions have also been issued for bringing back to the rolls women voters whose names had to be deleted from the rolls in 1951 for want of their proper names. It is expected that these steps will make full and accurate electoral rolls available by the time the country goes to the polls for the second general elections.

Suggestions.

The need has been felt on occasions for giving wider discretionary powers to the Commission to adopt a simpler and quicker procedure for revision of electoral rolls. For instance, if the Election Commission had the power to direct the summary revision of the electoral roll for the local authorities' council constituencies, the biennial elections to the Legislative Councils in 1954 could have been held on more satisfactory electoral rolls. As it happened, through the carelessness of the registration officers, or otherwise, persons who had long ago ceased to be members of the local authorities still had their names on the electoral rolls and participated in those elections, while newly elected members to these bodies had no vote according to the requirements of the present law with regard to the "qualifying date". A suitable amendment of the law is desirable so that such an awkward contingency may be avoided.

The law relating to the inclusion of names of electors in the electoral rolls has already been made simpler and the powers that were originally confined to the Commission itself have now been decentralised and given instead

to Chief Electoral Officers and Electoral Registration Officers who may include names of eligible voters in the electoral rolls after necessary enquiry.

Another obvious simplification in the law would be to do away with the necessity of having separate electoral rolls for Assembly and Parliamentary constituencies. It may be provided that the electoral roll of a Parliamentary constituency will, in all cases, consist of the electoral rolls of all the Assembly constituencies or Council of States constituencies, as the case may be, or parts of such constituencies, which are geographically comprised within the limits of the Parliamentary constituency.

A more technical question for consideration is whether it is at all necessary to "prepare" an electoral roll every year. It would be sufficient if the electoral roll is required to be 'revised' every year, the roll remaining valid until it has been next revised.

CHAPTER VIII

AMENDMENT OF FINALLY PUBLISHED ELECTORAL ROLLS

Applications
for inclusion
in the rolls.

Rule 20(2) of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, as it stood at the time of the general elections, empowered the Election Commission to direct the amendment of the finally published electoral rolls by inclusion therein of the names of such eligible voters as might apply for enrolment. On the eve of the general elections, a large number of prospective candidates discovered that their names had not been enrolled and that as a result they were not qualified under the law to be candidates. Accordingly, they made applications to the Election Commission for enrolment. Most of these applications were received at a very late stage. Before any such application could be disposed of by the Commission it was necessary to hold an enquiry into the eligibility of the applicant for enrolment as a voter. In view of the fact that even a favourable order passed by the Commission after the expiry of the last date for the filing of nomination papers would be of no help to such prospective candidate, the Commission evolved a speedy procedure for dealing with such applications. According to this, the applicant was required to send a copy of his application for enrolment simultaneously to the Chief Electoral Officer of the State who would immediately make all necessary enquiries and report to the Commission as early as possible on the merits of the application along with his opinion as to whether the applicant was eligible to be a voter or not. If the Commission's order including the name of a candidate was passed on or before the last date for the filing of nominations, the Returning Officers were directed not to reject his nomination paper on the ground that he was not a duly enrolled voter.

The special facilities extended by the Commission for prompt enrolment of names under rule 20(2) proved very helpful to candidates whose names had not been included in the finally published rolls. The first application for inclusion of a name was received on the 8th September, 1951, and the last on the 21st February, 1952. During this period, the Commission received as many as 778 applications. After enquiry, the names of 732 applicants were

ordered to be included in the rolls, while 46 applications were rejected. It is interesting to note that out of the persons thus enrolled as voters, as many as 87 came out successful at the elections, 70 of them having been elected members of the State Legislatures and 17 of Parliament.

In order that defective electoral rolls may, whenever necessary, be revised or corrected, apart from routine annual revisions, power has been given to the Election Commission under section 25(a) of the Representation of the People Act, 1950, to direct at any time the revision of the finally published rolls for a constituency, or a part of a constituency.

Extraordi-
nary revision
of rolls.

Serious defects came to light in respect of some parts of the electoral rolls prepared in the States of Madhya Pradesh, Bihar, Bombay, Uttar Pradesh and Rajasthan. In Madhya Pradesh, the voters of two entire villages had not been enrolled at all. In Bihar, no roll had been prepared for five villages in the Sadar Sub-division of the Palamau district and in Bombay, the names of approximately 3,000 persons had not been included in the rolls of the Pimpri Camp. Similarly, in Rajasthan and Uttar Pradesh several villages had been left out completely. Although the Commission was anxious to rectify these defects even before the final publication of the rolls, this was not possible, as the powers vested in the Commission by virtue of section 25(a) could not be invoked before the final publication of the rolls. No action could, therefore, be taken until after the rolls had been finally published. The delay in delimiting the constituencies led necessarily to delay in the final publication of the rolls and eventually, when the rolls were finally published, there was no sufficient time left for completing the revision of the rolls of these areas in time for the general elections. Under the procedure prescribed by the Rules, a revision of rolls requires a minimum of about two months. In order that the all-India programme for the general elections might not be upset, the Commission had to decide that the revision of these defective electoral rolls should not be undertaken.

While the above instances demonstrate that it is necessary for the Commission to have the power of ordering the revision of rolls wherever necessary, such power would prove virtually ineffective unless a more speedy and summary procedure is made available. The law should therefore be suitably amended in this respect.

Suggestion.

CHAPTER IX

SYMBOLS

Genesis of
the system.

Normally, a ballot paper has the names of the contesting candidates printed on it and the voter records his preference for the candidate of his choice by placing a mark against the name of such candidate. The percentage of literacy in India being in the neighbourhood of 16.6 only, it would have been impossible for the vast majority of the voters who are illiterate to mark their votes on ballot papers with the names of the contesting candidates printed on them. Of course, provision could have been made in the law requiring the polling officers to help illiterate voters in recording their votes on such ballot papers. But this would have meant the virtual abandonment of the vitally important principle of the secret ballot. A system had therefore to be devised which was suitable to Indian conditions and under which even illiterate voters could intelligently cast their votes in secret in favour of the candidates of their choice. The easiest method appeared to be to assign a separate ballot box for each candidate and to place a different mark on each such box so that the distinctive features of such marks might help a voter in distinguishing between the boxes of the different candidates and in casting his vote correctly by dropping his ballot paper inside the ballot box assigned to the candidate of his choice, the ballot paper being a mere token not requiring any marking by the voter. The choice lay between having each ballot box painted in a different colour or marked with a distinguishing symbol pasted on it. Both these systems had been tried more or less successfully in the past in different parts of India. It was, however, apprehended that the number of candidates standing for election would be quite large in many constituencies in view of the large number of parties claiming to have the status of national or all-India parties. It was, therefore, felt that mere painting of the ballot boxes with different colours would not be satisfactory or workable inasmuch as too many colours would have to be used and would confuse the voters. This apprehension proved justified by the facts during the elections. To cite one instance,

there were as many as 14 validly nominated candidates for election from the Mylapore constituency of the Madras Legislative Assembly. If the ballot boxes had to be painted in different colours, 14 different colours would necessarily have had to be used and most of the voters would have found it difficult, if not impossible, to distinguish the different colours or even combinations of colours.

The Commission accordingly decided in favour of the 'symbol system'. Under this system, ballot boxes, each bearing the distinctive symbol of a candidate, are placed in the polling compartment. It is not necessary for a voter, whether literate or illiterate, to make any mark on the ballot paper; he has merely to place it in the box marked with the symbol of the candidate of his choice.

The Commission decided that the symbols should be familiar to, and easily recognizable by, illiterate and ignorant voters and readily distinguishable by them from each other and that no object having any religious or sentimental associations, e.g., a cow, a temple, the National Flag, a spinning wheel and the like, should find a place in the list of approved symbols.

The Commission requested each State Government to discuss with all the organized political parties in the State the "symbol system" and its working, and report the result to the Commission so that a convenient method of working the system might be decided upon and the largest common measure of agreement in the choice of symbols by different parties, might be arrived at. One of the initial difficulties felt by the Commission was the lack of materials and data which would enable it to decide reasonably satisfactorily on the claims of the numerous political parties to be recognised either as all-India (or "national") parties or as "state" parties. As many as 29 parties asked for recognition as national parties and many more claimed recognition as state parties. In the end, the Commission asked some of the minor parties to justify their claim and on the basis of their replies, had to arrive at *ad hoc* decisions in the matter.

Recognition of parties for the purpose of reserving symbols.

On the 30th July, 1951, the Commission held a conference with representatives of the main political parties in New Delhi. The Chief Election Commissioner presided

All-parties' Conference.

over the conference. Only well-established political parties organised on an all-India basis were called to this conference and a scheme for allotting a distinctive symbol to the candidates of each party all over India was discussed. The conference was attended by representatives of the following parties:—

1. The Indian National Congress,
2. The All India Forward Bloc (Ruikar Group),
3. The All India Forward Bloc (Marxist Group),
4. The Akhil Bharatiya Hindu Mahasabha,
5. The Kisan Mazdoor Praja Party,
6. The Akhil Bharatiya Ram Rajya Parishad, and,
7. The Socialist Party.

The All India Scheduled Castes' Federation which had also been invited did not send any representative to attend the conference, but communicated its preference in regard to the symbols.

The agreed scheme.

A scheme had been prepared and circulated to the parties in advance. During the discussions, there was general agreement amongst the parties on the following principles:—

- (1) The same symbol would be used throughout India for all the candidates of a party, both for Assembly and Parliamentary elections.
- (2) No separate symbol was necessary for a party's candidates contesting reserved seats. The party's symbol would be allotted to its candidates belonging to the Scheduled Castes and the Scheduled Tribes as well, but an additional mark, e.g. a thick circle, would be printed round the party's symbol in order to distinguish the ballot boxes of such candidates from the ballot boxes of its other candidates. In three-member constituencies, a second and larger concentric circle would be printed round the symbol for distinguishing the third candidate of the party.
- (3) The name of each candidate would, in addition, be written in bold hand on the label bearing his symbol on the ballot box allotted to him in a polling station.

(4) In order that the names of the official candidates sponsored by a party might be ascertained authoritatively, each party would inform the Chief Electoral Officer of every State of the name or names of the person or persons who were authorized by the party to convey its ultimate decision regarding the adoption of candidates. Specimen signatures of the person or persons so authorised would be sent to the Chief Electoral Officer of each State along with the intimation of the authority delegated to them. When a party withdrew any of its candidates from the contest, a communication to that effect would be sent to the Chief Electoral Officer and the Returning Officer.

The following symbols were respectively selected by the parties:—

Selection of symbol by national parties.

1. *Indian National Congress*—

1st preference . . . Plough with bullocks
2nd preference . . . Congress Flag with Charkha

2. *All India Forward Bloc (Ruikar Group)*—

1st preference . . . Human Hand
2nd preference . . . Lantern
3rd preference . . . Hut

3. *All India Forward Bloc (Marxist Group)*—

1st preference . . . Leaping Tiger
2nd preference . . . Standing Lion
3rd preference . . . Standing Lion on map of India

4. *Akhil Bharatiya Hindu Mahasabha*—

1st preference . . . Swastika and Sword
2nd preference . . . Horse and Rider
3rd preference . . . Tree

5. *Kisan Mazdoor Praja Party*—

1st preference . . . Hut
2nd preference . . . Pair of scales
3rd preference . . . Tree

6. *Akhil Bharatiya Ram Rajya Parishad*—

1st preference . . . Milch cow with calf and milkmaid
2nd preference . . . Rising Sun
3rd preference . . . Swastika

7. *Socialist Party*—

1st preference . . . Plough
2nd preference . . . Tree
3rd preference . . . Human Hand
4th preference . . . Umbrella

8. *All India Scheduled Castes' Federation* —

Elephant

The Communist Party of India contacted the Election Commission a little too late for being invited to the Conference held on the 30th July, 1951. However, they

intimated to the Commission on the 1st August, 1951, the following choice of symbols made by them:—

- 1st preference Hammer and the Sickle
 2nd preference Ears of corn with a sickle on one side
 and a hammer on another.

Allotment
 of symbols
 to national
 parties.

On the 2nd August, 1951, the Commission announced its decision allotting symbols to some of the parties as follows:—

Name of Party	Symbol allotted
1. All-India Forward Bloc (Marxist Group).	Standing Lion
2. All-India Forward Bloc (Ruikar Group)	Human Hand
3. Akhil Bharatiya Hindu Mahasabha .	Horse and Rider
4. Kisan Mazdoor Praja Party . . .	Hut
5. Akhil Bharatiya Ram Rajya Parishad	Rising Sun
6. All-India Scheduled Castes' Federation	Elephant

The following symbols were allotted on the 17th August, 1951:—

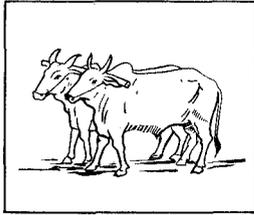
7. Indian National Congress . . . *Two bulls with yoke on
 8. Socialist Party Tree
 9. Communist Party of India . . . Ears of corn and a sickle (In
 areas where the party had
 not been declared illegal)
 10. Revolutionary Socialist Party . . . Spade and Stoker (In Assam,
 Bihar, Madras, Uttar Pra-
 desh, West Bengal, Tra-
 vancore Cochin and Delhi)
 11. Revolutionary Communist Party of India Flaming torch (Mashal)
 (In Bombay, Uttar Pradesh
 and West Bengal)

A further list of symbols allotted subsequently was issued on the 7th September, 1951, as follows:—

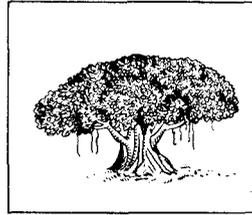
12. Bolshevik Party of India A Star
 13. Krishikar Lok Party A cultivator winnowing grain
 14. All India Bharatiya Jan Sangh . . . Lamp (Deepa)

* The description has since been altered to "Two bullock with yoke on."

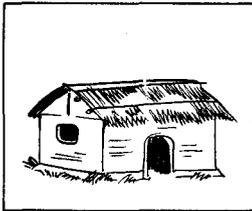
DESIGNS OF SYMBOLS FOR ALL INDIA PARTIES



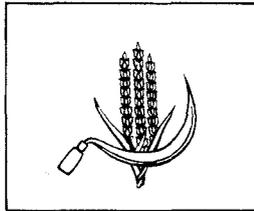
INDIAN NATIONAL CONGRESS



SOCIALIST PARTY



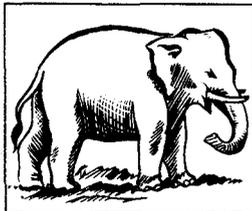
KISAN MAZDOOR PRAJA PARTY



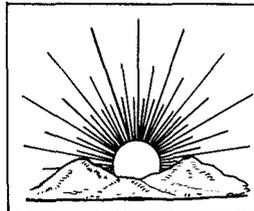
COMMUNIST PARTY OF INDIA



ALL INDIA BHARTIYA JAN SANGH



ALL INDIA SCHEDULED CASTES FEDERATION



AKHIL BHARTIYA RAM RAJYA PARISHAD



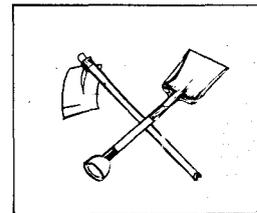
KRISHIKAR-LOK PARTY



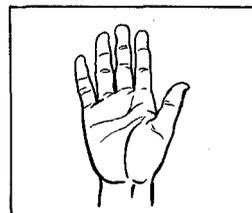
AKHIL BHARTIYA HINDU MAHASABHA



ALL INDIA FORWARD BLOC
(MARXIST GROUP)



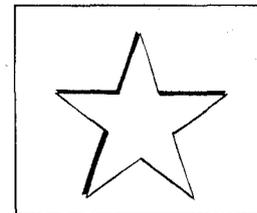
REVOLUTIONARY SOCIALIST PARTY



ALL INDIA FORWARD BLOC
(RUIKAR GROUP)



REVOLUTIONARY COMMUNIST PARTY OF INDIA



BOLSHEVIK PARTY OF INDIA

Finally, the Election Commission published on the 8th September, 1951, the following list of approved symbols to be used at the elections:—

Complete
list of
approved
symbols.

1. Two bulls* with yoke on
2. Tree
3. Standing Lion
4. Human Hand
5. Horse and Rider
6. Hut
7. Rising Sun
8. Elephant
9. Ears of corn and a sickle
10. Spade and Stoker
11. Flaming torch (Mashal)
12. Star
13. A cultivator winnowing grain
14. Lamp (Deepa)
15. Bow and arrow (except in Bihar)
16. Railway engine
17. Cycle
18. Cart
19. Boat
20. Flower
21. Pitcher
22. Ladder
23. Scales
24. Cock
25. Camel and
26. A twig with two leaves.

The first 14 items of the above list having been reserved for the national parties as mentioned above, none of them was available for selection by a candidate not belonging to the party concerned. The Commission directed therefore that no candidate shall choose, except with the permission of the Returning Officer, any of these 14 symbols.

* The description has since been altered to "Two bullocks with yoke on".

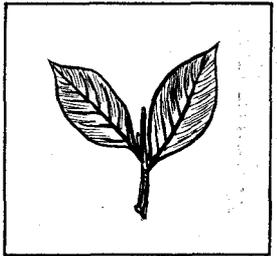
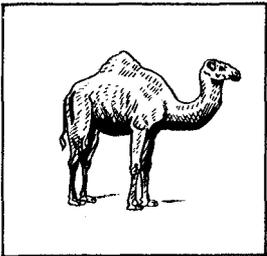
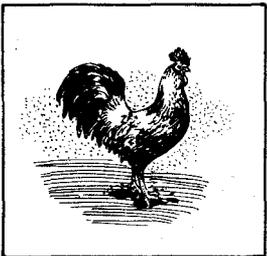
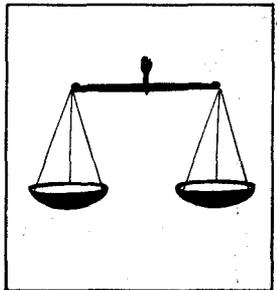
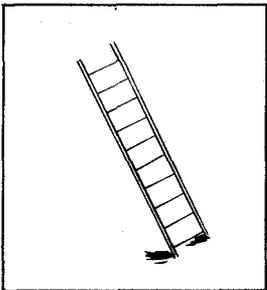
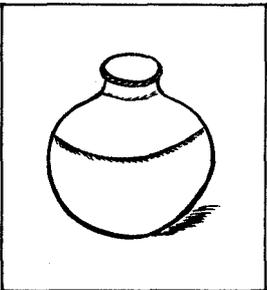
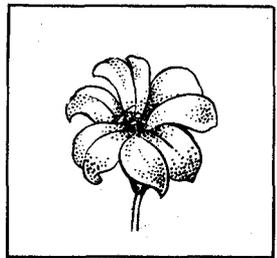
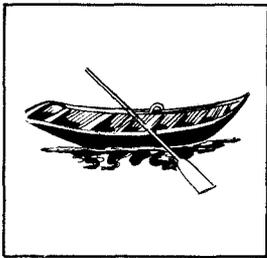
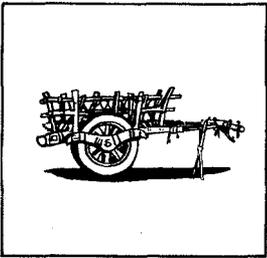
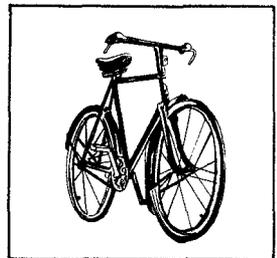
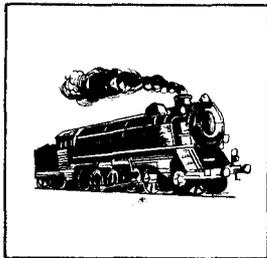
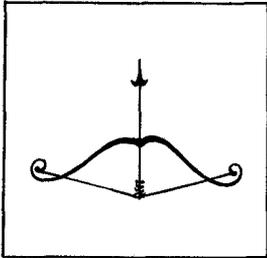
Free symbols It was also decided that if any all-India or national party did not set up any candidate at all in any particular State, the symbol allotted to it would be "free" in that State and could be made available, if necessary, to a "state party" (i.e., a party functioning within a State only) or to an independent candidate, in that State.

Reservation of symbols for State parties.

The powers to reserve for state parties symbols other than those reserved for all-India parties were delegated by the Commission to the Chief Electoral Officers. The state parties were advised to make out their claim for a symbol and to express their preferences before the Chief Electoral Officers who were directed to announce their decisions by the 30th September, 1951. The following parties were recognized as state parties in the States mentioned below. The symbols reserved for them in different States were as follows:—

Name of State	Name of the Party	Symbol allotted
Bihar .	1. Lok Sewak Sangh	Railway engine
	2. All India United Kisan Sabha.	Cart.
	3. Jharkhand Party	Cock
	4. Chota Nagpur and Santal Parganas Janta Party.	Cycle
Bombay .	1. Peasants' and Workers' Party	Cart
	2. Bharatiya Shetakari Kamgar Paksha (Kamgar Kisan Paksha).	Cycle
	3. Nationalist Party of India .	Camel
	4. Joint front of :— (1) Communist Party of India } (2) Left Socialist Group } and (3) Kamgar Kisan Paksha . }	Railway engine (in Greater Bombay only).
Madhya Pradesh	1. Bharatiya Lok Congress .	Pitcher
	2. Madhya Pradesh Peasants' and Workers' Party <i>alias</i> Shatkari Kamgar Paksha.	Cart
Madras .	1. The Justice Party	Scales
	2. The Madras State Muslim League Party.	Ladder
	3. The Commonweal Party .	Cycle
	4. The All India Republican Party.	Railway engine
	5. The Tamil Nad Toilers Party	Cock
	6. The All India Agriculturists' Union.	Cart (without bull-ocks).
Orissa .	All India Ganatantra Parishad .	Bow and arrow

DESIGNS OF SYMBOLS FOR STATE PARTIES
AND INDEPENDENT CANDIDATES



Name of State	Name of the Party	Symbol allotted
Punjab	1. Shiromani Akali Dal	Bow and arrow
	2. Lal Communist Party, Hind Union.	Railway engine
	3. Bharat Lok Congress	Pitcher
	4. Punjab Depressed Classes League.	Scales
Uttar Pradesh	1. U. P. Praja Party	Cart
	2. U. P. Revolutionary Socialist Party.	Bow and arrow
	3. U. P. Soshit Sangh	Cock
Hyderabad	1. All Hyderabad Trade Union Congress.	Railway engine
	2. All Hyderabad Kisan Sabha .	Cart
	3. Democratic Peoples Front .	Flower
	4. League of Socialist Workers	Cock
	5. Hyderabad State Depressed Classes Association.	Ladder
	6. Hyderabad State Praja Party	Bow and arrow
	7. Independent League	Boat
	8. Peasants' and Workers' Party	Cycle
	9. Republican Party	Scales
	10. United Scheduled Castes Federation.	Camel
Madhya Bharat	1. Bharat Bhumi Sewak Sangh, Gwalior	Boat
	2. Madhya Bharat Kisan Congress Samiti, Ujjain.	Cart
Mysore	1. Mysore Janatha Party	Scales
	2. Mysore Praja Sangh	Flower
P.E.P.S.U.	1. Akali Party	Bow and arrow
	2. Lal Communist Party	Railway engine
Rajasthan	Kisan Janta Sanyukt Party .	Cart
Saurashtra	Saurashtra Khedut Sangh .	Cart
Travancore-Cochin.	1. Democratic Congress Party .	Cock
	2. Tamil Nad Congress Party .	Cart
	3. Travancore Tamil Nad Congress Party.	Pitcher
	4. Tamil Nad Peoples' Front .	Bow and arrow
	5. Kerala Socialist Party	Ladder
	6. Travancore-Cochin Republican Praja Party.	Scales
	7. Cochin Party	Flower
	8. Scheduled Castes National Federation.	Boat
Ajmer	1. Kisan Sangh	Camel
	2. Gram Sewa Dal	Cart
	3. Pursharathi Panchayat	Ladder
	4. Krishak Hitkari Sangh	Scales
Bhopal	Kisan Mazdoor Mandal	A cultivator winnowing grain.
Tripura	1. Tripura Ganatantrik Sangha	Ladder
	2. Sat Sangha	Bow and arrow
Vindhya Pradesh.	1. Vindhya Pradesh Sarvajanik Sabha.	Flower
	2. Vindhya Pradesh Kisan Sabha.	Cart

Subsequent
changes.

After the allotment of symbols to the parties, certain party alliances, affiliations and mergers took place which necessitated re-allotment of symbols to the affected parties. In Punjab, a party called the Provincial Zamindara League, which was subsequently recognised as a state party by the Chief Electoral Officer, represented that in view of its affiliation with the Krishikar Lok Party (a national party), the symbol "A cultivator winnowing grain" which had been allotted to the Krishikar Lok Party might be allotted to the candidates to be set up by the League. As the Krishikar Lok Party also supported this request, the Commission recognised this alliance between the two parties by complying with the request.

In Hyderabad, four parties, namely, the All Hyderabad Trade Union Congress, the All Hyderabad Kisan Sabha, the Democratic Peoples' Front and the League of Socialist Workers, which had been recognized as state parties and allotted "Railway engine", "Cart", "Flower" and "Cock", respectively, as their symbols, merged into a single party called "The Peoples' Democratic Front". This new party was also recognized and the symbol "Human Hand" was allotted to it on the 10th November, 1951, while the symbols "Railway engine", "Cart", "Flower" and "Cock" were declared to be "free" symbols in the State.

In Travancore-Cochin, the Democratic Congress Party which had been recognized as a state party and allotted "Cock" as a symbol, subsequently merged into the Indian National Congress and the party's symbol was thereafter transferred to the list of "free" symbols in the State.

In Ajmer, the Krishak Hitkari Sangh had been recognized as a state party and was allotted "Scales" as its symbol. Later, the party merged into the Jan Sangh and the symbol originally allotted to the party was made free.

In Mysore, two parties, namely, the Mysore Janatha Party and the Mysore Praja Sangh had been recognized as state parties and allotted "Scales" and "Flower", respectively, as their symbols. The two parties subsequently merged into the Kisan Mazdoor Praja Party (a national party) and the symbols allotted to those parties were thereupon made free.

In Madras, the Andhra Ryotu Kooli Praja Party which was not recognised as a party for the allotment of symbol, entered into an electoral alliance with the Krishikar Lok Party and adopted that party's symbol.

The following parties also demanded recognition as national parties but the Commission could not agree to their request as none of them had sufficient standing or following in the country, in the Commission's estimate, to merit such recognition:—

1. All India Agriculturists' Union
2. The Indian Union Muslim League
3. Forward Communist Party of India
4. All India Republican Party
5. Socialist Unity Centre
6. West Bengal Provincial Co-operative Societies Federation
7. The Party of National Synthesis
8. The Swarajya Sabha
9. Akhil Bhartiya Mahila Sangh
10. Peasants and Workers Party
11. National Party of India
12. All India Refugee Parliamentary Board
13. Peasants and Workers League
14. All India Ganatantra Parishad
15. Shiromani Akali Dal

The Commission directed the Returning Officers to observe the following instructions while allotting symbols to candidates:—

Procedure
for allotting
symbols to
candidates.

(1) The appropriate symbols should first be assigned to the official candidates of the "recognised" parties for whom symbols had been reserved.

(2) In assigning symbols to the remaining candidates, the first choice of a candidate should be accepted if it did not clash with the first choice of any other candidate. If there was any such clash, the Returning Officer should decide the matter by drawing lots. If a candidate cannot be allotted his first choice, he should be allotted his second or third choice, as the case may be, by following the same procedure.

If it was not found possible to allot any of the three symbols mentioned by a candidate in his nomination paper, the Returning Officer might allot to him any other symbol at his disposal.

(3) In a two-member constituency, a party's candidate eligible to contest the general seat only, should be allotted the symbol reserved for the party. The party's Scheduled Caste or Scheduled Tribe candidate should be allotted the same symbol enclosed in one thick black circle printed round the symbol. In a three-member constituency, a party's Scheduled Caste candidate should be allotted the party symbol enclosed in one thick black circle while its Scheduled Tribe candidate should be allotted the party symbol enclosed in two concentric thick black circles printed round the symbol at a little distance from each other.

(4) The Scheduled Castes and Scheduled Tribes candidates not sponsored by any recognised party, should be given plain 'free' symbols without any thick black circle.

(5) The symbols allotted to all-India parties should be printed by the States according to the designs approved by the Commission. For a state party, the design of their symbol should be obtained from the party concerned and then formally approved. The designs of "free" symbols should be approved by the Chief Electoral Officers.

(6) In affixing symbols at the polling station, care should be taken to paste one symbol inside each box in addition to the one pasted on its front vertical side, so that, in case of doubt or dispute through loss or damage to the outer symbol, the identity of the box might be established beyond doubt by reference to the symbol pasted inside the ballot box after it has been opened at the time of counting.

Designs of symbols

In approving the designs of symbols, the Commission (in respect of national parties) and the Chief Electoral Officers (in respect of state parties) generally accepted the designs suggested by the parties themselves. A national party was permitted to suggest any variation in the design of its symbol to be used in any particular State so that the symbol might be more readily recognized by the voters in that State. Photostat copies of the approved designs of symbols reserved for the national parties were supplied by the Commission to the respective

parties to avoid any misunderstanding or dispute about the approved design. In order to avoid any dispute between the parties and to guard against the risk of any confusion in the minds of the voters at the time of the polling, the Commission insisted that no design of any symbol must include in it any part of any other symbol.

The Commission advised the State Governments that a minimum of four or five copies of each symbol might be printed for each polling station or booth. Two of these copies would be pasted inside and outside the ballot box. A third copy of each symbol would be required for display outside the polling station or booth, along with other symbols, for the benefit of the voters waiting outside the polling station or booth. In all, 42.1 million symbols were printed.

Printing
of symbol.

Although the vast majority of the Returning Officers correctly followed the Commission's instructions regarding the allotment of symbols, there were a few isolated instances in which serious mistakes were committed by Returning Officers at the time of the scrutiny of nominations and allotment of symbols. For instance, in Bihar, Punjab, Madras, Mysore and Madhya Bharat, some Returning Officers allotted the same symbol to more than one candidate in the same constituency. These mistakes were, of course, rectified in time. In Mysore, some Returning Officers assigned the symbol reserved for an all-India Party to an independent candidate. In Rajasthan the nomination papers of two candidates were rejected solely for the reason that they had selected a symbol allotted to a party, and did not produce letters of authority from that party to the effect that they were the official candidates of the party.

Comments
on the work-
ing of the
system.

On the whole, however, the Commission's instructions regarding allotment of symbols were well understood and observed. The decision to allot one symbol to each of the all-India and state parties for all elections proved very convenient both to the parties and to the election authorities and was widely appreciated. The voters also found it easy to remember the party alignment of a candidate and to identify his ballot box by the symbol allotted to him. In fact no case was reported in which a voter found it difficult to locate or understand a symbol. One difficulty, however, might have been felt in the working of the symbol system. There were cases in which the same symbol was allotted to two independent candidates, one contesting

the election to the House of the People and the other to the State Legislative Assembly, and some voters might conceivably have been confused between the two at the time of polling. The remedy for this would obviously be to avoid allotting, as far as practicable, the same symbol to two different independent candidates contesting two different elections which take place simultaneously in the same area. Discretion should also be given to the Election Commission to direct a correction being made in the allotment of symbols wherever necessary.

Withdrawal
of recogni-
tion after
the elec-
tions.

It was unavoidable, for reasons already mentioned, that as many as 14 parties had to be given "recognition" on an *ad hoc* basis as national parties and had symbols reserved for them in the general elections. This number was far too high. After the general elections were over, full details of the electoral support obtained by each party became available and the Commission reviewed its earlier decision in the light of these details—which furnished authoritative proof of the standing of each party in a State, or in the entire country. The Commission decided that if the total number of valid votes polled by all the candidates set up by a political party formed too low a percentage of the total number of valid votes cast in the general elections, such a party had no claim to have a symbol reserved to itself. In view, however, of the fact that some of the parties had been newly formed and had very little time to organize themselves before the general elections, the Commission fixed the minimum standard for "recognition" at the very low figure of 3 per cent of the valid votes polled in the elections. In the case of the national parties, the percentage was calculated with reference to the votes polled for election to the House of the People, while in the case of the State parties, the votes recorded for election to the Legislative Assembly of the State concerned were taken into account. On the above basis, a decision was taken on the 6th February, 1953, continuing 'recognition' to the following four parties only as national parties:—

1. The Indian National Congress;
2. The Praja Socialist Party (formed by the merger of the Socialist Party and the Kisan Mazdoor Praja Party);
3. The Communist Party of India; and
4. All India Bharatiya Jan Sangh.

All other parties ceased thereafter to be recognised as national parties for the purpose of allotment of symbols.

At the same time, for the sake of uniformity, the Election Commission itself took over the task of revising the list of the recognised state parties as well. After such revision, the number of state parties was reduced from 59 to 19, and the following parties only now continue to be recognised as state parties in the States noted against each:—

Name of state party	States in which recognised
1. Forward Bloc (Marxist)	West Bengal.
2. Hindu Mahasabha	West Bengal, Madhya Bharat, Saurashtra and Bhopal.
3. Ram Rajya Parishad	Madhya Pradesh, Uttar Pradesh, Madhya Bharat, Rajasthan, Ajmer and Vindhya Pradesh.
4. Scheduled Castes Federation	Bombay, Madhya Pradesh, Punjab, Hyderabad, Delhi, Himachal Pradesh and Vindhya Pradesh.
5. Revolutionary Socialist Party	Travancore-Cochin.
6. Krishikar Lok Party	Madras and Rajasthan.
7. Chhota Nagpur and Santal Parganas Janta Party	Bihar.
8. Jharkhand Party	Bihar.
9. Peasants and Workers Party	Bombay.
10. Tamilnad Toilers Party	Madras.
11. Shiromani Akali Dal	Punjab.
12. Provincial Zamindara League	Punjab.
13. People's Democratic Front	Hyderabad.
14. Peasants and Workers Party	Hyderabad.
15. Saurashtra Khedut Sangh	Saurashtra.
16. Travancore Tamilnad Congress	Travancore-Cochin.
17. Pursharathi Panchayat	Ajmer.
18. Kisan Mazdoor Mandal	Bhopal.
19. Ganatantrik Sangha	Tripura.

The number of "recognised" parties—national or state—has thus appreciably declined since the general elections. This is a welcome development as it shows that, generally speaking, the electorate care as little for independent candidates as for minor or splinter parties and prefer elections to be fought along clear-cut party lines.

No change was made in the symbol of the party whose recognition was continued. As a result of the merger of two of the national parties, namely, the Kisan Mazdoor Praja Party and the Socialist Party of India into the new Praja Socialist Party, the Commission gave recognition to this new party and allotted 'Hut' as its symbol, as desired by it.

Extension of the symbol system to other elections.

After the general elections, the Commission received requests from several political parties and State Governments for permission to allot to candidates of the recognized political parties, at the elections to Local Bodies, the same symbols as had been allotted to them in the general elections. After a careful consideration of the matter, the Commission took the view that the symbols allotted to the parties at the general elections had become closely associated with them in the public mind and that such association should be further strengthened in every way so that the idea underlying the symbol system might take deeper and deeper root and the task of the parties, candidates, the general public, and the election officials might, to that extent, become easier in all future elections. The Commission further felt that a certain amount of confusion might arise in the public mind if the same party had different symbols for different kinds of elections and agreed that the parties might be allotted the same symbols at elections to Local Bodies. An overall idea of the success achieved by the important All-India political parties in the elections may be obtained from the following tables and the maps:—

Name of Party	House of the People		Legislative Assemblies	
	No. of contesting candidates	No. elected (including unopposed returns)	No. of contesting candidates	No. elected (including unopposed returns)
Indian National Congress	472	364	3,153	2,246
Socialist Party of India	256	12	1,799	125
Kisan Mazdoor Praja Party	145	9	1,005	77
Communist Party of India	49	16	465	106
All India Bharatiya Jan Sangh	93	3	717	35

**COMPARATIVE STRENGTH OF PARTIES
IN THE HOUSE OF THE PEOPLE**

TOTAL NUMBER OF MEMBERS 499

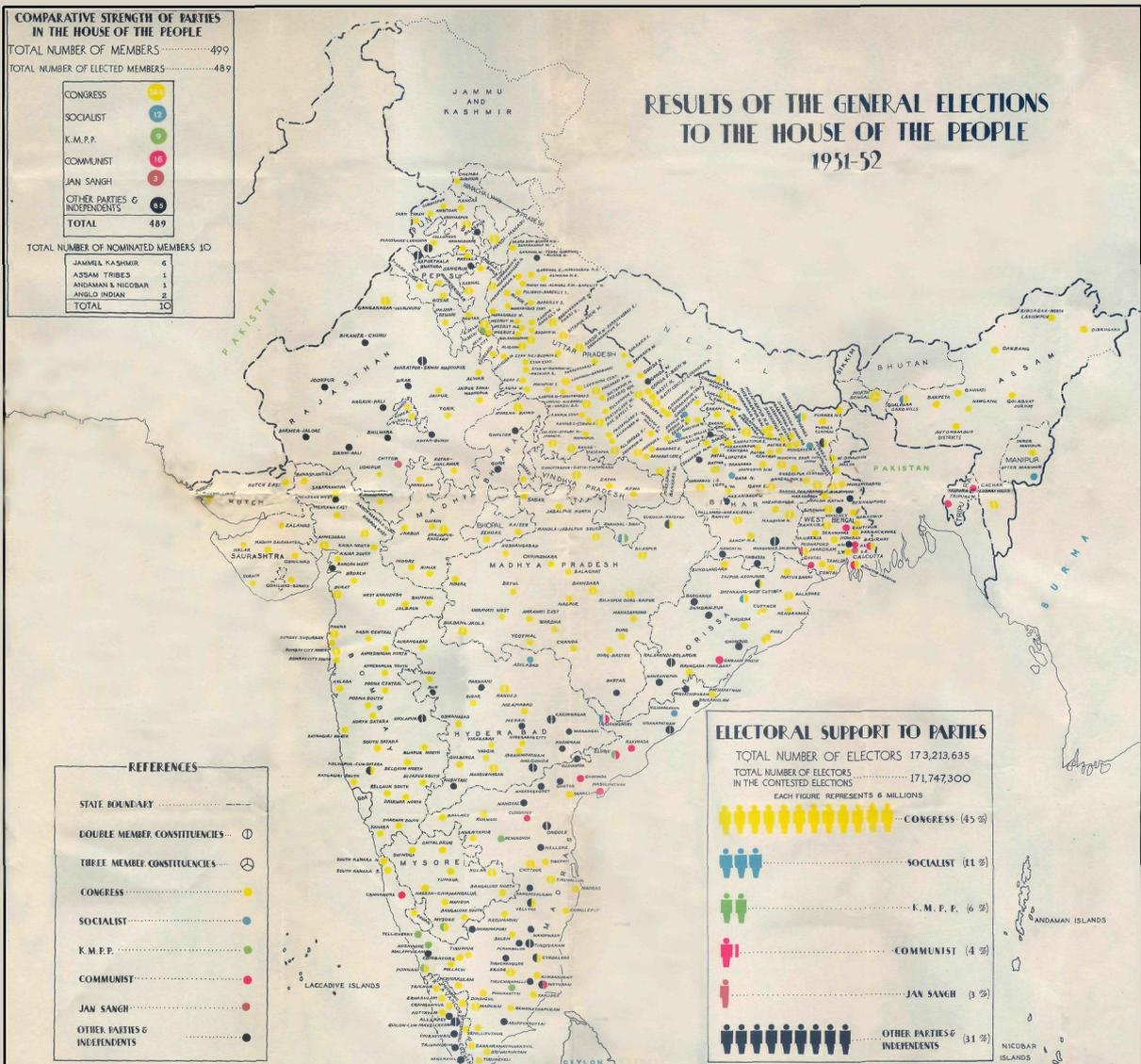
TOTAL NUMBER OF ELECTED MEMBERS 489

CONGRESS	144
SOCIALIST	19
K.M.F.P.	6
COMMUNIST	16
JAN SANGH	3
OTHER PARTIES & INDEPENDENTS	81
TOTAL	489

TOTAL NUMBER OF NOMINATED MEMBERS 10

JAMMUEL KASHMIR	4
ASSAM TRIBES	1
ANDAMAN & NICOBAR	1
ANGLO INDIAN	2
TOTAL	10

**RESULTS OF THE GENERAL ELECTIONS
TO THE HOUSE OF THE PEOPLE
1951-52**



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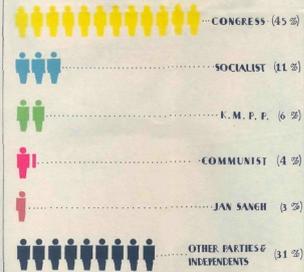
STATE BOUNDARY
DOUBLE MEMBER CONSTITUENCIES	⊖
THREE MEMBER CONSTITUENCIES	⊗
CONGRESS	●
SOCIALIST	●
K.M.F.P.	●
COMMUNIST	●
JAN SANGH	●
OTHER PARTIES & INDEPENDENTS	●

ELECTORAL SUPPORT TO PARTIES

TOTAL NUMBER OF ELECTORS 173,213,635

TOTAL NUMBER OF ELECTORS IN THE CONTESTED ELECTIONS 171,747,300

EACH FIGURE REPRESENTS 6 MILLIONS



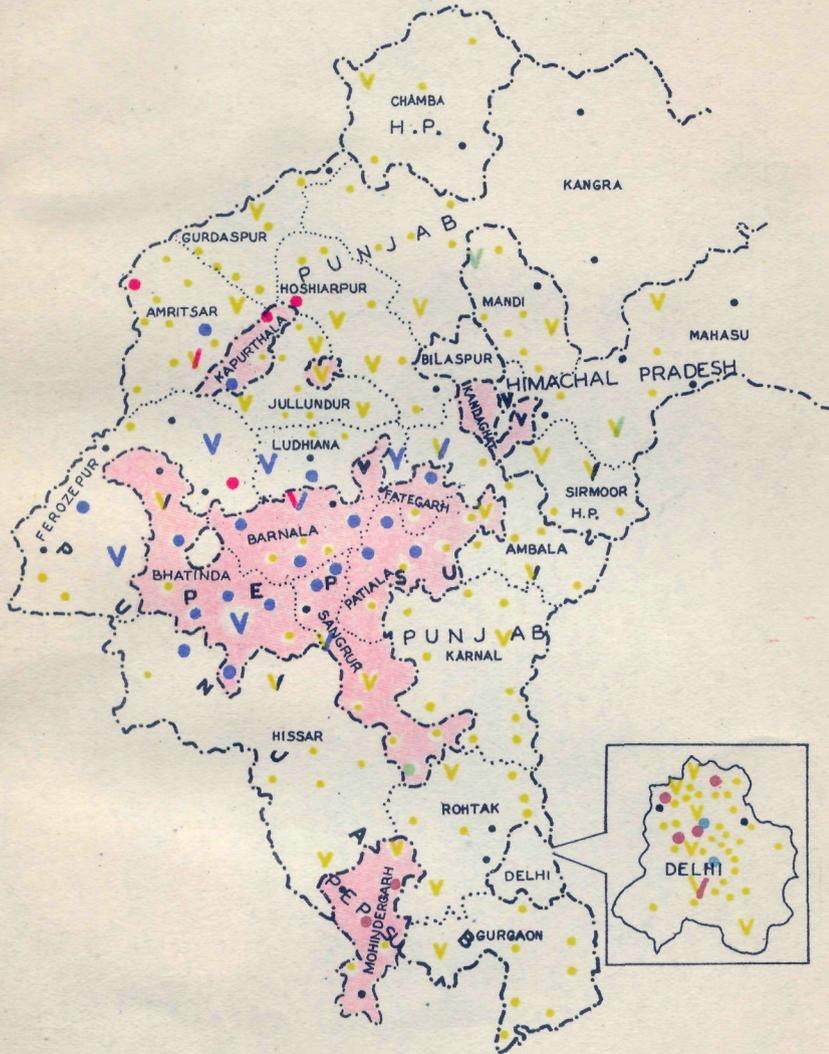
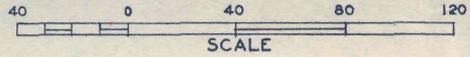
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- STATE BOUNDARY - - - - -
- DISTRICT BOUNDARY - - - - -
- SINGLE MEMBER CONSTITUENCIES ○
- DOUBLE MEMBER CONSTITUENCIES ▽
- CONGRESS [Yellow Square]
- AKALI PARTY [Blue Square]
- COMMUNIST [Red Square]
- JAN SANGH [Pink Square]
- K.M.P.P. [Green Square]
- SOCIALIST [Light Blue Square]
- OTHER PARTIES & INDEPENDENTS [Dark Blue Square]

**RESULTS OF THE GENERAL ELECTIONS
TO THE LEGISLATIVE ASSEMBLIES**

1951-52

PUNJAB, PEPSU, HIMACHAL PRADESH & DELHI



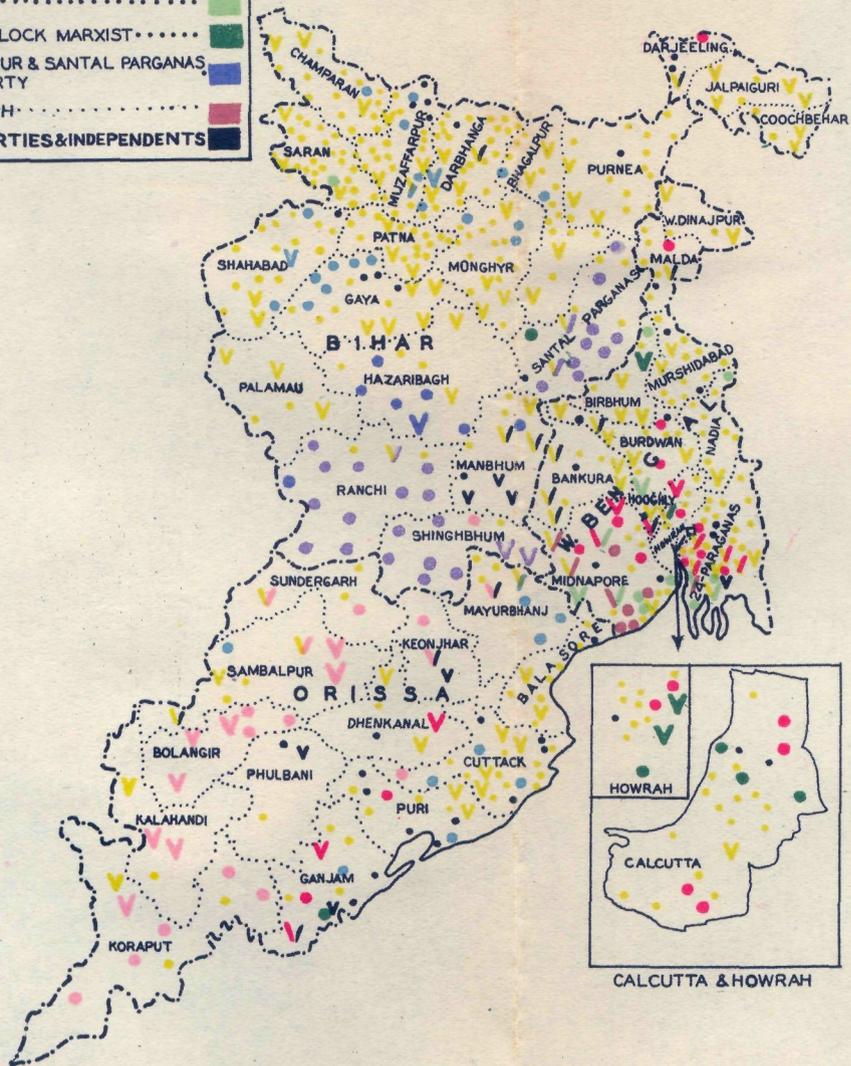
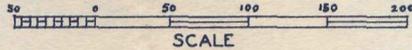
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- DOUBLE MEMBER CONSTITUENCIES ∇
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- COMMUNIST [Red Box]
- SOCIALIST [Blue Box]
- JHARKHAND [Purple Box]
- GANATANTRA PARISHAD [Pink Box]
- K.M.P.R. [Green Box]
- FORWARD BLOCK MARXIST [Dark Green Box]
- CHOTA NAGPUR & SANTAL PARGANAS
JANATA PARTY [Blue Box]
- JAN SANGH [Red Box]
- OTHER PARTIES & INDEPENDENTS [Dark Blue Box]

**RESULTS OF THE GENERAL ELECTIONS
TO THE LEGISLATIVE ASSEMBLIES**

1951-52

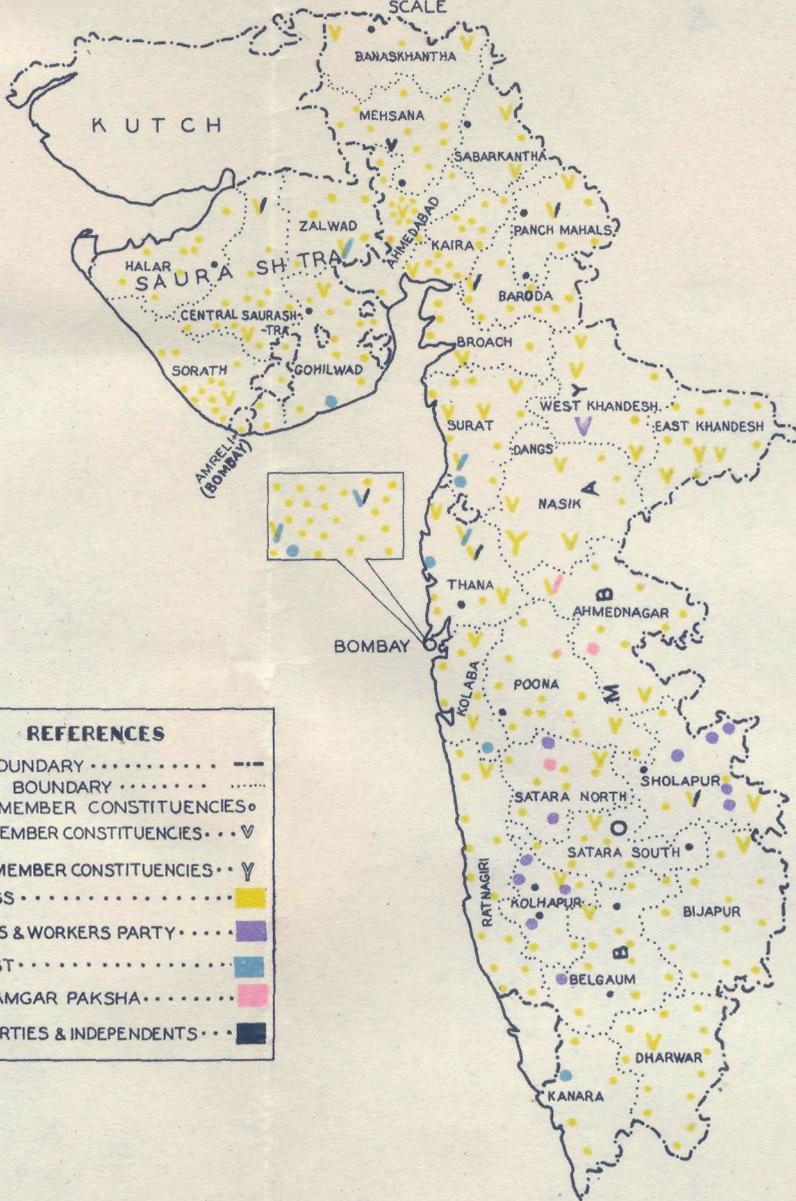
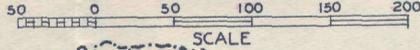
WEST BENGAL, BIHAR & ORISSA



RESULTS OF THE GENERAL ELECTIONS TO THE LEGISLATIVE ASSEMBLIES

1951-52

BOMBAY & SAURASHTRA

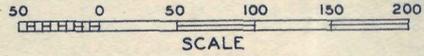


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DOUBLE MEMBER CONSTITUENCIES	∇
THREE MEMBER CONSTITUENCIES	Y
CONGRESS	■ (Yellow)
PEASANTS & WORKERS PARTY	■ (Purple)
SOCIALIST	■ (Blue)
KISAN KAMGAR PAKSHA	■ (Pink)
OTHER PARTIES & INDEPENDENTS	■ (Black)

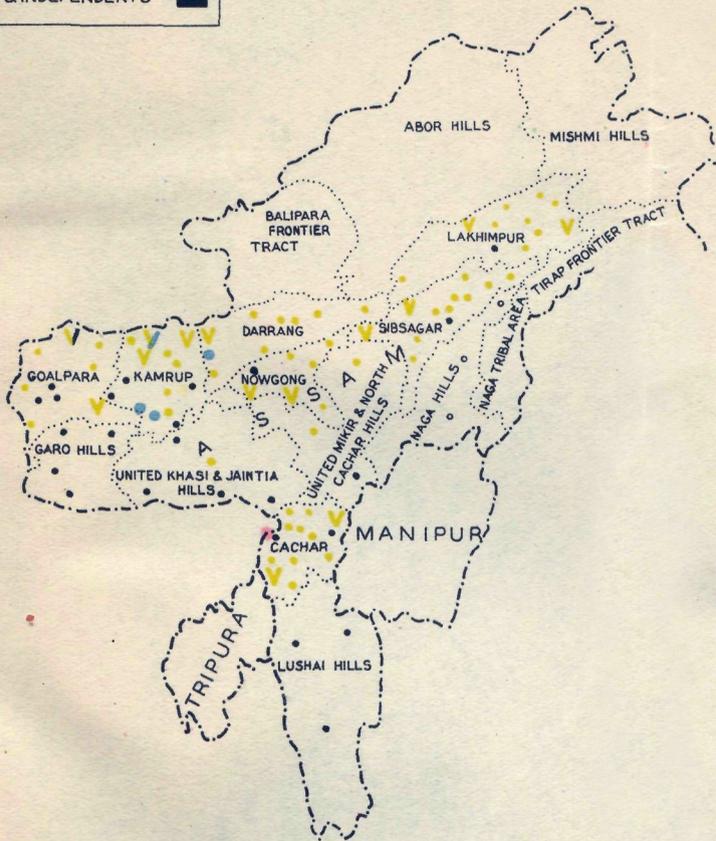
RESULTS OF THE GENERAL ELECTIONS TO THE LEGISLATIVE ASSEMBLY

1951-52

ASSAM



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DISTRICT BOUNDARY	----
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CONGRESS	■ (Yellow)
SOCIALIST	■ (Blue)
OTHER PARTIES & INDEPENDENTS	■ (Black)



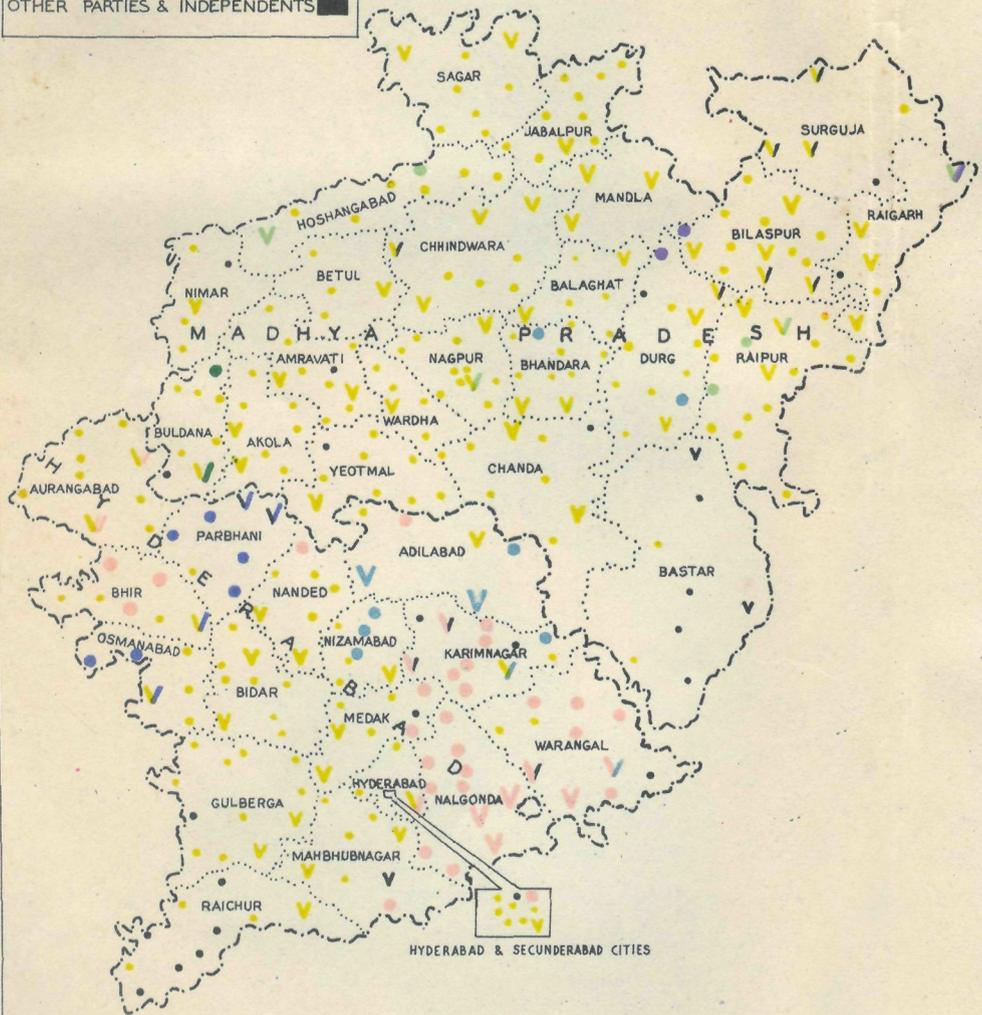
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- SINGLE MEMBER CONSTITUENCIES ○
- DOUBLE MEMBER CONSTITUENCIES ∇
- CONGRESS [Yellow Square]
- PEOPLE'S DEMOCRATIC FRONT [Pink Square]
- SOCIALIST [Blue Square]
- PEASANTS & WORKERS PARTY [Dark Blue Square]
- K. M. P. P. [Green Square]
- RAM RAJYA PARISHAD [Purple Square]
- SHETKARI KAMGAR PAKSHA [Dark Green Square]
- OTHER PARTIES & INDEPENDENTS [Black Square]

**RESULTS OF THE GENERAL ELECTIONS
TO THE LEGISLATIVE ASSEMBLIES**

1951-52

MADHYA PRADESH & HYDERABAD



G. SEN

G. SEN GUPTA

CENTRAL STATISTICAL ORGANISATION
NO. 382/12.54

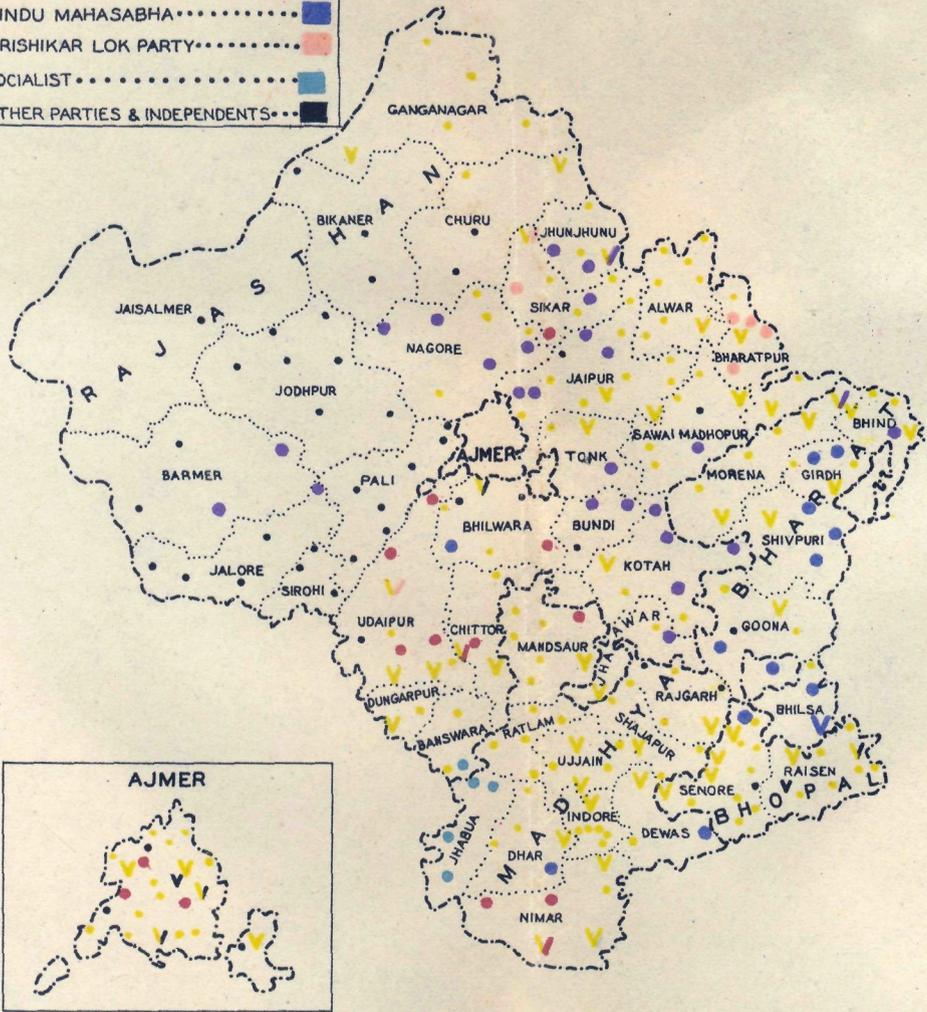
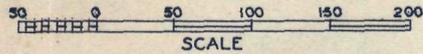
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- DISTRICT BOUNDARY - - - - -
- SINGLE MEMBER CONSTITUENCIES ○
- DOUBLE MEMBER CONSTITUENCIES ▽
- CONGRESS ■ (Yellow)
- RAM RAJYA PARISHAD ■ (Purple)
- JAN SANGH ■ (Red)
- HINDU MAHASABHA ■ (Blue)
- KRISHIKAR LOK PARTY ■ (Pink)
- SOCIALIST ■ (Light Blue)
- OTHER PARTIES & INDEPENDENTS ■ (Black)

**RESULTS OF THE GENERAL ELECTIONS
TO THE LEGISLATIVE ASSEMBLIES**

1951-52

RAJASTHAN, MADHYA BHARAT, BHOPAL & AJMER



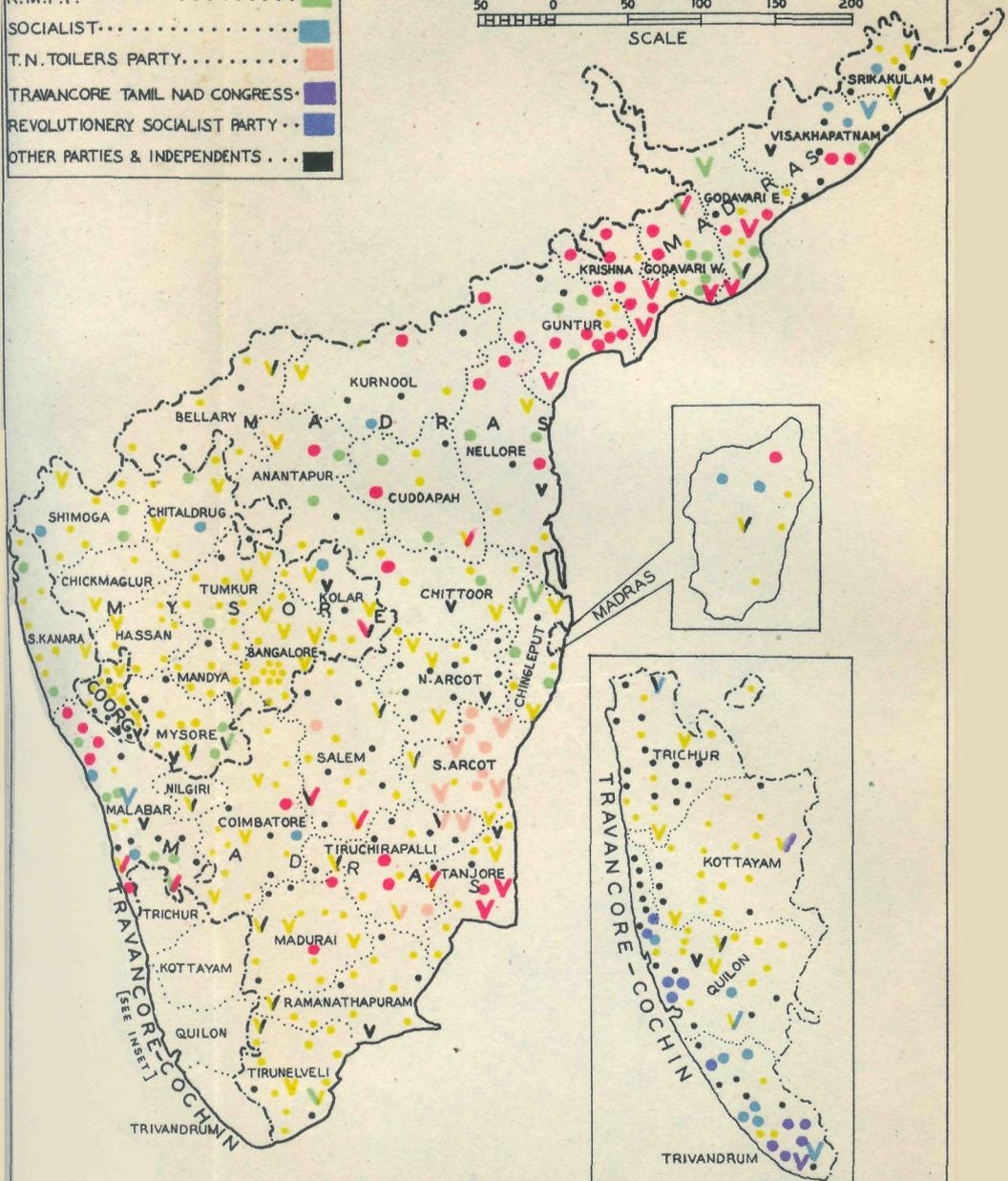
REFERENCES

- STATE BOUNDARY
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- CONGRESS
- COMMUNIST
- K. M. P. P.
- SOCIALIST
- T. N. TOILERS PARTY
- TRAVANCORE TAMIL NAD CONGRESS
- REVOLUTIONARY SOCIALIST PARTY
- OTHER PARTIES & INDEPENDENTS

**RESULTS OF THE GENERAL ELECTIONS
TO THE LEGISLATIVE ASSEMBLIES**

1951-52

MADRAS, MYSORE, TRAVANCORE-COCHIN & COORG



G. SEN GUPTA

CENTRAL STATISTICAL ORGANISATION
NO. 383/12.54

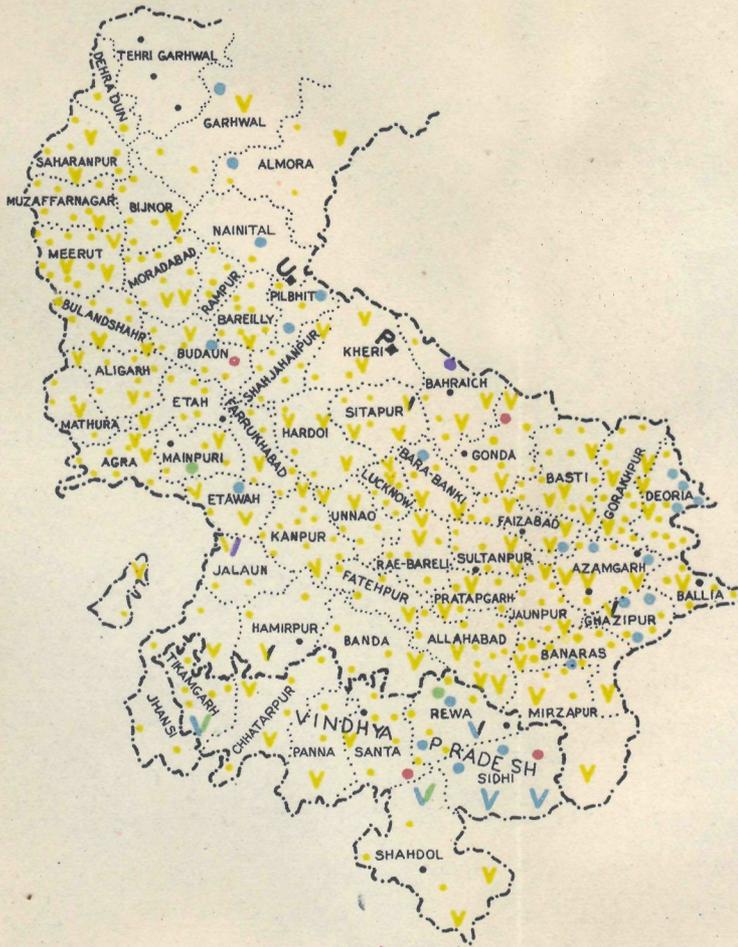
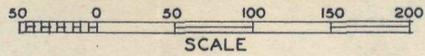
REFERENCES

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- DOUBLE MEMBER CONSTITUENCIES ▽
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- SOCIALIST [Blue Box]
- JAN SANGH [Red Box]
- K.M.P.P. [Green Box]
- U.P. PRAJA PARTY [Purple Box]
- OTHER PARTIES & INDEPENDENTS [Black Box]

**RESULTS OF THE GENERAL ELECTIONS
TO THE LEGISLATIVE ASSEMBLIES**

1951-52

UTTAR PRADESH & VINDHYA PRADESH



CHAPTER X

MATERIALS FOR POLLING

One of the important matters that had to be taken up long before the general elections was the question of making arrangements for the supply of the more important items of polling materials.

The Commission eventually undertook the responsibility for arranging the supply of the following materials to the States:—

Arrangements made by Election Commission.

- (a) ballot boxes,
- (b) paper seals for ballot boxes,
- (c) ballot papers, and
- (d) indelible ink.

All other election materials had to be arranged for by the State Governments themselves.

An urgent task was to select a suitable design or designs of ballot boxes, and to arrange for their manufacture and supply. The law provides that ballot boxes used in the elections must be of a design approved by the Election Commission. The Commission was anxious that the boxes used in the general elections should inspire public confidence and that so far as was practicable, they should be so made that any tampering with their contents would be rendered impossible. On the other hand, it was also necessary in the interest of economy that the boxes should not be too costly. The Commission decided ultimately that all ballot boxes should be made of steel in accordance with specifications laid down by it and that they should be so designed as to render unnecessary the use of separate locks for securing them. The following were the more important basic specifications prescribed by the Commission:—

Ballot boxes.

Every box should measure 8" high \times 9" long \times 7½" wide, the lid being fixed by inside hinges. It should be made of steel of 20 gauge. Unpickable locking should be provided to secure the lid to the box, and a slot about 2" long and ½" wide should be provided in the lid, for the insertion of ballot papers. The box should be so made that when the lid is locked the slot can be left fully open

for polling and can later be effectively closed against any further insertion of ballot papers once polling is over. The general construction must be such as to make the box fraud-proof. It must not be possible to insert ballot papers through the edges where the lid shuts upon the box, or through any surface or joint of the box—the slot in the lid being the only opening for inserting ballot papers. All exterior fittings, including the handle, should be so accommodated that no part may project beyond the six surface planes of the box. This was to ensure that the ballot boxes may be packed together or stacked upon each other compactly.

Public notice was given inviting manufacturers to submit designs of ballot boxes to the Commission for approval. Several firms submitted their designs which were subjected to severe tests. After these tests, the designs submitted by the following firms were approved. The prices at which the firms undertook to make the supplies are also mentioned:—

	Price per box
	Rs. A. P.
1. M/s. Godrej & Boyce Mgf. Co. Ltd., Bombay	5 0 0
2. M/s. Hyderabad Allwyn Metal Works Ltd., Hyderabad, Sanatnagar	4 15 0
3. M/s. Bungo Steel Furniture Ltd., Calcutta	4 6 0
4 M/s. Oriental Metal Pressing Works, Bombay	4 15 0
5. U. P. Government design (through the fol- lowing manufacturers)	5 1 0
(1) M/s. Imperial Surgical Co., Lucknow.	
(2) M/s. Ganeshdas Ramgopal & Sons, Lucknow.	
(3) M/s. Peepal Iron and Steel Industries, Kanpur.	
(4) M/s. Bhatia Safe Works, Kanpur.	
(5) M/s. Gopal Metal Works, Lucknow.	
(6) M/s. Northern India Iron Press Works, Lucknow.	
(7) M/s. Hanuman Engineering Works, Lucknow.	
(8) M/s. Bharat Safe and Steel Industries, Kanpur.	
(9) M/s. Charan Safe Works, Kanpur.	
(10) M/s. B. T. Paul and Sons, Kanpur.	
(11) M/s. Delhi Iron and Steel, Co. Ltd., Ghaziabad.	
(12) M/s. Punjab Iron Electrical Works, Lucknow.	
and	
(13) M/s. Kripps Machine Tools (India) Ltd., Kanpur.	

	Price per box		
	Rs.	A.	P.
6. Government of Madhya Pradesh Workshop.	5	0	0
7. M/s. Kalinga Refrigerators Ltd., Cuttack .	6	0	0
8. M/s. Steel Age Industries Ltd., Bombay .	5	0	0
9. M/s. Hasambhoy Jetha, Bombay	4	15	0
10. M/s. Gwalior Engineering Works, Gwalior .	6	12	0
11. M/s. Premier Engineering Works, Con- naught Circus, New Delhi.	5	0	0
12. M/s. Ajax Products Ltd., Madras	5	4	0

The State Governments were given the option of selecting any of these approved designs for their requirements and were required to place orders and arrange their own supplies direct from the manufacturers.

In assessing the requirements of ballot boxes the Commission assumed that (i) there would be approximately four candidates for election to each seat in a constituency and that (ii) roughly one thousand voters would be required to vote at one polling booth. On this basis, the total requirement of ballot boxes was originally assessed at 19,05,324. The number of ballot boxes actually purchased by the States was as follows:—

Name of the State	Number of boxes
Assam	53,000
Bihar	2,60,390
Bombay	1,85,643
Madhya Pradesh	1,41,850
Madras	3,06,754
Orissa	88,856
Punjab	1,25,000
Uttar Pradesh	5,44,800
West Bengal	2,89,170
Hyderabad	1,00,000
Madhya Bharat	53,016
Mysore	58,000
P.E.P.S.U.	31,000
Rajasthan	91,000
Saurashtra	16,000
Travancore-Cochin	65,000
Ajmer	4,600

Bhopal	5,050
Bilaspur	680
Coorg	1,276
Delhi	11,700
Himachal Pradesh	5,665
Kutch	2,400
Manipur	6,000
Tripura	4,000
Vindhya Pradesh	23,000
GRAND TOTAL	<u>24,73,850</u>

In addition, 1,11,095 wooden ballot boxes had to be used in the State of Madras as one of the manufacturers defaulted in supplying steel ballot boxes in time.

The ballot boxes cost a total sum of Rs. 1,22,87,349. The originally estimated requirement of four ballot boxes per seat at each polling station was exceeded in several States on account of the candidates numbering more than four per seat in many constituencies and an additional supply of ballot boxes had to be rushed at very short notice to almost every State.

In order to secure the large supply of steel required for the manufacture of the boxes, the Commission arranged, through the Ministry of Industry and Supply, the release of steel to the manufacturers with whom orders had been placed by the State Governments. In all, 8165.45 tons of steel were consumed in manufacturing the ballot boxes.

With a view to avoid confusion during the simultaneous holding of the poll for the House of the People and State Legislative Assemblies (or Council of States Constituencies), the ballot boxes were made in two different groups of colours for elections respectively to the House of the People and the State Legislative Assemblies (or Council of States Constituencies). The following colours were prescribed by the Commission:—

House of the People

1. Olive green,
2. Meadow green,
3. Pale green, and
4. Brunswick green.

Legislative Assembly (or Council of States (Constituencies)

1. Chocolate,
2. Mahogany,
3. Teak,
4. Dark tan, and
5. Bronze.

It was left to each State Government to select the particular colours for use in the State. The slot of each ballot box was marked out prominently by painting the area around it bright white, so that the voter's attention might be pointedly drawn to it in the polling booth and he might readily know where to insert his ballot paper.

It was suggested to each State Government that it should order its entire requirement of ballot boxes from one firm only so that there might be uniformity in the design of ballot boxes throughout the State. This direction was generally followed and proved convenient as the entire polling personnel in a State was required to be trained in the use of one design of boxes only.

In spite, however, of all precautions taken to ensure timely supply of ballot boxes to meet the requirements of the various States, difficulties were experienced in respect of supplies to the States of Madras, West Bengal, Orissa and Uttar Pradesh as a result of default made in the delivery of ballot boxes to these States by a few manufacturers.

The Government of Madras initially placed their order for the supply of ballot boxes on two firms, namely, Messrs. Hyderabad Allwyn Metal Works Ltd. of Hyderabad, and Messrs. Bungo Steel Furniture Limited, Calcutta. In October-November 1951, there was a serious break-down in supplies from Messrs. Bungo Steel Furniture Limited, Calcutta, and this affected the supplies to the States of Madras, Orissa and West Bengal. Ultimately, Messrs. Godrej & Boyce Manufacturing Company Limited of Bombay were persuaded to manufacture as many as 1,62,149 additional boxes at short notice in order to make good the shortage in the States of Orissa and West Bengal. Madras was allowed to utilize 24,681 old wooden boxes and 86,414 new wooden boxes for the same reason. The rest of the shortage in Madras was met by a further supply made by Messrs. Hyderabad Allwyn Metal Works Ltd. of Hyderabad.

The requirements of ballot boxes for use at elections to the Madras Legislative Assembly were thus met. It was found, however, in course of the elections that the number of ballot boxes available for election to the House of the People from that State was likely to fall short of requirement for the reason that in four Parliamentary constituencies, one of which was a two-member constituency, the counting of votes could not be undertaken on the dates originally fixed for the purpose as re-poll had to be ordered at some polling stations. The ballot boxes used in these constituencies could not therefore be made available for later use elsewhere as had been originally planned for. There was no time left at that stage to get a fresh supply of new ballot boxes. In order to meet this difficulty rule 34C was added to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, which enabled the Returning Officers to set free a sufficient number of ballot boxes even before taking up the counting of votes.

In Uttar Pradesh, the State Government distributed orders for manufacturing 3,50,000 ballot boxes of the same design to 13 different firms within the State. Some of these firms failed to deliver the boxes in time, and Messrs. Godrej and Boyce Manufacturing Company Limited, Bombay had to supply 1,94,800 ballot boxes to make good the shortage.

Although 12 different designs of steel boxes had been approved by the Commission, in actual practice only 5 of them were selected by State Governments for use, apart from the wooden boxes that had to be brought into use in Madras to make good the shortage there.

Ballot boxes of the following designs were used at the general elections in the quantities mentioned against each:—

1. Design of M/s. Godrej and Boyce Mfg. Co., Bombay	12,84,369
2. Design of M/s. Hyderabad Allwyn Metal Works Ltd., Hyderabad	3,80,507
3. Design of M/s. Bungo Steel Furniture Ltd., Calcutta	2,52,124
4. Design of M/s. Oriental Metal Pressing Works, Bombay	65,000
5. Design of Uttar Pradesh Government (also adopted by Madhya Pradesh)	4,91,850
6. Wooden boxes (in Madras only)	1,11,095
GRAND TOTAL	25,84,945

All the designs proved satisfactory in actual working. There was indeed some criticism in a few instances about the unsuitability of some of the boxes, but in all such cases it was found after enquiry that the complaints were either wholly unjustified or arose because some Presiding Officers had not properly followed the instructions for the use of the boxes and had not sufficiently secured them after polling.

In no case has it been proved that there was any tampering with any ballot box although this ground had been taken in a few election petitions filed after the elections.

Of the various types of ballot boxes approved by the Commission, those manufactured by Messrs. Godrej & Boyce Manufacturing Co., Ltd., Bombay, Messrs. Hyderabad Allwyn Metal Works Ltd., Hyderabad and Messrs. Oriental Metal Pressing Works, Bombay, require the use of paper seals for securing the boxes against tampering. These types of boxes were so constructed that after the paper seal had been affixed to a box and the box closed, it could not be opened again without breaking the paper seal. Before polling commenced, the signatures or seals of the polling agents of the candidates were taken on the paper seal after which it was affixed to the box which was then closed. The signatures on seals were taken so that in case anyone tampered with the ballot box thereafter, he would have to break the signed or sealed paper seal and could not possibly replace it by a fresh paper seal bearing such signatures or seals. It was decided to print the paper seals centrally with an intricate design as a further safeguard against possible forgery or suspicion thereof.

Paper
seals.

The Election Commission consulted the Master, India Security Press, Nasik, and approved a suitable design for paper seals to be used for each type of ballot box. The seals were of two sizes and were made of water-marked paper. The words "ELECTION COMMISSION INDIA" were closely printed on the seals in pink colour to form the background on one face of the seal. The expenditure incurred on paper seals amounted to Rs. 11,243-8-0. As each paper seal served the purpose of a dependable lock, the amount saved as a result of using paper seals, or otherwise securing the ballot boxes instead of using costly locks, was considerable. With about 26,00,000 ballot boxes, the saving on this item alone amounted to about Rs. 1,00,00,000.

Ballot
papers.

The Commission also decided that all ballot papers should be printed centrally. The work of printing ballot papers was entrusted to the Security Press, Nasik. There was no difference in the design of ballot papers for elections to the House of the People and the State Legislative Assemblies except that a thick vertical bar of olive green colour was printed on ballot papers to be used for elections to the House of the People, while a similar chocolate-coloured bar was printed instead on ballot papers to be used for elections to the State Legislative Assemblies (or Council of States Constituencies, Watermarked paper was used for the printing of all ballot papers.

The size of each ballot paper was $3\frac{2}{5}$ " x 2". At a later stage, some difficulty was felt in Hyderabad inasmuch as, through a mistake, the slot of the Allwyn type boxes manufactured for that State measured only $1\frac{11}{32}$ " in length, instead of the prescribed 2", and was, therefore, slightly smaller than the width of the ballot papers. The Commission wanted to avoid the necessity of folding any ballot paper before insertion into the slot. Accordingly, the width of the ballot papers was ultimately reduced by $\frac{1}{8}$ " in respect of those printed for use in Hyderabad.

The names of the candidates were not printed on any ballot paper which contained only a serial number with a prefix consisting of two letters which denoted the State in which the ballot paper was to be used (e.g. AS for Assam, BR for Bihar and so on). The words "ELECTION COMMISSION INDIA" were closely printed in pink all over the surface of each paper to form the background. The serial numbers were printed in black, while the national crest was in white.

According to law, a voter in a multi-member constituency has as many votes as there are seats to be filled up but his votes are distributive and not cumulative. In order to prevent cumulative voting in two-member constituencies, the Commission arranged for the printing of two ballot papers each bearing the same serial number, one of them with an added suffix "A" to distinguish it from the other. The two varieties of ballot papers were separately packed in bundles of one hundred each, one bundle containing ballot papers bearing the bare serial numbers but no suffix, while the corresponding bundle of the other variety contained ballot papers bearing the same serial

NEW DESIGN OF THE BALLOT PAPERS (INTRODUCED IN 1953)

I

(For Two-Member Constituencies)

II

HOUSE OF THE PEOPLE

LEGISLATIVE ASSEMBLY

HOUSE OF THE PEOPLE



BR

999999

LEGISLATIVE ASSEMBLY



BR

999999

सत्यमेव जयते

HOUSE OF THE PEOPLE



BR

999999 A

LEGISLATIVE ASSEMBLY



BR

999999 A

सत्यमेव जयते

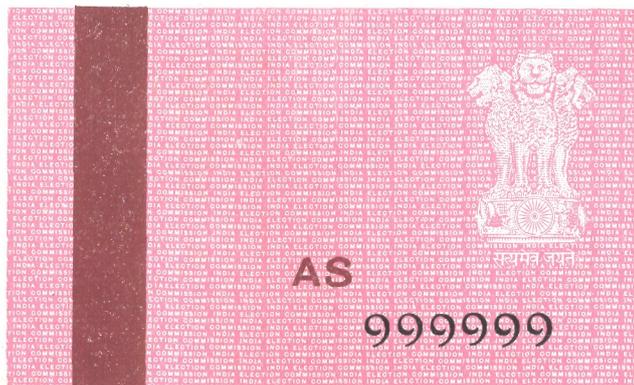
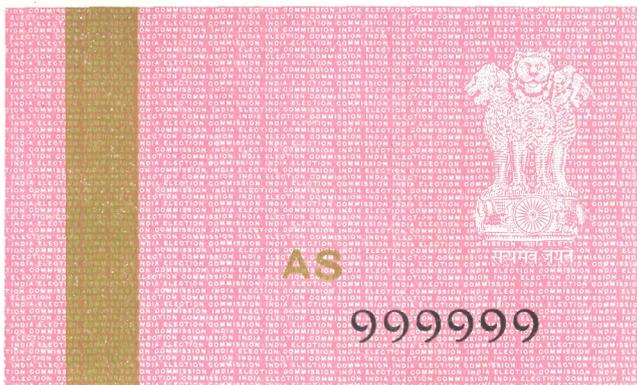
In a three-member constituency, three ballot papers with the same serial number are issued to each voter with suffixes A, B and C respectively printed on them to check cumulative voting.

DESIGN OF BALLOT PAPERS USED AT THE GENERAL ELECTIONS, 1951-52

I
HOUSE OF THE PEOPLE

(For Single - Member Constituencies)

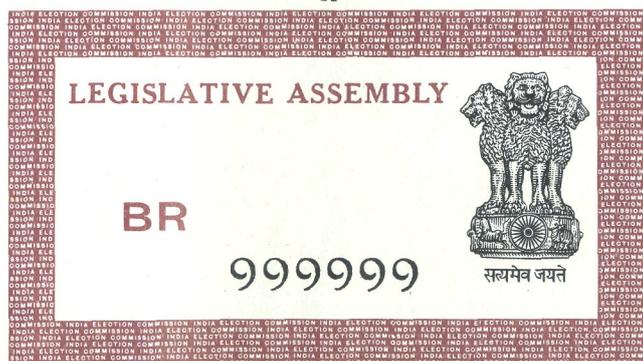
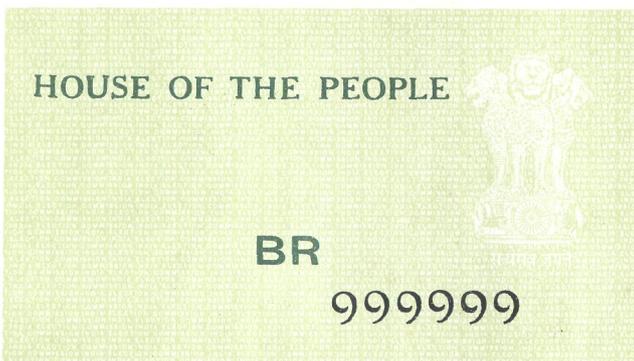
II
LEGISLATIVE ASSEMBLY



NEW DESIGN OF BALLOT PAPERS (INTRODUCED IN 1953)

I

II



The letters 'AS' were used for Assam and the letters 'BR' for Bihar ballot papers. Similar suitable distinguishing letters were used for ballot papers of other States.

numbers along with the suffix "A". For elections in three-member constituencies (which numbered two only), the Commission arranged for the printing of three ballot papers, each bearing the same serial number but with suffixes "A", "B" and "C" respectively. Each voter in a multi-member constituency receives two or three ballot papers, as the case may be, all bearing the same serial number but distinguishable by the suffix or suffixes. The voter is expected to cast each ballot paper into a different box. At the time of counting of the votes in multi-member constituencies, the counting staff are required first to arrange all the ballot papers found in each ballot box serially. As soon as this is done, every case of cumulative voting is at once detected and all but one of the ballot papers with the same serial number found in the same ballot box are rejected.

A total of 180 tons of paper was used for six hundred million ballot papers, the cost amounting to Rs. 10,77,401-13-0.

Unfortunately, the distinguishing vertical bars (olive-green and chocolate) printed on the ballot papers did not prove distinctive enough on account of the pink background, particularly when the bars were printed in a comparatively light colour. This caused confusion at some polling stations, more so in places which were badly lighted. As a result, polling officers in these polling stations issued to the voters Assembly ballot papers for House of the People elections and *vice versa*. There were 1,216 such cases of interchange of ballot papers due to inadvertence. Most of such cases of irregular use of ballot papers were detected before counting commenced and were set right by the Commission by authorising the use of the wrong variety of ballot papers inadvertently issued to the voters at the polling stations. In order, however, that such confusion may not arise in future elections through inadequate differences in the designs of the two kinds of ballot papers, the Commission has since changed the designs of both kinds of ballot papers so as to make them more readily distinguishable from each other. As an additional precaution, the name of the Legislature has also been printed on each ballot paper.

Samples of the old and the new designs of ballot papers are shown in the plates opposite.

Indelible
ink.

The special provision made in rule 22 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, for preventing personation of electors, requires that the voter shall, before receiving his ballot paper, allow inspection of his left forefinger to the Presiding Officer or a Polling Officer. If his finger bears no mark of indelible ink, then only a ballot paper will be issued to the voter, but the finger would first be marked with indelible ink. The indelible ink for marking voters' fingers was manufactured at the request of the Commission by the Indian Council of Scientific & Industrial Research. It has to be applied on the finger with a small glass rod. The mark made with this ink lasts for one week or more. A few complaints were received that the mark could be rubbed away or that it disappears when treated with some chemical or other. All such complaints were carefully investigated and were found to be unjustified. The Commission was satisfied that in all such cases the voters' fingers had not been properly marked. When the ink is properly applied to the finger according to the directions, the mark is indelible for a week or more and serves the purpose for which it is intended. That the ink proved quite satisfactory is evidenced by the fact that it is being used at many Local Bodies' elections as well.

A total of 3,89,816 phials of indelible ink were supplied to the States at a cost of Rs. 2,27,460.

Other
election
materials.

The State Governments were directed to make their own arrangements for the supply of all other polling materials. It was reported to the Commission that difficulty was experienced in practice in securely fixing the symbols on the ballot boxes and that the labels bearing the symbols often peeled off from the ballot boxes. In order to meet this difficulty, the Commission has since suggested the use of a special adhesive also produced by the Indian Council of Scientific & Industrial Research. The recommended adhesive has been found very satisfactory in practice.

An idea of the polling materials and other items that have to be supplied to each polling party for use in a polling station may be obtained from the following exhaustive list which was drawn up by the Commission and circulated to the Returning Officers whose duty it is to ensure that each polling party is adequately supplied with its requirements.

List of polling materials required at a polling station.:

1. Ballot boxes
2. Working copies of electoral rolls
3. Ballot papers
4. Indelible ink
5. Paper seals
6. Labels bearing symbols of candidates
7. Identity slips
8. Tendered ballot paper forms (Form 7)
9. List of tendered votes form (Form 8)
10. List of challenged votes form (Form 9)
11. Ballot paper account (Form 10)
12. Thumb impression pad and ink
13. Envelopes
14. Form of notice under rule 19(3)(a)
15. Form of notice under rule 19(3)(b)
16. Pencils—ordinary and copying
17. Ink and pens
18. Foolscap paper
19. Blotting papers
20. Nibs
21. Pins
22. A knife
23. A pair of scissors
24. Ink pads
25. Gum-paste
26. Sealing wax
27. Candles
28. Match box
29. Twine and pieces of wire
30. Sewing needles
31. Presiding Officer's seal
32. Packing materials
33. Screens for polling compartments
34. Furniture (chairs, tables, benches, stools, etc.)
35. Lanterns or other lights, and kerosene oil
36. Address tabs.

CHAPTER XI

THE ELECTION PROGRAMME

Elections to the House of the People, Legislative Assemblies and Council of States constituencies.

As soon as the work of delimiting the constituencies was over, it was possible to take up the question of fixing the programme for polling. The actual polling dates were fixed with due regard to the preparations made, and the climatic and geographical conditions in the various States. The Chini and Pangi Assembly constituencies of the hilly State of Himachal Pradesh were the first to go to the polls, as it was necessary to complete the polling in those areas before snow-fall which is usual there in early November. Statutory notifications calling upon these two constituencies to elect members and fixing the dates for the various stages of the elections were issued on the 10th September, 1951. The poll was taken simultaneously, as everywhere else, for elections to the House of the People and the Legislative Assembly. Polling took place on the 25th, 27th, 29th and 31st October, and the 2nd November, 1951, in these two constituencies. Polling in the remaining constituencies in Himachal Pradesh was completed by the 30th November, 1951, except that re-polling had eventually to be held on slightly later dates at three polling stations as a result of irregularities committed there. On account of the difficulties arising from the geographical conditions of the State, and the poor means of transport and communication, polling had to be spread over a period of 37 days, commencing from the 25th October, 1951. Actual polling took place on 17 days only.

The Thiruvella and Trichur Parliamentary constituencies (each comprising 8 Assembly constituencies) of Travancore-Cochin were the next to go to the polls on the 10th December, 1951. Polling in the other constituencies in that State took place later in December and in the first week of January, 1952. In Orissa, Madhya Pradesh, Hyderabad and Punjab, polling commenced during December, 1951. All the remaining States went to the polls during January, 1952. Polling in the northern hilly areas of Uttar Pradesh took place late in February, 1952, after snow had melted there. The detailed programme is contained in Part VIII of Volume II of the Report.

On account of a few cases of adjourned poll, as also of re-poll, ordered at a few polling stations where there had been serious irregularities or tampering with ballot boxes during poll, the Commission extended the time for the completion of the elections in respect of some constituencies in the States of Uttar Pradesh, Bhopal and Himachal Pradesh.

The first notification containing the names of the members elected and nominated to the Legislative Assembly was issued by Madhya Pradesh and Saurashtra on the 9th February, 1952, and the last such notification was issued on the 17th May, 1952, by Coorg. The notification under section 73 containing the names of persons elected and nominated to the House of the People was issued on the 2nd April, 1952.

Results
of the
election.

The question of holding elections to the Council of States and the Legislative Councils had also to be taken up meanwhile. A notification under section 12 was issued by the President appointing the first day of April, 1952, as the date before which the elected members of the Legislative Assemblies of each Part A and Part B State (except Jammu and Kashmir), and the members of the electoral colleges of each of the Part C States of Ajmer, Bhopal, Delhi, Kutch, Tripura, Vindhya Pradesh and of the group of the States of Himachal Pradesh and Bilaspur, were to elect members to fill the seat or seats allotted to each such State or group of States in the Council of States. The dates for the various stages of the election were fixed under section 39 as follows:—

Election
to the
Council of
States.

- (a) The 13th March, 1952, as the last date for making nominations.
- (b) The 14th March, 1952, as the date for scrutiny of nominations.
- (c) The 17th March, 1952, as the last date for withdrawal of candidatures; and
- (d) The 27th March, 1952, as the date for taking of the poll.

Early in October, 1951, the work of preparing the electoral rolls for the graduates', teachers' and local authorities' constituencies for the seven States which have Legislative Councils was taken up. After claims and

Election
to the
Legislative
Councils.

objections had been disposed of, the rolls were finally published in the various States by the following dates:—

Bihar	28-2-1952
Bombay	20-2-1952
Madras	30-1-1952
Punjab	7-2-1952
Uttar Pradesh	4-3-1952
West Bengal	7-4-1952
Mysore	12-3-1952

Soon after this, the Governor or Rajpramukh concerned issued notifications under sections 18 and 39 of the Representation of the People Act, 1951, fixing the following time-table for elections to the Legislative Councils:—

Election by Council Constituencies

Name of State	Date of issue of notification under section 18(1) (a)	Last date for filing nominations	Date of poll
Bihar	29-2-1952	8-3-1952	14-4-1952
Bombay	21-2-1952	29-2-1952	8-4-1952
Madras	30-1-1952	11-2-1952	17-3-1952
Punjab	11-2-1952	21-2-1952	4-4-1952
Uttar Pradesh	6-3-1952	15-3-1952	20-4-1952
West Bengal	15-4-1952	24-4-1952	29-5-1952
Mysore	15-3-1952	24-3-1952	28-4-1952

Election by Members of the Assembly

Name of State	Date of issue of notification under section 18(1) (b)	Last date for filing nominations.	Date of poll
Bihar	4-3-1952	14-3-1952	26-3-1952
Bombay	3-3-1952	13-3-1952	26-3-1952
Madras	4-3-1952	13-3-1952	27-3-1952
Punjab	3-3-1952	13-3-1952	27-3-1952
Uttar Pradesh	4-3-1952	16-3-1952	28-3-1952
West Bengal	4-3-1952	13-3-1952	31-3-1952
Mysore	4-3-1952	13-3-1952	27-3-1952

Election of the President and the Vice President.

The question of holding elections to the offices of the President and the Vice-President was next taken up by the Commission and under sub-section (1) of section 4

of the Presidential and Vice-Presidential Elections Act, 1952, the following programme was fixed for the election to the office of the President:—

- (a) the 12th April, 1952, as the last date for making nominations;
- (b) the 14th April, 1952, as the date for scrutiny of nominations;
- (c) the 17th April, 1952, as the last date for withdrawal of candidatures; and
- (d) the 2nd May, 1952, as the date for taking of the poll.

The following programme was fixed under sub-section (1) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, (XXXI of 1952), in respect of the election to the office of the Vice-President:—

- (a) the 21st April, 1952, as the last date for making nominations;
- (b) the 22nd April, 1952, as the date for scrutiny of nominations;
- (c) the 25th April, 1952, as the last date for withdrawal of candidatures; and
- (d) the 12th May, 1952, as the date for taking of the poll.

The general elections, which commenced on the 10th September, 1951 when the first notifications under sections 15 and 17 of the Representation of the People Act, 1951, were issued in respect of Himachal Pradesh, concluded on the 4th June, 1952, when the election to the West Bengal Legislative Council was completed.

Duration of
the general
elections.

Thus the entire programme of the first general elections took more than eight months to complete. In fact, however, polling for Parliamentary and Assembly constituencies commenced on the 25th October, 1951, in Himachal Pradesh, and ended on the 21st February, 1952 with the completion of elections in Uttar Pradesh. Thereafter, the other elections were taken up as soon as this could be conveniently done. Some of the States did not find it possible or advisable to complete the process of election within a shorter period for fear of the risk of putting too great a strain on their man-power and other resources.

They, therefore, provided sufficient gaps in drawing up their programmes. As these were the first elections on such a gigantic scale, the Commission did not press them to adopt a shorter time-table.

A small State like Himachal Pradesh took as many as 37 days to complete polling. The Commission did not, for the reason already stated, like to impose a compressed programme. It is hoped, however, that the position has somewhat improved since then and the Commission would in future endeavour to ensure that polling for general elections takes place simultaneously all over India and is completed in each State within something like three weeks, at the most.

Scope for
reducing
the period.

A minimum of 42 days is required under the present law between the notification calling for an election and the commencement of polling. The major portion of this period is taken up by the minimum gap of 30 days which must be allowed between the last date for the withdrawal of candidatures and the commencement of the poll [*vide* section 30(d) of the Representation of the People Act, 1951]. The Commission recommends that this gap can and should be conveniently reduced to 21 days. If this recommendation is adopted, the total election period would be reduced to something like nine weeks, as follows:—

From the date of notification to commencement of poll	33 days
Taking of the poll	21 days
Counting and declaration of results	9 days
	63 days.

In most of the States, however, as many as 21 days will not be required for the taking of the poll, and the counting and declaration of results will also take less than 9 days. In actual practice, therefore, the programme for the next general elections can be appreciably compressed if the above proposal is accepted.

Simultaneous
elections to
the House
of the People
and the
Legislative
Assemblies.

Another point which deserves special emphasis here is the desirability, if not the necessity, of holding simultaneous elections for the House of the People and the Legislative Assemblies. Leaving aside the cases of Travancore-Cochin, P.E.P.S.U. and Andhra, where fresh general elections had since to be held, there is at present a certain amount of divergence in the dates of expiry of

the terms of the different Legislative Bodies. In order that simultaneous elections may be held, it may be necessary to dissolve some of the Legislatures slightly prematurely. Such an arrangement will not only save a great deal of avoidable expenditure, but will also be convenient from the point of view of the candidates, political parties, and the election machinery.

January and February appear to be the best months for polling, taking the country as a whole. The Commission feels that apart from premature dissolution of a legislature due to extraordinary circumstances, all future general elections should be so timed that polling may take place in January or February.

Suitable
period
of polling
for general
elections.

CHAPTER XII

NOMINATIONS

Filing of nomination paper.

A nomination paper in the prescribed form must be formally presented before the Returning Officer by or on behalf of a candidate for election. Certain formalities have to be observed in this connection. A proposer and a seconder have to subscribe to the nomination paper and the candidate must also agree in writing to the nomination. The nomination paper has to be delivered to the Returning Officer at the place notified by him between the hours of 11 A.M. and 3 P.M. on or before the last date fixed for the filing of nominations. Only the candidate in person or his proposer or seconder is competent to deliver the nomination paper to the Returning Officer. The candidate must himself be registered as a voter in some constituency or other of the House to which he seeks election and his proposer and seconder must be voters enrolled in the particular constituency in respect of which the nomination is made. The proposer and seconder are entitled to subscribe as many nomination papers as there are vacancies to be filled and no more.

The nomination paper of every candidate is required to be accompanied by:

- (1) a declaration in writing appointing an election agent;
- (2) a receipt showing that the necessary deposit has been made for the candidature;
- (3) a declaration making the choice of a symbol.

In the case of a candidate desiring election to a seat reserved for the Scheduled Castes or for the Scheduled Tribes, his nomination paper must, in addition, be accompanied by a declaration verified by a Magistrate that he belongs to a Scheduled Caste or a Scheduled Tribe.

Form of nomination paper.

The form in which nomination papers were to be presented was specified in Schedule II of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951. The form was devised as an omnibus

one for use in elections to any legislature. During the general elections it was found to be somewhat too lengthy and cumbrous. It has since been simplified and replaced by six separate forms, each of which is to be used in elections to a different House.

In all, 5,155 nomination papers, in respect of 2,833 persons, were filed for elections to the House of the People and 42,244 nomination papers in respect of 23,287 candidates were filed for elections to the State Legislative Assemblies. The following table shows the number of persons (i) who filed their nomination papers, (ii) whose nomination papers were rejected, (iii) who withdrew their candidatures and (iv) who remained contesting candidates:—

Name of the House	Total No. of candidates	No. of candidates whose nomination papers were rejected	No. of candidates who withdrew their candidatures	No. of contesting candidates
House of the People . . .	2,833	133	826	1,874
Legislative Assemblies of States . . .	23,287	1,405	6,521	15,361
TOTAL . . .	26,120	1,538	7,347	17,235

It was felt that some candidates might find it difficult to appreciate the legal technicalities of the provisions of the two Acts and the Rules made thereunder. The Commission accordingly issued a handbook containing the provisions of the election law which concerned the candidates. An attempt was made therein to give a clear exposition of the law on matters such as qualifications and disqualifications for membership of Legislatures, filing of nomination papers and matters ancillary thereto, scrutiny of nomination papers, withdrawal of candidatures, election agents, etc. The handbook was more or less a compilation of "do's" and "don'ts" for candidates. The subjects covered were arranged in a chronological order. The candidates'

Number of candidates and nomination papers.

Candidates' handbook.

attention was pointedly drawn to the common pit-falls into which they might land themselves unless they were careful. The book proved to be of considerable assistance to the candidates and their agents. In a large number of cases it was referred to by the Returning Officers at the time of scrutiny.

**Commission's
Instructions
to Returning
Officers.**

Considerable difficulty was experienced by the average Returning Officer at the time of the scrutiny of nomination papers. He had no precedents to follow and the law being new, he had to interpret it unaided as best as he could. The Commission was anxious that nomination papers should be scrutinised properly. It was also aware that the more inexperienced Returning Officers would find a good deal of difficulty in the matter in the absence of any guidance. The Commission accordingly issued circular instructions inviting the attention of the Returning Officers to the relevant provisions of the law and giving suitable directions in accordance therewith. The candidates were also cautioned by a press note against possible mistakes in the filling and presentation of nomination papers. They were given detailed advice as to how to fill in the entries which relate to the electoral rolls.

In addition, the Commission took care to clarify the position in case of deviations from the rules of procedure laid down for the declaration of choice of symbols by candidates. The pointed attention of the Returning Officers was invited to sub-section (4) of section 36 of the Representation of the People Act, 1951, which lays down that no nomination paper shall be rejected on a technical ground. Without purporting to encroach on the discretion or judgment of the Returning Officers, the Commission conveyed its view that any defect in the matter of choice of symbols in the nomination paper was technical in nature inasmuch as the assigning of a symbol to a candidate was a matter which lay ultimately within the discretion of the Returning Officer who could assign a symbol to a candidate which was not included in the list of the three symbols mentioned in his nomination paper. The commission announced by a press note that if a candidate, through ignorance or carelessness, failed to mention more than one symbol in his nomination paper, such a defect should be considered a minor defect and overlooked. It was further announced that if the first of any of the three symbols mentioned by a candidate in his nomination

paper was a symbol already reserved for another political party, or even if the candidate completely failed to specify his choice of symbols, the defect should be treated as minor and technical.

The Returning Officers were further directed to see that any clerical errors in a nomination paper in regard to the names or serial numbers of the candidate and his proposer or seconder were corrected at the time of its presentation.

In the great majority of cases, the Returning Officers carried out the scrutiny of nomination papers quite satisfactorily.

A number of objections urged against nomination papers raised substantial issues of fact and law, e.g., cases in which the eligibility of the candidates for election was challenged on the ground of their being disqualified under the Constitution or the Act. The law requires Returning Officers to hold only a summary enquiry before deciding such objections. Most of the Returning Officers followed the procedure satisfactorily. A few, however, went too much into details and made the proceedings too protracted, while a few others passed too cryptic orders.

Nature of objections raised against nomination papers.

Unfortunately, some of the Returning Officers could not correctly appreciate the nature of their powers and duties under the law and there were several instances in which nomination papers were rejected on account of purely technical and even flimsy defects which could not be said to be of a substantial character. Some idea of the flimsy grounds on which nomination papers were rejected will be obtained from the following typical instances:—

Improper rejection of nomination papers.

- (1) The candidate's proposer was holding an office of profit (Election Petition No. 147 of 1952).
- (2) The word "State" was added in the nomination form to the name of the Legislative Assembly, e.g., in one case, it was described as "West Bengal State Legislative Assembly" instead of "West Bengal Legislative Assembly" (2 E.L.R. 125).

- (3) Only one symbol was chosen by the candidate instead of three (2 E.L.R. 301).
- (4) The candidate had been selected for appointment to an office of profit (5 E.L.R. 48).
- (5) The candidate's name was entered in the list of assessors for trial of sessions cases.

The position was particularly bad in P.E.P.S.U. where as many as 33 election petitions were filed to challenge the result of elections to the Legislative Assembly which had a total of 50 constituencies. Four of these petitions were subsequently withdrawn, and 11 elections were declared void on account of improper rejection of nomination papers. As a result, 16 candidates were unseated. Some of the decisions given by the Returning Officers in the State at the time of scrutiny were patently unsatisfactory. For instance, the nomination paper of one candidate for election from the Kandaghat two-member constituency, was rejected only on the ground that the particulars of the election agent had not been given and the election agent's appointment had not been made in Form 5-A. In fact, the candidate was his own election agent and the rejection of the nomination paper was, therefore, uncalled for. The election was ultimately set aside (2 E.L.R. 140). In the case of the Amloh-Payal two-member constituency, the nomination papers of two candidates were rejected on the ground that the constituency and the particulars of the area in the roll of which the names of the proposers and seconders were mentioned, had not been stated. The name of the village had, in fact, been mentioned in both the cases and the name of the constituency had been mentioned in item (1) of the nomination paper. The Tribunal set aside the election in this case also (Election Petitions Nos. 69 and 150 of 1952). Similar was the history in regard to the election from the Sirhind constituency (4 E.L.R. 302). The election from the Dhilwan constituency was declared void on account of the improper rejection of the nomination paper of one of the candidates (2 E.L.R. 401). The Returning Officer in this case had taken the view that the particulars of the area in the roll of which the name of the candidate was included had not been correctly given. In fact, the name of the constituency, thana and district had been given, and the only ground for rejection of the nomination paper was that the name of the post office had not been stated.

Out of a total of 17,235 contesting candidates, the number of candidates set up by the political parties, and of independent candidates, was as follows:—

Name of the Party	Total number of Parliamentary candidates	Total number of Assembly candidates	Number of candidates set up by the parties and of independent candidates.
Congress	479	3,192	
Socialist	256	1,802	
Communist Party of India	49	465	
Kisan Mazdoor Praja Party	146	1,006	
Jan Sangh	93	718	
Scheduled Castes Federation	34	241	
Ram Rajya Parishad	62	342	
Krishikar Lok Party	29	139	
Hindu Mahasabha	31	211	
Forward Bloc (M)	24	158	
Forward Bloc (R)	6	62	
Revolutionary Socialist Party	8	58	
Revolutionary Communist Party of India	1	13	
Bolshevik Party of India	1	14	
Local Parties in States	131	1,047	
Independents	524	5,893	
TOTAL	1,874	15,361	

It will be noticed that the independent candidates formed as much as 37.2 per cent of the total number of candidates.

Only 93 candidates were returned unopposed. Out of these, 41 candidates were elected to seats reserved for members of the Scheduled Castes and the Scheduled Tribes. As many as 72, out of the total of 93, were official candidates of the Indian National Congress.

Unopposed returns.

Out of a total of 338 election petitions arising out of the general elections, 116 contained allegations regarding improper rejection of nomination papers. Quite a large number of such rejections was due to lack of proper appreciation of the provisions of the law on the part of the Returning Officers. 64 of such rejections have been held to be improper and the Election Tribunals have declared several elections to be void on that account. The question of amending the law suitably in order to find a

Suggested amendments to the Law.

remedy for this unsatisfactory state of affairs has since been taken up and an amending Bill is now pending in Parliament. It is proposed in this Bill to do away with the provision requiring the appointment of an election agent in the nomination paper itself. It has been proposed instead that until any such specific appointment is made by a candidate, he should be deemed to be his own election agent. The nomination paper is also proposed to be simplified. Another provision of the Bill relates to the rule of evidence contained in sub-clause (a) of sub-section (7) of section 36 of the Representation of the People Act, 1951, which is not suitably worded. A certified copy of an entry in the electoral roll of a constituency can only be evidenced of the fact that the individual referred to in the entry is, for the time being, registered as an elector in the constituency. It cannot obviously establish the conclusiveness of his right to stand for the election irrespective of all other considerations relevant to the matter, as the present wording of the section would seem to suggest.

The Election Commission would, in fact, recommend a far more thoroughgoing amendment of the law governing the filing and scrutiny of nomination papers. There is a good deal of scope for doing away with most of the non-essential technicalities which at present encumber this branch of the election law. The law should be so amended and the form of nomination papers so simplified that a duly qualified candidate filing his nomination within time may not run any risk of his nomination paper being rejected through a mere technical lapse or defect in the same.

The Election Commission accordingly recommends that the law should be amended on the following lines:—

☐ (a) It should be enough that a candidate is eligible to have his name registered as a voter in a constituency. Law should not go further and insist that he is, in fact, so registered. If his name is included in the roll, so much the better, of course. If not, he should be required to prove his eligibility, if challenged. ☐ Electoral rolls are bound to remain incomplete and unsatisfactory, more or less, even after the most painstaking preparation or revision; and experience has demonstrated that such insistence works harshly in many instances. Indeed, it was considered necessary from the very beginning to devise palliatives by way of last-minute inclusion of names in the electoral

rolls after exacting a penalty. The necessity for any such palliative will disappear if the suggestion is adopted.

(b) The law now requires that every nomination paper must be subscribed by a proposer and a seconder and that each of them must be an elector in the constituency in question. This provision may conveniently be done away with. It is a mere technicality which has been borrowed from the British and earlier Indian election law and has no intrinsic merit. A candidate who is unable to enlist the support of even two of the electors in the constituency will never risk his deposit money and undergo other election expenses by offering himself for election, and no useful purpose is therefore served by insisting that the nomination paper must be subscribed by a proposer and a seconder. The amending Bill now pending in Parliament seeks to do away with the seconder but retains the proposer. The reform which is admittedly necessary should, in the view of the Commission, be carried to its logical conclusion and the requirement of a proposer should disappear as well.

(c) A candidate should be deemed to be his own election agent until he has formally appointed some other person to be his **election agent**.

The above reforms, if carried out, will make the nomination paper a much simpler document and will effectively avoid the rejection of any nomination papers on mere technical grounds. This will, in turn, lead to a reduction in the number of election petitions and the setting aside of many elections, thus saving a good deal of waste of time and money—both public and private.

There is a large volume of opinion in favour of providing for an appeal against the order of a Returning Officer either accepting or rejecting a nomination paper. After a careful consideration of the whole problem, the Election Commission is unhesitatingly opposed to any such proposal. The real remedy against the weaknesses in the present law is to be obtained not by providing still more intricate and dilatory procedure involving litigation but by making the law simpler and by discarding non-essential technicalities so that candidates and Returning Officers may not stumble over them and commit careless or un-intentional mistakes. It will only introduce fresh confusion and result in much avoidable litigation and delay if, on the other hand, the scope for committing mistakes is

left untouched but appeals and other legal remedies are provided against mistaken orders resulting largely from the technicalities and the intricacies of the present law. There is every reason to apprehend that once such an appeal is provided for, too many interested persons will avail of the opportunity unscrupulously and the appellate authorities will be literally flooded with appeals against acceptances and rejections of nomination papers. This cannot but seriously upset all election time-table in future. The finality of the list of validly nominated candidates will be held up indefinitely even if the appellate authorities are required to and actually dispose of these appeals within a time limit. Judging from the experience of the Election Tribunals whose decisions were sought to be made final in law, aggrieved parties are certain to approach the higher courts for getting the orders of the appellate authorities set aside on the ground of want of jurisdiction, excess or non-exercise of jurisdiction and the like. It is also very likely that stay orders and writs will be obtained at every stage so that the completion of any election within a reasonable period will be difficult. The Election Commission feels accordingly that no right of appeal should be allowed against the order of a Returning Officer accepting or rejecting a nomination paper. Persons who feel aggrieved by such orders—and their number will be very much smaller in case the Commission's earlier suggestions are accepted—may very well be left to the remedy of challenging the result of an election only by an election petition after the election has been completed.

CHAPTER XIII

ELECTION AGENTS

Before filing his nomination paper, every candidate is required to appoint in writing either himself or one other person to be his election agent. The form of nomination paper prescribed at the time of the general elections included a declaration to be signed by the candidate recording the appointment of his election agent.

Speaking generally, candidates appointed themselves as their own election agent. The percentage of candidates who were their own election agents for election to the various legislatures was 88.4. The system of election agents cannot therefore be said to have been very popular with candidates.

The provisions relating to the appointment of election agents were not properly understood by many candidates with the result that the nomination papers of 178 candidates were rejected at the time of scrutiny for failure to make the appointments in accordance with law. In the Commission's opinion, it is not the intention of law that nomination papers should be rejected for such a defect. In order to eliminate the possibility of such rejections in the future, the appointment of election agents should be made optional for candidates and allowed to be made at any time after the filing of the nomination paper. It would be desirable to amend the law so as to provide that a candidate would be deemed to be his own election agent until he specifically appoints another person to be his agent. If this suggestion is adopted, any irregularity or defect in the appointment of the agent would not affect the nomination paper in any way.

Working of
the system

The unpopularity of the system is perhaps explained by the stringent manner in which the law is generally administered and applied. It is probable, however, that once the candidates are assured that any irregularity in the appointment of their election agents will not affect the validity of their nomination papers, the system of election agents may be more extensively availed of. A candidate is generally kept so busy with his election campaign that

the appointment of a separate election agent should give him substantial relief and result in the keeping of better accounts of election expenses.

Duties of an
election
agent.

The main duty of an election agent is to maintain full and regular books of accounts showing details of the expenditure incurred on the candidate's election. The appointment of an election agent, in fact, does not terminate until after the formal scrutiny and acceptance of the return of election expenses. Out of a total of 3,187 candidates who appointed persons other than themselves as their election agents, 855 incurred disqualifications for membership of Legislatures, and for voting, on account of failure to lodge their returns of election expenses within the time and in the manner required by law. This shows that 26·8 per cent of the election agents did not realise that it was their main responsibility to see that proper and full accounts were timely rendered of the expenditure incurred at the election. Out of a total of 855 election agents who had thus incurred disqualifications, the Commission ultimately ordered the removal of the disqualifications of 221 after obtaining their explanation and getting the defects rectified as far as practicable. 69 out of them pleaded ignorance of law in the representations made by them for removal of their disqualifications. 46 were under the impression that their candidates having ceased to be contesting candidates on account of the rejection of their nomination papers or of voluntary withdrawal of candidature, they were not required to file any returns of election expenses. Elsewhere, the Commission is recommending that the law should be amended so as to make it unnecessary for all but contesting candidates to file a return of election expenses. As many as 510 election agents failed to discharge the responsibility of filing the return of election expenses, although the candidates actually contested the elections. It cannot, therefore, be said that election agents in general realised or discharged their responsibility.

The system of election agents cannot, in view of the above facts, be said to have worked very satisfactorily.

CHAPTER XIV

THE POLL

In selecting the location of polling stations, the Commission directed that the following considerations should be kept in view:—

Scheme of
Polling
Stations.

- (i) There should not, ordinarily, be more than 1000 voters for a polling booth.
- (ii) A polling station should serve a geographically well-defined area.
- (iii) Where absolutely necessary, separate polling booths should be provided for women voters.
- (iv) A voter should not, ordinarily, be required to travel more than three miles to reach his polling station.
- (v) Polling stations should not be located in places of religious worship.

Public buildings were generally preferred for the location of polling stations. As these were not always available in sufficient numbers, dak bungalows, and even private buildings, were made use of. Care was taken to use the private buildings with the consent of the owners, and on payment of compensation, as necessary. In all 23,222 private buildings were used.

Due to the absence or shortage of suitable buildings, recourse had to be taken at some places to inexpensive temporary structures specially erected to serve as polling stations. The cheapest materials available were used for these structures and furniture was improvised wherever necessary. 16,088 such temporary structures were erected at a cost of Rs. 11,37,913-11-0. The temporary structures served the purpose well, and in no case had polling to be adjourned because of their proving unsuitable.

The Commission prescribed the manner in which lists of polling stations were to be published so that the voters could, without difficulty, know at which polling station or booth they were to cast their votes.

A total of 1,32,560 polling stations, with 1,96,084 polling booths, were set up throughout the country. Of these, 94,431 polling stations had one booth each. In spite of the Commission's instructions that the number of booths should be restricted as far as possible at a polling station, there was an instance in Uttar Pradesh where the number of booths in one polling station was as many as 19. Such multiplicity of booths involves a risk of confusion during polling. The Commission would accordingly prefer only single-booth polling stations at future elections. Necessary amendment in the law has already been proposed. On an average, there was one polling booth for every 884 voters.

**Voting
by women.**

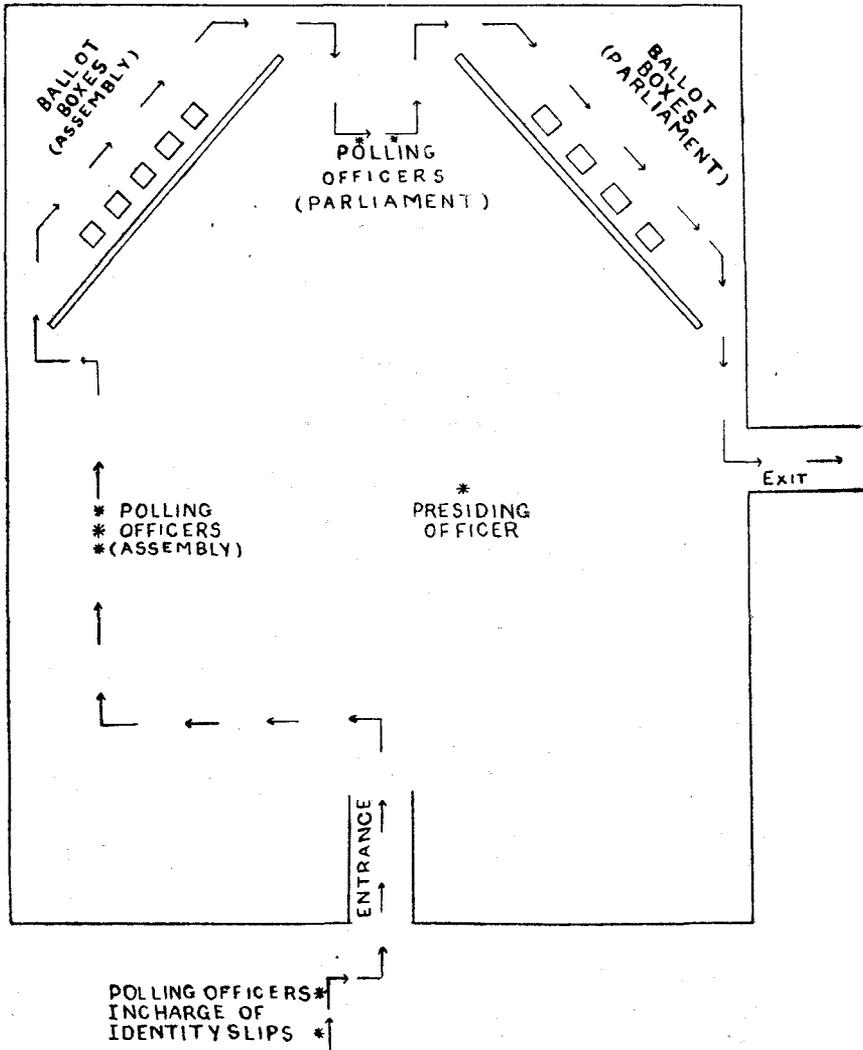
As a rule, men and women voters voted at the same polling station or booth. At least one woman was appointed to assist the presiding officer at every polling station as far as possible. Wherever it was felt that on account of local custom women voters would find it difficult to appear at polling stations and cast their votes unless special facilities were provided for them, arrangements were made to set up separate women's booths. As far as possible, women polling officers were employed at such booths. At polling booths where both men and women voters voted, they were formed into separate queues and allowed to vote in alternate batches. A total of 27,527 booths were reserved for women voters all over the country.

Difficulties.

Considerable difficulty was experienced in making arrangements for the taking of the poll in desert or hilly areas where the terrain was difficult. In such areas, the density of population being very low, it was not possible to provide a polling station for every one thousand voters within three miles from the voters' homes. The number of polling stations had therefore to be increased in such areas. The smallest polling station in one such area catered for only 9 voters. The distances also could not be kept down in such cases to three miles. This did not, however, always deter the voters from going to the polling stations to cast their votes. For instance, the percentage of polling in the hilly tracts in West Bengal, and in the desert areas of Rajasthan, was 85.2 and 27.7 respectively.

In order to ensure the setting up of polling stations on proper lines, the following rough lay-out plan was suggested to all Returning Officers:—

Lay-out
of polling
station.



The plan was substantially adopted at all polling stations. In out of the way places, polling stations had sometimes to be improvised to meet merely the barest minimum requirements. For instance, in some of the desert areas of Rajasthan, open-air polling stations were set up and small huts or tents were erected only to serve as secret voting compartments. The ballot boxes were placed in such huts or tents and the voters went into

them one by one to cast their votes, all previous proceedings having been held in the open. Care was taken in every such case to ensure that the voting was secret.

Staggering
of the poll.

Except in the State of Delhi, it was found impracticable to complete the poll in all the constituencies of a State in a single day. The area of a Parliamentary constituency was normally so large that except in rare cases where sufficient facilities were available, polling had to be spread over a number of days. Lack of adequate polling personnel, and difficulties created by the absence of transport facilities, made it difficult in some of the States to complete polling even in an Assembly constituency in one day. The polling dates, therefore, had to be fixed with due regard to the circumstances prevailing in each State. In States in which polling was spread over a number of days, each polling party was assigned a number of polling stations, and the programme was so arranged that the party went on its beat, completing polling at the stations assigned to it, one after another, on the dates notified for those areas. In order to ensure that the polling parties reached their destinations in time and took preliminary steps for the setting up of polling stations, an interval of a day or more was allowed between the dates fixed for the taking of the poll. Thus only was it possible for one polling party to take the poll at a number of stations on different dates and the difficulty arising from the shortage of polling personnel was solved. While polling in 126 Parliamentary and 1,846 Assembly constituencies was completed in one day, it was spread over in the rest of the constituencies. The longest period taken was in Punjab where it took as many as 25 days to take the poll in the Hoshiarpur Parliamentary constituency. The Commission feels that with better planning in future, it will be possible to reduce the period of poll in every constituency to reasonable limits.

As poll had to be taken at 1,32,560 polling stations with 1,96,084 polling booths, it is not surprising that the magnitude of the task should have presented almost insuperable difficulties. The first problem was to find the vast army of polling personnel of a minimum standard. The resources of the State Governments in man-power were utilised to the maximum extent possible, and recourse had also to be taken to the employees of local bodies and Government-aided institutions. The maximum strength of the polling personnel that could be mustered necessarily

determined the period required for the taking of the poll. Wherever the number was insufficient, polling had to be staggered over a number of days. As a rule, it was so arranged that in every big city the poll was completed on a single day. In the city of Calcutta, for instance, 826 polling stations were set up with 1,918 polling booths and the poll was taken on a single day with the help of 4,175 polling officers and 11,052 policemen.

In some States, a good deal of difficulty was experienced in the transport of polling parties and polling materials on account of their peculiar physical features like snow-capped mountains, vast deserts, wide unfordable rivers, dense forests and other difficulties. A few typical instances may be cited.

Transport difficulties.

Parts of Himachal Pradesh remain snow-bound for a number of months every year and during these months it is physically impossible to arrange the transport of polling parties over the snow-bound areas. The voters also would find it impossible to attend the polling stations. Elections to the Chini and Pangi Assembly constituencies, and the corresponding portions of the Parliamentary constituencies, had therefore to be arranged in a hurry before snow-fall. It was just possible to complete the polling in these areas in time. Even then, it took about a week after the poll to transport the ballot boxes to Chamba and Kasumpti, the headquarters of the respective Returning Officers, for the counting of votes.

Himachal Pradesh.

In the hilly areas of the Outer Manipur Parliamentary constituency, considerable difficulty was faced in procuring porters for the transport of ballot boxes and other polling materials to the polling stations and no other means of transport were available. The support of the hill chiefs was in the end secured for obtaining a supply of porters, by promising to those who helped a piece of red blanket and a gun license by way of reward. Elephants were employed for transport in some parts of Tripura but in most cases the polling parties had to reach their polling stations on foot covering a distance of about forty miles per day. In parts of the Mohindergarh and Kohistan districts of P.E.P.S.U., serious transport difficulty was caused by snow and the difficult mountainous nature of the area. Camels, mules, ponies and porters had to be used for transporting the polling parties and their equipment.

Manipur, Tripura and P.E.P.S.U.

Rajasthan.

In Rajasthan, there are vast desert areas with no roads whatsoever. Telegraphic and telephonic facilities are not generally available and even the transport of ordinary mail takes considerable time. In the districts of Barmer and Jalore in particular, ordinary motor vehicles were not good enough for such tracks as exist and high-powered Army vehicles had to be specially arranged for in order to transport the polling parties from place to place. Even these vehicles often got marooned in sand and at one stage it was feared that the polling arrangements would completely break down. The entire stock of jeeps in the State was then pooled and sent to the two districts, and it was only then that it was possible, with great difficulty, to complete the polling programme according to schedule. The difficulties experienced in Jaisalmer, and some other desert districts like Jodhpur, were solved by arranging transport of polling parties on camels. For this, a large number of camels had to be hired, and each polling party moved like a caravan.

The means of communication were also wholly inadequate in the State, and the facility of trunk telephone was not available in many of the district headquarters. The Posts and Telegraphs Department arranged for special telephone facilities wherever possible, and also opened many temporary post offices. In a large number of centres, where such facilities could not be provided, wireless transmitters were installed. All these arrangements helped the completion of the poll according to schedule. It is remarkable that there was not a single instance in which polling had to be adjourned because of the inability of the polling party to reach the polling station in time. A Control Room under the direct control of the Chief Electoral Officer was organised at the capital of the State, Jaipur, and functioned in three shifts round the clock. The Control Room was in possession of full and up to date data regarding the polling parties, the means of communication and transport, and effectively controlled the entire operations. It was referred to for various urgent problems arising in far-off stations and gave prompt directions and decisions in order to solve them.

Assam.

In some of the hilly areas of Assam, polling parties and porters had to march on foot for days together through virgin and trackless forests to reach their polling stations.

In order that they might not lose their way in the forests and thus upset the polling programme, it was found necessary to send an advance party in each case which marked out the shortest routes to the polling stations on wayside tree-trunks all along the way, for the guidance of the polling parties.

Although sufficient training was given to the polling personnel, it was felt that it would be helpful if simple written instructions for their guidance were also made available to them. A set of model instructions was drawn up by the Commission and the State Governments were requested to adopt them with suitable modifications. These instructions were found very useful.

Model instructions for Presiding Officers.

Out of 17,500 contesting candidates, as many as 4,194 did not appoint any polling agents at all. This was unfortunate inasmuch as polling agents who represent the candidates at the polling stations are expected to play an important part in enforcing the precautionary checks which the law has laid down to ensure that polling takes place in a fair and honest manner and that the ballot boxes are handled and sealed properly. It has been reported that most of the polling agents were ignorant of their duties and functions and were very often mere passive spectators of the proceedings. The Presiding Officers of course helped the polling agents to acquire a working knowledge of their duties and responsibilities in course of the proceedings, but even then they were a poor substitute for what the law had intended them to be, namely, a body of intelligent and alert persons who could, by properly carrying out their duties, materially enhance public confidence in the verdict of the ballot box. Although the best use was not made of the system of polling agents, a good beginning has been made and polling agents may be expected to play a more and more important role in future.

Polling agents.

Even at polling stations at which no polling agents had been appointed, polling went on according to law and no complaints were received of any irregularities committed by the Presiding Officers. Public confidence in the Presiding Officers is revealed by the fact that at some polling stations the polling agents did not even consider it

necessary to sign the paper seals and they were content merely to challenge the identity of a voter in case of doubt.

Working of
the system.

Rule 12 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, requires polling agents to be appointed at least three days before the commencement of the poll. The time-limit was found too harsh in practice and many candidates found it difficult to make the appointments in time or to secure on the prescribed forms the signatures of their polling agents who were scattered all over the constituencies.

The Commission is satisfied that the relevant rules should be suitably amended so as to simplify them and make them more workable.

Hours of
Poll.

The Governments concerned fixed the hours of poll which were as follows:—

8 hours poll.—Assam, Bihar, Madhya Pradesh, Orissa, Punjab, Hyderabad, Pepsu, Rajasthan and Manipur (with no break for lunch). Himachal Pradesh & Tripura (excluding half an hour's break). U.P., West Bengal, Madhya Bharat, Mysore, Ajmer, Bhopal & Delhi (excluding one hour's break).

8½ hours poll.—Vindhya Pradesh (with no break). Coorg (excluding half an hour's break).

9 hours poll.—Saurashtra (with no break). Kutch (excluding half an hour's break). Madras & Travancore-Cochin (excluding one hour's break).

10 hours poll.—Bombay (with no break).

Polling commenced at the scheduled hour at all polling stations except 91 where the delay was made good by extending the hour of closure. No case was reported in which voters had to go away without casting their votes on account of the closure of polling. Instructions had been issued to Presiding Officers inviting their particular attention to the provisions of the law permitting all electors present within the polling station at the hour of closure of the poll to vote even after that hour. Polling was heavier in the morning and afternoon hours as compared to the middle of the day.

On the whole there was heavier polling in urban areas.

The maximum and minimum percentage of poll occurred in the following constituencies:—

Parliamentary constituency	Percentage of polling	Assembly constituency	Percentage of polling
Kottayam (Travancore-Cochin)	80.5	Bharani Kavu (Travancore-Cochin.)	92.6 (Maximum)
Shahdol-Sidhi (Vindhya Pradesh)	18.0	Udayagiri-Mohana (Orissa).	10.1 (Minimum)

Not a single vote was cast at the Nurpur (West Bengal), Intali (Rajasthan), Juni-Chhapri (Saurashtra) and Kitchener Road (Tents) (Delhi) polling stations. Apart from this, the polling stations with the highest and lowest number of votes polled were the following:—

Name of polling station	Total No. of voters	No. of voters who cast their votes
Sitala M. E. School (West Bengal)	1,366	1,361 (Highest)
Venkataramanujapuram (Madras)	1,476	1 (Lowest)

Out of a total of 17,32,13,635 voters, 8,86,12,171 cast their votes for elections to the Parliament. The over-all percentage of voting was thus 51.15 which is by no means unsatisfactory.

In 2,306 cases only, the identity of voters was challenged during polling. 1,732 such objections were rejected, and a sum of Rs. 17,320 was forfeited on that account. If a person has already cast a vote in the name of a voter and subsequently, another person turns up and claims to be that voter, the latter is allowed to vote on a special type of ballot paper which is then preserved in a sealed cover. Such a vote is not counted and is known as a tendered vote. There were 58,887 cases of tendered votes in the whole of the country.

Challenged and tendered votes.

These figures of challenged votes and tendered votes taken along with 817 reported cases of alleged personation

Personation.

would seem to suggest that the incidence of personation was negligible at the poll. Complaints reached the Commission, however, that there had been a considerable amount of personation at the poll in a few urban areas. The Commission is satisfied that there was virtually no personation in the rural polling stations which naturally constitute the vast majority of such stations. There is no doubt that there is a good deal of scope for personation in urban areas where it often happens that even a neighbour does not know another neighbour by face or name—and this is particularly true of congested areas in big cities or industrial areas with floating populations. It is difficult in such cases for the polling officers or the polling agents to detect cases of personation. It seems very difficult, however, to evolve a simple and workable remedy for this evil assuming that it exists to any large extent.

Interchange
of ballot
papers and
ballot boxes.

Due to the carelessness of some Presiding Officers, there was an interchange of Parliamentary and Assembly ballot boxes or ballot papers at some polling stations. In all, there were 181 cases of interchange of ballot boxes and 692 cases of interchange of ballot papers. All these cases were reported to the Commission for orders. In 43 cases out of these, a repoll was ordered. Where the interchange of ballot papers came to notice only at the time of counting, such ballot papers had to be rejected under the law. If the mistake was detected earlier and brought to the notice of the Commission in time, the latter invariably regularised the issue of the particular ballot papers issued by mistake to the voters and such votes were thereafter counted. The interchange of ballot papers usually took place as a result of the differently coloured vertical bars meant to distinguish the Parliamentary from the Assembly ballot papers not being very distinct from one another. The Commission has since changed the design of the ballot papers so as to make them much more readily distinguishable from each other. The name of the House for which the ballot paper is to be used is also printed on each ballot paper of the new designs so that the risk of interchange of ballot papers has been minimised. [Vide illustrations facing page 103].

Adjourned
poll and
repoll.

There were in all 93 cases in which polling had to be adjourned under section 57 of the Representation of the People Act, 1951. The number of stations at which such

adjournment was ordered, and the reasons for adjournment were as follows:—

Reasons for adjournment	No. of polling stations
Interchange of ballot papers	1
Non-supply of the electoral roll at the polling station .	10
Breach of law and order.	7
Loss of ballot papers	2
Adverse weather	11
Defective ballot boxes	8
Defective indelible ink	1
Mistake in pasting symbols on ballot boxes	1
Failure to provide sufficient ballot boxes	1
Tampering of ballot boxes or paper-seals during poll .	35

Polling was resumed on a later date in each of the above cases after due notice to the voters. In addition, fresh poll had to be ordered at 107 polling stations on account of damages to ballot boxes discovered at the time of counting.

The Lahaul and Spiti areas of Kangra District in the Kulu constituency of the Punjab Legislative Assembly remain snow-bound from about the second or third week of October to the end of April and the conduct of poll in those areas is physically impossible after snow-fall. Although the State Government had been warned by the Commission in June, 1951, about the desirability of holding the elections in the hilly tracts of the Kangra district in October (in the same way as polling was held early in Pangi and Chini Assembly Constituencies in Himachal Pradesh), the State Government allowed the matter to slide and the opportunity to hold an early poll in the area was lost. The Commission had therefore no alternative but to allow the poll to be held in the Lahaul and Spiti areas at polling stations located within the constituency but outside the snow-bound areas at places far away from the voters' homes. The voters naturally failed to reach such polling stations and their grievance that they had not been given a reasonable opportunity to vote was perfectly legitimate. The Commission very much regrets this instance of virtual denial of the exercise of the right to vote to a large body of voters who

Virtual denial
of voting
facility.

numbered 6,348. Every endeavour must be made to avoid such cases in future elections.

Law and Order.

It is only natural that feelings should run high at the general elections. As the election campaign of the parties and the candidates gained momentum and the day of poll approached nearer, fears were expressed in many quarters about probable breaches of law and order. The elections were going to strain the personnel resources of the State Governments to the utmost and it was widely apprehended that the occasion might be taken advantage of by anti-social elements, and even ordinary crimes might record a steep rise. The State Governments had, therefore, to face the double responsibility of making arrangements for the peaceful conduct of the elections at 1,96,084 polling booths in the country, as also of ensuring that anti-social elements took no undue advantage of the situation. The arrangements for the maintenance of law and order had therefore to be planned with extreme care.

A sufficient number of policemen was provided at each polling station and wherever necessary, village Chowkidars or home-guards, etc., were made available for such duties. In addition to the police force provided at the polling stations, additional forces were kept in reserve at suitable points to serve as striking forces for meeting any unforeseen developments. Mobile parties of Police were detailed in some States for going round excitable areas in order to inspire public confidence. Special precautions were also taken in respect of likely trouble-spots. The law prohibits public meetings on any polling day and canvassing near a polling station. These provisions proved very salutary.

All these arrangements had the desired effect and 88·6 million voters actually cast their votes in a perfectly peaceful atmosphere. In fact, in most areas the cities, towns and villages wore almost a festive appearance and there was perfect discipline and good humour all round. An additional cause for gratification was that there was no increase in the incidence of crime during the entire period of the elections.

No breaches of law and order occurred at any of the polling stations in most of the States. There were, in all, minor cases of breaches of law and order at 80 polling

stations scattered over the States of Assam, Bihar, Bombay, Madras, Punjab, Uttar Pradesh, P.E.P.S.U., Saurashtra, Himachal Pradesh and Vindhya Pradesh.

The total number of electoral offences reported during, or in regard to, the poll was 1,250, the details being as follows:—

	Electoral offences.
Disorderly conduct at election meetings	11
Convening, holding or attending public meetings within a constituency on a polling day	21
Illegal hiring or procuring of conveyances for the transport of voters	10
Canvassing within one hundred yards of a polling station	100
Disorderly conduct in or near polling stations	62
Misconduct at polling stations	21
Impersonation of voters	817
Fraudulent defacing or destroying or removing a list or notice or other document fixed by or under the authority of a Returning Officer	5
Fraudulent insertion into ballot boxes of anything other than a ballot paper	23
Destroying, taking away or otherwise interfering with ballot boxes or ballot papers	59
Fraudulent defacing or destroying ballot papers or the official mark on ballot papers	15
Fraudulent taking of, or attempting to take, ballot papers out of a polling station	106

In view of the total of 88·6 million voters actually partaking in the poll, these figures of crimes reported to have been committed in relation to the elections are almost insignificant and rather highlight the essentially law-abiding and peaceful manner in which the elections were conducted all over the country.

In order to avoid any difficulty in postal ballot facilities to persons, entitled to the same, the Commission directed that the names of such persons except those under preventive detention, should be listed in a separate part of the electoral roll of each constituency. The names of

Postal
ballot.

the following classes of voters were, therefore, listed separately:—

- (i) Members of the Armed Forces of the Union;
- (ii) Persons employed under the Government of India in a post outside India;
- (iii) Persons holding any office in India declared by the President to be an office to which the provisions of section 20 (4) of the Representation of the People Act, 1950, apply; and
- (iv) The wives of persons referred to in items (i) to (iii) above.

A separate list of persons under preventive detention was also prepared and special arrangements were made to send postal ballot papers to them.

In all, 2,96,828 postal ballot papers were issued. A large percentage of the covers containing the postal ballot papers addressed to members of the Armed Forces were returned undelivered on account of incorrect addresses. Approximately 1,07,000 voters exercised their right to vote by postal ballot within the prescribed time-limit.

Working of
the system.

The system of postal ballot did not work very satisfactorily particularly in the case of the Armed Forces personnel. The main reason for this was that changes in the addresses of such voters had not been intimated to the Returning Officers in time. The voters also found it difficult to vote intelligently as the party affiliations of the candidates had not been indicated in the ballot papers. As they reside away from their constituencies, they were completely ignorant of such affiliations. The Commission is taking necessary action to find a remedy for these difficulties.

Although the persons detailed for polling duties and the polling agents of candidates were entitled to vote by postal ballot, little use was made of this facility, partly through ignorance of the provision and partly because they did not find it practicable to apply in time to the Returning Officers for the issue of the postal ballot papers.

CHAPTER XV

COUNTING OF VOTES AND DECLARATION OF RESULTS

The Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, do not lay down the detailed procedure to be followed at the counting of votes. In order to secure uniformity in this respect, detailed instructions on the subject were issued by the Chief Electoral Officers of all States except the States of Bombay, Orissa and Himachal Pradesh. The instructions covered the counting of votes in single-member and multi-member constituencies and proved helpful to the Returning Officers. Executive instructions.

It had originally been expected that all the votes could conveniently be counted at a counting centre situated within an Assembly constituency. This proved difficult in actual practice in a few constituencies and the relevant rule was amended so as to allow counting at a place outside the constituency or in more places than one, wherever necessary. Apart from such exceptional cases, votes were invariably counted at a place within the constituency. In exceptionally difficult cases, the Commission authorised the Chief Electoral Officer to allow counting at a place outside the constituency, as for instance, where there was no suitable place for counting within the constituency or where the headquarters of the Returning Officer was outside the constituency and he could not, on account of other duties, leave his headquarters for the counting of votes. Place of counting.

In the case of Parliamentary constituencies, counting was allowed at not more than five places. Here also, the Chief Electoral Officer was allowed to permit counting at a place outside the constituency, wherever necessary.

The Commission was anxious that counting of votes should take place as soon after the poll as was practicable. For many practical reasons, however, the counting Delay in counting.

of votes could not be taken up in most constituencies immediately after the completion of polling. In the first place, on account of poor transport facilities it was found difficult, except in urban constituencies, to collect the ballot boxes speedily enough at the counting centre or centres from all the polling stations so as to make the counting of votes possible on the day following the poll. Even in the case of urban constituencies, the ballot boxes had to be collected and sorted out candidate-wise. Another cause of delay was that in many instances, the same officer had been appointed Returning Officer for several constituencies, so that after the completion of poll in one constituency, he had to be busy with the polling arrangements in the other constituencies under his charge. Counting was, therefore, taken up as and when possible, and in one constituency after another. It is a fact that this delay in counting gave rise to some amount of dissatisfaction and criticism. On the other hand, there was a considerable volume of opinion which favoured the view that counting of votes should not be commenced in a State until all the polling was over, the reason advanced being that the results declared in one constituency would unduly influence the trend of voting in other constituencies which went to the poll later. The Commission is not satisfied that the reason is a valid one.

Some States like Madras and Bombay managed, by well-planned administrative arrangements, to commence counting of votes with commendable promptitude. Other States like West Bengal, Mysore etc. did not undertake any counting until all polling in the State was over. With the experience gained in the last general elections and in view of the public impatience and dissatisfaction at such delays, it is expected that the State Governments will, in future elections, emulate the good example set by Madras and Bombay.

Time taken
in counting.

Actual counting in a single-member Assembly constituency normally took 4 or 5 working hours, while in a Parliamentary constituency it took nearly 2 days. In multi-member constituencies, however, counting of votes was a more complicated process as care had to be exercised to check cumulative voting. In order to exclude cumulative votes, the ballot papers in each ballot box had to be arranged in serial order and whenever more ballot papers than one with the same serial number

were found in the same box, all but one of them had to be rejected. In one constituency in Bihar there were as many as 78 thousand cumulative votes. Counting of votes in such constituencies, therefore, took a longer time. There were some instances of unjustifiably protracted counting as well. For instance, in one two-member Parliamentary constituency in Uttar Pradesh, counting of votes took as many as 20 days. Similarly, in Travancore-Cochin, counting of votes in a two-member Assembly constituency took 12 days. In two-member Assembly constituencies it took, on an average, as many as 15 working hours to count the votes. The preparation of the statement prescribed for the record of rejected ballot papers (Form 15) took considerable time. It should be possible to devise means for materially reducing the clerical labour involved in preparing this statement.

While it is not possible to reduce the time taken in the physical act of counting of votes, the Commission has decided that in all future elections the programme should be so drawn up as to reduce the period between the completion of the poll and the counting of votes to the minimum. This would inspire greater confidence and reduce, if not eliminate, a good deal of avoidable criticism which takes advantage of the long period during which the ballot boxes are kept in the custody of Returning Officers before the counting of votes.

A few complaints were received in respect of counting of votes. These were examined and most of them were found to be either baseless or highly exaggerated. Many of the complaints proceeded from ignorance of the provisions of law. The Commission is satisfied that counting took place in accordance with law and no case came to the Commission's notice in which any illegality was deliberately committed. Complaints.

The case of the Bulsar-Chikhli constituency of the Bombay Legislative Assembly attracted country-wide attention at the time and deserves special mention. It was a two-member constituency. The unreserved seat was contested by three candidates, namely, Dr. Amul Desai (Socialist), Shri Morarji R. Desai (Chief Minister and Congress candidate) and Shri Janardan B. Desai (Independent). The counting of votes commenced in the morning of the 13th January, 1952, and concluded The Bulsar-Chikhli case.

shortly after midnight of the 14th January, 1952. Dr. Amul Desai was found to have topped the poll for the unreserved seat securing 173 votes more than the second highest candidate, Shri Morarji R. Desai. Shri Morarji R. Desai's agent applied for a re-count at this stage. While Dr. Amul Desai opposed the application, another socialist candidate, Shri Nanubhai, belonging to the Scheduled Castes, also applied for a re-count. The Returning Officer ordered a re-count and fixed 10 a.m. on the 15th January, 1952, for the same. Care was taken to seal, pending the re-count, all the bundles of ballot papers, to the satisfaction of the candidates. When the re-count was proceeding, the Returning Officer was informed that some torn pieces of ballot papers were lying in the cesspool behind the urinal in the premises. As a matter of fact, some torn bits of paper resembling ballot papers had been noticed there even on the night of the 14th January but had been taken at that time to be pieces of paper seals. On receiving this information on the 15th morning, the Returning Officer ordered a Police Officer to enquire into the matter. Meanwhile, the re-counting proceeded. In course of the re-count, some mistakes were detected in recording the number of votes in the first count. The revised figures were accepted at the re-count by all concerned. Meanwhile, the Police Officer reported that the pieces of paper found in the cesspool were in fact pieces of ballot papers. Dr. Amul Desai thereupon asked for a postponement of the re-count. The Returning Officer had the torn pieces of ballot papers collected and examined them. There was nothing to indicate who was responsible for tearing the ballot papers into pieces and throwing them there. Dr. Desai reiterated his demand for a postponement of the re-count which was ultimately adjourned with the consent of all the candidates. It was resumed on the 17th January, 1952, in the presence of the Regional Election Commissioner who had been deputed by the Commission to make an investigation into the matter, and to supervise the re-count of the votes. As a result of this re-count, Dr. Amul Desai was declared to have been elected to the unreserved seat defeating Shri Morarji R. Desai by 19 votes. A careful scrutiny of the ballot paper accounts received from all the polling stations revealed that in respect of the ballot papers from the Vankal polling station, there had been a mistake during the first count in recording the

number of votes polled by Dr. Amul Desai. Dr. Amul Desai had actually polled 168 votes at this polling station and not 268 as wrongly recorded during the first count. A similar check of ballot paper accounts from other polling stations resolved the remaining discrepancies between the first and the second counts, which also arose from mistakes in the number of votes recorded during the first count. The pieces of the torn ballot papers were reconstructed and it was found that they made up 13 ballot papers only. Their serial numbers showed that they related to the Faldhara and Tankal polling stations of the constituency. The entries in the ballot paper accounts of these stations were checked with the number of ballot papers actually found in the ballot boxes from those stations. It was found that all but 14 ballot papers issued at these two polling stations had been found in the ballot boxes received from those stations. As against this shortage of 14 ballot papers, 13 ballot papers had been recovered in torn condition and one ballot paper only thus remained unaccounted for. These facts made it clear that 13 or 14 ballot papers had been somehow obtained by some mischief-maker at some point of time before the first count and torn into pieces which were thrown near the premises in order to create suspicion against the honesty of the counting and the correctness of the result when it came to be declared. It was not possible to ascertain definitely how or when the culprit or culprits managed to secure these 13 or 14 ballot papers. One plausible theory is that the ballot papers had been abstracted at the place of counting after the ballot boxes for these polling stations had been opened but before the completion of the counting of the ballot papers found in these ballot boxes. It cannot be said for certain in whose favour in such a case these 13 or 14 ballot papers might have been cast. Another alternative theory is that some mischief-maker collected these 13 or 14 ballot papers at the polling stations on the day of the poll from the individual voters to whom they had been issued by the polling officers but who had clandestinely taken the ballot papers out of the polling station and that at the time of counting, these illegally obtained ballot papers had been deliberately utilised in the above manner in order to throw suspicion on the proceedings. It is not possible to opine now as to which candidate's interest was meant to be advanced by creating such suspicion. Fortunately, the number of ballot papers in-

volved in this attempt at creating mischief was too small in any case to affect the result of the counting in any way; inasmuch as there would be no difference in the final result to whichever candidate one decided to credit these ballot papers. No reasonable doubt can, therefore, arise that the declared result of the election did not truly represent the will of the electorate in the constituency. The Commission felt, however, that further thorough and careful enquiries should be made in order to trace the culprit if possible and under its direction, a formal complaint was lodged with the Police who held further detailed investigations into the matter. No sufficient materials could, however, be collected to support a criminal charge against any person and the matter had to be finally dropped.

CHAPTER XVI

DEPOSITS AND FORFEITURES.

In view of the requirement that a candidate shall not be deemed to be duly nominated at an election unless he deposits, or causes to be deposited, the sum prescribed under section 34 of the Representation of the People Act, 1951. 26,489 out of a total number of 26,507 nominated candidates made the deposits. The nomination papers of 18 candidates were rejected for failure to make the necessary deposit. The nomination papers of 14 candidates were rejected for making inadequate deposits. A total sum of Rs. 67,59,735, was deposited by the candidates all over the country. Deposits by candidates.

The nomination of 1,588 candidates were rejected at the time of scrutiny, and 7,419 candidates withdrew their candidatures within the prescribed time-limit. Their deposits, amounting to Rs. 20,03,340 were refunded. Deposits in respect of 10 candidates were refunded to their heirs as they died before the commencement of polling. Refunds.

The deposits made by 9,198 candidates were forfeited on account of their failure to secure votes (a) exceeding one-sixth of the total number of votes polled in the case of a single-member constituency, or (b) in the case of a constituency returning more than one member, one-sixth of the total votes polled divided by the number of members to be elected. The details are as follows:— Forfeitures.

Name of the House	No. of contesting candidates	No. of candidates whose deposits were forfeited
House of the People	1,874	748
State Legislative Assemblies	15,361	8,362
Electoral Colleges	265	88
TOTAL	17,500	9,198

A sum of Rs. 4,02,150 was thus forfeited to the Central Government and a sum of Rs. 17,08,125 to the State Governments.

Details of forfeitures according to parties.

The independent candidates suffered most from forfeiture of deposits. The candidates of the five major political parties, viz., the Indian National Congress, Socialist Party, Kisan Mazdoor Praja Party, Jan Sangh and the Communist Party of India, also suffered appreciably as the following table will show:—

Name of the Party	Total No. of candidates set up by the Party	Total No. of candidates who forfeited their deposits	Total sum forfeited (in rupees)
Indian National Congress	3,747	101	23,575
Socialist Party	2,077	1,147	3,06,005
Kisan Mazdoor Praja Party	1,152	730	1,83,075
Communist Party of India	536	212	51,600
Jan Sangh	812	536	1,21,700
Other Parties	2,656	1,505	1,13,395
Independents	6,520	4,967	13,10,925

Forfeitures in elections

A question arose whether the provisions of section 158(2) of the Representation of the People Act, 1951, regarding forfeiture of deposits applied in the case of an election to the Council of States by (i) the elected members of the Legislative Assembly of a State or (ii) the members of the Electoral College of a Part 'C' State or group of such States, or, in the case of an election to the Legislative Council of a State, by (i) the members of the Legislative Assembly of the State or (ii) the Council Constituencies. The Commission considered that the question was a doubtful one and that it would not therefore be proper to enforce the forfeiture clause in these elections. Instructions to that effect were issued to the Chief Electoral Officers.

Voting generally along party lines—little chance for independent candidates.

Out of 748 candidates who forfeited their deposits in respect of elections to the House of the People, as many as 349, or 46·6 per cent, were independent candidates. In the case of elections to State Legislative Assemblies and Electoral Colleges, out of a total of 8,450 candidates who forfeited their deposits, as many as 4,618, or 54 per cent, were independent candidates. It is

clear from these figures that a large number of independent candidates entered the contest too lightly without taking care whether they had any reasonable prospect of securing the votes of at least one-sixth of the electorate. Another reasonable inference that can be drawn is that the electorate by and large preferred to vote along party lines and generally refused to vote in favour of unattached independent candidates.

[For the 3,862 seats for elections to various legislatures, there were 17,500 contesting candidates, making an average of about 5 for each seat. This multiplicity of candidates led to a considerable wastage of man-power and resources, not only to the candidates themselves but also to the country at large. The Commission expects that the tendency of too many candidates standing for election will gradually diminish and that no legislative deterrent will be necessary.] Multiplicity of candidates. It is interesting to note in this connection that in the recent general elections held in P.E.P.S.U., Travancore-Cochin and Andhra the average number of candidates per seat was 4, 2 and 3 as compared to 6, 4 and 4.6 respectively in the general elections held in 1951-52. A study of the 206 bye-elections to the House of the People and the Legislative Assemblies held after the general elections up to the 31st December, 1954, also shows that the average number of candidates for each seat in these bye-elections was 2.8 and 2.7 respectively. [In case it is considered necessary at any time in the future to apply any legislative remedy, the easiest and most obvious one would be to provide that a candidate who fails to secure one-fifth of the total number of valid votes polled will forfeit his security deposit. The limit at present prescribed by law is one-sixth.

PART III
ELECTIONS TO UPPER HOUSES OF LEGISLATURES

CHAPTER XVII

THE COUNCIL OF STATES

The Council of States had, at its inception, a total of 216 members, of whom 12 were nominated by the President and the other 204 were representatives of the States. As stated elsewhere in this report, of the 204 seats allotted to the States, only two have been allotted to groups of States—one to the group formed by Ajmer and Coorg and the other to the second group formed by Manipur and Tripura. At the initial constitution, the seat allotted to the Ajmer—Coorg group was filled by Ajmer, and to the Manipur—Tripura group by Tripura.

Election to
the Council
of States.

All the representatives of the States, other than Jammu & Kashmir, Kutch and Tripura, were elected to the Council of States by the elected members of the respective Legislative Assemblies. The four representatives of Jammu & Kashmir were chosen by the President on the recommendation of the State Government as required by the Constitution (Application to Jammu and Kashmir) Order, 1950, (C.O. 10). In actual practice, the State Government acted upon a unanimous resolution of the Constituent Assembly of the State in recommending the names of the persons to be chosen by the President. The representatives of Kutch and Tripura, which have no Legislative Assemblies, were elected by electoral colleges specially constituted for the purpose by election on adult franchise.

On the 4th March, 1952, the elected members of all the Legislative Assemblies and of the electoral colleges of Kutch and Tripura were called upon to elect representatives to the Council of States. The elections were completed by the end of March, 1952.

In all, 345 candidates filed their nomination papers for election to the Council of States. The nomination papers of 6 candidates were rejected at scrutiny and 57 others withdrew from contest, leaving 282 candidates in the field.

Number
candidates.

Uncontested
returns.

There was no contest in six States or group of States, and 9 members were returned uncontested therefrom, viz., 4 from Saurashtra and one each from Ajmer, Bhopal, Delhi, Himachal Pradesh-Bilaspur and Kutch.

Counting
and declara-
tion of
results.

In order that the Returning Officers might get familiar with the method of counting of votes according to the system of proportional representation by means of the single transferable vote, the Commission held special demonstrations of the system for the benefit of the Returning Officers at New Delhi, Calcutta and Bombay. This proved helpful to the Returning Officers and there was no delay or difficulty in counting the votes or declaring the results. The names of all the elected candidates were published in the Gazette of India of the 31st March, 1952. The names of the persons nominated by the President were published in the Gazette of India of the 2nd April, 1952.

Forms of
office of
members.

The Council of States is not subject to dissolution, and as nearly as possible one-third of its members retire on the expiration of every two years in accordance with the provisions of article 83 of the Constitution and section 154 of the Representation of the People Act, 1951.

The term of office of the representatives from the Ajmer-Coorg group and the Tripura-Manipur group is two years. Accordingly, the representatives elected by Ajmer and Tripura at the initial constitution of the Council of States automatically retired in 1954 on the completion of their term, and the resulting vacancies have been filled by representatives elected from Coorg and Manipur respectively. The term of office of the members of the Council of States as first constituted, commenced on the 3rd April, 1952. In order to decide the individual terms of office of the members who had all been elected simultaneously, the President, after consultation with the Election Commission, made the Council of States (Term of Office of Members) Order, 1952, according to which the members of the Council of States were to be grouped State-wise and the members of each group divided into three categories. The President's order further provided that the term of office of a member would expire on the 2nd day of April, 1958, 1956, or 1954, according as he was placed in the first, second or third category. The names of the members to be placed

in each of these categories were to be determined by the Election Commission by drawing lots in public after public notice. The lots were drawn on the 29th November, 1952, in the Commission's office, by the Chief Election Commissioner, and the category to which each member was to belong was thus determined. In the result, the terms of office of the members belonging to each all-India Party came to be determined as follows:—

Name of Party	Total number of members with a term of		
	6 years	4 years	2 years
1. Indian National Congress	48	52	46
2. Jan Sangh . . . . .	..	..	1
3. Communist Party of India	4	1	5
4. Krishikar Lok Party	1	1	..
5. Kisan Mazdoor Praja Party	1	..	1
6. Socialist Party of India	1	2	4
7. Scheduled Castes Federation . . . . .	..	1	1
8. Forward Bloc (Marxist) . . . . .	..	1	..
9. Hindu Mahasabha . . . . .	..	..	1
10. Others	18	14	15

CHAPTER XVIII

THE STATE LEGISLATIVE COUNCILS

Composition
of the
Legislative
Councils.

Only seven States *viz.*, Bihar, Bombay, Madras, Punjab, Uttar Pradesh, West Bengal and Mysore have Legislative Councils. The Third Schedule to the Representation of the People Act, 1950, sets out the strength of each of these Councils and the number of seats to be filled by—

- (a) election by members of the local authorities,
- (b) election by graduates,
- (c) election by teachers,
- (d) election by the members of the Legislative Assembly of the State,
- (e) nomination by the Governor or the Rajpramukh.

According to that Schedule, the Bihar, Bombay, Madras and Uttar Pradesh Legislative Councils consist of 72 seats each, while the West Bengal Legislative Council has 51 seats and Punjab and Mysore Legislative Councils have 40 seats each. In accordance with article 171(4) of the Constitution, the seats allotted to the local authorities, graduates and teachers are filled by election from territorial constituencies.

Delimitation
of constitu-
encies.

The procedure laid down for the delimitation of these constituencies was the same as in the case of Parliamentary and Legislative Assembly constituencies. The orders of delimitation were made by the President in consultation with the Election Commission. As the election from these constituencies is by proportional representation by means of the single transferable vote, the Commission was of the view that the territorial constituencies formed for the purpose should, as far as practicable, be multi-member constituencies. While most Parliamentary Advisory Committees agreed with the Commission's view and recommended multi-member constituencies, the Bombay Parliamentary Advisory Committee, except in the case of the Bombay City (Local Authorities) constituency, recommended single-member constituencies. The President's order followed the recommendations of

the Parliamentary Advisory Committee and, except in the one case mentioned, single-member constituencies were created in the State. The delimitation orders relating to Councils were later approved by Parliament with some modifications.

The electoral rolls for each of these territorial constituencies are required to be prepared with reference to the first day of April of the year of preparation. This date is known as the qualifying date.

The following persons are qualified for registration as voters in each of these territorial constituencies:— Qualification of voters.

- (a) *Local Authorities' constituencies.*—Every person who, on the qualifying date, is a member of any local authority within the constituency.
- (b) *Graduates' constituencies.*—Every person who, on the qualifying date, is ordinarily resident in the constituency and has for three years before that date been either a graduate of a University or is in possession of any equivalent qualification specified in that behalf by the State Government with the concurrence of the Election Commission.
- (c) *Teachers' constituencies.*—Every person who, on the qualifying date, is ordinarily resident in the constituency and has, within six years immediately before that date, for a total period of at least three years, been engaged in teaching in any of the educational institutions within the State which have been specified in that behalf by the State Government with the concurrence of the Election Commission as being not lower in standard than a Secondary School.

Each of the seven State Governments issued, with the concurrence of the Election Commission, notifications specifying the qualifications which are to be deemed to be equivalent to that of a graduate in the State. The educational institutions which are to be deemed to be not lower in standard than a secondary school were also specified by notifications in each of these States.

Although the electorates for these Council constituencies were considerably smaller than those for the Assembly constituencies, the preparation of the electoral Preparation of electoral rolls.

rolls for the graduates' and teachers' constituencies proved somewhat difficult. It was not practicable for enumerators to go from house to house all over a State and collect the names of the voters. As there would not be a qualified graduate or teacher in most houses, the effort involved in such a house to house enquiry would have been too costly, dilatory and wasteful. The rules accordingly provided that in connection with the preparation of the electoral rolls for the graduates' and teachers' constituencies, the Chief Electoral Officer of the State would issue public notices inviting applications from qualified voters for registration in the electoral rolls for these constituencies and the applicants would be registered after proper scrutiny.

The Chief Electoral Officers issued the prescribed notices. Electoral rolls, in the form prescribed by the Commission, were prepared in draft on the basis of these applications and preliminarily published for claims and objections. The preliminary electoral rolls were revised in the light of the decisions of the Revising Authorities on the claims and objections. The rolls were finally published in the different States between January and April, 1952.

The total number of elected seats and of the electors in the Council constituencies of the various States was as follows:—

Name of the State	Total No. of elected seats	Total No. of electors
1. Bihar	36	19,239
2. Bombay	36	48,377
3. Madras	36	64,992
4. Punjab	19	17,179
5. Uttar Pradesh	36	41,945
6. West Bengal	25	32,940
7. Mysore	19	18,052

Programme
of election.

After the preparatory work was complete, programmes were settled for the various stages of the elections to

the Legislative Councils of the seven States. The following were the dates of notification and the poll for these elections:—

ELECTIONS BY TERRITORIAL CONSTITUENCIES

Name of the State	Date of issue of notification	Date of poll
1. Bihar	29-2-1952	14-4-1952
2. Bombay	21-2-1952	8-4-1952
3. Madras	30-1-1952	17-3-1952
4. Punjab	11-2-1952	4-4-1952
5. Uttar Pradesh	6-3-1952	20-4-1952
6. West Bengal	15-4-1952	29-5-1952
7. Mysore	15-3-1952	28-4-1952

ELECTIONS BY MEMBERS OF THE LEGISLATIVE ASSEMBLIES

Name of the State	Date of issue of notification	Date of poll
1. Bihar	4-3-1952	26-3-1952
2. Bombay	3-3-1952	26-3-1952
3. Madras	4-3-1952	27-3-1952
4. Punjab	3-3-1952	27-3-1952
5. Uttar Pradesh	4-3-1952	28-3-1952
6. West Bengal	4-3-1952	31-3-1952
7. Mysore	4-3-1952	27-3-1952

The elections were completed by the end of May, 1952, in all the States.

The total number of candidates at these elections was as follows:—

Name of the State	Total number of nominated candidates	Total number of contesting candidates
1. Bihar	153	128
2. Bombay	139	114
3. Madras	253	207
4. Punjab	146	78
5. Uttar Pradesh	148	112
6. West Bengal	146	128
7. Mysore	78	64

Polling.

The elections were held according to the system of proportional representation by means of the single transferable vote.

The members of the Legislative Assemblies voted by personal ballot, while voting was by postal ballot in the case of the graduates', teachers' and local authorities' constituencies.

The percentage of polling was as follows:—

Name of the State	Election by members of the Legislative Assembly,	Percentage of polling		
		Graduates'	Teachers'	Local Authorities'
1. Bihar	95.72	81.6	84.8	94.9
2. Bombay	98.4	59.3	62.50	62.16
3. Madras	100	72.02	83.21	97.00
4. Punjab	100	85.79	91.61	94.79
5. Uttar Pradesh	98.6	75.49	82.98	92.67
6. West Bengal	97.91	78.45	81.44	96.66
7. Mysore	98.98	54.87	73.74	96.23

The names of the members nominated by the Governors (the Rajpramukh in the case of Mysore) were notified between March and May, 1952, in the different States.

Nomination
of members.

Like the Council of States, the Legislative Councils are not subject to dissolution, but as nearly as possible one-third of the members of each Council retire at the end of every second year. The power to curtail the terms of office of those of the members who have to retire at the end of the first two years and the first four years respectively after the initial constitution of a Legislative Council is vested in the Governor or the Rajpramukh, as the case may be.

Term of
Office.

In pursuance of this power, orders were made in consultation with the Election Commission by the Governors of Bihar, Bombay, Madras, Punjab, Uttar Pradesh and West Bengal and the Rajpramukh of Mysore.

The Election Commission did not insist on absolute uniformity in the details of the procedure laid down by these orders. In most of the States members were required by these orders to be divided into three categories by drawing lots in public. The terms of office of the members placed in the first, second or third category expired at the completion of six, four, or two years respectively. In some cases, however, the members were first divided into groups on the basis of territorial or linguistic areas and members of each such group were next divided into the three categories. In Madras, however, the terms of office of the members of the Legislative Council who had been elected by the Madras Legislative Assembly were determined strictly by the order in which they had originally been elected in 1952 to the Council. The first eight members who were then elected got a term of six years, the next eight four years and the last eight two years.

The terms of office of the nominated members in all States except Madras and Uttar Pradesh were decided by lots. In Madras and Uttar Pradesh, the terms of office of the nominated members were fixed by the Governors of these two States by executive orders.

In the result, the terms of office of the members belonging to the various political parties came to be determined as follows:—

Name of State	Name of Party	Total No. of members with a term of		
		6 years	4 years	2 years
Bihar	Congress	14	14	15
	Independents	4	5	3
	Socialist	1	1	..
	Janta	1	..	1
	Jharkand	..	..	1
Bombay	Congress	17	17	14
	Socialist	..	..	3
	Hindu Mahasabha	..	..	1
	Independents	3	3	1
	Peasants' and Workers' Party	..	..	1
Madras	Congress	3	3	5
	Socialist	..	..	1
	Communist	3	1	..
	K. M. P. P.	2	..	1
	Independents	12	16	13
Punjab	Congress	3	3	5
	Communist	..	1	..
	Akali	1	..	..
	Independents	6	7	6
Uttar Pradesh	Congress	15	16	16
	Socialist	1	..	2
	Independents	4	4	2
West Bengal	Congress	10	10	8
	K. M. P. P.	1	1	..
	Independents	2	2	4
	Jan Sangh	..	..	1
	Forward Bloc (M) Communist	.. 1	1 ..	.. 1
Mysore	Congress	5	8	6
	K. M. P. P.	1	..	3
	Socialist	..	1	..
	Independents	4	2	2

PART IV

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS

CHAPTER XIX

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS

The law covering elections to the offices of the President and the Vice-President of India is contained in The Presidential and Vice-Presidential Elections Act, 1952. Detailed Rules were made under the Act. An Order called 'The Constitution (Application to Jammu and Kashmir) (Amendment) Order, 1952' was made by the President on the 20th of March, 1952, providing that the representatives of Jammu and Kashmir State in either House of Parliament and the members of the Constituent Assembly of the Jammu and Kashmir State shall be deemed to be elected members of the respective Houses of Legislature so far as articles 54 and 55 of the Constitution relating to the election of the President are concerned. These members could thus vote in the election.

The Law.

It was within this legislative frame-work that the elections to the offices of the President and the Vice-President were held.

The President is elected by an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States. The voting is by secret ballot. The Election Commission prepared the list of the members of the electoral college during March and April, 1952. This list was published by the Election Commission on the 22nd April, 1952, and contained the names of 4,056 electors.

Election of
the President.

Shri M. N. Kaul, Secretary to Parliament, was appointed as the Returning Officer and the Secretaries of the various Legislative Assemblies were appointed as Assistant Returning Officers in their respective States.

Returning
and Assist-
ant Return-
ing Officers

The following programme was fixed for the various stages of the election:—

Programme
of election.

- (a) the 12th April, 1952, as the last date for making nominations;

- (b) the 14th April, 1952, as the date for the scrutiny of nominations;
- (c) the 17th April, 1952, as the last date for the withdrawal of candidatures; and
- (d) the 2nd May, 1952, as the date of the poll.

The programme was notified in the Gazette of India and in the State Gazettes on the 4th of April, 1952. At the same time, public notice of the intended election was also given.

Places and hours of poll.

The Commission's notification fixing the places of poll issued on the 17th April, 1952. These were the Parliament House in New Delhi and the premises in each State where the Legislative Assembly of the State held its sittings. The hours of the poll were fixed from 10 A.M. to 5 P.M.

Scrutiny of nominations.

The Returning Officer fixed 11 A.M. on the 14th April, 1952, for the scrutiny of nominations. In all, 16 nomination papers of 14 candidates were filed. Of these, 10 nomination papers of 9 candidates were rejected. No candidate withdrew his candidature, so that there were 5 validly nominated candidates who contested the election.

Number of votes of each elector.

Article 55 of the Constitution requires that there shall be uniformity in the scale of representation of the different States at the election of the President. The article also makes detailed provisions for calculating 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. Calculations made on that basis yielded the following result:—

Name of Legislature	Number of votes for each member
Parliament	494
Legislative Assemblies :—	
Assam	79
Bihar	119
Bombay.	104
Madhya Pradesh	90
Madras	145
Orissa	103

Punjab	100
Uttar Pradesh	143
West Bengal	102
Hyderabad	101
Jammu and Kashmir	59
Madhya Bharat	79
Mysore	81
P.E.P.S.U.	55
Rajasthan	92
Saurashtra	66
Travancore-Cochin	79
Ajmer	24
Bhopal	28
Coorg	7
Delhi	31
Himachal Pradesh	30
Vindhya Pradesh	65

The Election Commission arranged to have ballot boxes of a special design manufactured for use at the Presidential election and these were supplied to the Returning Officer and the Assistant Returning Officers. Every ballot box was to be locked and sealed after polling in the presence of the candidates or their representatives.

Ballot boxes.

Ballot papers were printed in two colours—pink and green—respectively for the members of Parliament and the members of the State Legislative Assemblies.

Ballot papers.

A member of a Legislative Assembly was required to vote in his own State, that is, in the place specified for polling in the premises of the Legislative Assembly of the State. A member of Parliament was required to vote in the Parliament House in New Delhi or in the State from which he had been elected. In order to enable a member of Parliament to vote in any other State, in case he happened to be there on the date of the poll, the Election Commission issued special permits. This facility was availed of by 23 members of Parliament. Postal ballot was arranged for two electors who were in preventive detention on the date of the poll. One of them was a member of the Council of States from Hyderabad, and the other a member of the Saurashtra Legislative Assembly. Both of them cast their votes. After polling had been

Arrangements for voting.

duly completed in a State, the sealed ballot boxes, separate sealed covers containing the keys, and packets of all other papers used at the poll, were sent to the Returning Officer at New Delhi by the Assistant Returning Officer.

Counting of votes. The Returning Officer counted the votes in the Parliament House, New Delhi, on the 6th May, 1952. Counting was completed on the same day and the total number of votes polled by each candidate was as follows:

1. Dr. Rajendra Prasad	5,07,400
2. Shri K. T. Shah	92,827
3. Shri Thatte Lakshman Ganesh	2,672
4. Shri Hari Ram	1,954
5. Shri Krishna Kumar Chatterjee	533

Result of election. Dr. Rajendra Prasad was declared elected to the office of the President of India and the notification announcing this under section 12 of the Presidential and Vice-Presidential Elections Act, 1952, was published on the same day.

Election of the Vice-President. Under article 66 of the Constitution, the Vice-President is elected by 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. The voting is by secret ballot. The list of electors for the Vice-Presidential election was prepared by the Commission and was published on the 18th of April, 1952. It contained the names of 715 electors. Shri M. N. Kaul, Secretary to Parliament, was appointed Returning Officer for the election and a few Assistant Returning Officers were appointed to assist him. On the 12th April, 1952, the Election Commission published the following programme for the election:—

- (a) the 21st April, 1952, as the last date for making nominations;
- (b) the 22nd April, 1952, as the date for the scrutiny of nominations;
- (c) the 25th April, 1952, as the last date for withdrawal of candidatures; and
- (d) the 12th May, 1952, as the date of the poll.

Three nomination papers of two candidates were filed. On the date of scrutiny, the two nomination papers of Shri S. Radhakrishnan were found to be in order. The nomination paper of the other candidate, Janab Shaik Khadir Hussain of Chowk Mahal, Nandyal, Kurnool District, was rejected under rule 4 (2) of the Presidential and Vice-Presidential Elections Rules, 1952. As Shri S. Radhakrishnan was the only validly nominated candidate, the Returning Officer declared him to be duly elected to the office of the Vice-President on the 25th April, 1952. The notification under section 12 of the Presidential and Vice-Presidential Elections Act, 1952, issued on the same day.

Nominations,
Scrutiny
and result.

PART V

RETURNS OF ELECTION EXPENSES

CHAPTER XX

RETURNS OF ELECTION EXPENSES

Every person who has been nominated as a candidate at an election is required by law to lodge with the Returning Officer a return of his election expenses signed by him and his election agent. The time limit for lodging the return is 45 days from the date of publication of the result of the election to which the expenses relate. The return is to be drawn up in the prescribed form and has to be accompanied by declarations as to its correctness by the candidate and his election agent. Every such declaration is required to be written on non-judicial stamped paper of the value of Rs. 2/- and made on oath or solemn affirmation before a magistrate. If the candidate is absent from India and accordingly unable to sign the return and make the declaration, the law permits his election agent alone to lodge the return with his declaration. The candidate is, however, required to lodge, within fourteen days after his return to India, a declaration on oath or solemn affirmation before a magistrate, in the prescribed form. The law relating to returns of election expenses is applicable to all elections including elections for filling a seat or seats in the Council of States and to an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of that State.

The Law.

For default in lodging the returns within the time and in the manner required by law, the following penalties have been prescribed:—

Penalties
for default.

- (i) The person making the default is disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 5 years [Section 7 (c) of the Representation of the People Act, 1951]; and
- (ii) if default is made in making the return, or if the return filed is found, either upon the trial of an election petition or by any court in a judicial proceeding, to be false in any material particular, the candidate and his agent are disqualified

for voting at any election for a period of five years from the date by which the return was required to be lodged. (Section 143 of the Representation of the People Act, 1951).

Scrutiny of returns.

Under sections 7(c) and 144 the Election Commission has been given the power to remove the disqualifications so incurred.

After a return of election expenses has been lodged, the Returning Officer gives notice of the date of its presentation, and of the time and place at which it can be inspected. Within 10 days from the last date for filing of return, the Returning Officer submits, for the information of the Election Commission, a statement containing the names of all candidates and their election agents together with a report whether they have lodged their returns of election expenses. If any returns have not been lodged within the time and in the manner required by the law, he must specially mention the same. Simultaneously, he publishes a list containing the names of all candidates and their election agents who have been reported by him to the Commission for failure to lodge their returns in time and in the prescribed manner. Thereafter, the Commission decides whether there has in fact been any default in the submission of the return and whether the candidate or the election agent has thereby incurred any disqualifications under section 7(c) or section 143 of the Act. The names of the persons against whom adverse decisions are given by the Commission are notified. They may, however, make representations to the Commission for the removal of their disqualifications. After the Commission has taken a decision on such representations, it publishes a final list of persons whose disqualifications have not been removed.

Immediately after the general elections, numerous enquiries were made of the Commission in respect of the scope of the term 'total expenses' and of the classification of certain items of expenditure. The Commission expressed its views on a number of doubtful points and these were generally followed by the candidates in drawing up their returns of election expenses.

Maintenance of election accounts.

In spite of the statutory provisions requiring returns of election expenses to be made, election accounts do not appear to have been kept properly by most candidates. A

return is really a classified abstract of the detailed accounts meant to be kept contemporaneously by the candidate or his election agent and it is necessary that the entries made in a return should be supported by detailed account books and vouchers. From the terms of Section 76 of the Representation of the People Act, 1951, it would appear that the candidates and their election agents are expected to keep at least a cash book and a receipt book. If the cash book contains subsidiary sections to cover each separate head of expenditure *e.g.*, paid workers, printing, transport, postage and telegrams, advertisements, etc., a candidate should not have any difficulty in drawing up the return of his election expenses.

Out of 27,915 candidates and 3,187 election agents at the general elections, as many as 7,724 candidates and 855 election agents failed to submit their returns of election expenses in due time and in the proper manner and accordingly incurred the disqualifications under sections 7(c) and 143 of the Representation of the People Act, 1951. The number of disqualified candidates and agents in respect of the different Houses of the legislatures was as follows:—

Number of candidates who incurred disqualifications.

Name of House	Total number of nominated candidates	Total Number of candidates disqualified	Total Number of election agents disqualified.
I	2	3	4
1. Council of States	345	30	3
2. House of the People.	2,833	648	75
3. Legislative Councils	1,063	135	20
4. Legislative Assemblies	23,287	6,792	737
5. Electoral Colleges	387	119	20
TOTAL	27,915	7,724	855

The task of the Commission in scrutinising the reports of the Returning Officers on the returns of election expenses in respect of 27,915 candidates and 3,187 election agents proved a very heavy one. At the same time, the representations of 3,153 persons for removal of their disqualifications under sections 7(c) and 144 of the Representation of the People Act, 1951, had to be dealt with. Almost half the entire office staff of the Commission were engaged in this task. As long as eight months were required to dispose of all these reports and representations.

Cause of
default.

The defaults in lodging the returns of election expenses within the time and in the manner required by law were mostly due to the technical and intricate nature of the law and the ignorance of the same on the part of the candidates and agents. Many of the candidates who had withdrawn their candidature, or had not incurred any expenditure at all, or whose nomination papers had been rejected, laboured under the mistaken idea that they were not required to file any return of election expenses. Some candidates who were their own election agents did not realise that the law technically required them to file separate declarations once in their capacity as candidates and again as their own election agents. Other candidates did not use non-judicial stamps for their declarations as required by law. In a few cases, the declarations had not been attested by magistrates. Another defect often noticed was that the different items of expenditure had not been properly classified and vouchers had not been attached in support thereof. In many cases the "receipts" part of the return was left blank. Many of the candidates were under the wrong impression that inasmuch as the money they had spent was their own and had not been received from any outside source, it was not necessary to fill in the "receipts" part of the return at all.

Lenient
view
taken.

In view of the large number of defaults committed in good faith through misunderstanding or ignorance of the law, the Commission decided to take a lenient view in the matter and removed the disqualifications in every case in which the defects did not appear to have been wilful, or were adequately explained and rectified. Many of the non-contesting or defeated candidates who had been disqualified for their default did not, however, make any representation for the removal of their disqualifications. Obviously, they were not serious in offering themselves as candidates.

The number of candidates whose disqualifications were removed upto the 30th June, 1954, was as follows:—

Name of House	Number of candidates whose disqualifications were removed
1. Council of States	19
2. House of the People	305
3. Legislative Councils	58
4. Legislative Assemblies	2,102
5. Electoral Colleges	22

The consequences of disqualifications would be serious indeed in the case of an elected candidate unless these are removed in time before they take effect or unless the Election Commission postpones the date when they would normally take effect under the law. Once the disqualifications have taken effect—and they do so on the expiry of two months from the last date for lodging the returns of election expenses—the elected member ceases to continue as a member by operation of law and his seat becomes vacant. Many of the elected candidates appeared to be ignorant of this severe penalty and did not care to keep themselves informed as to whether the returns lodged by them had been accepted as having been lodged in time and in the proper manner. As a consequence, they failed to make representations to the Election Commission for postponing the imposition of the penalty or for removing the disqualifications. In order to avoid a spate of bye-elections for such technical defaults, the Election Commission arranged for the prompt examination and disposal of the returns of elected candidates. In 134 cases, the Commission extended *suo motu* the period of two months so that elected candidates might retain their seats and complete the formalities in regard to their returns of election expenses. These candidates were simultaneously informed of their default and all of them eventually submitted representations during the extended period for the removal of their disqualifications. Their disqualifications were duly removed after the defects in their returns of election expenses had been rectified.

Disqualifi-
cations of
elected
candidates.

In spite of such vigilance and leniency, as many as eleven elected members actually incurred the disqualifications on the expiry of the statutory period as they had made no representations to the Commission. There were certain special features in each case which resulted in their cases escaping the notice of the Commission before their disqualifications took effect. No *suo motu* action to extend the period could, therefore, be taken by the Commission in time. Of these 11 candidates, one was a member of the Bihar Legislative Council and the others were members of different State Legislative Assemblies. Before deciding whether the seats of these members had become vacant under article 190(3) of the Constitution, the Commission gave each of them a hearing and ultimately decided to take a lenient view of their default. In the case of the

member of the Bihar Legislative Council, the Commission was satisfied that the return was not really defective and that no disqualifications had in fact been incurred by him. The period during which the disqualifications were not to take effect was eventually extended in the case of each of the other ten members with retrospective effect, and they eventually rectified the defects in their returns.

For obvious reasons the Commission has been very lenient in the matter of removal of disqualifications after the first general elections. There will be less and less justification for extending the same measure of leniency in the future after the law has become familiar. Persons who offer themselves for election to the country's Legislatures may reasonably be expected by the time of the next general elections to display a higher standard of appreciation of their legal duties and responsibilities in the matter.

Maximum
scale of
expenses.

Schedule V of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, specifies the maximum amount of election expenses permissible to candidates. In the case of the Assembly constituencies of Part A and Part B States, these limits vary from Rs. 4,000/- to Rs. 8,000/- in a single-member constituency and from Rs. 8,000/- to Rs. 12,000/- in a two-member constituency. In the only three-member Assembly constituency in the State of Bombay, the maximum was fixed at Rs. 16,000/-. For Parliamentary constituencies, the maximum prescribed was Rs. 25,000/- in a single-member constituency and Rs. 35,000/- in a two-member constituency. In the case of the only three-member Parliamentary constituency in West Bengal, the maximum fixed was Rs. 40,000/-. Experience has shown that these scales were fixed too low and complaints were received by the Commission that the returns of election expenses lodged by many of the candidates were not correct and the total expenditures shown therein was much below what had actually been spent by them.

The Commission is of the opinion that the scales of expenditure prescribed are too low and should be raised appreciably.

Suggested
improvements in the
law.

Under the existing law, the disqualifications under section 7(c) and 143 of the Representation of the People Act, 1951, accrue automatically by operation of law, and the Commission is bound to notify the disqualifications. As

already mentioned, many of the candidates were disqualified for technical and minor defects in their returns of election expenses. A good deal of time and energy were unnecessarily wasted in the first place in formally notifying their disqualifications and then subsequently, in dealing with their representations for removing their disqualifications and getting the defects removed, and finally, in notifying the removal of these disqualifications. The number of returns of election expenses which have to be dealt with after general elections are so large that there is unavoidable delay in dealing with them, both in the Returning Officer's office and in the office of the Commission. The candidates and their election agents usually remain in the dark about any defects in their returns which may ultimately come to be noticed by the Returning Officer or the Election Commission whose decision is often taken long after they have already become subject to the disqualifications. They have thus no sufficient opportunity for removing any defects before disqualifications have actually been incurred by them. This is a very unsatisfactory position which should be remedied. The law should be amended so as to provide that the disqualifications will not accrue automatically, but only after a specific decision to that effect has been made by the Commission. Before reaching any such decision, the Commission may be required to serve a notice on the defaulter and afford him an opportunity of being heard in his defence or of rectifying the defects in his return. In that case, section 8(1)(b) of the Representation of the People Act, 1951, will be redundant and may be deleted.

[Failure to lodge a return of election expenses has not been made a corrupt or illegal practice nor an electoral offence at present. The defaulter cannot, therefore, be disqualified for registration as an elector within the meaning of section 16 of the Representation of the People Act, 1950. According to article 326 of the Constitution, therefore, such a defaulter has a constitutional right to be registered as an elector. To this extent, the provisions of section 143 of the Representation of the People Act, 1951, denying such right are open to objection. The Commission would suggest that the anomaly should be removed by making the default in lodging the return of election expenses a corrupt practice, unless such default has been condoned by the Election Commission.]

Experience has shown that no useful purpose is served by requiring candidates whose nomination papers have been rejected, or who have formally withdrawn from contest, to file returns of election expenses. Such candidates naturally incur very little or no expenditure and since they drop out at a very early stage of the election proceedings, it is nothing but a legal nicety to require them to file such returns. It is in fact an avoidable waste of time and energy to make it obligatory for such non-contesting candidates to give an account of their election expenses. The Commission is, therefore, of the opinion that the legal obligation of lodging a return of election expenses should be confined only to the contesting candidates, i.e., candidates whose names are entered in the list of validly nominated candidates published under rule 11. In fact, an amendment of the law to this effect is now under the consideration of Parliament.

Another point that requires further consideration relates to the concession allowed under sub-section (3) of section 76 of the Representation of the People Act, 1951 to candidates who have gone abroad before the last date for lodging their returns. The election agents of such candidates have been authorised to sign and lodge the returns while the candidates have been allowed by law to file their own declarations in support of the returns within fourteen days of their return to India. Only six cases of this kind have occurred so far, one of them relating to a bye-election. Two cases each relate to West Bengal and Bombay, and one each to Hyderabad and Uttar Pradesh. Only in the case relating to Uttar Pradesh, the requirements of the law were fulfilled. In the remaining five cases, the candidates did not fully understand the provisions of the law and incurred disqualifications. It is clear that the provisions of the sub-section have served no useful purpose. Besides, the onus has been placed upon the Returning Officer of ascertaining the date of the candidate's return to India, which is a crucial date for the purpose of computing the last date for the filing of the candidate's declaration. This position is unsatisfactory. The Commission feels that it is unnecessary to retain this provision and that its deletion, as proposed in the amending Bill now before Parliament, is desirable. The suggestion made earlier to the effect that disqualifications will accrue only after a specific decision to that effect has been taken by the Election Commission will be sufficient to meet such cases effectively.

PART VI
ELECTION PETITIONS

CHAPTER XXI

ELECTION PETITIONS AND ELECTION TRIBUNALS

Under the Constitution, no election to either House of Parliament or to the House or either House of the Legislature of a State, can be called in question except by an election petition (article 329). After the general elections, there was a spate of such petitions. The first of these was filed on the 20th December, 1951, and the last (a time-barred one) on the 4th February, 1953. In all, 338 election petitions were filed in respect of elections to the different Houses of Legislatures as follows:

Council of States	3
House of the People	39
Legislative Councils	10
Legislative Assemblies	286
Electoral Colleges	Nil
TOTAL .	338

The Election Commission permitted the withdrawal of 6 of these petitions and 18 petitions were dismissed by the Commission under section 85 of the Act for the following reasons:—

(1) Failure to present the petition within the prescribed time-limit	9
(2) Failure to deposit the security money	3
(3) Failure to mention the details of alleged corrupt and illegal practices	6

Twenty-four elections petitions were thus disposed of by the Election Commission. The other 314 election petitions were referred to Election Tribunals for trial.

Seventeen election petitions were filed against persons who were Ministers, and four against Chief Ministers of States. Of the latter, three petitions were filed against one Chief Minister alone.

Each High Court and each Judicial Commissioner's Court supplied to the Commission in accordance with the provisions of the law—

- (a) a list of serving and retired District Judges in the State considered fit for appointment as members of Election Tribunals; and

- (b) a list of advocates of the Court of not less than 10 years' standing considered fit for such appointment.

The Election Commission appoints the Chairman and members of every Election Tribunal. The Chairman of a Tribunal has to be a serving or retired High Court Judge or District Judge. There must be another judicial member who may be a serving or retired District Judge. The third member of the Tribunal has to be an advocate. The Chairman, unless he is a serving or retired High Court Judge, and the members of an Election Tribunal, must be selected from the lists mentioned above.

A total of 460 serving and retired District Judges and 727 advocates were recommended by the High Courts. The Election Commission addressed each of the retired judges and advocates individually enquiring whether he would be willing to serve on an Election Tribunal. Serving judges were not, however, so asked. 671 such enquiries were made and of the persons so addressed, 110 expressed their inability to serve for one reason or another.

In selecting the members of the Tribunals, every care was taken to ensure that the persons selected had no political affiliations or prejudices. Further, the tribunals had to be so constituted that no difficulty might be experienced by the members in following the language in which the witnesses were likely to give their testimony.

In all, 66 Election Tribunals were constituted all over the country for the trial of 314 election petitions. On an average, therefore, each Tribunal had to deal with about 5 cases. Serving or retired High Court Judges or Judicial Commissioners, were appointed as Chairmen for the trial of 25 petitions. 53 serving District Judges were appointed Chairmen, and 40 as judicial members. There was only one case in which a serving District Judge of one State was appointed Chairman of a Tribunal for the trial of petitions arising in two other States.

Cost on
Tribunals.

The total expenditure on Election Tribunals up to the end of 1953-54 was in the neighbourhood of Rs. 10,00,000. This cost is shared by the Central and the respective State Governments.

In the interest of economy and practical convenience, the Commission usually appoints as Chairman of an Election Tribunal the District Judge of the district within whose limits the constituency concerned or the major portion thereof is situate. Wherever necessary, additional District Judges were temporarily appointed to relieve the District Judges of part of their normal work. At the Commission's request, the High Courts issued instructions to the judges to give priority to the disposal of election petitions.

Difficulties
experienced.

Retired District Judges were normally appointed to Tribunals functioning in their own States. In some cases, however, retired District Judges from other States were selected for appointment on Election Tribunals.

The selection of retired District Judges and advocates often presented the Commission with considerable difficulty. Appointments were sometimes delayed as a result of a judge or an advocate expressing his unwillingness to accept an offer or not being free to do so.

As regards the advocate members, the main difficulty was that their sanctioned rate of remuneration at Rs. 60/- per day, or Rs. 1,800/- per month, did not prove attractive enough to the comparatively senior and busy members of the profession.

The administrative rules which govern the appointment of members of Tribunals and their staff were very carefully framed. Even then they presented a number of difficulties in actual practice. The Election Commission has been empowered to sanction posts of the Chairmen, members and staff of Election Tribunals for a maximum period of one year only. This necessitated the formal making of numerous avoidable references to the Government of India for extension of the period of such appointments, wherever a Tribunal continued in office over a year. In a few cases as many as 12 to 16 petitions had to be assigned to a single Tribunal. Again, the trial of some election petitions was materially delayed as a result of stay orders from the High Courts or the Supreme Court. For these and other reasons, 23 Election Tribunals required more than a year to dispose of the election petitions referred to them for trial. Formal sanction of the Government of India had to be obtained in each such case for extending their term beyond one year.

Any delay in obtaining such sanction resulted in corresponding delay in the payment of the salaries and other dues to the members and the staff of the Tribunals. This occasioned unnecessary and avoidable correspondence and inconvenience. The Election Commission feels that the administrative rules for Election Tribunals should be amended so as to enable the Commission to extend the term of Election Tribunals beyond one year, whenever necessary.

It has already been mentioned that in a number of cases the trial of election petitions was delayed by stay orders issued by the Supreme Court and the High Courts or the Judicial Commissioner's Courts, on writ and similar applications filed by the parties. In as many as 15 cases, the publication of the final orders of the Tribunals was stayed by superior courts. On the 1st January, 1955, however, only two of these cases were still under stay, the remaining thirteen cases having been disposed of by the superior courts. The orders of the Tribunals were ultimately set aside in only four of these cases. In some cases, retrials were ordered or the Tribunals' orders reversed even after they had taken effect on publication. The Patna High Court ordered retrial in two cases, and the Supreme Court in one. The Bombay High Court also remitted one case back to a Tribunal. In four cases, the Supreme Court upheld the elections which the Tribunals had declared void and in one case it set aside the order of the Mysore High Court which had earlier reversed the decision of the Election Tribunal so that the decision of the Tribunal was in the end upheld. In two cases, the Supreme Court modified the orders of the Tribunals.

Pending cases.

On the 1st of January, 1955, seven petitions arising from the general elections still remained pending before Election Tribunals. The proceedings had been stayed in two of these cases, and in four other cases the stay orders had been vacated shortly before that date. The seventh petition had been sent back to the Tribunal for a retrial under the orders of the Patna High Court.

Results of election petitions.

Out of 314 petitions referred to Election Tribunals, 307 were finally disposed of upto the 1st January, 1955. Allegations were made of improper acceptance or rejection of nomination papers in 183 of the disposed of petitions, of corrupt and illegal practices in 89 petitions, and of non-compliance of the provisions of law in 35 petitions. 156

petitions were dismissed and 128 were allowed, by the Tribunals, while 23 were either withdrawn or abated. 122 elections were declared wholly void, unseating 196 candidates. The orders of the Election Tribunals have, however, not taken effect in respect of 2 of these candidates up to the 1st January, 1955, as the publication of these orders under section 106 of the Representation of the People Act, 1951, has been stayed by the order of superior courts. In one remarkable case, the election of all the 24 members elected to the Bihar Legislative Council by the elected members of the Bihar Legislative Assembly, was declared wholly void as the Tribunal held that the nomination papers of some of the candidates had been improperly rejected by the Returning Officer at the time of scrutiny. Same was the case of the 24 members elected to the Madras Legislative Council by the elected members of the Madras Legislative Assembly. Bye-elections had to be held in both these cases.

As a result of the orders passed by Election Tribunals, 27 persons (including 2 in respect of whom the orders had not taken effect up to the 1st January, 1955) were found guilty of corrupt and illegal practices under sections 123 and 124 of the Representation of the People Act, 1951.

The Election Tribunals declared seven persons elected in place of those unseated by their orders. In one of these cases the Supreme Court set aside the order of the tribunal which declared two of the respondents as duly elected in place of the returned candidates and a bye-election was, therefore, ordered.

The minimum time taken in the disposal of an election petition was 2 months and 22 days. On the other hand, another petition remained pending for the maximum period of 1 year, 9 months and 26 days after which it was withdrawn.

The case of "T. C. Basappa *versus* T. Nagappa and others", decided by the Shimoga Election Tribunal (Mysore), deserves special mention. The Tribunal set aside the election of the opposite party who was the returned candidate and declared the petitioner as duly elected. As a result, the petitioner became a member of the State Legislative

Assembly. On appeal, the High Court set aside the Tribunal's order and the opposite party was restored to his seat. Ultimately, the Supreme Court vacated the order ~~of~~ the High Court and upheld the Tribunal's order. The opposite party was thus again unseated and the petitioner finally became a member of the Assembly.

Working
of the
system.

[The law relating to Election Tribunals has proved somewhat dilatory and cumbersome and calls for simplification. In the first place, it does not appear at all necessary to set up a Tribunal with as many as three members. When the present law was enacted, the intention was that the Tribunal's decisions would be final and not open to any appeal or revision before a higher court.) As things have turned out, however, the High Courts and the Supreme Court have taken the view that they have jurisdiction to issue writs under articles 226 and 32 of the Constitution in respect of matters in dispute before Election Tribunals and to entertain petitions for revision against the decisions of Election Tribunals under articles 227 and 136 of the Constitution. These powers have been freely exercised and the Election Tribunals have now been held to be Tribunals subordinate to the higher courts and their decisions have in fact been frequently set aside or modified. In the circumstances, there seems to be no longer any justification for setting up costly three-men Tribunals for the trial of election petitions. The Commission suggests that the law should be amended in this respect and an Election Tribunal may be required to consist of one judge only who is or has been a High Court Judge or is or has been a District Judge] whose name is included in a list of District Judges suitable in the opinion of the High Court for appointment to an Election Tribunal. In addition, an appeal may be provided against the decision of a Tribunal. Such appeal should lie to the High Court when the Tribunal Judge is of the rank of a District Judge and to the Supreme Court when he is of the rank of a Judge of a High Court.

PART VII
ROLE OF PARTIES, PRESS AND GOVERNMENT
SERVANTS

CHAPTER XXII

ROLE OF POLITICAL PARTIES

In a mature democracy, political parties play a very prominent part in all stages of the process of elections. No doubt, with greater experience and better, stabler and more wide-spread organisations, political parties in India also will do so in future years. So far as the last general elections were concerned, the political parties played little part during the period of the preparation and finalisation of the electoral rolls.

The Political Parties

The entire burden which the tremendous task of enrolling about 173·2 million voters involved had thus to be borne almost exclusively by the governmental machinery in the States acting under the directions of the Election Commission. It is interesting and instructive to note in this connection that in Great Britain, for example, governmental election machinery is almost non-existent in the constituencies and it is the political party organisations in the constituencies which organise house to house enquiries in order to bring to the notice of the registration authorities amendments and additions which are called for in the electoral rolls during its annual revision. It may be confidently expected that a much greater degree of co-operation will be available from our political parties in this regard in the future. It is obviously in the interest of a political party itself to help in bringing into the rolls the names of all eligible voters who may be expected to support it at the poll.

Preparation of electoral rolls.

It was only after the final publication of the electoral rolls that some active interest was evinced by the political parties and a few representations were received from them challenging the accuracy of the electoral rolls in certain areas. It was by then too late for the Election Commission to order any further revision, as that would have upset the all-India programme for the general elections.

Some of the political parties took considerable interest in the delimitation of constituencies; but this was confined mainly to parties represented in the Parliamentary

Delimitation of Constituencies.

Advisory Committees. It was rather disappointing that other parties did not show much interest in the earlier stages of delimitation and it was only after the President's orders delimiting the constituencies had issued that some suggestions were made for their revision. For the smooth functioning of democracy, it is essential that every political party should have its own view-point on delimitation of constituencies clearly formulated and carefully considered on its merits, before the constituencies are finally delimited.

Allotment of symbols.

One matter, in which all political parties took great interest, was the allotment of election symbols to parties. A conference held by the Chief Election Commissioner for the purpose in New Delhi was attended by seven important all-India parties. There was general agreement amongst the parties regarding the details of a scheme drawn up by the Election Commission for allotment of election symbols to political parties. The scheme was accordingly adopted and given effect to by means of statutory directions issued by the Election Commission.

It was generally appreciated that a party which failed to have the same symbol reserved for all its candidates throughout India would have to face considerable difficulty in its election campaign and publicity arrangements. A large number of political parties applied for reservation of symbols. Although sufficient data were not available with the Commission, an attempt was made to assess the standing and organisation of each of these parties before deciding its claim for reservation of a symbol.

In the end, 14 parties were 'recognised' on an all-India basis, while 52 parties were 'recognised' as 'State' parties in different States. In fact, the word 'recognition' is misleading in a sense. Even a party which was not 'recognised' for the reservation of a common symbol for all its candidates was all the same fully entitled to put up its candidate for every seat. Many of the parties which were not allotted symbols did in fact put up candidates who contested the election on behalf of their respective parties; the only difference being that all the candidates of any such party might not have been allotted the same symbol everywhere.

The allotment of symbols was completed in September, 1951, by which time the elections were drawing near. The political parties got more active at this stage and prospective candidates and party workers engaged themselves in building up local party organisations. A remarkable feature of the increasing tempo was the formation of new political parties all over the country, some of them ultimately proving to be a mushroom growth. The total number of parties went up to as many as 178, excluding the 14 recognised all-India parties. The futility of such hasty formation of new parties without any real roots in the country was hardly realised. It is not surprising that in the gruelling test of the actual elections when they came, most of these parties virtually disappeared, many of their candidates forfeiting their deposits.

Formation of
new political
parties.

With the elections fast approaching, the task of canvassing electoral support soon reached greater and greater dimensions. The political parties stepped up their election campaign in the constituencies, the volume thereof varying according to their respective resources and capacity. One welcome result of such campaign was to enthuse and educate the electorate. As the bulk of the electorate was illiterate, a good deal of educative propaganda was required to be carried out before they could fully understand the true meaning of the elections and appreciate their own role therein. Vast areas had been left untouched in this regard even after all the efforts made by the Press, the Radio and the governmental machinery. It was the party workers and the candidates who, in the ultimate analysis, largely performed the invaluable task of familiarising the mass of the electorate with the process and the mechanics of polling and the implications thereof. This task had to be accomplished within a very short time, and under great physical handicaps arising from vast distances and poor communications in many areas. It is remarkable how well the task was done for 51.15 per cent of the voters actually exercised their franchise at the polls—a fairly good percentage even for countries with long established democratic traditions.

Election
campaign—
education
of voters.

In order to accelerate the pace of polling on the polling day, it was necessary that the entry relating to the elector's name in the electoral roll should be traced out quickly at the polling station. To facilitate this, arrangements were made for the issue of official 'identity slips' to the

Identification
of voters—
parties'
identity
slips.

voters at the entrance of the polling stations. Political parties were encouraged to distribute to the voters, at an earlier stage, their own identity slips containing the necessary particulars so that with the help thereof the official identity slips could be prepared with the minimum loss of time on the polling day. This time-saving device was largely adopted by the parties and the poll was substantially speeded up thereby.

Co-operation
in maintain-
ing peace
during the
elections.

The Commission gratefully acknowledges that the most important contribution of the political parties was their peaceful campaigning during the elections. The various provisions of the electoral law for maintaining a peaceful atmosphere were respected by the parties, and instances of breach thereof were negligible. Other provisions of the electoral law made in the interest of orderly polling, as for instance, that prohibiting the transport of voters by conveyances, were also generally observed by the parties. Here and there, stray complaints were no doubt received against one party or the other, but on enquiry no sufficient evidence was available in support of most of such complaints. The political parties co-operated with the Election Commission and with the State election authorities in every way, and it was largely due to this that the task of conducting the elections smoothly and peacefully was so well accomplished.

Co-operation
in the
future.

The political parties have gained in experience during the last general elections and the subsequent bye-elections. The Commission would particularly invite more effective help and co-operation from them in the difficult task of revising the electoral rolls. If, along with the effort which the administration makes every year in making the rolls up-to-date and correct, effective co-operation of the political parties is also available, our electoral rolls would soon approach a much more satisfactory degree of accuracy. In this respect, there is a good deal to emulate from the British practice. It is natural that in view of the vastness of the country the parties should find it difficult to set up efficient and far-flung organisations to cover all parts of every constituency as in England. There is, however, considerable room for further improvement in the training of the party workers in election matters so that they may fully appreciate their role and play it effectively. Election agents and polling agents of candidates did not figure as effectively in the actual conduct of elections as

they might have. Now that considerable experience has been gained and, one may hope, the importance of trained personnel realised, it may be confidently expected that parties will give more attention to improving the efficiency of their organisations and workers. They may, for instance, set up field organisations in constituencies on a more or less permanent basis and much of the planning may be done by them well in advance of the actual elections.

One welcome trend is the realisation that multiplicity of parties leads to waste of energy and of votes. There are clear signs that since the general elections the smaller parties have been moving towards a merger or line-up with the bigger parties nearest to them in ideology. The electorate also has helped in the process by voting some of the smaller parties practically out of existence.

Present
trends in
party
line-up.

CHAPTER XXIII

THE PRESS AND THE RADIO

The Press.

In the initial stages, the task of educating the voters and making them increasingly conscious of the approaching general elections fell largely on the Press. Although the Press had given some publicity to the impending elections earlier, it was not until the holding of the polling rehearsals that election news started figuring prominently in newspapers. The publicity given to these rehearsals all over the country attracted considerable attention and increased the popular demand for election news which was adequately met by the newspapers. In due course, election news became the most prominent feature in all sections of the Press.

News papers

As the tempo of electioneering heightened, a large number of new newspapers sprang into existence mainly to meet this temporary demand. Although most of these papers came out with the object of furthering the election propaganda of one party or the other, they nevertheless served the purpose of heightening the interest of the voter in the elections and keeping him posted with the latest election news. As many as 397 newspapers were started during the period of the elections, and most of these ceased to exist after the elections were over.

New features.

Many of the newspapers published special articles explaining in detail the procedure of voting. A few papers introduced a new feature which contained answers to queries from readers relating to subjects like the procedure for registration of voters, disqualifications for membership, election-publicity, election expenses, postal voting, government servants and elections, forfeiture of deposits etc. These efforts by the Press proved very useful in educating the voters, and probably many of the candidates as well.

Publicity arrangements.

The Commission made special arrangements so that election news were made available to the Press as quickly as possible. In order to eliminate delays, a unit of the Press Information Bureau of the Government of India was detailed to work in collaboration with the office of the

Election Commission. The country was thus kept fully informed of all up-to-date election news. At a later stage also, the Press Information Bureau were of great assistance in preparing the statistical analysis of the elections.

In spite of the large-scale illiteracy in the country, the Press thus played an important role in educating the voters and in creating and sustaining a keen interest in the elections in the public mind. As literacy increases, the mighty 'Fourth Estate' is sure to play an increasingly greater part in creating, arousing, and sustaining the interest of the people in election matters, and in helping them to appreciate the issues involved as also the vital importance of exercising their franchise with intelligence and discretion.

Role of
the Press.

The Election Commission invariably met with unflinching co-operation and courtesy from the Press and its relations with all sections of the Press was most cordial throughout.

The need to educate the vast inexperienced electorate was so compelling that the Central and State Governments also had to take a hand in the task. Necessary precautions were, however, taken by the Commission so that governmental publicity might be strictly free from any party bias. A series of documentary films were screened with the sole purpose of educating the voters in election matters, and these were released all over the country.

The film.

Although our broadcasting facilities have yet to make up a good deal of leeway in the more backward rural areas of the country, the radio generally proved to be a potent aid to publicity and mass education. From time to time, the Chief Election Commissioner gave a series of talks on the radio which covered subjects like (1) The General Elections—Democracy's biggest experiment; (2) Delimitation proposals; (3) Holding of a poll; (4) Public servants and Democracy; (5) The citizen voter; (6) The women citizens; (7) Need to educate the voter—the role of the Press, Radio and film, etc. Many of the Chief Electoral Officers broadcast similar talks in the respective States. Arrangements were also made by the All India Radio to give interesting non-party talks or dialogues on elections in order to cater to the needs and tastes of the villagers.

The Radio.

Broadcasting
facilities for
political
parties.

[A question was raised whether broadcasting facilities should be made available to the parties for their election propaganda as is now customary in Great Britain. On account of the multitude of parties, the strength and standing of some of whom were difficult to ascertain, the matter became too controversial and the Election Commission advised Government that it would be almost an impossibility to apportion broadcasting facilities amongst the numerous 'recognised' parties with reasonable fairness and to the general satisfaction of the public. The Government accepted the Commission's advice and no broadcasting facilities were extended to the parties for their election campaign. Now that the number of 'recognised' parties has considerably decreased and their comparative strength in the country accurately ascertained, it may be possible to re-open the question and evolve a reasonably satisfactory scheme for extending this facility to the parties for the next general elections.]

CHAPTER XXIV

ROLE OF GOVERNMENT SERVANTS

As the main responsibility of holding elections rested on Government servants, it was imperative that they should conduct themselves impartially, without fear or favour. The Commission impressed on the State Governments the necessity of the Government servants keeping completely aloof from politics and suggested that this should be re-emphasised by means of clear and specific instructions. At the request of the Election Commission, the Government of India and the State Governments issued strict instructions defining the position of Government servants in relation to elections, and inviting their attention to the existing provisions of the rules governing the conduct of Government servants, which exposed them to disciplinary action if they canvassed or otherwise interfered or used their influence in connection with, or took part in, any election to a Legislative body except by way of freely exercising their right to vote. In respect of voting also, they were enjoined not to give any indication of the manner in which they proposed to vote or had voted.

Government
servants
and
elections.

The attention of the Government officers was also invited to the relevant provisions of the Representation of the People Act, 1951, which prescribes drastic penalties for improper conduct on the part of government servants in connection with elections. In fact, the penalties prescribed by the Act for the lapses of election officers were deliberately made drastic so as to help them in resisting any pressure or inducements to which they might be subjected by interested persons, and in maintaining strict impartiality in their election duties. While such strict provisions were made in dealing with actual lapses on the part of Government servants, care was taken in the Act to protect honest officers from unwarranted prosecution and harassment by disgruntled private parties. Section 137(2) of the Representation of the People Act, 1951, lays down that no criminal proceedings can be instituted against an election officer for an electoral offence in the absence of a complaint authorised by the Election Commission, a Regional Commissioner or the Chief Electoral Officer.

Penalties.

In his broadcast talk, on the 20th July, 1951, the Chief Election Commissioner specially addressed the Government servants with reference to their responsibilities in the democratic set-up of the country. He emphasised that they should, while discharging their duties, maintain strict impartiality and see to it that the secrecy of the vote was maintained.

Praiseworthy
conduct.

That all these steps had the desired effect is clear from the fact that when the elections were over, the fear expressed previously in some quarters about possible interference in the elections by Government servants was proved to have been completely unjustified,—in fact, there was unanimous praise for the manner in which Government servants had played their difficult and onerous part during the elections. Although the police and the magistracy as such did not have much to do directly with the actual taking of the poll, they proved of great help in the later stages of the election programme and succeeded in maintaining perfect law and order during the entire period of the elections.

Lapses.

After the close of the elections, the Commission, while conveying its appreciation of the part played by Government servants in the successful completion of the work, requested the State Governments to intimate any instances of lapses on the part of the Government servants that might have come to their notice. The reports received from all States were carefully scrutinised. It appeared from these reports that while there were isolated instances of minor lapses on the part of Government servants, there was no case anywhere of any serious abuse of position or authority. In Assam, one Presiding Officer did not attend to his election duties on the polling day. The State Government punished the officer by suspending the increment of his pay. Similar petty lapses were also reported from Uttar Pradesh. In Bihar, one Polling Officer was censured for failure to keep proper guard over the ballot boxes. In Bombay, one Electoral Registration Officer failed to submit claims in respect of 1,600 displaced persons. Two increments of his pay were withheld by way of punishment. One Presiding Officer in Punjab did not place in the polling booth any ballot box for one of the validly nominated candidates. The Commission's expression of displeasure was conveyed to him. Another Presiding Officer in Punjab adjourned the poll on the plea of snow-fall although

this was not quite correct. He was censured. In other similar cases also, suitable action was taken by the State Governments concerned and in no case did the Commission find it necessary to take any further action. The Commission is glad to record that it was not found necessary to prosecute even a single officer under section 134 of the Representation of the People Act, 1951, for breach of official duty in connection with the elections.

[The Commission would point out that while sections 129 and 134 of the Representation of the People Act, 1951, impose penalties for improper conduct on the part of those officers who are charged with some duty or other in connection with elections, there is no such provision in respect of the other employees of the Government. The Commission feels that this omission should be made good and the law should be amended so as to make the provisions of section 129 applicable to all Government servants without any exception whether they are charged with any election duty or not. The reason is obvious, for a government officer though not charged with any election duty may be in a position to use his influence improperly and thereby render an election unfair. The law should provide for penalties to cover such cases as well.] Suggestion.

PART VIII
MISCELLANEOUS

CHAPTER XXV

FINANCIAL ARRANGEMENTS

For obvious administrative reasons, the work of enumerating the voters and printing the electoral rolls, was delegated to the administrative machinery of the State Governments. The rolls so prepared were of course to be utilised not only for elections to the State Legislatures but also the House of the People. Initially, therefore, the State Governments incurred all the expenditure involved. The Government of India subsequently entered into an agreement with the Governments of Part A and Part B States according to which its share of all election expenditure in every State would be reimbursed to the State Government. This agreement also covered the expenditure to be incurred subsequently in connection with the actual conduct of the elections. According to this agreement, all extra expenditure incurred by a State Government in connection with the preparation and printing of the electoral rolls was to be borne by the Central and State Governments on a half-and-half basis. The same formula also applies to the expenditure incurred in connection with the actual conduct of elections to the House of the People and the State Legislative Assembly when they are held simultaneously. Where, however, they are held separately, the Central Government would bear the entire expenditure in connection with elections to the House of the People while the State Government would bear the same for elections to the State Legislative Assembly. The term "extra cost" was defined to mean the extra expenditure actually incurred by a State Government in the preparation and printing of the electoral rolls and the conduct of the elections, but was not to include any share of the existing State establishments. This means that no share of the salaries of the existing officials of the State Governments would be chargeable to the Central Government.

Apportionment of expenditure between the Union and the States.

As regards expenditure incurred on the preservation and storage of polling materials like ballot boxes, an arrangement was arrived at under which the Government of India agreed to share fifty per cent of the same.

As for the expenditure on elections to the State Legislative Councils, it was decided that the expenditure on such elections, including the expenditure on the preparation of the electoral rolls for the graduates', teachers' and local authorities' constituencies of the Legislative Councils and on the actual conduct of elections in these constituencies would be borne exclusively by the State Governments while the expenditure incurred for elections to the Council of States would be borne wholly by the Central Government. The expenditure incurred for the election of the President and the Vice-President was met by the Central Government.

Part C States being under the direct administration of the Government of India, all expenditure in respect of these States was met by the Central Government.

The over-all expenditure of the elections incurred from 1948 till the completion of the elections in 1952 was in the neighbourhood of Rs. 10.4 crores. Of this, approximately Rs. 5 crores represent the share of the Government of India. The total amount spent in each of the States was as follows:—

Total cost of the elections.

Name of State	Total expenditure		
	Rs.	A.	P.
Assam	30,55,732	0	0
Bihar	1,12,14,999	12	10
Bombay	1,27,79,232	0	0
Madhya Pradesh	39,62,249	0	0
Madras	1,98,84,194	0	0
Orissa	45,85,116	2	2
Punjab	39,46,804	5	0
Uttar Pradesh	1,70,05,000	0	0
West Bengal	90,00,000	0	0
Hyderabad	40,82,338	0	0
Madhya Bharat	15,89,796	0	0
Mysore	24,11,079	15	6
P.E.P.S.U.	14,98,187	10	0
Rajasthan	41,45,183	11	6
Saurashtra	12,71,546	0	0
Travancore-Cochin	22,05,107	3	0
Ajmer	1,48,016	10	9
Bhopal	1,46,133	0	0
Bilaspur	35,389	0	0
Coorg	47,628	2	10
Delhi	5,31,529	7	6
Himachal Pradesh.	1,52,228	5	3
Kutch	1,25,324	12	0
Manipur	1,07,859	0	3
Tripura	2,09,788	15	6
Vindhya Pradesh	4,06,636	3	3
TOTAL	10,45,47,099	5	4

The total cost of the elections accordingly works out at annas 9.6 per voter for both the State and federal elections. The cost would thus be only 4.8 annas per voter per election which appears by no means to be too unreasonable a figure.

Cost per voter.

The total receipts on account of the sale of electoral rolls, inspection fee, forfeiture of deposits, fee for inclusion of names in the electoral rolls after its final publication and copying fee, etc. amounted approximately to Rs. 40.7 lakhs.

Receipts.

The Election Commission had no duties or responsibilities in the matter of sanctioning or providing funds for conducting the elections, except that it was sometimes consulted in an advisory capacity. All the Governments readily co-operated with the Commission by providing the necessary funds for election work and no difficulty was experienced.

The expenditure on the Commission's staff is met out of the Consolidated Fund of India.

The Government of India decided at first that inasmuch as daily and travelling allowances would be paid mainly to Government employees, the payment should not be made from the election funds of the States but should be debited to the normal budget head of the departments in which the Government servants were employed. This decision resulted in several practical difficulties. Very often the normal departmental budget grants were insufficient for meeting such heavy extra-ordinary expenditure. In view of this, the Government of India ultimately agreed to share fifty per cent of the extra cost incurred by the State Governments on the payment of travelling and daily allowances to staff employed on polling and other election duties. The expenditure was allowed to be debited against the election budget, the States having initially provided the funds for meeting the same.

Travelling allowances of polling staff.

Some of the State Governments felt that the scales of daily allowance admissible under the ordinary rules were inadequate in view of the staggering of the poll over a number of days or weeks during which the polling personnel was required to remain continuously on tour. They proposed accordingly to pay them daily allowances at somewhat higher rates so as to enable them to meet their entire out-of-pocket expenses. The Central Government, however, refused to share any such additional expenditure.

It was only in exceptional cases that payments already made according to the higher rates were eventually agreed to.

Difficulties.

The arrangements made for payment of travelling and daily allowances to the polling personnel during the general elections often led to hardships. In some of the States, the polling officers had to remain on duty for two to three weeks and they naturally found it difficult to meet their out of pocket expenses initially. Instances have also come to the notice of the Commission in which payment of travelling and daily allowances was considerably delayed for one reason or the other. Some of the bills even now remain to be paid. One solution of the difficulty is to advance a reasonable amount to the polling personnel and adjust the same subsequently in their bills. In areas where transport is too expensive or non-existent, government should arrange for such transport for the polling personnel, if practicable. It is essential that those charged with the performance of election duties, almost always under difficult conditions, do not have to lose financially.

CHAPTER XXVI

SUMMARY OF RECOMMENDATIONS

In the earlier Chapters of this report, the Commission has made a number of recommendations in regard to diverse matters. For the sake of convenient and ready reference, the more important of these recommendations are summarised below:—

1. The necessity of preparing separate electoral rolls for Assembly and Parliamentary constituencies should be done away with, as such duplication of work serves no useful purpose. (Chapter VII).
2. The electoral rolls need not be “prepared” every year and it should be sufficient to revise them every year. (Chapter VII).
3. The Election Commission should be given wider discretionary powers enabling it, whenever necessary, to adopt a simpler and quicker procedure for the revision of the electoral rolls. (Chapter VII).
4. The Commission should be given powers to order a summary revision of the electoral rolls for the local authorities’ constituencies with reference to such qualifying date as it may fix in each case. (Chapter VII).
5. The Commission should be given the discretion to correct mistakes in the allotment of symbols. (Chapter IX).
6. The programme for the election should be compressed so as to reduce the time at present taken in holding an election. (Chapter XI).
7. A candidate at an election need not necessarily be a voter. It should be enough if he is eligible to have his name enrolled as a voter. (Chapter XII).
8. The provision that every nomination paper should be subscribed by a proposer and a seconder and that each of the latter must be an elector in the constituency in question should be deleted. (Chapter XII).

9. It should not be necessary for a candidate to make a declaration regarding the appointment of an election agent in the nomination paper. (Chapter XII).
10. Only single-booth polling stations should be provided at all future elections leaving it to the Returning Officer to appoint the same officer as Presiding Officer of more than one polling stations, if necessary. (Chapter XIV).
11. It should suffice if a letter of appointment of a polling agent addressed to the Presiding Officer showing the name and specimen signature of the person appointed is produced on the date of poll. (Chapter XIV).
12. The provisions relating to forfeiture of deposits should not apply to elections to the Council of States and the Legislative Councils. (Chapter XVI).
13. The hardship involved in unseating one of the elected candidates for the fault of another person should be remedied by suitably amending the law. (Chapter VI).
14. Only contesting candidates should be required to lodge returns of election expenses. (Chapter XX).
15. The disqualifications under sections 7(c) and 143 of the Representation of the People Act, 1951, should not accrue automatically but only after a specific decision to that effect has been taken by the Commission after a full consideration of the case along with any explanation that the defaulter may offer in his defence. (Chapter XX).
16. The default in lodging a return of election expenses should be made a corrupt practice. (Chapter XX).

17. The requirement that an Election Tribunal should consist of three members should be done away with. Instead, an Election Tribunal should consist of one Judge only who is or has been a High Court Judge, or is or has been a District Judge whose name is included in the approved list of the High Court. An appeal should be provided for against the decision of an Election Tribunal. (Chapter XXI).
18. Section 129 of the Representation of the People Act, 1951, should be made applicable to all Government servants without any exception, whether they are charged with any election duty or not. (Chapter XXIV).

CHAPTER XXVII

CONCLUSION

The successful completion of the general elections in India can be said to constitute an important land-mark in the history of democracy. Never before has such a vast electorate gone to the polls. The future of the democratic way of life in India depended very largely on the success of the experiment as also on the extent to which these elections could evoke public enthusiasm and satisfaction. Unless elections are free and fair, public faith in the verdict of the ballot box necessarily suffers, and to that extent there is a failure of democracy.

Looking back on what has been achieved during the first general elections in India, it can be confidently claimed that the elections were free and fair. This has been acknowledged universally and the country has taken its due place amongst the democratic nations of the world.

The task was a formidable one and could not have been carried out satisfactorily without the whole-hearted cooperation of everybody concerned. The greatest credit, of course, goes to the millions of voters who gave ample proof of having realised that it was their right as also their duty to participate in the elections by exercising their franchise. They have earned world-wide admiration by the enthusiasm that they displayed during the elections and the orderly and peaceful manner in which they went to the polls. The political parties and the candidates contributed in no small measure to the success of the experiment.

The government servants had a difficult and vital role to perform. They faced the difficulties and hardships inherent in such a vast administrative undertaking with commendable public spirit. By their conduct during the elections, they have helped in consolidating the healthy tradition that public servants must perform their duties in an entirely independent and non-partisan manner in connection with elections. By doing so, they have not only earned the gratitude of the nation, but have made their own task smoother for the future as well. The Police who had no direct part to play in the elections had all the same a very onerous duty to discharge. They had to maintain

perfect law and order not only during the polling but also before and after polling. That they went through this severe test successfully reflects great credit on their morale and organisation.

The Commission takes this opportunity to express its appreciation of the keenness and devotion displayed by the large number of officers on whose sustained hard work the successful organisation and completion of the general elections depended in a large measure. Considerations of space render it impracticable to name them individually. Even then special mention must be made of the valuable services rendered by the Chief Electoral Officers of the States as also the permanent Secretary of the Commission, Shri P. S. Subramanian, and other members of the Commission's staff.

The Commission must record its deep gratitude to the Press for the invaluable part they played in creating and sustaining public interest in the elections at all stages. The Commission received unfailing help and cooperation from the Press in every matter. The All India Radio extended every facility to the Election Commission and the Chief Electoral Officers for the publicity campaign meant for the general public and thus materially helped in educating the electorate in the intricacies of the election law and procedure.

Ballot papers and paper seals were printed in enormous quantities by the Security Press, Nasik Road, often at very short notice but invariably in good time. The Commission acknowledges their help with gratitude. The Council of Scientific and Industrial Research made a valuable contribution by manufacturing and supplying indelible ink for use in the elections. The Commission is also grateful to the Ministry of Commerce and Industry for releasing sufficient steel for the manufacture of ballot boxes in spite of an acute shortage of steel in the country. The manufacturers of the ballot boxes also deserve all praise for their ingenuity in designing inexpensive and fraud-proof ballot boxes for use in the elections.

The Posts and Telegraphs Department and the Railway Board readily provided special and prompt facilities for communication and railway transport. The election programme could hardly have been adhered to but for these facilities.

Indeed, the holding of the general elections was a national venture and could be successfully accomplished because of the nation's enthusiasm and determination to carry it through successfully. In such a vast cooperative venture every individual and every organisation has to make a contribution. It is a matter for gratification that everybody pulled his weight in the common task. Now that the first lesson has been learnt, the country can look forward to the future with confidence. There is every reason to hope that future general elections will call forth even greater public spirit and enthusiasm and will serve as a model for all democratic elections.

APPENDIX

APPENDIX

EXTRACTS FROM THE CONSTITUTION

1. (1) India, that is Bharat, shall be a Union of States. Name and territory of the Union.
- (2) The States and the territories thereof shall be the States and their territories specified in Parts A, B and C of the First Schedule.
- (3) The territory of India shall comprise—
- (a) the territories of the States;
 - (b) the territories specified in Part D of the First Schedule; and
 - (c) such other territories as may be acquired.
52. There shall be a President of India. The President of India.
54. The President shall be elected by the members of an electoral college consisting of— Election of President.
- (a) the elected members of both Houses of Parliament; and
 - (b) the elected members of the Legislative Assemblies of the States.
55. (1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President. Manner of election of President.
- (2) For the purpose of securing such uniformity among the States *inter se* as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:—
- (a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;
 - (b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;
 - (c) each elected member of either House of Parliament shall have such number of votes as may be

obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.

(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

Explanation.—In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

Term of office of President.

56. (1) The President shall hold office for a term of five years from the date on which he enters upon his office.

Qualification for election as President.

58. (1) No person shall be eligible for election as President unless he:—

- (a) is a citizen of India,
- (b) has completed the age of thirty-five years, and
- (c) is qualified for election as a member of the House of the People.

(2) A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Explanation.—For the purposes of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor or Rajpramukh or Uparajpramukh of any State or is a Minister either for the Union or for any State.

Time of holding election to fill vacancy in the office of President and the term of office of person elected to fill casual vacancy.

62. (1) An election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term.

(2) An election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of oc-

currency of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of article 56, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

63. There shall be a Vice-President of India.

The Vice-
President
of India.

66. (1) The Vice-President shall 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 and the voting at such election shall be by secret ballot.

Election of
Vice-
President.

(2) The Vice-President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected Vice-President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.

(3) No person shall be eligible for election as Vice-President unless he—

- (a) is a citizen of India;
- (b) has completed the age of thirty-five years; and
- (c) is qualified for election as a member of the Council of States.

(4) A person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Explanation.—For the purposes of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor or Rajpramukh or Uparajpramukh of any State or is a Minister either for the Union or for any State.

67. The Vice-President shall hold office for a term of five years from the date on which he enters upon his office.

Term
office of
Vice-Presi-
dent.

* * * *

68. (1) An election to fill a vacancy caused by the expiration of the term of office of Vice-President shall be completed before the expiration of the term.

Time of
holding
election to
fill vacancy

in the office of Vice-President and the term of office of person elected to fill casual vacancy.

(2) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after the occurrence of the vacancy, and the person elected to fill the vacancy shall, subject to the provisions of article 67, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

Matters relating to or connected with the election of a President or Vice-President.

71. (1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.

(2) If the election of a person as President or Vice-President is declared void by the Supreme Court, acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration.

(3) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.

Constitution of Parliament.

79. There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

Composition of the Council of States.

80. (1) The Council of States shall consist of—

- (a) twelve members to be nominated by the President in accordance with the provisions of clause (3); and
- (b) not more than two hundred and thirty-eight representatives of the States.

(2) The allocation of seats in the Council of States to be filled by representatives of the States shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.

(3) The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art and social service.

(4) The representatives of each State specified in Part A or Part B of the First Schedule in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

(5) The representatives of the States specified in Part C of the first Schedule in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

81. (1) (a) Subject to the provisions of clause (2) and of articles 82 and 331, the House of the People shall consist of not more than five hundred members directly elected by the voters in the States. Composition of the House of the People.

(b) For the purpose of sub-clause (a), the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be ¹[* * *] not more than one member for every 500,000 of the population.

(c) The ratio between the number of members allotted to each territorial constituency and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published shall, so far as practicable, be the same throughout the territory of India.

(2) The representation in the House of the People of the territories comprised within the territory of India but not included within any State shall be such as Parliament may by law provide.

(3) Upon the completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House.

¹The words and figures "not less than one member for every 750,000 of the population and" were omitted by the Constitution (Second Amendment) Act, 1952, *Gazette of India, Extraordinary*, Part II, Section 1, dated 2-5-1953.

Special provision as to representation of States in Part C and territories other than States.

82. Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the First Schedule or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause.

Duration of Houses of Parliament.

83. (1) The Council of States shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

(2) The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House:

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

Qualification for membership of Parliament.

84. A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

- (a) is a citizen of India;
- (b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Vacation of seats.

101. (1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State specified in Part A or Part B of the First Schedule, and if a person is chosen a member both of Parliament and of a House of

the Legislature of such a State, then, at the expiration of such period as may be specified in rules by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If a member of either House of Parliament—

(a) becomes subject to any of the disqualifications mentioned in clause (1) of article 102, or

(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be,

his seat shall thereupon become vacant.

(4) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

Disqualifications for membership.

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament.

(2) For the purposes of this article a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.

Decision on questions as to disqualifications of members.

103. (1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

Constitution of Legislatures in States.

168. (1) For every State there shall be a Legislature which shall consist of the Governor, and

(a) in the States of Bihar, Bombay, Madras, Punjab, ¹Uttar Pradesh and West Bengal, two Houses;

(b) in other States, one House.

(2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly.

Composition of the Legislative Assemblies.

170. (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall be composed of members chosen by direct election.

(2) The representation of each territorial constituency in the Legislative Assembly of a State shall be on the basis of the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published and shall, save in the case of the autonomous districts of Assam and the constituency comprising the cantonment and municipality of Shillong, be on a scale of not more than one member for every seventy-five thousand of the population:

Provided that the total number of members in the Legislative Assembly of a State shall in no case be more than five hundred or less than sixty.

(3) The ratio between the number of members to be allotted to each territorial constituency in a State and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published shall, so far as practicable, be the same throughout the State.

¹Substituted for the words "the United Provinces" by C. O. 3, dated the 25th January 1950.

(4) Upon the completion of each census, the representation of the several territorial constituencies in the Legislative Assembly of each State shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

171. (1) The total number of members in the Legislative Council of a State having such a Council shall not exceed one-fourth of the total number of members in the Legislative Assembly of that State:

Composi-
tion of the
Legislative
Councils.

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty.

(2) Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3).

(3) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;

(b) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least 3 years graduate of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;

(c) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;

- (d) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;
- (e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5).

(4) The members to be elected under sub-clauses (a), (b) and (c) of clause (3) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament, and the elections under the said sub-clauses and under sub-clause (d) of the said clause shall be held in accordance with the system of proportional representation by means of the single transferable vote.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art, co-operative movement and social service.

Duration of State Legislatures.

172. (1) Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

(2) The Legislative Council of a State shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

Qualification for membership of the State Legislature.

173. A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he—

- (a) is a citizen of India;

- (b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

190. (1) No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. Vacation of seats.

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

(3) If a member of a House of the Legislature of a State—

- (a) becomes subject to any of the disqualifications mentioned in clause (1) of article 191; or
- (b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be,

his seat shall thereupon become vacant.

(4) If for a period of sixty days a member of a House of the Legislature of a State is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

191. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State— Disqualifications for membership.

- (a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;

- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

(2) For the purposes of this article, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union or for such State.

Decision on questions as to disqualifications of members.

192. (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

Application of provisions of Part VI to States in Part B of the First Schedule.

238. The provisions of Part VI shall apply in relation to the States specified in Part B of the First Schedule as they apply in relation to the States specified in Part A of that Schedule subject to the following modifications and omissions, namely:—

(1) For the word "Governor" wherever it occurs in the said Part VI, except where it occurs for the second time in clause (b) of article 232, the word "Rajpramukh" shall be substituted.

(2) In article 152, for the word and letter "Part A" the word and letter "Part B" shall be substituted.

* * * *

(7) In article 168, for clause (1) the following clause shall be substituted, namely:—

"(1) For every State there shall be a Legislature which shall consist of the Rajpramukh and—

(a) in the State of Mysore, two Houses;

(b) in other States, one House."

* * * *

240. (1) Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—

Creation or continuance of local Legislatures or Council of Advisers or Ministers.

(a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State; or

(b) a Council of Advisers or Ministers;

or both with such constitution, powers and functions, in each case, as may be specified in the law.

* * * *

324. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution, 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 shall be vested in a Commission (referred to in this Constitution as the Election Commission).

Superintendence, direction and control of elections to be vested in an Election Commission.

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

(4) Before each general election to the House of the People and to the Legislative Assembly of each State, and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1).

(5) Subject to the provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and the Regional Com-

missioners shall be such as the President may by rule determine:

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment:

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(6) The President, or the Governor or Rajpramukh of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

No person to be ineligible for inclusion in, or to claim to be included in a special electoral roll on grounds of religion, race, caste or sex.

325. There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

326. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

Power of Parliament to make provision with respect to elections to Legislatures.

327. Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State

including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.

328. Subject to the provisions of this Constitution and in so far as provision in that behalf is not made by Parliament, the Legislature of a State may from time to time by law make provision with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including the preparation of electoral rolls and all other matters necessary for securing the due constitution of such House or Houses.

Power of Legislature of a State to make provision with respect to elections to such Legislature.

329. Notwithstanding anything in this Constitution—

Bar to interference by courts in electoral matters.

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

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

330. (1) Seats shall be reserved in the House of the People for—

Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.

(a) the Scheduled Castes;

(b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and

(c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State, or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

**Representa-
tion of the
Anglo-In-
dian Com-
munity in
the House of
the People.** 331. Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People.

**Reservation
of seats for
Scheduled
Castes and
Scheduled
Tribes in
the Legis-
lative As-
semblies of
the States.** 332. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every State specified in Part A or Part B of the First Schedule.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district except in the case of the constituency comprising the cantonment and municipality of Shillong.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district except from the constituency comprising the cantonment and municipality of Shillong.

**Representa-
tion of the
Anglo-In-
dian Com-
munity in the
Legislative** 333. Notwithstanding anything in article 170, the Governor or Rajpramukh of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not ade-

quately represented therein, nominate such number of members of the community to the Assembly as he considers appropriate.

Assemblies
of the
States.

341. (1) The President ¹[may, with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof,] by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.

Scheduled
Castes.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. (1) The President ¹[may, with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof,] by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State.

Scheduled
Tribes.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

387. For the purposes of elections held under any of the provisions of this Constitution during a period of three years from the commencement of this Constitution, the population of India or of any part thereof may, notwithstanding anything in this Constitution, be determined in such manner as the President may by order direct, and different provisions may be made for different States and for different purposes by such order.

Special
provision
as to deter-
mination
of popula-
tion for the
purposes
of certain
elections.

¹Substituted for the words "may, after consultation with the Governor or Rajpramukh of a State" by the Constitution (First Amendment) Act, 1951, Ss. 10 and 11.

FIRST SCHEDULE
(Articles 1, 4 and 391)

The States and the territories of India

PART A

<i>Names of States</i>	<i>Names of corresponding Province</i>
1. ¹ Andhra	
2. Assam	Assam.
3. Bihar	Bihar.
4. Bombay	Bombay.
5. Madhya Pradesh	The Central Provinces and Berar.
6. Madras	Madras.
7. Orissa	Orissa.
8. Punjab	East Punjab.
9. ² (Uttar Pradesh)	The United Provinces.
10. West Bengal	West Bengal.

PART B

NAMES OF STATES

1. Hyderabad.
2. Jammu and Kashmir.
3. Madhya Bharat.
4. Mysore
5. Patiala and East Punjab States Union.
6. Rajasthan.
7. Saurashtra.
8. Travancore-Cochin.

3 * * * *

PART C

NAMES OF STATES

1. Ajmer.
 2. Bhopal.
- 4 * * * * *
- 5 * * * * *
3. Coorg.
 4. Delhi.
 5. Himachal Pradesh.
 6. Kutch.
 7. Manipur.
 8. Tripura.
 - 9.⁶ [Vindhya Pradesh].

PART D

The Andaman and Nicobar Islands.

¹The entry "1. Andhra" was inserted and entries 1 to 9 were renumbered as entries 2 to 10 respectively by the Andhra State Act, 1953 (XXX of 1953), s. 5.

²Substituted for the words, "The United Provinces" by C. O. 3, dated the 25th January, 1950.

³The entry "9. Vindhya Pradesh" was deleted by C. O. 3, dated the 25th January, 1950

⁴The entry "3. Bilaspur" was omitted and entries 4 to 10 were renumbered as entries 3 to 9 respectively by the Himachal Pradesh and Bilaspur (New State) Act, 1954 (XXXII of 1954), s. 4.

⁵The entry "4. Cooch Behar" was omitted and entries 5 to 10 were renumbered as entries 4 to 9 respectively by C.O. 3, dated the 25th January, 1950.

⁶Inserted by *ibid.*

FOURTH SCHEDULE

[Articles 4 (1), 80(2) and 391]

Allocation of seats in the Council of States

To each State or group of States specified in the first column of the table of seats appended to this Schedule there shall be allotted the number of seats specified in the second column of the said table opposite to that State or group of States as the case may be.

TABLE OF SEATS

THE COUNCIL OF STATES

Representatives of States specified in Part A of the First Schedule

1	2
States	Total Seats
1. ⁴ Andhra	12
2. Assam	6
3. Bihar	21
4. Bombay	17
5. Madhya Pradesh	12
6. Madras	18 ⁵
7. Orissa	9
8. Punjab	8
9. ⁴ [Uttar Pradesh]	31
10. West Bengal	14
TOTAL	⁶ 148

Representatives of States specified in Part B of the First Schedule

1	2
States	Total Seats.
1. Hyderabad	11
2. Jammu and Kashmir	4
3. Madhya Bharat	6
4. Mysore	6
5. Patiala and East Punjab States Union	3
6. Rajasthan	9
7. Saurashtra	4
8. Travancore-Cochin	6
***	2***
TOTAL	³ [49]

¹Substituted for the words "The United Provinces" by C. O. 3, dated the 25th January, 1950.

²The entry "9. Vindhya Pradesh" was omitted by C. O. 3, dated the 25th January, 1950.

³Substituted for "53" by *ibid.*

⁴The entry "1. Andhra 12" was inserted and entries 1 to 9 were renumbered as entries 2 to 10 respectively by the Andhra State Act, 1953 (XXX of 1953), s. 7.

⁵Substituted for "27" by *ibid.*

⁶Substituted for "145" by *ibid.*

Representatives of States specified in Part C of the First Schedule

1	2
States and Groups of States	Total Seats
1. Ajmer }	1
2. Coorg }	1
3. Bhopal }	1

4. Himachal Pradesh	1
1***	
5. Delhi	1
6. Kutch	1
7. Manipur }	1
8. Tripura }	1
² [9. Vindhya Pradesh	4]
TOTAL	³ [10]
TOTAL OF ALL STATES	⁵ [207]

SIXTH SCHEDULE

[Articles 244 (2) and 275 (1)]

PROVISIONS AS TO ADMINISTRATION OF TRIBAL
AREAS IN ASSAM.

1 *Autonomous districts and autonomous regions.*—(1) Subject to the provisions of this paragraph, the tribal areas in each item of Part A of the table appended to paragraph 20 of this Schedule shall be an autonomous district.

* * * *

20 *Tribal areas.*—(1) The areas specified in Parts A and B of the table below shall be the tribal areas within the State of Assam.

* * * *

TABLE

PART A

1. The United Khasi-Jaintia Hills District.
2. The Garo Hills District.
3. The Lushai Hills District.
4. The Naga Hills District.
5. The North Cachar Hills.
6. The Mikir Hills.

¹The entry "6. Cooch Behar" was omitted and entries 7 to 10 were renumbered as entries 6 to 9 respectively by C. O. 3, dated the 25th January, 1950.

²Inserted by *ibid.*

³Substituted for "7" by *ibid.*

⁴The entry "4. Himachal Pradesh . . . 1" was substituted for entries 4 and 5 relating to Bilaspur and Himachal Pradesh, and entries 6 to 10 were renumbered as entries 5 to 9 respectively by the Himachal Pradesh and Bilaspur (New State) Act, 1954 (XXXII of 1954) s. 6.

⁵Substituted for "204" by the Andhra State Act, 1953 (XXX of 1953), s. 7.

PART B

1. North East Frontier Tract including Balipara Frontier Tract, Tirap Frontier Tract, Abor Hills District and Misimi Hills District.
2. The Naga Tribal Area.

**THE CONSTITUTION (DETERMINATION OF POPULATION)
ORDER 1950¹**

In exercise of the powers conferred by article 387 of the Constitution of India and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Determination of Population) Order, 1950.

(2) It shall come into force at once.

2. (1) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Order as it applies for the interpretation of a Central Act.

(2) In this Order,—

(a) "Census Commissioner" means the Census Commissioner appointed under sub-section (1) of section 4 of the Census Act, 1948 (XXXVII of 1948);

(b) "paragraph" means a paragraph of this Order.

3. For the purposes of elections held under the provisions of the Constitution during a period of three years from its commencement,—

(a) the population of each state,

(b) the population of Scheduled Castes in each Part A State, and in each Part B State other than Jammu and Kashmir,

(c) the population of Scheduled Tribes in each Part A State other than Assam and in each Part B State other than Jammu and Kashmir,

(d) the population of Scheduled Tribes in Assam excluding the tribal areas thereof,

(e) the population of Scheduled Tribes in each autonomous district of Assam, and

(f) the population of each autonomous district of Assam, shall be determined in the manner hereinafter provided.

¹C.O 13, dated 15-4-1950, Gazette of India Extraordinary, 1950 pp. 5—8.

4. (1) As soon as may be after the commencement of this Order, the Census Commissioner shall prepare estimates of the population of every State as on the first day of March, 1950, in each of the following two ways, that is to say,—

- (a) after taking into account the population of the territory of that State as ascertained at the census of 1941, and such records as are available to him regarding births and deaths in that territory since that census, and also the movement of persons displaced from their original places of residence by reason of the setting up of the Dominions of India and Pakistan, and
- (b) on the basis of the mathematical projection of the trend indicated by the population figures of that territory as ascertained at the last five decennial censuses, after taking into account the movement of persons referred to in clause (a),

and shall then determine the population of the State by taking the average of the two estimates.

(2) The Census Commissioner shall thereafter submit to the President a statement showing the population of each State as so determined, together with an explanatory note as to how the figures of population have been calculated; and the statement shall, on being approved by the President, be notified in the *Gazette of India*.

(3) Such notification shall be conclusive evidence that the statement has been prepared in accordance with the provisions of this paragraph; and for the purposes of the elections referred to in paragraph 3, the population of each State shall be as set out in the statement so notified.

5. (1) After determining the population of each State under paragraph 4, the Census Commissioner shall prepare estimates of each of the other items mentioned in paragraph 3, on the basis—

- (a) that the population of Scheduled Castes or Scheduled Tribes in the territory of any State or part of a State bears to the total population of the State as determined under paragraph 4 the same proportion which the population, as ascertained at the census of 1941, of those Castes or Tribes in that territory bore to the total population, as so ascertained, of the territories now comprising that State; and

- (b) that the population of each of the autonomous districts of Assam bears to the total population of that State as determined under paragraph 4 the same proportion which the population, as ascertained at the census of 1941, of the territories now comprising that district bore to the total population, as so ascertained, of the territories now comprising that State:

Provided that if in any particular case the necessary population figures have not been ascertained at the census of 1941, the population figures as ascertained at the census of 1931 shall be taken for determining the said proportion:

Provided further that if in any particular case the necessary population figures have not been ascertained either at the census of 1941 or at the census of 1931, the population in question shall be estimated in such other manner as the President may direct.

(2) The Census Commissioner shall thereafter submit to the President a statement showing the estimates of population under sub-paragraph (1) of this paragraph, together with an explanatory note as to how they have been arrived at; and the statement shall, on being approved by the President, be notified in the *Gazette of India*.

(3) Such notification shall be conclusive evidence that the statement has been prepared in accordance with the provisions of this paragraph; and for the purposes of the elections referred to in paragraph 3, the population of Scheduled Castes or Scheduled Tribes in any State or part of a State, and the population of an autonomous district of Assam, shall be as set out in the statement so notified.

6. For the purposes of the elections referred to in paragraph 3 and the delimitation of constituencies therefor, the population of any area within a State to be included in a constituency shall, unless in the case of any particular area or class of areas the President otherwise directs, be determined by multiplying the number of voters entered in the provisional electoral rolls of that area by the total population of that State as determined under paragraph 4, and then by dividing the product by the total number of voters entered in the provisional electoral rolls of the whole State.

Explanation.—In this paragraph, “provisional electoral rolls” means the electoral rolls which at the commencement of this Order are under preparation for the purposes of the first general elections to the House of the People under the Constitution.

STATEMENTS SHOWING POPULATION OF EACH STATE

In pursuance of sub-paragraph (2) of paragraph 4 of the Constitution (Determination of Population) Order, 1950, the following statement showing the population of each State as determined by the Census Commissioner under sub-paragraph (1) of the said paragraph, having been approved by the President, is notified for public information:—

Statement

Name of State	Estimated population (in millions) as on 1st March, 1950
<i>Part A</i>	
1. Assam	8.51
2. Bihar	39.42
3. Bombay	32.68
4. Madhya Pradesh	20.92
5. Madras	54.29
6. Orissa	14.41
7. Punjab	12.61
8. Uttar Pradesh	61.00
9. West Bengal	24.32
<i>Part B</i>	
1. Hyderabad	17.69
2. Jammu and Kashmir	4.37
3. Madhya Bharat	7.87
4. Mysore	8.06
5. Patiala and East Punjab States Union	3.32
6. Rajasthan	14.69
7. Saurashtra	3.96
8. Travancore-Cochin	8.58
<i>Part C</i>	
1. Ajmer	0.73
2. Bhopal	0.85
3. Bilaspur	0.13
4. Coorg	0.17
5. Delhi	1.51
6. Himachal Pradesh	1.08
7. Kutch	0.55
8. Manipur	0.54
9. Tripura	0.58
10. Vindhya Pradesh	3.88

²In pursuance of sub-paragraph (2) of paragraph 5 of the Constitution (Determination of Population) Order, 1950, the following statement showing the population of each of the autonomous

¹Ministry of Home Affairs Notification No. 2/2/50—Public, dated 17-4-1950, *Gazette of India, Extraordinary*, 1950, pp. 31-32.

²Ministry of Home Affairs Notification No. 2/36/50—Public, dated 11-4-1950, *Gazette of India* 1950, Part I, Sec. 1, p. 309.

districts of the State of Assam as determined by the Census Commissioner under sub-paragraph (1)(b) of the said paragraph, having been approved by the President, is notified for public information:—

Statement

Name of autonomous district of Assam	Estimated population (in lakhs) as on 1st March, 1950
1. United Khasi-Jaintia Hills	3.48
2. Garo Hills	2.48
3. Lushai Hills	1.69
4. Naga Hills	2.10
5. North Cachar Hills	0.42
6. Mikir Hills	1.01

¹In pursuance of sub-paragraph (2) of paragraph 5 of the Constitution (Determination of Population) Order, 1950, the following statement showing the population of Scheduled Castes in each State as determined by the Census Commissioner under sub-paragraph (1)(a) of the said paragraph, having been approved by the President, is notified for public information:—

Statement

Name of State	Estimated Scheduled Caste population (in lakhs) as on 1st March, 1950
<i>Part A</i>	
1. Assam	4.18
2. Bihar	52.86
3. Bombay	27.97
4. Madhya Pradesh	29.29
5. Madras	89.14
6. Orissa	21.57
7. Punjab	20.79
8. Uttar Pradesh	119.17
9. West Bengal	41.25
<i>Part B</i>	
1. Hyderabad	31.21
2. Madhya Bharat	13.62
3. Mysore	15.45
4. Patiala & East Punjab States Union	5.59
5. Rajasthan	15.00
6. Saurashtra	2.67
7. Travancore-Cochin	8.61

¹Ministry of Home Affairs notification No. 2/37/50-Public, dated 14-5-1950. *Gazette of India, Extraordinary*, 1950, p. 555.

¹In pursuance of sub-paragraph (2) of paragraph 5 of the Constitution (Determination of Population) Order, 1950, the following statement showing the population of Scheduled Tribes in (1) the State of Assam excluding Tribal Areas thereof and (2) each of the Autonomous Districts of Assam as determined by the Census Commissioner under sub-paragraph (1)(a) of the said paragraph, having been approved by the President, is notified for public information:—

Statement

	Estimated population (in lakhs) as on the 1st March, 1950
Assam excluding Tribal Areas thereof	6.82
<i>Autonomous Districts—</i>	
1. United Khasi-Jaintia Hills	3.25
2. Garo Hills	2.07
3. Lushai Hills	1.63
4. Naga Hills	2.03
5. North Cachar Hills	0.36
6. Mikir Hills	0.99

²In pursuance of sub-paragraph (2) of paragraph 5 of the Constitution (Determination of Population) Order, 1950, the following statement showing the population of the Scheduled Tribes in each State as determined by the Census Commissioner under sub-paragraph (1)(a) of the said paragraph, having been approved by the President, is notified for public information:—

Statement

Name of State	Estimated population of Scheduled Tribes as on the 1st March, 1950 (in lakhs)
<i>Part A</i>	
1. Bihar	42.10
2. Bombay	30.37
3. Madhya Pradesh	24.59
4. Madras	5.96
5. Orissa	29.25
6. Punjab	0.15
7. West Bengal	11.77

¹Ministry of Home Affairs notification No. 2/39/50-Public, dated 28-9-50, *Gazette of India, Extraordinary*, 1950, p. 563.

²Ministry of Home Affairs notification No. 2/38/50-Public, dated 5-10-1950, *Gazette of India, Extraordinary*, 1950, p. 567.

Name of State	Estimated population of Scheduled Tribes as on the 1st March, 1950
<i>Part B</i>	
1. Hyderabad	2.37
2. Madhya Bharat	9.49
3. Mysore	0.10
4. Rajasthan	4.47
5. Saurashtra	0.73
6. Travancore-Cochin	0.23

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