

### Election petitions relating to Lok Sabha and Vidhan Sabha elections

\*696. SHRIMATI LAKSHMI KUMARI CHUNDAWATE:†  
SHRI GURUDEV GUPTA:  
SHRIMATI HAMIDA HABI-BULLAH:  
SHRI PRAKASH MEHROTRA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of election petitions relating to the Lok Sabha and the Vidhan Sabha elections respectively that are pending in each State; and

(b) the steps taken to expedite their disposal?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) Five state-ments, showing the number of election petitions filed in each State/Union Territory and their disposal before the High Courts and the Supreme Court, relating to the Lok Sabha and the Vidhan Sabha elections, are placed on the Table of the House. [See Appendix VIII, Annexure No. 67]

(b) Under the law, the election petitions are directly filed before the High Courts and tried by them and appeals from their orders lie to the Supreme Court. Section 86(7) of the Representation of the People Act, 1951, provides that every election petition shall be tried as expeditiously as possible and an endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial. In view of this, no special steps are considered necessary in the matter.

श्रीमती लक्ष्मी कुमारी चूंडावत :  
सभापति महोदय, मंत्री महोदय ने जो स्टेट-मेंट दिया है उसके अनुसार उत्तर प्रदेश में

37 केसेज फाइल हुए और 37 ही पेंडिंग पड़े हैं इसी तरह से बिहार में 31 केसेज फाइल किए गए और 31 ही पेंडिंग पड़े हैं। लेकिन केरल में 17 केसेज जो फाइल हुए उस में से 16 डिस्पोज आफ कर दिए गए हैं, केवल 1 बचा है। तो स्टेट और स्टेट के मध्य इफिशियंसी में इतना फर्क क्यों ?

श्री शान्ति भूषण : यह जो स्टेटमेंट में दिया है, यह असेम्बली इलेक्शंस के फिगर्स हैं। जैसा कि माननीय सदस्या को याद होगा उत्तर प्रदेश में जून में इलेक्शंस हुए थे और 37 इलेक्शन पेटीशन फाइल होने के बाद चूंकि उसमें कुछ समय दिया जाता है—इसमें अभी छः महीने हुए भी नहीं हैं किसी पेटीशन में—तो इसलिए अगर वे 37 केसेज अभी पेंडिंग हैं तो कोई ताज्जुब की बात नहीं है।

श्रीमती लक्ष्मी कुमारी चूंडावत : लो. सभा के चुनाव में भी केरल में 5 केसेज फाइल हुए थे और 4 डिस्पोज आफ हो गए, एक बचा। दूसरे स्टेट्स में भी यह हालत है ? तो फिर यह फर्क क्यों है ?

श्री शान्ति भूषण : बात यह है कि कुछ उच्च न्यायालयों में जितने एरियर्स आफ केसेज हैं वे ज्यादा हैं और कुछ में कम हैं। इसलिए हर हाई कोर्ट में हर उच्च न्यायालय में, स्थिति में फर्क है। इसीलिए किसी में थोड़ा जल्दी हो सकता है, किसी में थोड़ा ज्यादा वक्त लग सकता है।

SHRI S. W. DHABE: I would like to know from the hon. Law Minister whether any steps are taken for the expeditious disposal of election petitions just as in respect of clearing of arrears of other cases and whether instructions were given for their expeditious disposal.

MR. CHAIRMAN: But he has given the specific reply that six months....

†The question was actually asked on the floor of the House by Shrimati Lakshmi Kumari Chundawat.

**SHRI S. W. DHABE:** That is the period in many cases under the law but actually that does not happen.

**SHRI SHANTI BHUSHAN:** Sir, I may give certain figures to the hon. Member to show that even though the best possible thing does not happen, namely, that as would be desirable, all the election petitions are disposed of within six months, but so far as the Lok Sabha elections of 1971 were concerned, 58 election petitions were filed in all. Eleven out of those were disposed of within six months; thirty-eight out of 58 were disposed of within 12 months. As many as 51 were disposed of within 18 months and three more were disposed of within 24 months. Only four cases remain pending for more than two years.

**SHRIMATI AMBIKA SONI:** The hon. Minister has replied that in certain High Courts there is an excess of pending cases and therefore election petitions cannot be disposed of as quickly as they should be. But, as far as election petitions are concerned, the time for which they are valid is only five years and now it is six years. So, if they are not expeditiously disposed of, then, can the hon. Minister suggest or, is he thinking that election petitions should be considered separately by a Bench of Judges because, otherwise if it takes three to four years to dispose of an election petition then it is hardly useful to the person who files an election petition.

**SHRI SHANTI BHUSHAN:** Sir, I might give this information to the hon. Member, that even in regard to the Assembly elections of 1972—because just now I gave the figures for the Lok Sabha elections of 1971—260 election petitions were filed and only 53 out of those—even that is a big number; I am sorry for that—were not disposed of within two years. The remaining 201 were disposed of within two years. In fact, quite a large number—twenty-six—were disposed of even within six months. Ninety-

nine more were disposed of within six months or so. But still, the position is not satisfactory. We are trying to take steps by filing in all the vacancies in the High Courts, and as many more vacancies as the Chief Justices want, we are willing to consider the increase in the number of vacancies.

**SHRI HAMID ALI SCHAMNAD:** After the Allahabad High Court's decision, the Representation of the People Act has been amended, including section 8A and many other provisions of the Act, to suit Mrs. Indira Gandhi and her candidates. Does the Government, now at least, think of reverting to the pre-emergency period as far as the Representation of the People Act is concerned?

**MR. CHAIRMAN:** That question does not arise.

**SHRI HAMID ALI SCHAMNAD:** Do they consider amending the Representation of the People Act?

**MR. CHAIRMAN:** Why are you worried when I am here?

**SHRI HAMID ALI SCHAMNAD:** I am asking whether the Government proposes to amend this concerned election law. It is relevant.

**MR. CHAIRMAN:** The question is regarding the arrears and how they are to be disposed of as quickly as possible, and the hon. Law Minister has replied very correctly.

**SHRI G. LAKSHMANAN:** Mr. Chairman, the hon. Law Minister has just now said that action is now being taken for the appointment of Judges and to fill up all the vacancies throughout India. Will he kindly tell us to whether Judges have been appointed, as far as Tamil Nadu is concerned; and, if there is a delay, what is the reason therefor?

**SHRI SHANTI BHUSHAN:** Sir, there are seven vacancies in Tamil Nadu. So far as four of these vacancies are concerned, the names have

been approved and very, very shortly—within a matter of probably a couple of days—the hon. Member would know that those four appointments have been made. In regard to the other three vacancies, the matter is still under process and I hope that very soon even those vacancies will be filled up.

### Findings of the Inquiry Commission on Tejpur accident

\*697. SHRI NABIN CHANDRA BURAGOHAIN: Will the Minister of RAILWAYS be pleased to state:

(a) what are the findings of the Inquiry Commission set up in connection with the Tejpur (N. F. Railway) railway catastrophe;

(b) what measures Government propose to take pursuant to the findings and suggestions of the Commission; and

(c) what is the amount of compensation paid to the people involved in the accident or to their legal heirs?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):

(a) This accident has been inquired into by a Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952. According to the findings of the Commission, the accident was an 'Act of God'.

(b) A statement is laid on the Table of the Sabha.

(c) A sum of Rs. 7,14,004/- has so far been paid on the basis of the claims disposed of by the *ad hoc* Claims Commissioner under the Indian Railways Act in addition to a sum of Rs. 1,34,100/- paid under the Workmen's Compensation Act.

### Statement

The following important measures are being taken by the railway at the suggestion of the Commission of Inquiry:—

1599 RS—2.

(i) All the bridges on Rangiya—Rangapara North section, which were damaged, are being rebuilt, after careful review, taking into account the unprecedented and unforeseeable flash flood that passed through them on 30th May, 1977. Other bridges are also proposed to be reviewed.

(ii) The headworks on Golandi river downstream of railway bridge No. 139, is being declared as 'Railway Affecting Work' and the State Government will be requested to redesign the headworks after a thorough hydrological survey so as to train the river.

(iii) Bridges over streams having their sources in Bhutan hills are being declared as 'vulnerable' and the system of watch as applicable to 'vulnerable' bridges is being extended to them. These will be in addition to the bridges which are already classified as 'vulnerable' due to their past history or any other reason. The position is expected to be reviewed after 5 years.

(iv) Monsoon patrolling will be made more intensive on Rangiya-Rangapara section.

(v) Closer contact will be established with the Meteorological Department of India. Possibility of co-ordination with Meteorological Department of Bhutan will also be examined.

(vi) The Commission have also desired some of their suggestions to be examined by the State Committee of Engineers. This is being done.

SHRI NABIN CHANDRA BURAGOHAIN: Sir, how many claims have been lodged with the authorities against those killed in the catastrophe? And, is it a fact that most of the claims have been rejected on the ground that, though they were there, they were not the dependents of those killed?