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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 5th December, 2001:—

I

BILL No. LXXXII OF 2001

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- | | | |
|-------------|--|--------------------------|
| 43 of 1951. | 1. This Act may be called the Representation of the People (Amendment) Act, 2001. | Short title. |
| | 2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in section 3, for the words "in that State or territory", the words "in India" shall be substituted. | Amendment of section 3. |
| | 3. In section 59 of the principal Act, the following proviso shall be inserted at the end, namely:—

"Provided that the votes at every election to fill a seat or seats in the Council of States shall be given by open ballot." | Amendment of section 59. |

Amendment of
section 94.

4. In section 94 of the principal Act, the following proviso shall be inserted at the end, namely:—

"Provided that this section shall not apply to such witness or other person where he has voted by open ballot."

Amendment of
section 128.

5. In section 128 of the principal Act, in sub-section (1), the following proviso shall be inserted at the end, namely:—

"Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States."

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Representation of the People Act, 1951 prescribes residential qualification for contesting elections to the Council of States. There have been numerous instances where the persons who are normally not residing in a particular State have got themselves registered as voters in that State, simply to contest an election to the Council of States. The Chief Election Commissioner, while discussing this aspect in the all party meeting held on 29th April, 2000 was of the view that a precise definition of 'ordinarily resident' was very difficult and emphasised that it was for the political parties, acting through Parliament, to carry out what in their judgment, might be the best possible solution, in the light of the experience of the past fifty years.

2. The Ethics Committee of Parliament in paragraph 19 of its first report presented to Parliament on 8th December, 1998 recommended that the issue relating to open-ballot system for elections to the Rajya Sabha be examined. The issue has again given rise to concerns in the wake of allegations of money power made in the media in respect to biennial elections to the Council of States held in March-April, 2000.

3. In the light of the above, the aforesaid issues were examined in depth by the Government and it has been decided to do away with the requirement of residence of a particular State or Union territory for contesting election to the Council of States from that State or Union territory and also to introduce open ballot system for elections to the Council of States. Accordingly, suitable amendments are proposed to be made in certain sections of the Representation of the People Act, 1951 relating to qualification for membership of the Council of States, the manner of voting of elections, secrecy of voting and maintenance of secrecy of voting by officers, clerks, agents or other persons performing the election duty.

4. The Bill seeks to achieve the aforesaid objects.

ARUN JAITLEY.

II

BILL NO. LXXXIII OF 2001

A Bill further to amend the All-India Institute of Medical Sciences Act, 1956.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the All-India Institute of Medical Sciences (Amendment) Act, 2001.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of
new section for
section 23.

2. For section 23 of the All-India Institute of Medical Sciences Act, 1956 . 25 of 1956.
(hereinafter referred to as the principal Act), the following section shall be substituted,
namely:—

Recognition of
medical, dental
and nursing
qualifications
granted by the
Institute.

“23. Notwithstanding anything contained in the Indian Medical Council Act, 1956, the Dentists Act, 1948 and the Indian Nursing Council Act, 1947, the medical, dental nursing degrees or diplomas, as the case may be, granted by the Institute under this Act shall be recognised—

102 of 1956.
16 of 1948.
48 of 1947.

- 102 of 1956. (a) medical qualifications for the purpose of the Indian Medical Council Act, 1956 and shall be deemed to be included in the First Schedule to that Act;
- 16 of 1948. (b) dental qualifications for the purpose of the Dentists Act, 1948 and shall be deemed to be included in the Schedule to that Act; and
- 48 of 1947. (c) nursing qualifications for the purpose of the Indian Nursing Council Act, 1947 and shall be deemed to be included in the Schedule to that Act."

3. For section 24 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 24.

"24. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant medical, dental or nursing degrees, diplomas and other academic distinctions and titles under this Act."

Grant of medical, dental or nursing degrees, diplomas, etc., by the Institute.

STATEMENT OF OBJECTS AND REASONS

The All-India Institute of Medical Sciences was established as an autonomous body in 1956 in accordance with the provisions of the All-India Institute of Medical Sciences Act, 1956. The Institute has been awarding medical degrees and diplomas which are recognised medical qualifications. Section 14 of the said Act provides that the All-India Institute of Medical Sciences may establish and maintain dental college as well as a nursing college. However, sections 23 and 24 of the Act presently recognise only the medical degrees and diplomas granted by the Institute as medical qualifications for the purposes of the Indian Medical Council Act, 1956, and the dental and nursing degrees and diplomas are not so recognised. Therefore, there is a need to amend the All-India Institute of Medical Sciences Act, 1956 so that the dental and nursing qualifications are also recognised for the purposes of the Dentists Act, 1948 and the Indian Nursing Council Act, 1947, respectively.

2. The Bill seeks to achieve the above objects.

C. P. THAKUR.

FINANCIAL MEMORANDUM

The All-India Institute of Medical Sciences (Amendment) Bill, 2001 seeks to provide for recognition of dental as well as nursing degree and diploma under the Dentists Act, 1948 and the Indian Nursing Council Act, 1947, respectively.

2. If the Bill is passed, it shall involve no financial expenditure.

R.C. TRIPATHI,
Secretary-General.