

[Shri Vishnu Modi]

[English]

In Section 2, sub-Section (3) add the following at the end :

“With clear directive that the allotted share of Rajasthan, i.e., 8.60 MAF, as per agreement reached in 1955/December 1981, will not be in any way affected or subject to any adjudication by the Tribunal and that in the case of any increase in total supplies of Ravi-Beas waters, the share of Rajasthan be raised *pro-rata* of the total supplies.”

[Translation]

I would like to touch one point more. The agreement of 1955 as well as that of 1981 were concluded outside this august House. The hon. Minister now intends to include the present Accord in the Statute book. I would therefore request that the terms of reference of the Tribunal may be widened so as to include the agreements of 1955 and 1981 also in the Statute book. As far as the question of amendment is concerned, as Shri Chiranjilal Sharma has also said, clause (6) of the Inter State Water Dispute Act, 1956 says :

[English]

“The Central Government shall publish the decision of the Tribunal in the official Gazette and the decision shall be final and binding on the parties to the dispute and shall be given effect to by them.”

[Translation]

What he has said is that even if your tribunal is formed and gives an award, it would not deliver the goods because you are amending the present Act. Had you retained the act in its original form then you could have had the authority to make its provisions finding. I want to warn you that you should learn from history that the Akali Dal had never accepted any terms from the very beginning. Shri Barnala is the Chief Minister of Punjab,

but the Akali Dal is divided into two factions and it is likely that a third faction might emerge and make some further demand and also maintain that it does not agree to the earlier terms of agreement; therefore, you must take the intended action as early as possible and end this dispute once and for all. You should in your statement state categorically whether or not the implementation of section 9(1) would affect the share of Rajasthan in the Ravi-Beas waters.

15.29 hrs.

COMMITTEE ON PRIVATE  
MEMBERS' BILLS AND  
RESOLUTIONS  
Fifteenth Report

[English]

SHRI HAFIZ MOHD. SIDDIQ  
(Moradabad) : Sir, I beg to move :

“That this House do agree with the Fifteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th March, 1986.”

MR. DEPUTY SPEAKER : The question is :

“That this House do agree with the Fifteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th March, 1986.”

*The motion was adopted.*

15.30 hrs.

RESOLUTION RE : ELECTORAL  
REFORMS—Contd.

[English]

MR. DEPUTY SPEAKER : Now the House will take up further discussion on the following Resolution moved by Shri D.N. Reddy on the 28th February, 1986 :—

"This House is of the opinion that there is an urgent need for electoral reforms so as to cleanse public life, and ensure free and fair elections which are now vitiated by the corrupt and unhealthy influence of power, money, caste, religion and other forms of corrupt practices and, therefore, recommends to Government to initiate wide-ranging discussions with all political parties, so as to arrive at a consensus for immediate implementation of poll reforms, which may reflect the popular will of the people in a truly democratic manner."

Before I call Dr. Raj Mangal Pande to continue his speech, I wish to point out that only four minutes are left for this item. Many Members are wanting to speak. Can we extend the time for this discussion ?

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : Sir, the time for this discussion may be extended.

MR. DEPUTY SPEAKER : Can we extend the time ? Is the House agreeable ?

AN HON. MEMBER : Time may be extended by two hours.

MR. DEPUTY SPEAKER : Can we extend the time by two hours ? Is the House agreeable ?

SOME HON MEMBERS : Yes.

MR. DEPUTY SPEAKER : Time is extended by 2 hours. Shri Rajmangal Pande to continue his speech.

SHRI RAJ MANGAL PANDE (Deoria) : Mr. Deputy Speaker, Sir, I was telling the House the other day how violence has spread in large parts of our country and the day is not far off when the whole country might be under the grip of total violence disrupting our democracy. If we do not stop this violence here and now, the very existence of our

democracy is going to be shattered. We have won freedom after so much of sacrifice which no other country has undergone. Is it not a fact that along with our freedom many other countries also won their freedom; but one by one they lost it because of their failings in their election machinery and judicial systems, which got impaired in some way or the other ? The powers that be in those countries were conducting these things in such a way that people lost complete faith in the election machinery and judicial system. All this is a big lesson to us. I may remind the House of those persons who speak in this House with a prophetic ring about rooting out election corruption but playing a different role outside this House. When they go outside they take every opportunity to exploit any situation for their advantage. It indicates how they have got a different role to play outside. We have a developing democracy and we have to undergo many sacrifices to see to it that it matures, so that it may sustain many of the shocks which developed democracies have sustained. It is the duty of every Member of this House to be united in this respect and cooperate with each other in finding out a solution to root out this malady. We should see to it that we make a success of our democracy and achieve the cherished goal set before us by Mahatma Gandhi and Jawaharlal Nehru. After the death of Jawaharlal Nehru, his great opponent, Ayub Khan, the then President of Pakistan, on the sad demise of Jawaharlalji, commented that "though we differed on many issues internationally, yet, it is a fact that Jawaharlalji gave a deep-rooted democracy to India for generations to come that we will not be able to damage for ruin." What a contribution, what an achievement we have prided into it and how agonised we are now to find that this violence is erupting into our social and political life and damaging the whole structure ? How to check this violence ? It is because this violence is to the benefit and use and advantage of many of the people who have been returned here. So, they have their interests and many of them have vested interests to play violence. So, if violence has to be checked, it is not the Government machinery alone who can do

[Shri Raj Mangal Pande]

it, it is the people and it is the representatives of the people who can do that. We have seen what happened in Philippines, how the election was rigged, how fraud was committed, how the Constitution was contemptuously looked upon and treated with all the contempt that it deserved. But the people rose against all the military powers and they thought of replacing the government even against any onslaught by the military tanks, but they did not like to submit to the authority & the forces supporting the authority & compelled them to retreat. The will of the people prevailed & Mrs. Aquino who was declared to have been defeated by the authorities, was declared elected and she is now the President of Philippines. What does it indicate? It is the people who elect their representatives that matters, it is not the law. So, it is our onerous duty as representatives who have been speaking on this vital matter so off and on, to see to it that those irritants who are bent on destroying our democracy, are removed. We could do it only if we go on inculcating a kind of moral education in the minds of the people, make them feel that it is in their own interests that this democracy survives, not only survives but matures & blossoms into full democracy where they could have their prosperity, where they could have their freedom, where they could take think of their posterity, could take this country with a sense of pride in the comity of nations. So, this kind of education we shall have to imbibe in our children and this responsibility is equally cast on the members who are representatives of the people.

I was talking the other day on how bureaucracy is taking such a kind of interest in elections. This bureaucracy has to be told that they have not to put their nose into the elections because their job is not that. But there are some vested interests when bureaucracy takes some undue interest in the elections. I will not hesitate to say that this bureaucracy has to be cut to the bones because if bureaucracy is not cut to the bones, then democracy is inevitably to fail. It will be difficult for the most powerful government to cut it

successfully. But this has to be done.

Now I am coming to those countries who had democracy and subsequently lost, and they lost not because the people did not want it, was because the people were ignorant of their rights, the people were not conscious of their rights, the people did not know the implications involved. So when the dictatorship came there, then they realised their follies. But then what could they do? They lost everything. So, we have to preserve our democracy. We have to see that this precious freedom that we have got, after so much of sacrifices is neither bought out nor purchased by any other country nor is it interfered with, nor is it influenced by any way. We have to be self-reliant and economically independent. It is necessary that our economic policies, our judicial system and all that for which we stand, earn for us a name in the world. We should show to the world that this country which has taken moral lessons under the leadership of Mahatma Gandhi and Pandit Jawaharlal Nehru has not forgotten those lessons and those ideals put in the Constitution which our forefathers have developed after long discussion and deliberations. We are dedicated to the Constitution; we are dedicated to the Directive Principles and we are dedicated to the goal which we hold so dear.

Sir, as I told earlier, to sustain democracy, our judicial system has also to be looked into. When a candidate wins the election by a few votes, say by hundred votes or some thousand votes and if a petition is filed, his election petition is pending in the High Court for years together and sometimes beyond the period of next election. The result is that the candidate gains what he should not have otherwise. Then, it is of no use going to the court because person who has won the election by fraud or manipulations, thinks that he has won it and the law has not even able to stop it. So, our judicial system and our judicial courts have to function in such a way that the election petitions are decided within the shortest possible period so that any person having vested interest may not cut the course of elections in such a way that he is benefited in the long run.

I would like to say that even all these methods like issuing identity cards, introducing electronic voting machines and doing all these things are absolutely of no consequence, unless the moral fibre that we have woven and for which we stand, is re-invigorated to see that this moral fibre is stronger and democracy survives, and survives with a sense of pride and dignity.

[*Translation*]

SHRI RAM PYARE PANIKA (Robertsganj) : Mr. Deputy Speaker, Sir, a number of hon. Members have spoken on electoral system. Therefore, at the outset, I would like to convey my thanks to hon. Reddy Sahib for bringing this resolution as this has given an opportunity to the House to discuss this important subject. The issue of election has posed a serious problem because it has given rise to corruption extensively. It is not confined to money only. Whereas money is playing its role in the election, the part played by casteism, parochialism, linguistic fanaticism cannot also be ignored. So these are difficulties in the way of holding fair elections. Elections have been held in Uttar Pradesh and in other States of the country a number of times. If we cast an eye on the trend of elections held in the last thirty to forty years, we will find that their standard is falling down steadily. Many hon. Members of Bihar have opined that those elements which should have been behind the bars are being elected to the Assembly on the strength of goondaism and money power. So far as our Constitution is concerned, secularism occupies an important niche in our Constitution but at the same time, a number of such parties came into existence in the country which were based on casteism, communalism, regionalism and linguism. This was not in the interest of the unity and integrity of the country and particularly it was against the fundamental principles of democracy. Some time ago a national party was formed. Shri Janga Reddy was also a member of that party. A leader sitting on that side even became a Prime Minister of the country on the basis of casteism. Sometimes, when we hear the promises made by those parties, we get confused. Those parties always preached communalism and

they came together for this purpose. Sir, when forces of casteism and communalism join together, you can imagine what will be the future of the country. As you have seen, most of the States in the country have to be brought under Governor's rule in the period of a few years. The required pace of the development of the whole country was retarded. The people had to face unexpected difficulties on this score. The Election Commission has put forward its suggestions from time to time to streamline the electoral procedure so as to conduct free and fair elections. In this regard we will have to deal with corruption first. It is true that it is not an easy job. Unless our moral standard is raised, corruption will be there in one form or the other. The Government will have to enact stringent laws to curb corruption so that deterrent action could be taken against the person found alluring voters to his side on the strength of money, wine and other things. Although a limit has been imposed on the expenses to be incurred on elections but it will have to be ensured whether it is being followed or not. Stringent laws are needed to be enacted in this respect. It is not sufficient to impose limit on election expenses. We will have to see how much amount has been spent by the parties and their well-wishers during elections. One has to give affidavit to this effect after being elected that the amount expended during election is within the prescribed limit. But can anyone say honestly that he has not violated the limit, and expended the money within the limit. Under the prevailing situation, the Government will have to come forward and take action in regard to the role of the parties during election. We will have to ensure that only those parties should be given recognition which function in accordance with the fundamental principles of our Constitution and follow secularism. Such parties which contest the election on the basis of religion, language, caste and regionalism should be banned. This leads the country to the path of disintegration. So we will have to bring requisite laws in this regard and this is very necessary. Law should not be enacted for law sake. We should put it in practice also. If any party is found misleading the people then it should be banned. I recall that during

[Shri Ram Pyare Panika]

the elections in 1967, some parties indulged in bringing out such posters in which it was shown that two persons were holding sword on the neck of the cow. They used to float propaganda that the Congress Government was slaughtering cows. Stringent laws will have to be enacted to take action against such persons who indulge in such nefarious things for winning the election. When the same parties talks of Gandhism in their resolution then we should ponder where the country is going. The need of the hour is that secularism should be given its due place and we will have to decide what other parties can do in this respect. Such parties should be banned which take recourse to parochialism leading to the disintegration of the country.

I do not support the contention of those hon. Members who have raised the issue of delimitation of constituencies. Reservation of seats for the Scheduled Castes and the Scheduled Tribes has been made in the country due to some special reasons. Many people are against this facility. When you have decided that a constituency where majority of the population of scheduled castes and scheduled tribes live would be declared as reserved constituency, then this should be adhered to. We are also not in favour of continuing the reservation facility but when this has been provided then we should make efforts to raise the standard of living of those people to such a level within the stipulated period of reservation that there would be no need for reservation and then whole issue will be solved for ever. I do not want that the issue of reservation should be prolonged for many years but the Constitution envisages that unless these people are uplifted economically, socially, educationally and politically, the reservation facility will have to be continued. You should ensure that the decision of declaring such constituency, where scheduled castes and scheduled tribes reside predominantly, as reserved one would not be changed.

Sir, there are some parties which do not allow the poor to exercise their franchise.

15.52 hrs.

[SHRI N. VENKATA RATNAM  
*in the Chair*]

In Uttar Pradesh, the leader of the Lok Dal, who is not here and has gone abroad for treatment, we wish him speedy recovery, does not allow Harijans and Adivasis to cast their votes. I would like to suggest that at such places, where this kind of incidents take place, an officer should be deputed to collect the votes of Harijans and Adivasis at their doorstep. It is due to such people that a number of seats in Western Uttar Pradesh, which the Congress Party could have won, had gone to those parties in the name of caste. Sir, I would, therefore, like to say that it is a very serious matter that the people belonging to the weaker sections, Harijans and economically weaker sections are not allowed to exercise their franchise. This tendency should be checked.

Sir, I recall that when the Constitution was being drafted, some communal minded persons wanted that the voting right should not be given to all. Fortunately for the country, the right to vote was given to all equally without any distinction. Dr. Ambedkar and Pt. Jawaharlal Nehru were such great personalities who understood this and advocated for granting equal voting right to all. At that time, there were such persons who were against granting voting right also to women. But our great leaders acted with foresightedness and gave equal voting right to all. So we should ensure that everyone is allowed to cast his vote. Every voter should be given identity card on Government expenses. The Constitution enjoins upon the Government to streamline the voter list every year. A number of States do not take trouble to make the Voter Lists up to date so the responsibility of streamlining the voter lists should rest on the district magistrate. The concerned district magistrate should be held responsible if any name of the voter is left out. Sir, what happens that sometimes the names of the poor and Harijans are found missing in the voter list. These people are not so educated as to check their names in the tehsil election office. When these persons go to cast their votes, they do not find their names in the voters' list. There are many parties which get their

names removed from the voters' lists. The names of persons belonging to the minority community, tribals and Harijans are not included in the voters' list and their names are deleted from the voters' lists. I would, therefore, request the Government that Government should evolve some system so that their names are not deleted from the voters' lists.

**SHRI C. JANGA REDDY (Hanamkonda)** : Your own Government is indulging in such activities.....

**SHRI RAM PYARE PANIKA** : Reddyji, it does not matter whether it is your Government or our Government. At present I am talking of you people. You people are elected to this House by creating disturbances.

I would, therefore, like to submit to you that it is the job of the Government that it entrusts the entire responsibility of correcting the voters' lists to the Returning Officer and the Election Commission should publish a white paper before declaration of results. Elections should be held only when names of all the eligible voters are included in the voters' list, otherwise there is no representation of those people who are poor and are unable to cast their votes. Some communal forces get their representatives elected somehow by indulging in bungling.

Election expenses is also a factor which has to be considered. You are aware that the expenses are rising day by day. You should be a little bit practical. You have prescribed a limit of election expenses, but the present limit for election expenses should not be the one which was prescribed five years ago. If the prices are rising at the rate of 20 per cent, the limit of election expenses would have to be increased in the same proportion. When last elections were held, as many as 300 candidates had contested from the same constituency. As a result, the voter had also faced the difficulty in reading the names of all the three hundred candidates. With a view to reduce their number it is the only way that a correct voters' list is prepared and people cast their vote in a proper manner. Only the recognised national parties should be allotted the

election symbol and only then good people would enter the political scene. The people who are elected through corrupt practices have high ambitions. The people are of the view that the person who adopt the unfair means and indulge in show of force is elected as M.L.A. In this way people became very ambitious. You would have to check such a tendency. When you take such steps, only then you would succeed.

I had said earlier also that it is a matter between the Centre and the States. The regional parties are also formed, but what is the peculiarity in regional parties because of which the people at large follow them. For example there is a party in the South which is founded on the basis of a language. Then there is Telugu Party. What is all this? What is their basis?

**SHRI C. JANGA REDDY** : Why don't you mention Anna D. M. K. ? You enter into an agreement with them.

*(Interruptions)*

**SHRI RAM PYARE PANIKA** : What Government has to do is that it has to formulate a Code of Conduct for the recognised parties. The Government should formulate a law in which it would be prescribed as to what could be included in the manifesto. Manifesto should not include such things which may give rise to communalism, regionalism and language etc- and people might feel agitated due to these things. All the parties, whether it is Telugu Desam or Congress Party or Janta Party should ensure that the manifestoes include only these points which are based on national values included in our Constitution. The parties which indulge in election propaganda based on narrow feelings should be banned. If such an action is taken, you would find that the number of small parties would be reduced and these smaller parties would be replaced by national parties. We do not speak of Congress or Janta Party, but whichever party comes forward, it should be a national party which may keep the entire nation and all the 75 crores of people in mind. We have witnessed the history of the last 40 years. Somewhere, there is Ram Rajya Parishad, somewhere it is

[Shri Ram Pyare Panika]

Jamat-e-Islam and at some other place there is Muslim League. What is all this ?

(Interruptions)

16.00 hrs.

We had put forward a motion, in which it was requested that as the most serious problem of the country is the rising population; therefore, Muslims should be asked not to bring in religion in this work. I would say that a person whether he or she is a Sikh, Christian or practising any other religion should not bring in his or her religion in the task of family planning.

In the end, I would say that the hon. Minister would certainly throw light on the basic issues which I have raised. I would like to submit to Reddy Saheb that as our Government is definitely bringing forward a Bill in this regard, he should, withdraw a Bill. I would also like to make one more submission to the hon. Minister that before he brings forward such a Bill, he may seek the suggestions of the Members and discuss it with them.

With these words, I conclude my speech.

[English]

SYED SHAHABUDDIN (Kishanganj):  
Mr. Chairman Sir, As a nation we are very wise and sometimes great. As regards enacting laws, I am afraid, sometimes we are even greater at subverting those laws that we make and at finding loopholes, finding a way out; our genius applies equally to both the quest of the law and the quest of the violation thereof. That is what has happened to our electoral system.

Over the years, I think our experience will bear out, the electoral process has been in a way subverted. The electoral laws stand eroded in practice and the elections have become synonymous with violence and with high cost and, if I may say so our democracy is, perhaps, no longer as representative as it ought to be because of the various distortions that have

been introduced in the electoral process.

Now, democracy, in theory, is the expression of the will of the people. It has to be both formal and substantive. If you look at the scene today, we are maintaining the form no doubt, but in many ways, the substance has been lost. The money power, the muscle power and what has been called, the power of the machinery three Ms have shaken the electoral process to the extent that the very legitimacy—of the democratic system is today being questioned by the people.

There is one inherent defect in the system that we have adopted. Every election bears testimony to it and that is that we have single member constituencies where we elect a person by the majority. There, if you take any legislature at any time, the party which has a majority of seat in the legislature, may not have come with a majority of the votes. There is a dichotomy between the votes that it receives from the people and the seats that it gets in the legislature. Somehow, some way must be found at least to narrow down this discrepancy. This gap is there and it ought to be closed, if not fully, at least to the extent that is possible. But that will call for a certain change in the system, will call for some fundamental changes. I don't know whether the term electoral reform will really bring into its orbit such fundamental changes in the democratic system as the proportional representation system. But the other aspect is that within the existing legal frame, within the existing system we tackle the administrative problems that have cropped up. The various ways in which politicians lust for power have found means to burrow underneath, to dig tunnels and to subvert the order, that is something which we are concerned today.

Mr. Chairman, I would like to begin from the very word 'g' when we prepare electoral rolls, we have somehow come to a point when in many parts of the country vast numbers of people find themselves completely dis-franchised. The essence of the problem is that we are now giving the authority to the man who finalise the electoral rolls to decide whether a claimant for inclusion in the rolls is a citizen or not a citizen. That fact of citizenship

must be decided with reference to the appropriate laws of the country by the appropriate authority and not by a stroke of the pen by the person who is authorised to finalise the rolls. That is my first point.

The second stage is delimitation of constituencies. There is growing unhappiness now about the constituencies as they stand delimited today. The Government last year or year before came up with a plan to delimit the constituencies within the existing number that had been decided under the Constitution. They had a second thought and they withdrew that piece of legislation I do not know why. The fact remains that the constituencies vary considerably in size and number of voters. They also some times span over more than one administrative areas of jurisdiction. This must be avoided. For example, my own constituency covered three different sub-divisions and the three sub-divisional officers were equally important. I had to deal with all of them. Of course, that problem is not limited to delimitation of the constituencies. It has something to do with the delimitation of districts. The ideal situation would be that the number of districts in India would be roughly equal to the number of parliamentary constituencies and more or less every parliamentary constituency should coincide with an administrative district, so that a compact area comes under a parliamentary constituency. But in any case I would like to stress the need for going into this question of delimitation at an early stage.

The third point is regarding selection of constituencies for the purpose of reservation. I am for reservation. The system must continue. Parliament has bestowed its seal of approval over it. So, I am not questioning the system of reservation but which particular constituency ought to be reserved is a question that should be gone into in greater details. The simple principle that I would like to enunciate before the House is that it should look at the group composition of that constituency and should not try to deprive another weak section which may have a certain concentration in a particular constituency of its potential and possibilities. The scheduled castes and scheduled tribes must receive their due but this should not be

done at the cost of any other weaker section.

The fourth point is about the date of the election, particularly of the bye-election. There seems to be a sort of time-lag. I think that as far as possible elections to the Parliament and Assemblies should be held simultaneously at least to conserve our political energy & resources. So far as bye-elections are concerned you do not have any command over the will of the executive. They can hold the bye-election as and when they like. There should be a statutory time limit for which a constituency can be kept vacant.

My next point is with regard to the broader question of political parties. The political parties are unknown in law. In fact the only entry for the political party is through a back door through the Symbols Order enunciated by the Election Commission of India. I would like to have a proper law for political parties. It should be comprehensive enough. That does not mean any curb on the ideological pursuits. That does not mean any curb on the democratic and political rights of parties but surely their functioning ought to be regulated in public interest. Their funds should be available for public audit. Their accounts and annual reports should be available for the people and they ought to be managed in a democratic manner according to their constitution. I have got the example of the German Law before me which I would like to suggest to the Hon. Minister. He may like to look into it to see how that law could perhaps be modified and applied to Indian conditions.

Sir, I come now to the question of selection of candidates. Everyone of us says that politics should be independent of considerations of religion or caste or region or sub-caste, whatever it is. Everyone of us in his heart of hearts knows that all political parties without exception from left to right select their candidates with an eye on the composition of the constituency, an eye on the religion or the caste or the sub-caste or the language of the area and of the candidates they have in mind. Now, my friend talked about raising the moral fibre of the people. Well,



[Syed Shahabuddin]

I do not want to accuse ourselves as being hypocrite.

AN HON. MEMBER : What about our moral fibre.

SYED SHAHABUDDIN : It should be strengthened. I agree with that. But I really want to know how we could raise the moral level and how could we strengthen it ? Of course, it is the system which is conditioning us to a situation where the moral fibre is getting weaker every day. That is the whole point. You have to change the external conditions in order to reinforce & strengthen the moral fibre, All I am saying is that this is the situation, this is a fact of real life, that while we go on preaching against communalism against casteism, against linguism, these are the very things which we consider to be decisive and which we adopt as the basis of our political system. How do we go about changing the situations. I have no panaces I am just placing this problem before this House.

Now, as for the conduct of elections, I find, for this, the Election Commission's Authority for the conduct of elections is restricted for two reasons. First, it is wholly dependent upon the staff provided by the Government. Why can't it have a permanent machinery of its own ? Why can't it have at least nucleus of staff under its own command which is responsible to it and therefore obedient to it which is not subject to any ruling party's favours or any Minister's sweet-will ? Therefore, I would plead with the Government that a permanent electoral machinery should be introduced from national level right down to the tehsil level so that for an election, the Commission has a separate line of command altogether under its direct control. This machinery should derive its authority and responsibility from the Election Commission of India, and it should not be just on a team on deputation from the State Government, or from the Central Government. Let there be a feeling that the electoral machinery is always responsible to its real masters and not to the Government.

The second aspect is that it is depen-

dent, for the maintenance the law and order on the forces provided by the State Government. Now, the least, that can be done is this. When we are talking about electoral reforms for the conduct and management of the elections, that the forces deployed, as far as possible, should be from outside the State. Why can't there be an inter-change of forces from one State and the other to be strengthened, to be reinforced by contingents provided by the para-military forces at the command of the Centre. A combination of CRPF and BSF plus forces borrowed from the neighbouring States would provide a climate of confidence which would lead to more just and fairer elections than what we have today. The States as a matter of practice, deploy their forces in a manner that Government in power derives the maximum possible benefit, and give the maximum handicap to the other candidates. These two aspects must be looked into

Now I come to the Presiding Officers, The tendency, at least in Bihar, it has become synonymous with electoral malpractices and I am sorry to mention this, is to choose the Presiding Officer of a given Constituency from that Department which is presided over by the Minister hailing from that Constituency. For example if that Minister from that constituency is the Irrigation Minister, then most of the Presiding Officers deputed for the election work will be from the Irrigation Department so that that particular Minister will have a total control of the situation. Sir, the entire electoral law has been written with one single unwritten assumption that the Presiding Officer the bureaucracy, is neutral. Today it is not, whatever the reason, and therefore, some institutional means must be found to dilute this tendency and my suggestion would be : let Presiding Officers be drawn from every Department of the Government and as a matter of rule, also from among the officers of the Central Government who are posted in that area. From the State Government all the departments must constitute in proportion to their officer strength. Also, the deputation or the allocation of a particular person as Presiding Officer to a particular booth should be done, not in an ad hoc manner, not by the sweet-will of

somebody, but in a random manner, by a system of drawing lots. You take out a name and a place so that the possibility of deputing a particular person to a particular booth to save a particular person can be totally eliminated. That is one specific suggestion that I would like to make.

The next suggestion is that the Government must apply its mind seriously to the basic question of electronic voting. It is no longer a matter of cost, it is no longer a matter of efficacy, it is no longer a matter of principle any more; the entire country has accepted the idea of electronic voting. Wherever it was tested in practice and everybody was satisfied wherever it was applied. And the Government which swears by the 21st century should be able to find a few crores in order to introduce electronic voting. All political parties have agreed on it. There is no loophole in it, it will cut out a lot of rigging, a lot of *gol mal*. I ask the Government please have the political courage to introduce it. These machines can be manufactured within the country. No foreign exchange is involved. You do not need to import them. I would plead very strongly that one basic item of electoral reform should be introduction of electoral voting without any further delay. The Supreme Court has not ruled it out, I would like to state before the House. The Supreme Court has merely said that the laws, as they are written are couched in a language which does not admit of electronic voting. To rewrite the laws is not a very difficult task. I am sure, the Law Ministry is well equipped to write down a set of laws which instead of speaking of the ballot papers will speak in electronic idiom, the idiom of the electronic machine, and the silicon chip. It should not be difficult at all for the Law Ministry to write down a new Representation of the Peoples Act taking into account that we are no longer going to make a paper, but we are going to press a knob.

Then, the detailed instructions should be revised, as far as the unsealing of the ballot papers, unsealing of the ballot boxes and the sealing of the ballot boxes etc. after the polling is over are concerned. It can no longer be left solely to the will or desire of the presiding officers.

I would like to suggest here one particular thing. Even under the present system, if the counting were to follow the polling immediately as soon as polling in a particular booth is closed it will not take more than a couple of hours to count and right away you shall have the result of that booth. That result sheet can be sealed and opened finally in a centralised place. You need not physically transport all the ballot boxes. A lot of mischief takes place in transportation, a lot of mischief some times takes place in storage when finally after a day or two, after two nights have passed and you open them and count them and so on. All that can be avoided if immediately, as soon as the poll is over, you take another two hours to count the ballot papers. There are not more than 500-600 ballots to be counted in a particular booth. That can be immediately done within a hour or so, and the result of the counting signed by all the agents of the candidates there. It can be tabulated, registered, verified and sealed there and then.

As far as the declaration of results is concerned, I am very sorry to say that today under the existing law, the Returning Officer has absolute authority. You point out to him that these are the defects on the face of the record, these are the counting errors, he says : "Sorry, I do not want to correct it, you go and file an election petition." What nonsense ? If an error is there on the face of the record, there ought to be an immediate correction but this is not available on the spot. The man acts like a monarch. His discretion needs to be controlled and regulated. In a certain manner he really does not act like a monarch, he acts like an agent of the monarch. He acts as the agent of his master and his arbitrariness introduce an element of disbelief and creates total incredibility in the minds of the people. It is bringing into question the very legitimacy of the electoral process. Everybody knows that a particular candidate has received more votes, yet in the counting he is shown two thousand less and another candidate declared elected; I do not want to go into specific cases; this is not the time, but if the Minister wants, I can surely supply him any number of examples.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : Please supply it to the Election Commission.

SYED SHAHABUDDIN : We are the law makers; we ought to know what is happening. You should find a remedy.

SHRI H.R. BHARDWAJ : I would welcome your suggestions.

SYED SHAHABUDDIN : As far as the cost is concerned, I fully agree with my hon. friend that the cost should be inflation indexed. I am for inflation index for everything right from the marriage dower upto the election costs.

But that apart, I also suggest that the gaping loophole in the electoral laws must be closed. The cost limit has got no meaning whatsoever, because your party, your supporters and your friends are free to spend any amount of money for you. Now, this large hole is gaping us in the face and we do not have the moral courage to close it. You can have a limit of Rs. 5 lakhs. You can even have a limit of Rs. 10 lakhs if you like, but do not allow much loopholes. Crores are being spent on a single constituency today. If you count the total cost of visibles alone, the number of hoardings of posters of advertisement in any given constituency (I do not want to cite a specific example and I am restrained from mentioning a particular case). But not very far from here where we are sitting, we had an election in not very distant a past, where if you had simply counted the total number of hoardings and the total number of full pages of advertisements in the national dailies, you would find that your limit had been left away behind. It had been violated many times over, may be, ten times, or even an hundred times. So, all expenses with regard to elections must be brought under one single head, that is to say, whether the money is spent by the candidate himself, or whether it is spent by his party or his friends, all that put together must have a certain maximum limit. This is one of the points that I would like to suggest before the hon. House for consideration.

Of course, I am in favour of state

funding and not for all the parties and not for the barsaati keeras. You can have a cut-off limit. But for the major parties, which are nationally and regionally recognised, which secure say at least one per cent of the vote of the people in any given election, they ought to be given subsidies in proportion to their votes and a certain amount of essential expenses must be met by the State. This, incidentally, does not call for too much expenditure. If you take the cost of a single aircraft carrier perhaps, it will pay you, I don't know for how many general elections, even if you have to fund all the political parties which are recognised.

One more final suggestion. As far as the post-elections are concerned, my hon. friend has also pleaded for it, we all know how time consuming the process is. When we have a new law on election, we should have a tribunal and we should have a separate bench of High Court--in every High Court if necessary—which should immediately and expeditiously deal with the election petitions and we must devise a system in which we can have a decision on a petition whether it is admitted or rejected, within a reasonable time. What is the point of an election if after the period of service in the House is over, you decide whether the election was held rightly or wrongly ?

Mr. Chairman, I would like to make one final submission to you. The Election Commission has not been wanting, to my knowledge. From time to time, over the last five years that I know of, they have submitted detailed suggestions to the Government. And I recall from my days in the other House that the Government did inform the House that those suggestions were under consideration by the Government, that the Government had appointed Cabinet Committee to look into the matter and so on. They took the House into confidence inasmuch as that they placed the suggestions of the Election Commission on the Table of the House. But we never knew what was the view of the Government finally ? They never revealed to us as to where all these things had and a stumbling block or a deadwall. They never took us into confidence on that.

I know that the Government is very busy. The Government has to manage a very big country. But this matter is urgent. This matter is more basic to the very life and survival of our democracy. Please give it a high priority. Please consider all the suggestions that have been made to you by the Election Commission expeditiously and then come up to us. We are ready for you and we are ready to receive you and at that time when you come to us with your considered suggestions regarding electoral reforms, you will not find this side of the House wanting in responding to you. We are one in that. It is our common objective, to try to have as representative a democracy as possible in our country, so that the people who have high hopes can really have those high hopes realised through the parliamentary system that we have evolved.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Chairman, Sir, I thank you very much for giving me this opportunity to speak in the discussion on an important aspect of our democracy that is Electoral Reforms.

Sir, this debate is going on in the House for quite some time past and a large number of hon. Members have participated in the discussion. Some of them have given very valuable suggestions which should be looked into or considered by the Government with all the merits it deserve.

Sir, this matter also has come up in this House on different occasions during Question Hour and the Government have made it clear that their mind is open so far as this aspect of the matter of the Electoral Reforms is concerned.

SHRI S. JAIPAL REDDY : One minute. Is the Minister is going to reply today ? Sir, are you going to reply today itself ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) : I cannot reply, unless you conclude.

MR. CHAIRMAN : Depending upon time, he may reply today.

SHRI S. JAIPAL REDDY : I think the subject is very important and it should be carried on. In fact the whole House today is in a holiday mood.

SHRI D.N. REDDY : Many of them are on a holiday mood.

*(Interruptions)*

SHRI S. JAIPAL REDDY : There are five holidays to follow. These are subjects of enormous importance and this is of an urgent topical value.

MR. CHAIRMAN : You know many Members have to speak.

SHRI S. JAIPAL REDDY : This must be extended. After all Shri Banatwalla's Bill was also discussed for quite some time. I am not underwriting Shri Banatwalla's Bill. Every Bill is equally important.

SHRI D.N. REDDY : Give them a chance to speak also.

SHRI S. JAIPAL REDDY : This is a subject on which many Members would like to express their views.

SHRI H.R. BHARDWAJ : I do not understand, why you are saying like this, when we are welcoming as many Members as possible.

*[Translation]*

SHRI NARESH CHANDRA CHATURVEDI (Kanpur) : Mr. Chairman, Sir, I want that my resolution may be taken up today itself. If you so like, the detail discussion thereon can take place afterwards.

*[English]*

SHRI H.R. BHARDWAJ : Either you conclude it or don't conclude it you cannot defer the reply. That is not permissible under the rules.

*(Interruptions)*

MR. CHAIRMAN : No discussion in between.

SHRI S. JAIPAL REDDY : This point, you please consider.

SHRI SRIBALLAV PANIGRAHI : As I was saying earlier the Government has made it quite clear on the floor of this House that they are not averse of any good suggestion given by the hon. Members as far as the Electoral Reforms are concerned. In fact this is under consideration—active consideration—of the Election Commission and one or two rounds of discussion also have taken place with the Opposition Leaders on this matter.

The unanimous decisions or resolutions will of course be given effect to. That was the reply given, if I recall correctly. While, I appreciate some of the suggestions given by some of the hon. Members, I don't understand how some hon. Members have tried to give a different picture as if our electoral process or electoral system is very-very bad and it is not capable of conducting a good Election in this country. We should not forget that we are the largest democracy in the whole world. We have the distinct of running the largest democracy in the world. And since 1951, as you know, we have conducted as many as eight General Elections in this country. To my mind, by and large these Elections have been free and fair. It is a vast country and today about 35 crores voters are there, exercise their franchise in the General Elections. So, naturally something wrong can happen here and there. It is not a big matter. We are the citizens of this country. We should not denigrate our democratic system. This democracy is something we are proud of. You see what is happening in the countries around us. Is there any democracy functioning in countries which achieved independence simultaneously with us? But here in India, the light of democracy is shining brightly. Democracy has taken deep roots here, because people know that once at least during five years, they are required to go to the polls, to exercise their franchise through the ballot box. So, bloody revolutions do not, and cannot, take place here. That is our pride. But the language some of the hon. Members have used denigrates our system,

I do not appreciate it. Let us not say anything which will denigrate our system.

Of course, in every system there is scope for improvement. The electoral process in our country is a continuous one. It is not that just now we have to go in for reforms. This process is going on. Only a few months earlier, i.e. last year we had amended so many Acts. We have made a very significant amendment by prohibiting defections in our country. Is it not a part of electoral reforms? We have also amended the Company Law permitting companies to give donations openly, of course following a particular procedure. So, they can give white money. The black money business will be minimized, and its influence on elections as well. That law has been amended. Other proposals are under active consideration, as indicated by the Law Minister on different occasions, in this House and the other House. Naturally, it is a continuous process.

Some Members particularly have levelled charges that three types of powers operate, adversely affecting our elections, viz. (a) muscle power, (b) money power and (c) misuse of administrative power.

SHRI S. JAIPAL REDDY (Mahbubnagar) : What about media power?  
(*Interruption*)

SHRI SRIBALLAV PANIGRAHI : That can come under administrative power. There may be difference of opinion. But whatever you may say, media power also comes under administrative powers. I do not say that muscle power does not come into play in some areas. India is a very vast country. About 800 to 1,000 polling booths are there in a parliamentary constituency. This figure has to be multiplied by 542. In some booths, there may be muscle power exercised. Some anti-social elements may be there, here and there. But when you talk in terms of totality, where is that muscle power or money power?

I do not say money is not required, or that it does not play its part in our elections. But if you say that money power is simply manipulating our elections, I do not agree; in that case, many of the

hon. Members now here, would not be here. This House would be full of representatives of big business houses. In the 1971 elections, you know that proprietors of big Houses stood for elections. But could they come to this Lok Sabha? They could not. Were not the representatives of Tatas and Birlas candidates in different elections? The mind of our electorate is matured. We should not under-estimate our own voters. When some misunderstanding cropped up, what happened in the elections in 1977? Are our voters not mature enough? Should we not understand this? Right from the beginning people during elections mention about this thing and that thing. I do not approve of it. Again, this is what I say is administrative power.

*(Interruptions)*

Today, Congress is at the helm of affairs at the Centre. How many States are under different political parties, opposed to the Congress? Just two to three months back, or less than six months back, we have gone in for elections in two States. Assam in the Eastern side and Punjab in the Western side. What was the outcome? What are the reasons? Today both the administrative power and media power are being misused in the elections, for the use of the ruling party and the Government. What has happened here?

*(Interruptions)*

Not only now, as back as in 1977 and at different times also, seven to eight States were ruled by political parties opposed to Congress which was ruling at the Centre. This is known. Is it correct to raise election issues and then to rule over a State continuously? I would say that there is money power which is going into the elections, and wherever it might be going, attempts should be made to correct this.

Now I am giving pointedly some suggestions for this electoral reform. I look at this aspect from three angles. It is a three-fold one: administrative, political and financial. Administrative side, Number one, electoral rolls should be as correct as possible; and secondly, we find that people are instrumental, but I do not

know why we allow this to happen, but six months before local elections there are some other elections, and after that some other election is there, parliamentary election and if it is held people have to exercise their franchise in those elections and again the money power is used.

SHRI M. RAGHUMA REDDY (Nalgonda): What is the fun in discussing this, when there is no quorum, Sir?

MR. CHAIRMAN: Let some one count and if there is no quorum let us find out.

SHRI M. RAGHUMA REDDY: On a point of order. There is no quorum in the House.

MR. CHAIRMAN: Let the Quorum Bell be rung. Now, there is quorum. Mr. Panigrahi may continue.

SHRI SRIBALLAV PANIGRAHI: I look at this question of electoral reforms from three angles—administrative, political and financial. Under administrative head, our electoral rolls at the time of different elections are not as proper as they should be. Many a time, many legitimate voters are left out. They return frustrated and disappointed from polling booths without casting their votes. Quite surprisingly, a voter, who exercises his vote at the time of parliamentary elections, does not find his name in the voters list at the time of elections to the State Assemblies which are held just after six months. Therefore, all efforts should be made to make the voters list up to date and to include names of all legitimate voters of that particular booth. Local officers should be made responsible for this so that mistakes do not occur in the voters list. This task of preparing the voters list is completed very hurriedly, with the result, many names do not appear in the voters list. When there is a genuine voter whose name does not appear in the voters list, and the agents of different political parties certify that he is the genuine voter, he should be allowed to exercise his franchise. Some such latitude should be allowed in our law. Some freedom should be given to the Presiding Officer to allow bona fide voters, whose names do not appear in the

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voters list, to cast their franchise.

The number of booths should be increased. We are always told by the election officers that a voter is not required to walk more than one kilometre to exercise his franchise. But that is not so. Therefore, the number of booth should be increased so that people will not be hesitant to go and exercise their franchise. Sometimes, a lower percentage of polling disturbs us. But it is gratifying that this percentage is going up. In Assam, we have seen recently at the time of Assembly elections in last December, that the percentage was above 60 per cent in many constituencies. In Punjab, in spite of threats from extremists, the voters came out boldly without any fear, in large numbers to exercise their franchise. It is a welcome step. Of course, today that verdict is not properly respected, is not given due recognition by the Punjab administration. There again the killings are going on. It has become a daily feature, daily phenomenon.

Many friends have suggested that identity cards should be introduced. I agree to that suggestion. Electronics methods should be introduced so that bogus membership gradually disappear. Use of electronic method will not only expedite the matters but will also modernise our system.

The question of delimitation of constituencies should be looked into. For quite some time it has not been gone into. I think this is the time when, while doing this work, not only the population should be the criterion but also the size of the constituency should be looked into. I hail from a constituency. My own constituency Deogarh in Orissa comprises of two districts and it spreads over as many as seven Revenue Sub-Divisions, 21 city blocks, seven urban bodies, and lengthwise it will be more than 250 kilometres. How can it be managed? It is very difficult.

There is a ceiling on expenditure and, of course, the ceiling is there more for violation rather than for observance. What I find is that very least regard is

being paid to this aspect to keep our spendings limited to the ceilings fixed. Therefore, it becomes infructuous. I think if it is not practicable to do so, then it should be done away with. All efforts should be made to minimise the expenditure on our elections.

Our efforts should always be to make the elections free, fair and, at the same time, less expensive. The money that we spend, is reflected in different ways. It has an adverse affect on our economy, on our developmental and general economy.

Again, Sir, the political side is very important. While listening to some of the hon. Members here, I was thinking how hypocrites we are. I do not accuse anybody in person, I am saying this in general in our political system, and while I say this thing, I am quite conscious of it and I say that this political hyprocrisy is something that we should bid good bye to. Political hypocrisy is speaking something in political and election meetings and practising something else in our political life, in our day-to-day life. They do not go together and that does not speak well of our political system and of political candidates. We find that those who very boldly criticise regionalism, communalism in Parliament and in Assemblies, in some cases they themselves are the champions of those things, they themselves encourage such things in order to achieve their personal political motives and to find a place in the Assembly or Parliament. This is very bad. Therefore, we the political people have to reform ourselves, we have to regain the confidence, we have to plead that we believe in value-based politics and not in these opportunistic politics. Unless we believe in value-based politics and also face elections accordingly, whatever we may say, howsoever we may cry, both inside and outside the Parliament, our elections are not going to be free, fair and less expensive.

A large number of independent candidates are coming forward to fight elections inasmuch as that in some cases the ballot paper is becoming so lengthy that it is not able to accommodate the names of all the candidates. Therefore, it should be seen. Also, some candidates, some political

people who are rejected by some recognised political parties, by the major political parties, they are encouraged by being given tickets by some other political parties. I have some names but I am not going to name those political parties which indulge in such activities. They should refrain from such things. Therefore, merely blaming the administration of the ruling party will not help, all political parties should reform themselves and think how the number of political parties can be reduced to the minimum, how the number of candidates fighting elections can be less and less and also how the elections can be less expensive. Whatever might be the provocation, we should not go by that and we should try to minimise our expenditure at the time of elections.

Then regarding the statement of accounts, as I said, unless serious attempts are made to see whether it is possible within the ceiling and all that, it may be considered whether this should be done away with. There should not be clear-cut violation, an open violation, I think, right from the President of India up to a political worker, everybody knows that this particular aspect is being flouted by many. We are filing accounts. There are so many loopholes. One does not know whether the candidate himself spends the amount or his friends spend the amount or the political party is spending the amount. Whatsoever it may be, it should be looked into and some correction should be made. In some cases money power is playing havoc in the election. Our laws should be stringent enough to deal with such cases. Our objective should be that our largest democracy should be turned into the best democracy in the world. Our election system by and large is good but it should be made ideal. We should not denigrate our system. It is a challenge to all the political parties and not only to the ruling party. All the parties of the country should stand together and place faith on value-based politics; and they should conduct themselves accordingly. Then only things will improve.

With these words, I support the spirit of the Resolution. Government have

an open mind and the Law Commission is actively considering several proposals in his respect. So I think there is no use pushing through this type of a Resolution in this House hurriedly. It requires calm & cool thinking. It requires consensus to be arrived at with all political parties and the party leaders. This is being processed by the Law Commission, as I said already. There is no hurry now. I support the spirit of the Resolution but not the Resolution itself. With these words, I conclude.

[*Translation*]

SHRI HARISH RAWAT (Almora) : Mr. Chairman, Sir, I rise to oppose this resolution, because a discussion regarding reforms and improvements in the electoral system has often been taking place. There is a scope for reforms and improvements in the system as prevailing in our country. Whenever such a need arises and the Government also feels the necessity, efforts have also been made to reform it continuously.

[*English*]

SHRI S. JAIPAL REDDY (Mahbubnagar), Sir, reforms are not needed. If reforms are introduced, the Party will lose.

[*Translation*]

SHRI HARISH RAWAT : Sir, our friends have said that the present system, which is a multi-party democratic system, is not good in itself. I would like to say only this much that by putting unnatural barriers or by passing a law banning the parties, we cannot control the multi-party system and we should not make any such attempt. Under a democracy, we should leave this task at the discretion of the people. The people should be allowed to decide in which manner they want to run their democratic system.

Many of our friends have tried to create an impression that the present electoral law has endangered our democratic system. I do not agree with them. Since 1952 till date, Indian people have elected their Government according to their own discretion. Whatever might have been the



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election laws, there cannot be two opinions about the manner the people have exercised their own discretion and cast their votes. There will of the people has gone against the ruling party and sometimes it has been favourable to the ruling party. The elections of 1977, 1980 and 1984 have shown to the entire world that the people of India can exercise their franchise in a better way notwithstanding any defects in our electoral laws.

Our friends have also said that there is bungling and corruption in the elections, which is a mockery of democracy. I would like to submit that if money-power would have been everything during elections, then instead of returning the present M.Ps. to this House, the Parliament would have been divided among various interests and the representatives of Capitalists like Birlas, Tatas and other big Industrial Houses would have been elected to this House or people representing the interests of Rockefeller of U. S. A. would have been elected on basis of proxy. The colour of this House would have been different and people like us and you or the people having faith in the policies of Congress Party or devoted to Pt. Jawahar Lal Nehru, Indiraji and Rajivji would not have been returned to this House. The people having faith in the principles of Communism would not have been elected to this House. The presence of these people in this House is the greatest proof that money can have very little effect on our electoral system. Money would have least effect on the public at large.

So far as the question of providing financial assistance to political parties for meeting election expenses is concerned, I would oppose any such move. Because under the present party system, what would be the criterion for providing financial assistance? For the fixation of the quantum of financial assistance, there cannot be any criterion with the Government or the Election Commission or the Ministry of law. There would always be some scope for some sort of complaint or partiality. That is why I would like to oppose any such move. I must make this submission

to the hon. Minister that the present limit for election expenses must be revised and enhanced. Keeping in view the present circumstances, the limit for election expenses must be enhanced for both Lok Sabha as well as Assembly elections.

**SHRI MOOL CHAND DAGA (Pali):** On the one hand, you are opposing the resolution, and on the other hand, you are giving suggestions. How are both these things possible?

**SHRI HARISH RAWAT :** Had I resumed my seat, immediately after opposing the resolution how could you have got a chance to say something.

So far as the question of election system being affected by the brute force is concerned,—May God grant quick recovery and long life to Chaudhary Charan Singh—he has been father, rather grand father of *Lathtantra* (brute force) ... (*Interruptions*)

**SHRI S. JAIPAL REDDY (Mahbubnagar) :** What happened in Amethi?

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) :** What happened in Hyderabad recently?

**SHRI S. JAIPAL REDDY :** That I agree but... (*Interruptions*)

**SHRI H. R. BHARDWAJ :** What do you agree? You do not talk of Hyderabad.

**SHRI S. JAIPAL REDDY :** I agree but when you talk of Baghpat, happenings of Amethi too should be mentioned... (*Interruptions*)

**SHRI C. JANGA REDDY (Hanamkonda) :** What happened in Kanchi-kharli?

**SHRI HARISH RAWAT :** Whatever has happened to you is known to us. You have come all alone... (*Interruptions*)

**SHRI MOOL CHAND DAGA :** You are the sole representative. Therefore, you may keep sitting.

**SHRI C. JANGA REDDY :** Your

party has more than 400 Members. Place those 400 Members on one pan of the balance and me alone on the...

*(Interruptions)*

*[English]*

SHRI S. JAIPAL REDDY : The Bharatiya Janata Party is not there because its philosophy was misappropriated by the Congress (I) in the last elections.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : And you gave your philosophy to them.

SHRI S. JAIPAL REDDY : Yes, the Janata Party gave secular philosophy to the B. J. P.

*(Interruptions)\**

*[Translation]*

SHRI HARISH RAWAT : I was submitting that what happened or had been happening in Baghpat, unfortunately is being emulated in several places. Etah, Etawah and Manipuri in Western Uttar Pradesh and certain areas of Bihar are witnessing such incidents.

*[English]*

SHRI S. JAIPAL REDDY : Let them make judicial inquiry...

*(Interruptions)*

*[Translation]*

SHRI HARISH RAWAT : Such people have been elected—I am not talking of Parliament of India, I am talking of Legislative Assemblies—who are known as mafia leaders and I think this question is not going to be solved merely by amending the electoral laws. Even if our scholarly friend Shri Hans Raj Bhardwaj makes some amendments in the electoral laws, I do not think he will be able to stop these people who want to influence the elections by show of force. It is not a question of law and order. It is connected with our social and economic system. When we are able to improve that, this problem will also be solved. People who talk of such things, do so just to level charges against the Government that it is not able to stop such bungling. I would like to tell those

friends that these things are not confined to congress-ruled States only, these are happening in other States also. Reports have come about such incidents from Jammu and Kashmir also. How our party workers were threatened and scared is not a secret. Everyone knows what happened in Punjab and Andhra Pradesh. People in the name of cinema stars gathered the crowds of youths and influence the elections against those who were fighting on principles... *(Interruptions)*

17.00 hrs.

SHRI C. JANGA REDDY : That is why you have brought Amitabh Bachchan, Sunil Dutt and Vijayanthimala here... *(Interruptions)*

SHRI HARISH RAWAT : About the impartiality of the Election Commission, I would like to tell the hon. Minister that it has been functioning in an impartial manner. We have never doubted its impartiality. Our effort should be that others may also feel that the Election Commission and electoral officers are impartial. It is not that only we or the Government should feel about their impartiality, others should also feel likewise. I would also like to submit that people manning the high offices in the Election Commission should not be given any office after their retirement. I do not say that in the allurements of getting some office their impartiality is affected but possibility of expressing doubt about our integrity can always be there. Here, mention was also made of election by proportional representation. I would submit that the system of election by proportional representation is always defective. Instead, we should find out ways and means of increasing the percentage of votes and also how the voters can be encouraged to use their franchise in more and more numbers. If they come and vote in greater number, then the allegations against any Government about its not having the support of majority will not stand to reason. I would also submit that the parties which are formed on the basis of religion, caste and region should be banned. Such things always tend to weaken the democracy ... *(Interruptions)* I am not talking of any particular party. I am submitting that the House should

[Shri Harish Rawat]

discuss the issue that how much harm those parties have done to the democracy and our electoral system which have been formed on the basis of caste, religion and region. A thought should be given to the need of imposing ban on them. Lastly, I want to submit three suggestions to the hon. Minister. The present constituencies should be delimited after constituting a Commission in this regard. Nature of constituencies which has remained static during the last three or four elections should also be changed. There is need to think of improving the SCST constituencies. I would also submit that the way Legislative Assembly Constituencies have been carved out in Himachal Pradesh, Jammu and Kashmir and in North East region, Legislative Assembly seat should also be carved out for the hill areas of Uttar Pradesh in the same way. Just now one hon. Member was mentioning about the vastness of the Lok Sabha and Assembly constituencies. His reference reminded me of my own constituency. There are two districts in my constituency. Out of that one district is Pithoragarh which is the third largest district of India. Had there been two such districts in my constituency, it would not have been possible for me to visit each and every area and village even in twenty years. I think my friends must be aware of such a situation, I would urge upon the hon. Law Minister that if there is any constitutional bottleneck in increasing the number of Parliamentary seats, at least Assembly constituencies in regard to hill areas of Uttar Pradesh may be determined on the lines of determination of Legislative Assembly constituencies in Himachal Pradesh, Jammu and Kashmir and North Eastern region. In that, population alone should not be criterion for determining the constituencies; area should also form a basis for that.

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Chairman, Sir, just now when I was about to start my speech, one of our friends from Madhya Pradesh said that I won the election due to Telugu Desam. But I would like to ask him whether they have not taken the advantage of Indirajis assassination. If Indiraji were alive today, the election results

would have been different and you would have been on this side of the House and we on the other. You got only her sympathy votes. This is what I want to say.

I shall tell you about myself as well as about yourself. We have been watching, since 1971, the trend of elections in our country which were influenced by different form of waves.

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr, Chairman, Sir, when Bajju Bawara sang, deers appeared and now when Mr. Janga Reddy speaks, Saifuddin Saheb appears. What a strange contradiction it is that when a BJP representative speaks, a communist enters.

SHRI C. JANGA REDDY : Poet should know that it is a paradoxical figure of speech. I was saying that since 1971, all elections have been influenced by one wave or the other. In 1977, when all opposition leaders were behind the bar, Congress, hoping its return to power, contested the elections but at that time Janata wave was strong and people including towards Janata Party. Similarly, in 1983, the Congress presumed its victory in Andhra Pradesh because it thought that the dramatic manner in which N.T.R. saheb was working would not enable the Telugu Desam to win the elections but the results were quite contrary and Telugu Desam came to power. In 1980, the wave was against Janata Government. In 1985, you came to power due to sympathy-vote. In that sympathy wave, we lagged behind. I am telling you the factual position; it is not the result of right voting.

You take Pubjab...(*Interruptions*) .. Now it is not the Congress of Shri Jawahar Lal Nehru, it is the Congress of Indiraji and Rajivji. I fully agree with you that there should not be any regional party but at the same time I also oppose that the Congress should not join hand with regional parties as it has done in Tripura, Tamil Nadu and are likely to do in Kerala.

AN HON. MEMBER : They are doing this in Kerala.

SHRI C. JANGA REDDY : Whether

they are doing or likely to do, I mean the same.

**SHRI ANOOPCHAND SHAH** (Bombay North) : Mr. Chairman, Sir, the hon Member is talking about the Congress only but in Bombay Bhartiya Janata Party had compromised with Shiv Sena.

**SHRI C. JANGA REDDY** : Not only with Shiv Sena but we have also joined hand with Telgu Desam in Andhra Pradesh to oppose you because you are our bitter enemy. To defeat the bitter enemy, it is necessary to join hand with other enemy because enemy of our enemy is our friend.

**SHRI HARISH RAWAT** (Almora) : At least you have acknowledged Telugu Desam as your enemy.

**SHRI C. JANGA REDDY** : We oppose regional parties.

**SHRI ANNOPCHAND SHAH** : You don't have any principle.

**SHRI C. JANGA REDDY** : We have certain principles, that is why we are two.

**SHRI HARISH RAWAT** : If it continues like that you will be reduced to one.

**SHRI C. JANGA REDDY** : Where was Mr. Dinesh Singh in 1977; he came to this side and then crossed to that side and now he is there. How many were ministers in Janata Party and how many have gone to that side. Our Choka Rao ji joined Janata Party during Assembly poll. In 1978 and then defected to that side.

**SHRI HARISH RAWAT** : Our party is like holy Ganga. You may join it and become sacred.

**SHRI C. JANGA REDDY** : Mr. Chairman, Sir, our electoral system should be radically modified. Recently anti-defection Bill was introduced in the Lok Sabha. I thank and congratulate the Congress party for doing this good work to safeguard their interests. Whenever we propose any electoral reform along with other opposition parties, the Congress accepts only those proposals which favour it. When Mr

Rajiv Gandhi and his Congress Government were about to get a set-back, you brought this Bill and got it passed immediately. Even then you are likely to face defection. You brought this Bill which is a good thing and hence I congratulate you.

**SHRI SAIFUDDIN CHOWDHARY** : Now a treaty is likely to be concluded...  
(Interruptions)

**SHRI C. JANGA REDDY** : One has to accept that in 1967, Choudhary Charan Singh and Shri Bhajan Lal were the protagonists of defection. When, United Legislative Front Government was formed in Uttar Pradesh.....

**SHRI HARISH RAWAT** : Today your conscience is admitting many things.

**SHRI C. JANGA REDDY** : We have a clear conscience. Only bitter medicine is efficacious in a disease, not the sweet one. We tell a spade a spade and that is why people do not like us. In 1967, we saw that in spite of getting more votes, the Congress could not form the Government. At that time, Coalition Government of United Legislative Front was formed. As Bairagi ji was just saying that coalition government of communist and Jansangh was formed but could not last for long.

**SHRI BASUDEB ACHARIA** : That was C.P.I. and not C.P.M. We were not there.

**SHRI C. JANGA REDDY** : United Legislative Front Government was formed.

**SHRI BALKAVI BAIRAGI** : When Shakir Ali Saheb was in Madhya Pradesh, the communists were there.

**SHRI AJAY MUSHRAN** : Yes, communist were there at that time in Madhya Pradesh.

**SHRI BASUDEB ACHARIA** : We were not.

**SHRI HARISH RAWAT** : You did not join the Government in Uttar Pradesh but were supporting from outside.

**SHRI BASUDEB ACHARIA** : I said we were not there.

**SHRI AJAY MUSHRAN :** What is the difference between C.P.I. and C.P.I. M? What is the difference between Aggarwal and Gupta? If you write C.P.I.M. what difference it makes? Someone writes Aggarwal and someone Gupta. Similarly some people write CPIM and some C.P.I.

**SHRI C. JANGA REDDY :** Till 1967, one-party based governments were formed and they functioned well. After the coalition governments in 1967, people noted that there were many ways to form government. We found out ways to capture the power by one way or the other and such ideas automatically came in the minds of our parties. Due to that, coalition Government worked for sometime and after that it collapsed. Consequently the people started losing faith in democracy. If we look at the percentage of votes in 1967, we find a great difference in the percentage of votes and seats for the years of 1980 and 1977. The party which could not secure 51 per cent votes could form the Government whereas those which secured 51 per cent votes, formed the Opposition. Therefore, we should adopt the system of proportional representation.

Just now, a friend from Rajasthan was saying that what did a person from Tamil Nadu know about Punjab and that they, the members from Rajasthan, being Members of Rajasthan, representing a national party could talk about Punjab and also about other places. Some Members have shown here as to how much knowledge people of Tamil Nadu possess regarding Punjab and Rajasthan Canal. These Members representing their regional party cannot be elected from Punjab as they do not have their party in Punjab. Therefore, instead of regional parties there should be national parties. We people from regional parties are fighting on these issues with Central Government. If some wrong is done by the State Government, then the Central Government will not allocate it funds. Only today, I have read in the newspapers that recognition should be accorded to the parties which are on the national level and only such parties should be permitted to contest the elections. Seats should be distributed in proportion to the votes obtained. These

days, the tickets for the Parliamentary constituencies are given on the basis of religion, and region. As a result, the people vote for an individual and not for the party. This approach should be done away with. The elections should be party-oriented. If the elections are contested on the basis of party principles the voters will be committed to those principles. But today the elections are being contested on the basis of slogans with an eye on capturing power. Similarly we are making laws which go against the national interest. This is why the Congress Government enacted the Muslim Women (Protection of Right for Divorce) Bill. This was done to ensure their votes. Our C.P.M. friends also did the same when Namboodripad Government gave Mallampuram district to Kerala just to have support from the Muslim League.

**AN HON. MEMBER :** Now they have left it.

**SHRI C. JANGA REDDY :** Mr. Namboodripad did what the Congress Government did not do.

*(Interruptions)*

At present every party is going against its principles, its constitution and the interest of the country in order to get the balancing votes. Therefore, I want that the seats should be allotted in proportion to the votes polled. Then only can we do something in the interest of the country. In Andhra Pradesh, although we were with the Telugu Desam friends, but they wanted to win the election by maligning the Central Government. Today, Anna D.M.K. is also doing the same. Regionalism is spreading in every sphere. Therefore, if elections are held on the basis of proportional representation, then the above malady can be removed. *(Interruptions)* Today you are thinking of holding Mid-term elections in Kerala also, because you have Muslim league with you. Therefore, in order to remove these maladies the elections should be held on proportional representation basis. *(Interruptions)*

Sir, it was because of Indira wave that the people of Indira Congress have won

the elections. We note that good parliamentarians are losing the elections. In 1977 when Mrs. Indira Gandhi lost the election, she tried to come to the Rajya Sabha.

SHRI AJAY MUSHRAN : She never tried to come to Rajya Sabha.  
(*Interruptions*)

SHRI C. JANGA REDDY : She contested from Chikmagalore. We find that the experienced parliamentarians lose the elections while people like us, who don't know anything about other countries, win the elections. Had the election been held on proportional representation basis, then experienced people from our party such as Shri Atal Bihari must have won.

(*Interruptions*)

At present some people use muscle power and indulge in booth capturing. I fully agree with other hon. members that identity cards should be issued to the voters.

Chinnur area in Andhra Pradesh has been a reserved constituency since 1952. This gives a feeling to the people that they cannot contest the elections from unreserved seat. You should change this system. Some other constituency should be declared reserved in its place. Mr. Jagjivan Ram has been contesting from the same constituency times and again. If a candidate contests an election from a reserved constituency at one time, he should contest the election from a general seat next time. This type of shifting should be done regularly.

My another suggestion is that the Government should bear the entire election expenditure. The process of de-limitation process should continue with successive censuses. Otherwise we see that, in Bombay an Assembly candidate wins after obtaining 3 to 4 lakh votes, whereas it is 70 thousand in our place. The same is the case with the parliamentary constituencies where there are about 21 lakh voters in a constituency in Bombay and only six lakhs in that of our State. So, to remove this huge difference,

the process of de-limitation of constituencies should continue.

So far as bye-elections are concerned, my suggestion is that these can be avoided if panels are formed on the basis of proportional representation. If any member dies or defects, then he can be replaced with another man from the panel. In this way, the huge unnecessary expenditure incurred on bye-elections can be avoided.  
(*Interruptions*)

AN HON. MEMBER : Do you want to restrict your strength here only to two members ?

SHRI C. JANGA REDDY : Neither our strength had always been two only nor that of yours 400. (*Interruptions*)

Besides, I would like to suggest that a restriction should also be imposed on posters because this way the black money of industrial houses adversely affects the elections. Some candidates go for heavy poster campaign. It should, therefore, be banned. In my opinion, election meetings should be arranged at common place from where candidates of all the parties can address the public. Some candidates hire 100 to 200 trucks full of men and thus make a noise in order to influence the people. There should, therefore, be restriction on public speeches also.

If such reforms are not brought about in electoral laws, there will be a great danger to our democracy. We wish that suggestions given by the Election Commission should be considered by Cabinet-sub-committee. If possible a comprehensive Bill should be introduced in the next session in order to strengthen our democracy.

With these words, I conclude.

[*English*]

MR. CHAIRMAN : I want to put it to the House that the extended time is over by 1730 hours. If you wish this subject should be over today then I will call the Minister but there are so many other Members who want to speak.

SOME HON. MEMBERS : We want to speak.

SHRI C. MADHAV REDDI : The time may be extended by one hour.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : Sir, I would like to reply. Last week it was taken up and no serious debate is coming forth.

MR. CHAIRMAN : I want to know the sense of the House whether the discussion should be continued by extending the time.

SHRI S. JAIPAL REDDY : Yes Sir. It is a very important subject. It should be continued.

MR. CHARMAN : Then, we must indicate how much time the House would require to complete this discussion.

SHRI BASUDEB ACHARIA : We will require at least two hours.

SHRI H. R. BHARDWAJ : Then, it cannot be concluded now. It goes to next week. It has been discussed for two weeks seriously. Practically all the parties have taken part in the discussion. There is hardly anything to be highlighted. I do not agree to this type of a thing that you go on saying and you don't conclude.

SHRI S. JAIPAL REDDY : We want two hours. (*Interruptions*)

SHRI H. R. BHARDWAJ : I do not agree to that. (*Interruptions*)

SHRI S. JAIPAL REDDY : That means the Government is not serious about the subject. It is a matter of tremendous political importance.

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : Sir, you can ascertain how many Members on the other side of the House would like to speak. If 4 or 5 persons want to speak, then each hon. Member could be allowed five or six minutes or seven minutes to express

their views on this. Then, we will be able to conclude this subject today by extending the House till 6.30 P. M.

SHRI BASUDEB ACHARIA : No, No. Let it be continued in the next week.

MR. CHAIRMAN : Let me put it to you that under any circumstances, the House cannot be extended beyond 6 O'clock. (*Interruptions*)

SHRI VASANT SATHE : Mr. Reddy, the only thing is that we can take up some other important subject in the next Friday. That means, if you postpone this discussion to next Friday, you will be limiting other subjects.

SHRI S. JAIPAL REDDY : As a senior Minister, you can appreciate how important this subject is.

SHRI VASANT SATHE : Do you mean to say that other subjects are not important. This subject has been discussed for two weeks and other subjects are pending. Friday is the only day available for discussion.

SHRI S. JAIPAL REDDY : Earlier, you allowed the Members to speak for half-an-hour. I don't think that justice can be done like this.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : I think we have been discussing this subject for the last two weeks. Time has also been extended twice or thrice. So, there is no need to extend the time now for this subject.

SHRI ABDUL RASHID KABULI : Sir, our party, National Conference, has not been given the chance to speak on this subject. I should be given time to speak on this at least 10 minutes.

SHRI GHULAM NABI AZAD : Let those Members who have not spoken from the opposite side be given time and then the hon. Minister can reply.

MR CHAIRMAN : Mr. Kabuli, you may speak for five minutes.

SHRI S. JAIPAL REDDY : Sir, there is no quorum. We can defeat the will of the Treasury benches.

*[Translation]*

SHRI ABDŪL RASHID KABULI (Srinagar) : Mr. Chairman Sir, in the first instance, I would like to say, as other members have also emphasized, that money power, muscle-power and the role of administration pose the greatest threat to our elections. It is the primary duty of our Government to remove this threat... *(Interruptions)* I would like to say to the hon. Minister Shri Bhardwaj that money-power, muscle-power and the power of administration pose the greatest threat to our elections. I understand that we have a commitment to the people of the country, irrespective of our party affiliations. We are committed to bring about progress in our country, to the upliftment of the backward sections of our society and to bridge the ever-increasing gap between the rich and the poor. But so

long as money-power has a role in our elections, the Birlas, the Tatas and other forces would continue to interfere in our election process and such problems would continue to crop up before us. That is why we are unable to implement our socio-economic programmes.....

*[English]*

SHRI D. N. REDDY : May I point out, Sir, that there is no quorum in the House.

MR. CHAIRMAN : The bell is being rung—

Even after ringing the quorum bell for a second time, there is no quorum in the House. The House stands adjourned till 11.00 hours on Monday, 31 March 1986.

17.44 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 31, 1986/Chaitra 10, 1908 (Saka)*