

other had the banks refuse to give relief to the poor. The Government should take some concrete steps in this direction.

Supporting in particular the long term fiscal policy of the Government, I want that when we are entering the 21st century for removing the economic disparities, our Government's economic policies should be reflected in the working of the banks. With these words I conclude.

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15.31 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

[English]

Eighteenth Report

SHRI R.P. SUMAN (Akbarpur) : I beg to move :

“That this House do agree with the Eighteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th April, 1986.”

MR. DEPUTY-SPEAKER : The question is :

“That this House do agree with the Eighteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th April, 1986.”

*The motion was adopted.*

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15.32 hrs.

RESOLUTION RE : ELECTORAL REFORMS—*Contd.*

[English]

MR. DEPUTY-SPEAKER : On the last occasion the House was adjourned for want of quorum when the resolution moved by Shri D.N. Reddy was being discussed. I would like to inform the

House that already 8 hours and 11 minutes have been taken on this.

THE MINISTER OF PARLIAMEN-TARY AFFAIRS AND TOURISM (SHRI H.K.L. BHAGAT) : I propose that the time may be extended by 1.1/2 hours.

MR. DEPUTY-SPEAKER : Is it the pleasure of the House to extend the time on the resolution moved by Shri D.N. Reddy on 28th February, 1986, by 1.1/2 hours ?

SOME HON. MEMBERS : Yes.

SHRI S. JAIPAL REDDY (Mehboob-nagar) : I do not really remember what I spoke the other day. I better begin all over again.

As I mentioned the other day, there is a need to lift the level of debate on electoral reforms above the lines of party divisions. It is very gratifying to note that India has retained its democratic system though it has been only at a developing stage. In spite of interminable series of serious structural failure on the economic front, our democracy has not only survived but taken strong roots in our soil.

15.35 hrs.

[SHRI VAKKOM PURUSHOTHA-MAN *in the Chair*]

But we will have to take note of the fact that even this singular achievement of India polity is being threatened by increasing vitiation of electoral process. The menace of total perversion of electoral machinery is really looming large on our democratic horizon. Electoral reforms are no longer an academic issue to be debated ad nauseam in symposia and seminars but, in fact, a burning problem crying for instant action. The Election Commission, in its Report this year, talked of the threat posed by three kinds of power, namely, the money power, the muscle power and the media power. I may also add two more kinds of power to this list, namely, the magisterial power and the machinery power. It is, in fact, to put in nutshell 'M' to the

[Shri S. Jaipal Reddy]

power of five. If these five evil powers are to be checked, any talk of reform in my view, must start with the Election Commission itself.

Election Commission needs to be strengthened in regard to its composition, its machinery, its jurisdiction and its autonomy. To begin with its composition, in my view, it should be headed not by one but by three, and the choice of the persons for manning this Election Commission must not be left to the sweet will of the Government alone. I am of the considered view that the opinion of the Opposition and the Chief Justice of India and the Government must all be considered before the appointment is really made. Apart from this, it must be armed with an independent machinery of its own otherwise it has to operate again through the machinery that obtains at the level of State Government.

The Election Commission must be armed with the power to order a fresh poll in any constituency where it is convinced that more than ten polling booths have been captured.

Then, I may refer to the Code of Conduct. The Code of Conduct is more honoured in the breach than in the observance. Therefore, there is an imperative need to give legal teeth to this Code of Conduct. The directives of the Election Commission must be complied with otherwise these directives will become a total waste. I do not want to draw attention to the names of candidates but I may refer here to the recent Banka by-election. There a District Magistrate was to function as the Chief Returning Officer. He was posted there two days before the notification of the polls. And when I went along with another party colleague of mine to represent to the then Election Commissioner, the Election Commissioner said he was helpless because he was brought two days before the notification. I may further amplify that this District Magistrate had functioned as District Magistrate in the last Lok Sabha polls from the very same constituency and there were complaints galore against him

and he had to be transferred in the wake of those complaints and yet he was brought back before the notification of the by-election. Therefore I suggest that the District Judges and not the Executive Magistrates must be made the Returning Officers, with the power to regulate the law and order situation as well during the period of the election campaign. I may once again draw your attention to the same Banka bye-election. One I.G. was posted as Special Officer on duty only 10 days before the poll. We went and met the Election Commissioner and he said: 'I am not in charge of law and order.' I may bring it to your notice further that all the directives given by the Election Commission in this specific case were violated. He directed in writing that the personnel for manning election must be drawn from the Central undertakings. The Election Commissioner also directed that the CRP must be asked to do the patrolling. But, all these directions were flagrantly and blatantly contravened and the Election Commissioner was helpless. We know what the District Magistrates are capable of doing. In Bihar State itself I may draw your attention to another case. A C.P.I. candidate in the Assembly Election was first declared elected and within 24 hours another Congress I candidate was given certificate by the same Returning Officer. I hope you will appreciate the terrible inequity involved in the appointment of District Magistrates as Returning Officers.

Sir, I do not have to refer to the incalculable, almost infinite power, given to and exercised by the media like Television and Radio. We must be able to evolve a code of conduct with sufficient legal authority to see that these mass media at the disposal of Government are not misused for narrow and nefarious partisan ends.

Now I may refer to the Amendment brought forward recently allowing companies to make donations to political parties. Donations may be collected from the companies by the Government in the form of a cess. That amount may be pooled and the same may be distributed according to the set criteria among the various parties. If the companies are to be

armed with discretionary powers, then the Companies would give donations depending upon the ideological approach of the parties and on the power of patronage that the parties command. Therefore, this amendment is only to regularise corruption which is eating into the vitals of our election machinery.

Now I may refer to the functioning of our political parties as well. Sir, I am not opposing any particular political parties. I don't think that the structure of our political parties is sufficiently democratic with regard to their internal functioning. Therefore, there is a need to regulate the functioning of political parties and to introduce a method of compulsory audit of political parties through a piece of comprehensive legislation.

Now I come to the ceilings on expenditure. We know the notorious Amendment that was brought before 1974 by which the expenditure incurred by a political party or friends of the candidates, is to be excluded from the ceiling. This has rendered the Ceiling provision itself totally ineffective, if not ridiculous.

Sir, there is a need also to avoid frivolous candidates, non-serious candidates. One way of doing it is to increase the deposit amount at least 10 times.

The Prime Minister of India during the election period can go about in the helicopters and aeroplanes of the Indian Air Force. I plead that the Presidents of all recognised political parties be provided with the same facility. *(Interruptions)*. Why not? During the election, you say he is going as the Prime Minister. Am I to give lessons in this? *(Interruptions)*.

MR. CHAIRMAN Kumari Mamata, please take your seat.

*(Interruptions)*.

MR. CHAIRMAN : I will look after it, don't worry.

SHRI S. JAIPAL REDDY : So, Sir, I am of the view that in any polling booth where more than 80 per cent polling is recorded, polling in that polling booth must be cancelled.

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI A.K. PANJA) : Why?

*(Interruptions)*

SHRI S. JAIPAL REDDY : As it is, there is already a ceiling on the percentage of polling in a polling booth. It is now 90 per cent. I only plead that the same be reduced by 10 per cent. *(Interruptions)*. They would like to make a very non-controversial speech of mine very controversial.

*(Interruptions)*.

SHRI D.N. REDDY : In case there are irregularities in ten booths. Polling in the Assembly segments should be cancelled.

*(Interruptions)*.

SHRI S. JAIPAL REDDY : My last point, Sir, is that in regard to the delimitation, of constituencies, the number of seats in a given State may be kept as it is until 2000 A.D. Now, there is a need to undertake fresh delimitation and also to see that the reservation provision is subject to rotation from one constituency to another.

[*Translation*]

SHRI BALASAHEB VIKHE PATIL (Kopargaon) : Mr. Chairman, Sir, I am thankful to you for giving me time to speak on this important matter. A resolution to change our electoral system and to bring radical changes in the Election Commission has been presented before the House. Ours is a democratic country and it is, therefore, necessary that all the political parties function properly, there is no corruption in the elections and the poorest of the poor get the chance to contest the elections and win the same. In this connection I have two or three suggestions which I am submitting before the House.

Nowadays, all the parties talk of black money. All are in favour of getting the

[Shri Balasaheb Vikhe Patil]

election funds and party funds audited also. I am also in favour of this. But in addition to this, I want to suggest that why do all the parties not collectively suggest that when we have democracy in our country, the Government should bear the election expenses so that we do not have to take obligation of any friend or any company. You are aware that obligation of donations leads to corruption and many other unlawful activities. In the matter of giving donation—lawfully or unlawfully—by any company, the Company Law has now been amended. But even then I would like that though we want to implement socialist policies in our country and we want that even the poorest of the poor should be able to fight elections, yet it is becoming difficult for the poor to fight elections because of enormous expenditure being incurred by some of the candidates. Of course, the party gives some funds but even then in spite of help of good volunteers, the poor are not in a position to fight the elections because from which source he would spend money—who would donate for him and how will be arrange black money? When funds and volunteers are provided by the party then why not election expenses be met by the representative Government and a restriction put on the expenditure by other people. I feel by doing this our image will also become clean and corruption will also be reduced. Nowadays big companies want to take advantage of the situation. They will, then not be in a position to do so and it will help us in the implementation of our policy of socialism. Also, nowadays though we talk of national integration yet more and more regional parties are being formed. Therefore, I want to suggest that we should place the matter before the Election Commission. At present it is a regional party whose hon Member is the Leader of the Opposition in the Lok Sabha. In such situation we will have to think deeply about the position of the regional parties. If the regional parties emerge as the main parties, what will be the importance of the national parties? The regional parties fight elections on local issues and forget the interest of the country. This can be dangerous to the country. Then who will take care of the interests of the country?

Therefore, I suggest that the Election Commission should pay attention to this aspect as to how a regional party can be considered as a big party? In the case of a national party we can think on these lines. Besides, small political parties are also being formed. I would request that the Election Commission should not allow any communal party to function. They should be banned as otherwise our national and social unity and integrity cannot be safeguarded, which is essential for the progress of our country. The regional and small parties are not in the interest of the nation. Such parties exist in Andhra Pradesh, Tamil Nadu and other areas. The Election Commission should think about this matter.....  
(Interruptions).....

[English]

SHRI S. JAIPAL REDDY : Sir, Congress-I is an ally of regional parties and communal parties in Tamil Nadu and Kerala.

SHRI BALWANT SINGH RAMOO-WALIA : Is nationalism the monopoly of Congress Party? (Interruptions)

MR. CHAIRMAN : Please resume your seat. (Interruptions)

[Translation]

SHRI BALASAHEB VIKHE PATIL (Kopergaon) : The Congress is not a regional party there. You must have seen the election results..... (Interruptions)

[English]

MR. CHAIRMAN : You can continue.

SHRI BALASAHEB VIKHE PATIL : Sir, I am continuing. (Interruptions)

[Translation]

We contest elections. The Congress is in power at the Centre but in certain States, for example, in Karnataka, the Janata Party is in power and West Bengal is ruled by the Marxists. It is not that our party i.e. ruling party wields influence

everywhere. Different parties have been elected to power in different States and this is our democracy. What I mean to say is that a national party must be there. It is due to the absence of a national party that our democracy is in danger.

I would like to say something about delimitation. In any electoral reform, it is essential to discuss delimitation, because it was promised after a constitutional amendment that there would be no increase in the number of seats till 2000 A.D. If the number of seats is not increased even when the population is increasing, then what is the alternative? With the increase in population we should also increase the number of seats upto 2000 A.D. When we have imposed restriction till 2000 A.D., we must form a delimitation committee to consider the issue. The effects of Family Planning should be linked with the electoral process. Otherwise, the people would suspect that nothing is being done in the field of Family Planning. I want that attention should be paid to this.

Finally, I want to say that Government must accept the responsibility of bearing the expenditure in order to do away with the role of black money and to ensure that the poor are able to contest the elections. In this connection, I would appeal to all the sections of the House that they should agree to it, so that maximum electoral reforms could be effected.

**KUMARI MAMATA BANERJEE** (Jadavpur): Mr. Chairman, Sir, I cannot support the Resolution moved by Shri D.N. Reddy. I have heard the speeches of both Shri D. N. Reddy and Shri S. Jaipal Reddy. They had said that if this resolution adopted by the House, only then democracy would take roots in country. This would imply that democracy does not exist at present. If democracy does not exist, then how Shri D.N. Reddy and Shri Jaipal Reddy happen to be here? Those of use who have come here, have come only due to the existence of democracy. If you look at the situation in the whole country, you would see that in Andhra Pradesh, Telgu Desam is in power; in Karnataka,

it is the Janata led by Shri Hedge; Punjab is ruled by the Akalis headed by Shri Barnala; in Assam A G P. is in power; in Tripura it is Shri Nirpen Chakraborty and his communist party and in West Bengal it is the Marxist communist party CPI(M) which is in power. Still it is being said that there is no democracy in the country. If our democracy is not clean, election rules are not proper then how are the opposition parties being elected. Therefore, it is not clear with what intention he has moved the Resolution.

We will definitely speak about the situation in the States. It is essential to bring about reforms in the electoral rolls in the States. We have looked into the Parliamentary proceedings, in order to see what our Marxist friends have said. We shall certainly speak about the happenings in Andhra Pradesh, Punjab and Assam. We have to go to West Bengal if we want to see the conspiracy hatched by the Marxists to check democracy. There is need to check the electoral rolls in this State because several names from the voter's lists have been deleted and the list is often manipulated. The name of Shri Ashok Sen, the Union Law Minister does not figure in the list. Similarly, the name of Shri Prafulla Chandra Sen, the ex-Chief Minister of West Bengal does not exist in the list. Thousands of names have been deleted from the list and I would go to the extent if that this continues for some more time then the voters list would contain only the names of the Marxist comrades and none else. It is really shameful that the name of the Law Minister is not there in the list. The name of the person who frames laws, has been deleted from the list. How utterly shameful this is, yet these people speak against us in the House.

I would also like to suggest that you should issue identity cards to the voters. The voters lists in West Bengal include names of little children and the names of deceased voter also continues in the list if he happens to be the father of a Marxist. During elections, their votes are also cast. It is very surprising that false names should figure in the voter lists and bogus votes should be cast. Therefore, I would

[Kumari Mamata Banerjee]

suggest that identity cards should be issued to all the voters. If this is done then the situation could be tackled since names of children and deceased voters are also included in the list. If identity cards are issued, this could be curbed.

I also want to say that the people go to the villages only when elections approach and dump bricks and other materials for the construction of roads. They also distribute wheat, rice and Sarees to the villagers and ask for votes and pretend to be well wishers of the poor people. The amount granted by the Central Government under the 20 Point Programme and other programmes like I.R.D.P., N.R.E.P. and R.L.E.G.P. is not utilized by the State Government. This amount is spent during the elections. They go about the villages urging people to elect them as they are friends of the poor. They use the State Government machinery for canvassing. The person who prepares voters list or who is an enumerator is appointed as a B.D.O. The C.P.I.(M) comrade is made a supervisor after putting political pressure. The people who prepare the census are also appointed by the State Government. The B.D.O. cannot remain neutral. The supervisor of the C.P.I.(M) cadre goes from house to house cancelling the names of those voters who support the Congress and retaining the names of these who are the supporters of CPI(M).

**SHRI SHAIFUDDIN CHOWDHARY (Katwa):** I cannot understand what you are talking about.

**KUMARI MAMATA BANERJEE :** You will not understand, so remain sitting. I have seen the Parliamentary proceedings. In that, a CPI(M) member had alleged that the Congress Party does not have any treasurer. Shri Sitaram Kesari is the treasurer of our party. He is maintaining all the accounts but what is happening within the C.P.I.(M) party? Why isn't there a treasurer in the Marxist party?

16.00 hrs.

It is because it would bring to light all the funds at their disposal and their

sources as well. At first your office was housed in a mud hut. But within eight years, since you huge building has been erected in its place. Your party, at present, is housed in a five storey building. Where has this money come from? Crores and crores of rupees were collected only after your party came to power. If a treasurer is appointed in your party, then all this would come to light. That is why you do not keep a treasurer.

Booth capturing and bogus voting is a common feature in West Bengal. The police is not provided with my arms to deal with the situation. They are made to guard the booths armed with sticks only. Therefore, the police is not able to check bogus voting and booth capturing. All this must be stopped.

Mr. Chairman, Sir, I am grateful to you for giving me so much of time.

[English]

**SHRI SHANTARAM NAIK (Panaji) :** Although as per the resolution moved by Mr. D.N. Reddy we do require certain electoral reforms, but the way the resolution has been put, admitting certain things which do not exist, I think the resolution does not carry any substance although most of us may agree that electoral reforms are required in this country.

I would like to make a respectful submission as to what are the electoral reforms which may be considered. If we look into the law of elections, it will be seen that the Government has published this Election Manual so as to bring all the legislations in one handy book. But basically if you see, we have got these laws scattered all over, in the sense, that we have got the Representation of Peoples Act, 1950 covering certain aspects of elections. Then we have got the Representation of Peoples Act, 1951. Now absolutely for any rational mind there is no necessity of having two legislations of similar name with only one year difference to cover various aspects. We could have had a consolidated law on elections. I do not understand why there should be a Representation of Peoples

Act of 1950 and another Representation of Peoples Act of 1951 separately.

Similarly other provisions in respect of elections are also scattered. We have election laws scattered in the Penal Code, the Union Territories Act and the Prohibition of Simultaneous Membership Rules. We have got separate rules known as Prohibition of Simultaneous Membership Rules of 1950. Then we have the Delimitation Act, Registration of Electoral Rolls, 1960 and the Conduct of Election Rules. The way the entire gamut is spread over, as election laws deal with the common man, if the common man wants to go through it in his own regional language, wherever they are conducted or otherwise, he has to go through all this paraphernalia just to know what the basic provisions of the law are. Although the Government for convenience sake has published this manual, the laws are scattered. Therefore we should have an exhaustive study to have a consolidated law on elections because they are spread over.

Another thing I would like to highlight is : you see what are the things that are covered by Para 15 of the Elections Reservation of Symbols Order. When a split takes place in a political party the Election Commission decides which is the real party. That is the normal procedure of the election law. But this aspect of split in a political party has not been provided for in any election law. It has not been provided for in the Representation of Peoples Act of 1950 or of 1951 or other Rules, but it is only contained in para 15 of the Reservation of Symbols Order passed by the Election Commission under the law. It is an order, not a law as such, in the sense that it is not an Act of Parliament. This basic thing of a split in a political party ought not to have been contained in an order of the Election Commission but in a substantive law—either in the 1950 or 1951 Representation of Peoples Act. Secondly, a well-laid down procedure as to how we decide a split in a political party should be there.

Now, for instance, if a political party splits into two, then there must be well

laid down procedure as to how to proceed with. If, for example, supposing one of the group approaches the Election Commission saying that I am that political Party, my group is the real party, then there must be a procedure laid down. Where is the procedure? If you read para 15 of the Election Symbol Order, it says :

“When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognised political party each of whom claims to be that party, the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard, decide that one such rival section or group or none of such rival sections or groups is that recognised political party and the decision of the Commission shall be binding on all such rival sections or groups”.

This all that speaks about such a major law of this country.

The other thing I would like to say is about the registration of political parties. That is again provided in this Election Symbols (Reservation and Allocation) Order, 1968. It is not contained in the main law. When a group of persons approaches the Election Commission, it recognises without any problem. The law says... (*Interruptions*) any association or any body of individual citizen of India, claiming itself a political party, is free to get registered which is claiming itself as a political party can approach the Election Commission under Para 3 and then get registered. In fact, there is a provision that the political group has to specify what are the principles, for instance, the political principles on which it is based. They have to mention it. But how many times, on what occasion, the Election Commission scrutinises this aspect? What is the principles on which the party is functioning?

The Congress Party is the well recognised party which rules this country.

[Shri Shantaram Naik]

Tomorrow, for example, I take a symbol in my name and go to the Election Commission for registration. There is no bar. There is no bar for me. I can just get my name, similar to the Congress, being registered. There must be some bar just like the Patent Trade mark and all other things. There must be a bar on any political party to take a name similar to that of a recognised political party so that damage is not caused to the other political parties. These are the few points which I want to put forth. I hope the hon. Minister will consider all these points.

With these words, I conclude.

SHRI G. M. BANATWALLA (Ponnani): Mr. Chairman, Sir, there can be no two opinions about the need for electoral reforms. However, I would like to stress that this question of electoral reforms is a matter of continuous process. It is not something that can be achieved at one stroke of time. As election takes place, we gain more and more experience and we cannot rule out the need for electoral reforms in future from time to time. Since the electoral reforms is a question of continuous process, I must urge upon the Government not to wait for unduly long time to formulate its opinion with respect to all the reforms that are today needed. At least on those points on which Government has already made up its mind, they should be brought before the Parliament and we can go through them. As time proceeds, as more and more elections take place, we go on gaining more and more experience and therefore the process with respect to electoral reforms is a continuous process as I have submitted.

Mr. Chairman, we must look at all aspect connected with electoral reforms viz. the reform of the electoral machinery, electoral procedure and the electoral system. As far as the electoral machinery is concerned, because of the paucity of time, I would simply mentioned my points without elucidating them to the extent that I would like them to do so. However, I was submitting that as far as electoral machinery is concerned, there is an abso-

lute practical necessity to delink this machinery with the State. The officers appointed by the State Government or by the Central Government, they are responsible, they are in the service of the Government and go back to the service of the Government. When such officers are appointed, then the situation is not very desirable one. It is, therefore, necessary that the electoral machinery should be delinked from the Government.

Further, we must have a multiple member Election Commission. Article 324 already envisages such a multiple-member Election Commission and I hope the Government will take advantage of the provisions of article 324 and have a multiple-member Election Commission.

I must further emphasize the need for restrictions on the further appointment of the retiring or retired Election Commissioner to take up posts in Government after retirement or after ceasing to hold office. In the Constitution we find that such restrictions are placed on the Chairman and Members of the Union Public Service Commission and the Comptroller & Auditor General of India. However, the Constitution does not lay down any restriction on the eligibility of the Chief Election Commissioner and other Election Commissioners, the Regional Election Commissioners, for any further office or employment under the Central or any State Government after they cease to hold office. This has already resulted in certain unhealthy practices of a retired Election Commissioner being appointed as a Governor too. This is rather unhealthy. I do not want to cast any aspersion on the integrity of any individual as such, but as a matter of healthy precedent, I think that, when the Election Commissioner ceases to hold office, there must be restriction on his accepting any other post under the Government.

With respect to the electoral procedure, I must insist that the voting right should be extended to all our Indian citizens who are residing abroad. We have lakhs and lakhs of them abroad and I do not know why they should stand in a position of being disenfranchised merely because they are residing in a foreign



country for the purpose of their temporary work. Therefore, there should be proper procedure laid down to enable those residing abroad or working abroad and who are Indian citizens to vote and take part in the election procedure.

The voting age has also to be reduced and brought to 18 years. This would be in conformity with the times. If you permit me, Sir, I could go on elaborating on each and every item, but I am not doing so for want of time; I am just mentioning the point and passing on to the next.

I must also emphasise upon the need for electronic voting device.

Great care should also be exercised in the preparation of the electoral rolls. Specially, we have to learn from what happened in Assam. In Assam the way electoral rolls were prepared, lakhs and lakhs stood disenfranchised. Their names were removed in violation of the established procedure in which the electoral rolls are to be prepared. There are reports of the Election Commission and I have before me extracts from those Reports. I may refer to the Report on the General Election to the Legislative Assembly of Assam, 1983, by the Election Commission of India wherein on pages 4 and 5 there are repeated statements to the effect that it is not for the Election Commission to arbitrarily strike off any name from the electoral rolls once they appear so. The Election Commission even goes to say in those Reports that, if the name appears in the electoral roll, that is a *prima facie* evidence that all conditions precedent to having the right to vote have been satisfied. But what happened? The entries in the latest electoral rolls were sought to be linked to the electoral rolls of 1971, and then two lists were prepared—List No. 1 and List No. 2. Those persons whose names could not be linked to the electoral rolls 1971 were put in List No. 2 and thus great inconvenience came up. Time does not permit me to elaborate on all those things, but I must protest at the manner in which electoral rolls are prepared.

To conclude, I must say that the electoral system be made a proportional representative system. Here, we find under the present system that 49% is equal to zero and 51% is equal to hundred. Every vote that is lost is a vote that scuttles Parliamentary democracy. Our Parliament must truly reflect the nation and every section is represented.

We find the sad plight with respect to the improper representation of muslims here in the Parliament. Every section, I emphasize, must be fully represented in this particular House. I must emphasize upon the system of proportional representation.

I will conclude by saying that when reserving a constituency for the Scheduled Caste or the Scheduled Tribe, care should be taken that it does not amount to gerrymandering of constituencies with respect to other sections. There are today reserved constituencies in which we have a very sizeable number of muslims. They are deprived of sending their proper representatives, representatives of their choice because of this. I am in favour of these reservations; but while reserving a constituency, care should be taken to see as to what is the composition of the constituency.

SHRI A. CHARLES (Trivandrum): Mr. Chairman Sir, At the outset I may say that I am not in full agreement with the tone and contents of the Resolution now presented before this House. Sir, nobody would object to the need of electoral reforms in the country; but the way in which the Resolution has been drafted would give an impression that there is no free and fair elections in this country all through and that the whole electoral process is in chaos. This is quite contrary to the facts.

Our experience in the past has proved that in this region, ours is the only country in which democracy has taken deep roots. It must be to the credit of this great country that the people have exercised their franchise in a very free and fair manner. Of course, in a country like that of ours, which is the largest

[Shri A. Charles]

democracy, fair and free elections are of utmost importance.

The framers of the Constitution of India were fully conscious of the importance of impartial elections and every care was taken while drafting the Constitution to ensure such an impartial election.

Part XV of the Constitution of India lays down the guidelines for the conduct of elections and according to this, the superintendence, direction and control of all elections, i.e., elections to the Parliament, State Legislatures, election to the office of the President, the Vice President of India etc., are vested in the Election Commission whose autonomy has been well protected.

Our experience in the past has proved that this has stood the test of time and that democracy has come to stay in this great country despite its complex problems. However, of late, it has to be admitted that there has been a gradual erosion of values in the body politic of the country and it is time to think of making suitable legislations to meet this situation and to ensure impartial elections which is the very foundation of a real democracy.

The Preamble of the Constitution of India says in very clear terms that India shall be a sovereign, socialist, secular democratic republic. The great struggle in which the whole nation is now engaged is to ensure to all its citizens these high ideals enshrined in the Constitution of India. Only an honest and uncorrupt Government, committed to the great task of building up a secular, socialist, democratic India will be able to fulfil the great dreams and aspirations of the millions and such a Government will come into being only if the people are allowed to exercise their franchise in a free and fair manner without any extraneous influence. The Election Commission has a great role in this context. The position of the Chief Election Commissioner is that of the Chief Justice of India. Although auto-

nomy has been protected under the provisions of the Constitution yet the past experience has revealed that for the proper exercise of the very sacred functions vested in him he has to be armed with more powers. To enable this necessary legislations will have to be framed as envisaged under Article 324 sub-clause (2) and (5) of the Constitution of India. It may also be considered whether it will be possible to make necessary legislation for the appointment of either one of the judges of the Supreme Court of India or one of the Chief Justice of the High Courts to this high office. Such a change will certainly enhance the position and prestige of the Chief Election Commissioner and he will certainly be able to discharge the duties of this high office without fear or favour. The Election Commission should also be empowered with dealing the election petitions.

Another great evil that has crept in the electioneering process is the excessive use of money—and quite often black money—for electioneering campaign. Elections to the House of People and State legislatures have become very expensive and an ordinary person with average income cannot even dream of facing an election without external support. There are already rules restricting election expenses but in actual practice there is no relation between the amount actually spent and the ceiling fixed for the purpose. Hence it is high time that stringent measures are brought forward for restricting election expenses. Unless it is done the value and purity of the election process will be totally lost and democracy will remain a mockery.

Another evil now seen in the elections is impersonation of voters. That is great fraud that has grown to great dimensions and quite often this has become the deciding factor on the result of the elections. In Kerala I specifically know that during the last elections one particular party had given secret instructions to their lower rank that within two hours of the starting of polling 10 votes shall be made by impersonation. In a Parliamentary constituency there are almost 1200 booths. So if on an average ten votes are cast through impersonation it comes to 10,000 votes.

So this alone will become the deciding factor in many cases.

Now a word about proportional representation. After the last elections in U.K. they have constituted a committee and a thorough study was made in respect of proportional representation. The study has revealed that there are inherent defects in the proportional representation system also. The splinter parties will get additional seats and as a result no single party will get the majority. So some via media between these two could be thought of.

Some friends have suggested electronic voting system. That can be tried. Then of late there is trend of religious, communal and linguistic feelings being aroused during the election campaign. I feel some legislation should be brought forward whereby parties which have religious and communal links shall not be allowed to participate in the elections.

With these words I conclude.

**SHRI PRIYA RANJAN DAS MUNSI** (Howrah) : Mr. Chairman, Sir, I will be very brief in my submissions. The first point is that if you want to make an election fair and at the same time to keep the development of the country continued, then my first submission to the hon. Minister today is, as you have separated judiciary from the executive, kindly take care that Election Authority is an independent authority without taking the day-to-day administrative authority to deal with the election. The District Magistrate or a Sub-Divisional Officer is to look after various developmental works in the district as well as the administrative matter of law and order. If they are asked frequently to look into the electoral process, election of the Panchayats, Municipalities, Assemblies and the Parliament and the by-elections, if you take the total time of their calendar, of a particular officer of a district, then they are basically betrayed and the nation is cheated because they are devoting fully for the development work and the country goes back everywhere pace by pace. So, no District Magistrate of the Development Authority should be entrusted with any task of elec-

tion at all. If you want to keep the concept of the economic development of the country, there should be an independent authority to deal with election and all the activities connected therewith.

My second point is this. To avoid booth capturing and other mal-practices during the election, as well as providing honour to the citizen while exercising his right to vote, all the voters of the country, come what may, should be given identity cards like visas or passports identifying their names, their religion, area and in every election they will get a stamp on the passport like those who have their passports stamped whenever they go abroad, on the pages of the passports. Similarly, pass book should be issued for every voter for identity and once has cast his vote in an election, obviously his identity will be established and there is no question of rigging or any other malpractice will arise. For this reason, if you have to spend thousand crores of rupees, you should do it and save the country. Let us admit this honestly and let there not be any dishonesty in this regard.

My third point is this. Sir, it is very difficult to contest the election within a short time. Even the Minister will have the choice to test his luck as any other Member would be in that position. In that case, we literally cheat the electorate. You give us a time of 21 days to contest the election and to me with 9 lakh people or more than that number it is not possible to contact them. Is it not cheating? We have to depend on media and we have to depend on middle men and we have to do many other expenses. Why don't give a clear 60 days time to meet the electorates and explain our plan and programme? But you give only 21-days' time and we just can't do anything within this three weeks' time.

My fourth point is that to represent a constituency the maximum strength of the voter for the Parliamentary seat should not be more than 5 lakhs. If you make it more than 5 lakhs and make them represent a larger number of people than the limit of 5 lakhs, then we can't do justice to the voter in terms of the services, developmental programmes and other areas of

[Shri Priya Ranjan Das Muns']

activities. For that, if you are to make alternate provision in the Constitution, if you have to make some other provision in the Constitution, do it. But for representing 9 lakhs or 15 lakhs of people is just not possible and we cannot do justice to them. Similarly, you have the Assembly segments.

Lastly, Sir, I have raised many times this question and I never got answer from the hon. Minister. I want to know whether on the day of the election in a particular constituency, the Superintendent of Police or the concerned Police Officials are supposed to listen to the directives of the Chief Minister or the Returning Officer of the Election Commission on that day. In my own constituency, I will explain what happened during the election. On the election day, the voters should be guided by the Police authorities. But in my constituency, the Police officials were beating the voters when they were in the queue to cast their votes. The observers were objecting to that. They said: 'No, we have got instructions from the Secretariat'. Then, I want to understand who is to decide the matter regarding the election—the election authority or the regular Government? Then in that case, it makes the mockery of the democracy. So, that point should be very much categorically clarified. Sir, about the election petition, I may submit that we file election petitions in such a long drawn process. It is another mockery of the democracy. Election petition like summary trial should be disposed of within 30 days. You must make a provision that the election petitions would be heard by a Special Bench of the High Court in every State. It should be made mandatory that after the elections, in every State, there would be Special Benches of the High Courts for hearing of election petitions. These Benches should continue for one month to dispose of the cases forthwith. There could be additional judges for this. They should decide the cases immediately, otherwise the procedure is very cumbersome and it takes a lot of time.

**MR. CHAIRMAN :** Please conclude now.

**SHRI PRIYA RANJAN DAS MUNSI :** As we gag the voters sometimes, you are gagging me today. I wanted to explain many more points. But I do not consider it illegal here.

**SHRI T. BASHEER (Chirayinkil) :** Mr. Chairman, Sir, the Resolution moved by Shri D.N. Reddy has given us an opportunity to air our views on the important subject of electoral reforms. The time is very limited and I do not know what I can say within this limited time. India is the largest democracy in the world. When we accepted universal franchise, there were people in this country and abroad who thought that in a country like India, the universal franchise would not work satisfactorily, because a majority of our people were not so educated; they were backward. But our experience in the last three decades has proved that in India, the people are very conscious of their rights; they are capable to elect their representatives, and protect the democratic systems and values in our country. The framers of the Constitution had put their trust on the people and that has been justified by our experience.

There have been repeated discussions in the House and outside about electoral reforms for a very long time, but the fact is that nothing concrete has been done in this regard. It is high time for the Government to come forward with some concrete steps to strengthen our democratic process.

My colleagues have made many points and I am not going to repeat them. The money power is a very disturbing factor in our country so far as elections are concerned. It is high time for us to find some solution for this problem. The electoral reforms are always connected with the regulation of the political parties, the working of the political parties. The multiplicity of parties in our country has a very bad trend so far as our democracy is concerned. In elections, it is not only the multiplicity of parties, the number of candidates is also very large. It is an unhealthy practice, so far as elections are concerned. I remember, that in Karnataka during the last Assembly elections, there

were more than one hundred candidate in one Assembly constituency to contest the elections. So, this makes the electioneering a joke. How many candidates will get their deposits back? The seriousness of the elections is lost because of such kinds of loopholes. So the Government must seriously think over this aspect.

Another thing which many hon. friends pointed out here is about the identity cards. This will be a very good idea especially in view of the so many unhealthy practices that are taking place during the election time. I think that the Government must come forward to implement this idea as early as possible.

I support Shri Banatwalla's suggestion that the voting age must be reduced. Now the voting age is 21. But as we all know, in many of the local bodies of the States, the voting age is only 18. For legal purposes also 18 is the age. We are claiming that there is universal franchise. Unless we lower the age from 21 to 18, applying this adult franchise will be meaningless. So, I think that the lowering of the age to 18 is also important so far as the electoral process is concerned. With these words, I conclude.

MR. CHAIRMAN : Shri Ramoowalia. Only three minutes please.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) : After all, there should be some time for me to reply Sir. I have told you that I have to be in the Cabinet on a very important issue.

MR. CHAIRMAN : You can go after the reply. He is given only three minutes.

(Interruptions)

SHRI BALWANT SINGH RAMOO-WALIA (Sangrur) : In the meanwhile I would have finished really. I will not take more than two and a half minutes. Perhaps, the hon. Minister does not know my habit.

While discussing the subject of electoral reforms which are very vital for cleansing the public life, I will take only two and a half minutes.

Firstly, I am of the opinion that there should be some restriction on the number of candidates so as avoid over-crowding of the ballot paper. Certain steps should be taken so that a long list of contesting candidates is not there during the elections.

Secondly I also urge upon the hon. Minister to see that the practice of false enrolment of voters is stopped. Certain measures should be taken so that there is no false enrolment of voters. Sometimes voters are brought from other constituencies with the power of money. Elections are made successful and results are declared in favour of those persons who succeed in enrolling false voters and who have money power.

Lastly, I would like to suggest that there should be the practice of rotation of the reserved seats. The reservation policy is a very good idea and my Party fully supports the right of reservation of seats so that the Scheduled Castes and Scheduled Tribes are able to have some representation. But Sir, no constituency should be kept reserved for more than two terms. We find here that many constituencies are reserved since 1952.

[Translation]

SHRI BAPULAL MALVIYA (Shajapur) : Mr. Chairman, Sir, predominantly SC and ST areas are treated as reserved Constituencies.

[English]

SHRI BALWANT SINGH RAMOO-WALIA : But rotation should also be there. With these words, I am concluding. I hope the hon. Minister is happy.

SHRI H.R. BHARDWAJ : Thank you very much.

Sir, at the outset, I must thank Mr. Reddy for moving this Resolution, be-

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cause it touches the fundamentals of democracy, that is the election process. And I subscribe to his view that in a democracy, like ours, which is a very vast democracy and most successful democracy, election process must be kept pure and unpolluted. So there is absolutely no controversy with regard to this aspect of the Resolution as put by him, in the House. But I certainly do not subscribe to his views that elections—a part of his Resolution comes which perhaps half way in the third line which says.

“Which are now vitiated by the corrupt and unhealthy influence of power, money, caste, religion and other forms of corrupt practices”.

Sir, so far as I am concerned, I do not subscribe to his views that the elections as a whole are suffering from this type of a disease, as has been said here, that we are completely vitiated. No. The position is the contrary that by and large, in most of the cases, in most of the places and in most of the occasions, elections have been fair. And that is the success of democracy. Even abroad, nobody has complained that elections in India have not been fair for that we are not going to take credit those who are sitting in the House, because we have blamed each other; but it is the wisdom of the great people of India in whom the founding fathers had put their faith and that is why, they said in the Constitution, “We the people of India”. That is their success. We individually do suffer from certain drawbacks and we must do some sort of introspection for that. How far, we can improve ourselves? The political content of our people is very wide, but those who are really involved in seeking the elections, they must purify them. The question is, let us look at the whole edifice of the election system in the country. I have before me, the Election Manual. I was really looking into various schemes of that Election Law. The Election Law is very sound. The Constitution says, once you notify the election, the entire powers reside in the Election Commission and Courts will not interfere. That Election Commission is fully indepen-

dent. There is absolutely no doubt about it. We are proud of our Election Commissions, one after the other, they have come out very successfully in all the elections. We have changes of Governments. We have changes of Governments headed by various political parties. Is it not the success of our election system and the people manning the elections?

There may be cases here and there where the political people or some bureaucrats or some Government officials may have mis-conducted, but by and large, everybody performs his duty at the time of elections in a very-very disciplined manner.

Now, with all these background, we cannot say that the election system is vitiated or it is vitiated with corrupt practices. I am really not very keen to have this word in the Election Law “Corrupt Practices”. You can have any other word instead of corrupt practices. You cannot say that everybody is doing corrupt practice in this system, and therefore the election system is bad. No. The corrupt practices are defined in the Representation of the Peoples’ Act. Whatever it is, you can give it. But if we, political people, say that we are all corrupt, that does not give a very dignified picture of this House. This is not the truth. The truth is that all of us have come through a fair election. In stray cases, one or two people are really out to undo what the others are doing or out to become successful at all costs. They may do it.

SYED SHAHABUDDIN : We are all gentlemen until proved to the contrary.

SHRI H.R. BHARDWAJ : That is the basic presumption about human beings. Unless, we contradict that—the human beings contradict that. All the hon. Members of this House must keep this in mind.

Therefore, let us not condemn ourselves. We must..

(Interruptions)

PROF. N.G. RANGA (Guntur) : Corrupt or irregular or both.

**SHRI H.R. BHARDWAJ :** I am only saying that my friend Shri Dinesh Goswami, I know, has come with a thumping majority in the mandate of the people. How can I say that he has come through the corrupt practices. I say, it is a peoples' mandate. Similarly Ramoowaliaji and others. This is a country where the people have shown what the pulse of the country was, at a particular time They have answered it. We may not have answered it, but they have. Times have shown this. Therefore, we must accept basically that the people know their duties, their rights, and the strength of their vote. Therefore, money cannot influence them. Otherwise, all these big houses would have been sitting here. These Harijans, Scheduled Castes, Scheduled Tribes and poor people would not have been here.

This is the success of the people of our country who are the real sovereigns here. They want justice to be done to the society That is why we elect the Government during the General Elections, without the influence of money. Everybody may try to bribe them, but they will not be influenced by bribe. I know it, you know it and everybody else knows it. Money has been rejected by the people.

Muscle power has also been rejected by the people. You may put any amount of police in the country. Any Government may do it. You will see that the police will not be able to check it. Muscle power might influence 1 or 2 occasions, somewhere. But the general conception is that neither fear, nor favour, nor misuse can deter the people of India from casting their votes successfully. That is the success of our democracy. Therefore, I would limit my submissions....

**SHRI BALWANT SINGH RAMOOWALIA (Sangrur) :** Even the extremists could not do so in Punjab.

**SHRI H.R. BHARDWAJ :** Yes, Ramoowalia Ji; I am very grateful to you for saying that. The entire nation responds to what you have said : the people of Punjab are peace-loving. They have demonstrated it. Those who wanted to disturb peace in Punjab will know that

Punjab means business. It is a great province where I have lived 25 years of my life. I am a Punjabi myself. I am telling you : It is the California of India. Punjab will demonstrate it, viz that bad times come to every province on some issue or the other. But this is not really the issue.

Today we are discussing how best we can reform our laws, so that purity is brought about. Just as we are purifying the Ganga. Ganga is a very sacred river today. It was sacred, it is sacred and it will remain sacred. But there are some pollutions because of some drains etc. going into the Ganga. Let us check them. Let us purify the Ganga of the elections. Therefore, let us sit together.

We had certain proposals from Election Commission, one of which was on anti-defection The Anti-Defection law has been enacted. People may comment, for political reasons, adversely on these things. But this is a very important national achievement. Today we are free from that cancer of floor-crossing. That is the success of democracy.

Thereafter the Election Commission suggested: 'Let us have the auditing of party accounts.' That issue is being studied. We have the problem of booth capturing. That issue also is being studied. The Election Commission has suggested certain methods. We are discussing them.

We have also some suggestions on frivolous candidates. This time there was a peculiar phenomenon, viz. that we have 100 or 200 candidates in one Assembly or one Parliamentary constituency, making the ballot paper so large. That is the new phenomenon which cropped up in 1984. That also is to be considered. Various suggestions from hon. Members come, and we will look into them.

I must draw your kind attention to item 54 of the President's Address. It speaks about this categorically. I will only remind the House that it is there in the President's Address.

**SHRI D.N. REDDY (Cuddapah) :** That was the Presidential Address of 1985. More than one year has elapsed,

**SHRI H.R. BHARDWAJ :** Are you in a great hurry about the elections in 1989 ? Mr. Reddy, kindly listen to me. Sit down. We will speak later on. (*Interruptions*).

That is where I want to correct you. If you people have some sort of ideas, you give them to us. We have to discuss them with you. In all cases, whenever there are issues of national importance, we have always gone to the Opposition, and all parties have to discuss them. It is not merely a question of putting them in a more emphatic words. It is not the immediate necessity of tomorrow. You have to discuss them amongst yourselves. Your views will be very valuable.

**SHRI D.N. REDDY :** It has taken so long.

**SHRI H.R. BHARDWAJ :** How can you say it has taken so long ? You are mistaken. Perhaps your conception is not in tune with mine. I say that basically the law is very good. But you say that we have vitiated the entire thing. I am disputing your basic contention that all of us have vitiated it, and that we are all corrupt.

**SHRI D.N. REDDY :** That is not my idea.

**SHRI H.R. BHARDWAJ :** That is not acceptable. I am pointing out your sentence of your resolution. You may like to say something else on this, but I am telling you that excepting this proposal which has been initiated in the House by the hon. members, do you have anything else to say, please let us know. I am pointing out various things.

There is a suggestion about funding of elections. Very well. Let us discuss it. The Election Commission has not favoured it; he has favoured it in a limited way; he wants not in money; it should be given in kind to the parties because there is a problem with the Independents; we have hundreds of independents and how much money you can give away to everybody; they you know everybody will be a candidate; how far the political parties can be subsidised on this; that is also a

national issue. Each penny of the money of the tax payer when we spend belongs to us and we have to spend it the way you like. So, we will have to discuss how far political parties can be given funds or material at the time of elections; that is one of the suggestions pending with us.

Then there is a question of delimitation. I had answered it on the Floor of this House here and in the other House also that this issue was abandoned before the elections came in 1984; immediately before, there was a consensus. Let us amend the Constitution. But then it was decided, as a consensus of all the parties, we will take it up after the elections. Now in 1984 we had elections; we have derived certain experiences from these elections and we are going to utilize them and we have promised about it. In 1985, when the President addressed the Joint Session, they said in the first Address, he said, judicial reforms. We have put that. Now they are electoral reforms. I am so emphatic about it that we will discuss it with you immediately on these issues and you can rest assured, whatever emerges, national consensus will be respected and implemented. Why, after all, should we keep them in abeyance ? Then another issue was raised about the autonomy of the Elections Commission; this is an autonomous body. The Election Commission must suggest how much more power is required and what system is required to be strengthened and it can be discussed again. All these issues can be discussed. But the question is if you combine the whole process of elections, their major problem is to defuse money power, to defuse muscle power and to make the candidate who are running into large numbers in an incompatible manner C in a smaller number ; and only genuine candidates contest elections so that the others are not harassed on this account and people exercising their votes in large numbers. Besides this, if you have points, they may be political points, but not really reasonable points for consideration of the nation. People may have problems with your party because it is a Telegu Desam Party based on a language or a race. You can think over it seriously and if you read 123, then you may have problems in a larger pers-



pective. I cannot say that because after all it is the party which is respected by the people and voted to power. But I personally, as an advocate, feel that each one of you can be disqualified on this, because you have used the name of a language or a race. Therefore, you can be disqualified because your party is wholly based on an approach which is not permitted under the election system. *(Interruptions)*.

You kindly consider my suggestion and advise your leadership.

*[Translation]*

SHRI NARAYAN CHAUBEY : When the said exercise would be completed ?

*[English]*

SHRI H.R. BHARDWAJ : Whenever you want, you write to us.

SHRI NARAYAN CHAUBEY : There may be many State elections in 1987 beginning, some in 1986 end.

SHRI H.R. BHARDWAJ : Have them earlier. You talk to the Minister of Parliamentary Affairs. He will fix it up.

SHRI DINESH GOSWAMI : You have mentioned that in 1984 there was a consensus for delimitation, but it was put off that the de-limitation may come up after 1984. Now the next Assembly election is going to take place in a number of States in 1987 and the process of de limitation will take about a year. Will you kindly initiate it ?

SHRI H.R. BHARDWAJ : You cannot have it so soon. One or two years are to be taken.

SHRI D.N. REDDY : A Joint Parliamentary Committee was appointed by you in 1980. Nothing happened.

SHRI H.R. BHARDWAJ : If you talk of 1970 or 1980, then there is no answer to that. I am telling you what positive you have said in the Floor of

this House and answering that. I am giving you an invitation, Mr. Goswami and everybody ; you get in touch with the Minister of Parliamentary Affairs and fix up a meeting, whatever you want to discuss. We are not shirking from that. We have given a commitment in the Presidential Address.

AN HON. MEMBER : When will you invite us ?

SHRI H.R. BHARDWAJ : Any day I can fix the date with you and then we can discuss. But so far as the Government is concerned, invitation will be extended to respective leaders, as has been done earlier. Sometimes you shirk from those invitations also. Therefore, I will respectfully say that this issue of electoral reforms is an issue of national importance. We all subscribe to the view ; the Government subscribes to the view that our democracy must remain a unique democracy in the world. Our people are poor but they are not illiterate. Their literacy has been tested in the pools beyond doubt so many times.

SHRI NARAYAN CHAUBEY : How do you explain 'unique democracy' ?

SHRI H.R. BHARDWAJ : It is unique in the sense that your slogans and your false propaganda about media power etc., do not mislead them.

SHRI NARAYAN CHAUBEY : Was it unique in 1977 also ?

SHRI H.R. BHARDWAJ : Yes, it was unique.

SHRI NARAYAN CHAUBEY : So, they were doing false propaganda at that time.

SHRI H.R. BHARDWAJ : If you dispute the wisdom of the people, then you cannot travel beyond Calcutta.

SHRI D.N. REDDY : At least tell us the time-limit ?

SHRI H.R. BHARDWAJ : I am not competent to tell you the date. But when we have given a commitment in

[Shri H.R. Bhardwaj]

the Presidential Address that we are going to introduce wide ranging electoral reforms, now it is a question as to when you want it. When you talk of improvement, there should be improvement everywhere including your party. Let us all be pure.

SHRI D.N. REDDY : First you reform yourself.

SHRI H.R. BHARDWAJ : We cannot reform ourselves by your medicine. Your medicine is far more dangerous.

SHRI H.K.L. BHAGAT : I do not think that we are all bad.

SHRI H.R. BHARDWAJ: I urge upon him to withdraw this Bill and let us sit together and decide this issue.

SHRI D.N. REDDY (Cuddapah) I am really grateful that the subject has attracted the attention of the hon. Members from both sides of the House. Many of them are senior to me and much more experienced. I am really grateful to them for the suggestions that they have made. I hope the Government also will take note of their suggestions and act accordingly.

To start with, I am very much disappointed that the hon. Minister of Law did not tell us when the reforms were going to be introduced. Recently we had a good fortune of taking part in a seminar conducted by the Rajaji Foundation in which the hon. Speaker of the House and the hon. Minister of Law also took part.

16.59 hrs.

[SHRI SHARAD DIGHE *In the Chair*]

We also had the good fortune of the advice of the Member who is now presiding, and we had a very clear discussion and some conclusions were also arrived at that meeting. To start with, I think there has been a consensus broadly that electoral reforms should be inducted as early as possible. I do not think there is any second opinion about that.

17.00 hrs.

Another factor on which we are all agreed is that the Election Commission should be very independent—*independent of the States, independent of the Centre.* I think all the Members on both sides of the House are agreed on these two points.

I will only quote a few things. I won't take much time because all these things have already been pointed out by me as also by many of the Members. The three factors that are vitiating the present electoral system have been identified, as many Members has said, as the money powers, the muscle power and so on. Therefore, the Government ought to take immediate steps to rectify the defects by introducing some reforms.

Lot of comments have been made by the Members from the Treasury Benches that broadly they do agree with the substance of the Resolution but they are against the language used. I never meant that the whole electoral system is bad and that of all us have come here on the basis of an election which was not proper. It was never my intention when the Resolution was introduced in this House.

One hon. Member pointed out that a rot has set in. On that point exactly the Members have to agree that when rot sets in, the fruit immediately gets rotten in another two or three day. So, when you agree and identify that the rot has set in it should be the endeavour to rectify the rot and see that the election is pure and fair. Mere electoral reforms cannot make the elections absolutely pure, it depends upon us also.

I perfectly agree with the hon. Minister of State for Law that in this great democracy it is the people that have proved themselves above everything—highly democratic, highly wise—and we owe to them a lot. But my submission to the House is that it is the politician that has deceived them. For all the ills in the electoral process, it is the politician—whether on this side or on that side, that does not matter—that has corrupted not only the political field but every field, and

therefore, it is for the politicians to see that the things are rectified, the wrong that is done to the country is rectified as early as possible. In this respect I may be permitted to quote one of the eminent Judges of the Supreme Court :

“Offer and receipt of money for voting in elections is universally condemned but all the same vitally believed to be going on—accusations common but detections rare. There has been much debate and controversy among political parties and the Members on how to prevent such practices. Though the system involves both politics and law, it is more politics and less law. Politician hold power and make the laws.”

So, it is for the politicians to see that the money power does not creep in and the rest follows only because you have got the money. Muscle power also can be a follow up of money power. I may point out to the House that the hon. Minister for Law, while speaking in the Seminar, had agreed with few of the points. Unfortunately the Minister would not say exactly the same words here but I would have been very happy if he had repeated the same thing here as he said in the Seminar. He agreed on two or three very pertinent points which involved the whole issue. He said, he is for electronic machines in the polling process. He agreed for it. He said that identification cards is a must and he also said that the Election Commission should be independent. After all, with these three things most of the ills will be removed. I only wanted that the Government should commit themselves as to by which time they will at least start the electoral reforms and see that the next elections are clear and more pure than the last elections or even the elections before that.

Even Election Commission had agreed that money power is not a big factor 4 or 5 years before. But now in the last election they have pointed out that money power is a big obstacle in the due process of election. Rajaji in his wisdom and Jayaprakash Narain also have pointed out “Save democracy from money power” as early as 15 years ago. So, it is not

as though our fore-fathers or our founding fathers of the Constitution never thought that the process will come to this level. They gave us a constitution, and a first-class constitution but it has been amended so many times. They gave us a very good electoral process and it worked well for the first 10 years or 15 years. Recently from election to election, irregularities have been increasing. That is a pointer to all of us the election process should be purified and electoral law should be corrected as early as possible.

Sir, this matter has been time and again discussed in this House and outside. A Joint Parliamentary Committee was appointed in 1980. But nothing really came out of it. There was a long debate in and outside the House just like this and recommendations were sent to the Government but nothing came out of it. The whole process continued as before. As the Election Commission pointed out, the irregularities are becoming more and more serious from election to election; and we should take due cognisance of this observation and take precautions by inducting electoral reforms to make elections free and fair.

A Member on the other side made two points. I was a bit pained when I heard him. He made two points. One was, to abuse the opposition parties by name. I did not interfere. I don't believe in disturbing other Members speeches. I only wanted elucidation about a point from the Law Minister. The hon. Member went on abusing the opposition parties. The second point that the Member made was this: He went on praising all the ex-Prime Ministers. That was his only contribution to the debate. I did not want to interrupt him. I am very sorry to hear a speech like that.

Just now another hon. Member has said so much against regional parties. It was a tirade against regional parties. Sir, regional parties are there to stay, not because of your pleasure, but because the people of these States have voted for them and they have come to stay. Whether the ruling party likes it or not, they have come to stay. There are other States

[Dr. D.N. Reddy]

also which have elected their own regional parties. The hon. Member said that members of regional parties cannot comment on the elections at the national level. That is just absurd. I don't agree with it at all. It does not deserve any reply.

Another Member asked, if election process is wrong, how could Jaipal Reddy and D.N. Reddy come here. Sir, that happened in spite of the bad electoral system. I got a majority of 66,000 votes. If the electoral process had been free and fair, I would have got 1,66,000 majority. All of us agreed that electoral reforms should be implemented. We are all agreed on it. Let us at least implement the points on which we are all agreed. So, I request the Government to call for a meeting of the leaders of the parties to discuss and implement the electoral reforms on which we are all agreed, because, this discussion has been going on far too long. We are not sure when you will do it. On many points we both agree, no, doubt. At least let the hon. Minister commit himself on the floor of the House when exactly the reforms will be implemented.

Then, regarding State funding of elections, I would like to say one thing.

It is true, if at all you must curb the money power, the State funding of elections should be introduced. But I must confess myself I do not know how best it should be done, and I am sure many of my honourable colleagues are confused on how to implement it; it is a matter for discussion. So, that can be thought of. But there are some points, for example, just as I said the hon. Law Minister would not have announced in a public seminar, though not in the House, that he agrees for introducing electronic machines in elections and identity cards, unless the Government approves of it. There is absolutely no reason why the hon. Minister has not announced on the floor of the House that these reforms will be implemented in the next elections. In spite of the reply by the hon. Law Minister, he could not fix up a date and commit himself anything on the floor of the

House. That is what I am pointing out to the hon. Minister. So, I request that if necessary, a Committee may be formed. Let that Committee meet and recommend the reforms and then you tell us on which points you agree, and announce them on the floor of the House. That is the idea of my Resolution and I never meant that all the elections are not proper and everybody is elected on false election and all that. No. The electorate is certainly very wise. As I said before, they are democratic. They have shown it time and again. Again they will teach a lesson to us if this election process is not made free and fair. Not only the election process, but on other points also people are watching us very carefully. Always the common man is our master. Moreover, the common man is very very clever now. We have to practise what we preach because the whole nation is in a very crucial stage and in so many States the problems are mounting. Let us all put our heads together. I appeal to you that irrespective of political parties, let the elections be pure and let this be the greatest democracy as it had been all these years, and let us prove that our election process is very pure, and first class candidates are elected and sent to this august House to look after the country's interests.

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND TOURISM (SHRI  
H.K.L BHAGAT): If you permit me,  
Sir, I would like to say one or two words.

Sir, I must make it clear that we do not think that the hon. Member is actuated by any wrong consideration. He is actuated by the best motives and consideration to bring forward the Resolution. We are happy that he brought forward the Resolution and the matter was discussed in the House, a very large number of Members participated in that. I only wish to tell him that it is very difficult for any government to fix a date like this, in a matter like this. In a matter like this, it requires a lot of discussion, a lot of consultation and so on. The Government is quite keen and genuine about bringing electoral reforms. This, the Law Minister has pointed out and I am only repeating it, it was in the President's Address also. It is a commitment by this

Government, a formal commitment made by us. It is really difficult for us to put any date. That is the reason which I hope the hon. Member would appreciate. I quite understand it, I don't believe that the rot has set in. My feeling is that we do need reforms, we should bring them as expeditiously as possible. Certainly we need reforms, there is no doubt about it. I do not believe that the rot has set in. On the other hand I do believe that the electoral system has stood the test of time in this country, and in this country democracy has remained well established and very firm in spite of so many things. So, I do not believe that the rot has set in, but certainly we need the reforms, that is what I say. We wish all the governments of the regional parties who are elected, well. They were elected by the people, we respect the mandate of the people and we would always contribute to that fact. Members are free to have their opinion about the regional parties, they are free to oppose them, they are free to support them, but so far as the Government is concerned, we respect the mandate of the people, and I wish to assure the hon. Member that we are quite sincere and genuine about bringing electoral reforms. Some of the points which were made are also relevant. I would, therefore, under these circumstances request him that we should not make this as a party matter. He is keen about fair, pure elections, and so on and so forth. Personally I have been seeing elections, fighting elections for a long time. I do not believe, we ever spent any money to purchase any votes, we have never done it. But I would tell him that we are all keen about it and in that spirit I appeal to him to withdraw his Resolution and we shall bring the electoral reforms.

MR. CHAIRMAN : Are you seeking leave to withdraw the Resolution ?

SHRI D.N. REDDY : I would request you to give me permission to quote the Prime Minister in one of his speeches recently. Sir, I may be permitted to quote the Prime Minister in one of his speeches :

"The country needs a politics of service to the poor. The country needs a politics based on ideology and pro-

grammes. To bring this about, we must break the nexus between political parties and vested interests. We will change the electoral laws to ensure cleaner elections. We will make political parties accountable for the funds they receive. We will wage an ideological war against those who exploit the poor in the name of caste and religion."

It is the Prime Minister's speech, I am quoting.

SHRI H.K.L. BHAGAT : Let us agree to what the Prime Minister has said.

SHRI D.N. REDDY : I am prepared to withdraw it, if the hon. Minister commits himself on the floor of the House that before the next elections, he is going to bring the reforms.

SHRI H.K.L. BHAGAT : So far as I am concerned, I agree with what the hon. Prime Minister has said. Let us all agree to it and let us all apply our mind to bring the electoral reforms.

I request the hon. Member to withdraw the resolution.

SHRI D.N. REDDY : I will be happy to withdraw the resolution, if the hon. Minister commits himself .....

MR. CHAIRMAN : He has made the position of the Government clear. Now what do you want to do ?

SHRI D.N. REDDY : I want a commitment from the Government that they he will introduce the electoral reforms by such and such date. Let it be before the next elections, 1990.

MR. CHAIRMAN : Do you want me to put the Resolution to vote of the House to withdraw the resolution ?

SHRI D.N. REDDY : I will draw the resolution if the hon. Minister commits himself that the reforms will be implemented before the next elections.

MR. CHAIRMAN : So, I take it that you are pressing the resolution. So, first

[Mr. Chairman]

of all, I dispose of the amendments which were moved by Shri Mool Chand Daga.

I shall now put the amendments No. 3, 4 and 5 moved by Shri Mool Chand Daga to the vote of the House.

*Amendments Nos. 3, 4 and 5 were put and negatived.*

MR. CHAIRMAN : Now, I shall now put the resolution moved by Shri D.N. Reddy to the note of the House.

The question is :

“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.”

*The motion was negatived.*

MR. CHAIRMAN : We go to the next resolution of Shri Balwant Singh Ramoowalia.

17 17 hrs.

RESOLUTION RE : CONFERMENT OF SAME RIGHTS AS ENJOYED BY INDIAN CITIZENS ON PERSONS OF INDIANS ORIGIN LIVING ABROAD

[English]

SHRI BALWANT SINGH RAMOOWALIA (Sangrur) : Mr. Chairman, Sir, I beg to move :

“With a view to strengthen the emotional bonds of persons of Indian origin living abroad with the people of India and their culture, irrespective of

the fact whether they have acquired the citizenship of the country in which they reside, this House urges upon the Government to bring in suitable legislation and/or amendment to the Constitution to confer on them the same rights as are enjoyed by the Indian citizens including the right to vote and to contest elections to the Parliament and the State Legislatures.”

Sir, the major object of the resolution moved by me is that there are sentimental ties and sentimental bonds of the people of Indian origin who are, though living abroad—whose parents or whose family members or even though the whole family is living abroad with some of their relatives who are living in this country. Sir, these are the sentiments which have strong impact on the people living abroad though their forefathers left this country or they left this country. Sometimes, suppose the Prime Minister of this country—even during Mrs Indira Gandhi’s time, when she visited—Shri Rajiv Gandhi visit any country outside, the people of Indian origin stand in queue and wait for the Prime Minister for hours and hours, though they have the citizenship of that respective country. The people having passports and citizenship of another country feel it proud and they explain it with pride that our leader is coming to this country, we are receiving the leader of our country. Sir, these ties and these relations should be strengthened.

What is happening now ? People of Indian origin who are in other countries were compelled to opt for citizenship of that country due to one or the other reason.

But sometimes the situation is such that families are divided. The laws of our country are not justifying the sentiments. Suppose a person has gone abroad, he wants to make business in this country, he is permitted to invest money up to any extent in this country though under non-resident Indian category, he is living abroad and he can go for business in this country to any extent. But restrictions have been put that he cannot purchase agricultural land or sell agricultural land in this country. He cannot go in business