

[Sh. Syed Shahabuddin]

screened and finalised by a high power committee. In the meantime, many beneficial provisions of the 1983 Act have remained unenforced to the general detriment of the Wakf properties.

The importance of the Wakf as an institution and as an instrument for the social, economic and educational development of the Muslim community cannot be over-emphasised. The Governments, Central and States both, are well aware of the need to protect the Wakf properties and to utilise them for the welfare of the community and progress of the country.

It is, therefore, requested that the amendment Bill be introduced at the earliest and, in the meantime, those provisions of the 1983 Act which have been universally accepted be brought into force immediately, without any further delay.

11.25 hrs.

CONSTITUTION (SIXTY-SECOND
AMENDMENT) BILL

AND

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL

[English]

MR. SPEAKER: Now we shall take up items 7 and 8 together. Shri B. Shankaranand.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND): Sir, I beg to move*:

"That the Bill further to amend the Constitution of India, be taken into consideration."

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, be taken into consideration."

As Hon. Members are aware, the subject "Electoral Reforms" has been keenly debated both in the parliament and outside. We do have a well established electoral system. Our election laws are supported by statutory rules and orders covering all aspects of the preparation and conduct of elections. We have been successfully holding elections since Independence. A review of all these elections showed that the electoral process and the system have been under certain stresses and strains which, if allowed to remain unchecked, may undermine the very democratic process and the system itself.

India is one of the biggest stable democracies in the world. A large percentage of our population lives in rural areas. Though the people are not highly educated, they are wise and mature. When it comes to the question of exercising the right to vote, the Indian voter, whether in an urban or a rural area, is mature and politically aware. He is conscious of his right to vote and also that this right is a precious one. There has, therefore, been considerable international admiration for the way in which the democracy is functioning in our country.

However, as I said, our own review of the past experience has emphasised the need for improvement in the electoral process. The Election Commission has formulated several proposals for electoral reforms. The Government has taken necessary steps all along to bring about improvements by making new enactments for the purpose. In this connection, Members would recall that in order to deal with the evil of political defection, the Government under the dynamic leadership of Shri Rajiv Gandhi took a bold step of amending the Constitution by Fifty-Second (Amendment) Act in 1985. Another significant step was

taken to legitimise the flow of funds from the corporate sector to the political parties. The Companies (Amendment) Act, 1985 permitted donations by companies to political parties subject to certain conditions. The Bill to amend the election laws is yet another step to strengthen the entire election process for the purpose of ensuring free and fair elections and ultimately to strengthen the Parliamentary Democracy in our country.

However, additional measures, some far-reaching ones, were found to be necessary. Various proposals regarding electoral reforms were widely debated in the Press and other fora. Several political parties, from time to time, expressed their views and suggestions, both in the Parliament and outside. Government took note of all these views and held consultations with the representatives of the political parties. The Prime Minister on more than one occasion had conveyed to the Parliament the serious concern of the Government regarding electoral reforms. If the matter was taking time, it was only because the subject was complex and complicated, and whatever was decided upon had to be examined thoroughly so that it could prove effective and not remain merely as a silent provision.

I am happy to say that we have now been able to formulate a number of proposals to further improve the electoral system. The Constitution (Amendment) Bill is for the purpose of amending Article 326 of the Constitution to reduce the voting age from 21 to 18 years. The Representation of the People (Amendment) Bill contains several provisions for bringing about important changes and improvements in the Election Law as contained in the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

I would like to briefly refer to the provisions incorporated in these two Bills. I shall take up first the Constitution (Amendment) Bill.

The framers of the Constitution had incorporated in Article 326 of the

Constitution that the elections to the House of the People and to the Legislative Assemblies shall be on the basis of adult suffrage. They had also specified in the Article that the concept of adult suffrage would cover all the citizens of India who are not less than 21 years of age.

The demand that voting rights should be extended to persons in the age group of 18 to 21 years has been voiced not now but several years ago. In fact, the Joint Committee of both the Houses of Parliament during the regime of Indiraji considered proposals relating to amendments to election laws in 1972 and had urged that voting right should be granted to persons in the age group of 18 to 21 years in order to give the younger generation an opportunity of participation in the functioning of the Parliamentary democracy. The Committee had concluded that there was no valid reason for denying the right of vote to the age group of 18 to 21 years particularly when for all purposes of law they treated as majors and deemed competent to handle their affairs. The youth wings of the Congress Party have also been agitating for reducing the age of voting since the National Convention of the Youth Congress at Tirupati in August 1984 and the National Convention of the NSUS held at Nagpur in September 1984 which was attended by Indiraji and Shri Rajiv Gandhi in his capacity as General Secretary.

An average Indian citizen may not be familiar with the three R's like his western counterpart. However, in the matter of political awareness and acumen in selecting Parliamentarians and Legislators, he is second to none. The average Indian voter has demonstrated his sound commonsenses combined with political maturity in the successive elections held so far. However, the youth in the age group of 18 to 21 years also are politically conscious and take keen interest in national and world affairs. Can we therefore, ignore the reality? Is it not proper and fair that the unrepresented youth of this country should be given an opportunity to actively participate in the effective functioning of the parliamentary democracy

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by exercising their right of franchise?

Government have, therefore, decided to bring about a much needed change in the voting age. It is on the youth of the country, the future of the country rests. The youth are already taking a very keen interest in political affairs of the country. The measure proposed will only formalise it.

The Election Commission has estimated that if the voting age is reduced, an additional number of 47 million will become entitled to vote. They will have to be enumerated on the basis of a door-to-door survey. The Election Commission will take necessary steps in this regard once both the Houses of Parliament approve the Bill.

The process of enumeration and actual conduct of elections involving a larger body of voters will certainly mean some additional expenditure. But I am sure that all the hon. Members will agree with me that this is a small price compared to the benefit of formally integrating the youth of the country in the political process.

The Bill, after it is passed by both the Houses of Parliament, will require to be ratified by the Legislatures of not less than one half of the States as required under Article 368 (2). Thereafter, Section 19 of the Representation of the People Act, 1950, will have to be amended because that Section also specifies the voting age of 21. It would also be necessary to make one more change in the 1950 Act. This change is regarding the qualifying date for enumerating the voters. At present, according to the 1950 Act, the qualifying date is first January of the year in which the electoral rolls are being prepared, revised or corrected. A Bill further to amend the Representation of the People Act, 1950, will be brought up before this House later at an appropriate time.

With your permission, Sir, I shall now deal with the provisions of the Representation of the People (Amendment) Bill.

Over the years, there has been an increasing tendency to vitiate the electoral process. The Election Commission has noted with dismay that the number of incidents reported regarding malpractices during election time and on the date of elections has been increasing. On the other hand, there was the problem because of the fact that the election scene attracted not only the serious minded politicians but also all, and sundry, including those with criminal records. Then, there was the problem created by local vested interests establishing an undesirable link with the local administration in order to have their own way. On many occasions, this undesirable link also got transformed into undesirable control rendering the local administration, so to say, mute and helpless. The undesirable control of such elements has emboldened them to commit such acts of lawlessness, like intimidating voters, taking physical possession of polling stations, threatening the police officials and indulging in mass rigging etc.

We had, therefore, to think in terms of measures to check such tendencies. The Election Commission has been engaged in sensitive task. We have to strengthen the hands of the Election Commission also. I am happy to say that after careful consideration of various suggestions, we have been able to arrive at a number of proposals to improve the electoral system further.

As the hon. Members are aware, the Election Commission is dependant on the machinery of the State Government concerned, both in respect of the work of preparation, revision and correction of the electoral rolls, an annual process, and the work in connection with the actual conduct of elections. The staff involved in the elections work function under the superintendence, direction and control of the Election Commission. It has now been found necessary that they should also be accountable to the Election Commission for their actions. The amendments have been proposed to ensure that such staff shall be subject to the discipline of the Election Commission when they are drafted for election work.

India is a parliamentary democracy based on party system. Since the democratic and the electoral process are sustained and nourished by the activities of the political parties, any ill-health affecting the political parties is bound to have some adverse effect on the body-politic of the country. Although a number of languages, cultures and traditions are flourishing in the country, all of us are one as a nation. We all bear firm faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India.

At present, there is no statutory definition of political party. It is proposed to rectify this lacuna by including a specific provision in the Representation of the People Act, 1951 setting out the procedures to be followed by all the political parties, both the existing and future ones, for seeking registration as a political party with the Election Commission.

Section 8 of the Act already deals with disqualification on the ground of conviction for certain offences. In order to control the nexus between persons with criminal record and election activity and to include more offences in this section, suitable provisions have been incorporated in the Bill. It may be said that Section 8 has been re-drafted for achieving the desired objective. I may, in this connection, mention that we have included conviction for certain economic and social offences also as a disqualification.

Modernised tools, based on latest technology, are increasingly being resorted to as aids to decision making. The proposal for the introduction of electronic voting machine side by side with the existing ballot paper system should be viewed in this light. There are other advantages claimed for the electronic voting machine. It is cost reducing, easy to operate and can act as an indirect check on rigging, ballot paper rejections etc. Since the Representation of the People Act makes a specific mention of the ballot paper system of voting, the Supreme Court had

held, in an election case some time ago, that without a formal provision in the statute, it would not be legally permissible for the electronic voting machines to be used.

I would like to make a reference to the evil of booth capturing. I am sure that all the Members of the House will agree with me that this evil has to be put down with a firm hand. If it is allowed to remain unchecked, serious distortions may result, apart from extreme lawlessness. It has, therefore, been proposed to make booth capturing an offence and also a corrupt practice. We have also proposed that the Election Commission shall, in cases of large scale booth capturing, countermand the election in the whole constituency in addition to ordering of repoll in particular booths.

On several occasions, election meetings are disturbed by vested interests. The present fine provided for in the statute is meagre, namely a bare fine of Rs. 250. It is now proposed to amend this provision to provide for a sentence of imprisonment and enhanced fine of Rs. 1,000.

I would also like to clarify to the hon. Members regarding those proposals for electoral reforms which are not included in the Bills before the House. There was a proposal that delimitation of the constituencies could be undertaken afresh and the reserved seats rotated without bringing about any change in the total number of seats in the Lok Sabha or the State Assemblies. This would require a Constitutional Amendment and setting up of a Delimitation Commission through a separate enactment. Since the next General Elections are due in December, 1989 it will be not possible, for the new Delimitation Commission to complete its work by that time. Moreover, even after the completion of the delimitation work, the political parties and the candidates, in all fairness, would require some time to get familiarised with the revised boundaries. Keeping in view these considerations, it has been decided to defer this proposal for the present. I may assure the hon. Members that the idea has not been given up.

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Likewise, there was a strong support for the Election Commission to function as a multi-member body and for the introduction of photo identity cards of voters which may be used for more, than one purpose. As the hon. Members are aware, sub-clause, (2) and (3) of Article 324 of the Constitution already provide for the Election Commission to function with other Election Commissioners besides the Chief Election Commissioner. Similarly, in respect of photo identity cards to voters, there is already a provision in the Registration of Electors Rules, 1960 for the Election Commission to introduce such cards.

Another proposal stressed by all sections was elimination of non-serious candidates. This question was examined by Government carefully. Mainly, three suggestions came up for consideration in this regard.

The first suggestion was that the security deposit should be stepped up significantly.

The second proposal was to include in the statute provisions for a graded penalty with reference to the number of votes actually polled being below a specified percentage. The intention was to levy the penalty in addition to the forfeiture of the security deposit.

The third suggestion was that the names of the independent candidates should be arranged in the ballot papers after the names of the candidates of the political parties.

After a careful examination, Government felt that all these proposals may not achieve the desired objective.

The question of the present ceiling for election expenses being unrealistic was also mentioned in the context of the proposal that the Government should reimburse; in kind or in cash, the election expenses of candi-

dates. So far as the ceilings are concerned, the present provisions are contained in the Conduct of Election Rules and can be modified without amendment of the statute. As regards State funding of election expenses, the matter requires careful study as it is not sure whether the State funding of elections will be a solution to eliminate the influence of money power in elections apart from the heavy cost involved.

In the end, I would like to say that the process of electoral reforms cannot be completed in one go. After removing the major deficiencies and lacunae, we can watch how the system is functioning. If necessary, further reforms can be thought of later.

The proposals include in the present Bills cover several important items on which a wide debate has been going on. There is a consensus. It is my earnest hope that the two Bills will have the unanimous support of this House.

I commend the Bills for the consideration of the House.

MR. SPEAKER: Motions moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951 be taken into consideration".

Now Shri C. Madhav Reddi will speak.

SHRI C. MADHAV REDDI (Adilabad): Mr. Speaker, Sir, the long awaited and much publicised Bill relating to the electoral reforms is before us. Before I make any comments on the two Bills, I would like to revert to the question raised during the Zero Hour and want to put the record straight. What the Opposition wanted to say on this occasion was only this, that there should be a uniform policy in regard to By-elections to the Parlia-

ment and to the State Assemblies. But, the Government has not been following any uniform policy so far. There is no law regulating the by-elections whether the elections should be held or not; at what time they should be held etc. The Election Commission, in the absence of any rule, any law, was depending upon certain conventions which were several times broken. Sir, I remember one instance when the Presiding Officer the illustrious Shri Mavalankar died and the by-election came, there were hardly four months for the general elections. Even then, the by-election was held for whatever reasons. We welcomed that. Similarly, on other occasions also, by-elections were held even though the general election was less than a year. This being the case, now to say that the by-elections cannot be held because the general elections are coming within one year, is odd. As a matter of fact, several of these vacancies have been existing for more than one year and the elections could have been held in the past. This plea that the general elections are about to come and there is no need for holding by-elections is not based on sound principles. The Opposition wanted to highlight this issue. I am sure they are going to take this opportunity to say on the Floor of the House while speaking on these Bills. Of course, it is more relevant.

MR. SPEAKER: Now you see how the rules help you also.

(Interruptions)

SHRI C. MADHAV REDDI: I will come to that later.

MR. SPEAKER: I am only explaining my point of view.

(Interruptions)

SHRI C. MADHAV REDDI: When the by-elections have to be held, there should be no distinction between Assembly and the Parliament. There was a rumour. There were some Press Reports that the Assembly election were to be held and the Parliament elections were to be postponed, scaring the

Members of this side and that side also perhaps that a snap poll is going to come for Parliament and that is why by-elections are not being held. This is, of course, not a fact. But that rumour spread. And because of that, the Opposition leaders were anxious to know as to what was the policy of the Government.

Sir, your observation that Government has nothing to do with this is correct, to an extent. But the Prime Minister being the Leader of this House, has to explain the position, if at all the Government wants to have a uniform policy about the holding of by-elections, it should have been there in this particular Bill, but it has not been done.

Sir, coming to the two Bills, I welcome the Amendment to Article 326 of the Constitution. I congratulate those young 47 million voters who are going to be enrolled to participate in the electoral process. But, I would like to point out here that several States had already adopted this criterion for the Local Body elections. The States like Andhra Pradesh, Karnataka, West Bengal and several States are already conducting elections on the basis of 18 years of voting age for the Local Body elections and the Panchayat Elections. There is nothing new in this. We have waited too long for this. It is a unanimous opinion of all the parties that the young people should be enrolled as Members and should be allowed to participate in the democratic process.

The idea of having electoral reforms, as is envisaged now, was mooted long time ago and several Committees have gone into those matters and several recommendations had been made. Here, I need not go into those various recommendations that were made from time to time right from Justice Wanchoo to Shri Shakhder and several people. The recent report, prepared by Shri Gadgil for his own Party, well documented all these things. The only objection I have is that having documented all the reports and having made out through documents, a very strong case for State funding of elections, finally its recommendations

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have fallen short of our expectations. This Bill, as it is before us, this amendment to the Representation to the People Act 1950, the Representation to the People Act 1951 falls short dismally, much below our expectations. I oppose this Bill as it is today. My opposition is not against amendments that have been brought. My opposition is that Government has selected certain amendments which are more favourable to the ruling party. It is not taken as a package but brought in a piece meal.

(Interruptions)

MR. SPEAKER: Order, order.

SHRIC. MADHAV REDDI: The biggest joke is this Bill — the Representation of the People (Amendment) Bill. I will come to that how it has been discriminated. I will give you instances of how certain recommendations had been taken out of their context and included in this Bill. For example, there is a provision for the registration of political parties. For the first time in this country, political party is being defined in this Bill and political parties are required to be registered under this particular Bill. But for what purpose? For registration, there must be some purpose. What are you going to do with this party? If there is a State funding, certainly there is a case for registration, certainly there is a case for regulation, certainly there is a case for asking the audited accounts etc. etc. But you are not justified to regulate the political parties of this country without giving anything. What is it that the Government is giving? As a matter of fact...

(Interruptions)

PROF. N.G. RANGA (Guntur): To avoid fundamentalism.

SHRI C. MADHAV REDDI: Are you sure that you are going to stop fundamentalism by bringing this?

(Interruptions)

SHRI C. MADHAV REDDI: I do not know how much time I have at my disposal.

MR. SPEAKER: You carry on. Go

ahead.

SHRIC. MADHAV REDDI: We oppose, as it is, the registration of political parties. We welcome this provided there is State funding, provided you are going to give funds to the political parties, to the candidates. When you are within your rights to say that the political parties must function under a certain regulated condition.

Similarly, the provision relating to the placing of employees, the election machinery of the State Governments under the control of the Election Commission. It is quite justified only if the Election Commission is really an independent commission, an independent body. What is the Commission today? As the hon. Minister has pointed out, under Article 324 of the Constitution, the Election Commission can be appointed as a multi-member commission. But have you done that? Have you done that multi-member commission? Is there any statute? The Article says that Parliament can pass law regulating the appointment, the conditions of service etc. of the Election Commission. That has not been done. The Election Commissioner is being appointed under certain rules. They do not enjoy the status of a Supreme Court Judge; they do not enjoy the status of the Comptroller and Auditor General of India. If the Election Commission is really independent, we have no objection if these officers come under his discipline. Already the State Government officials for the purpose of elections are functioning under the control, under the superintendence of the Election Commission. Already they are doing it. What additionally you are doing is that you are putting them under the discipline of the Commission. It means, Commission will be in a position to take action to suspend erring officers if the Commission feels, if necessary. But for that, Commission must be totally independent not only the Members of the Commission but also the staff of the Commission. As Gadgilji has rightly pointed out in his book, the Commission's staff is not independent. They do not have any staff, any executive machinery. It has to be borrowed from Home Ministry and other Ministries.

12.00 hrs.

They are not under his control. How do you expect that the Commission is going to be impartial? This is the point. The real point is that you have omitted one thing, brought another thing and you have taken things out of their context and you are asking for this Bill to be supported. We are sorry, the Opposition cannot support many of these clauses which are put in this Reforms Bill. The Bill when it was being discussed—of course I know there was no Bill, there was just a proposal and an idea—the Law Minister was conducting the negotiations and consultations with the Opposition Parties. At that time, we suggested to the Law Minister that a meeting of the Opposition Parties should be convened, not just one wing of the political parties. The idea was never like this. The idea was that the Government should consult the Opposition Parties and the Opposition Parties were not consulted. You have consulted Opposition Leaders individually by calling them to your room and discussing the proposals with them. At that time, while we expressed our views, we expressed that there should be a meeting of all the Opposition Leaders and in that meeting the decisions could be taken.

This is not a Bill on which a partisan attitude can be taken. After all, today you are on that side and tomorrow you may be on this side and we may be on that side...*(Interruptions)*... There is no scope for a partisan attitude in this Bill. Any electoral reforms have to be based on consensus of all the political parties in the country. You cannot bring about any electoral reforms without the Opposition's cooperation. After all, this is a measure in which every party will have to be involved. Here I see that the Opposition's consent and cooperation had not been taken.

Except one clause, except on measure regarding the reduction of voting age from 21 to 18, there is no other provision in which the Opposition can see eye to eye with the Government. That is a very bad situation. If you are going to shut your eyes and refuse to

see the realities, you will suffer and you will realise in future that this is a very dangerous proposition.

Coming to the question of the various clauses which are sought to be amended, the Hon. Minister has said in his introductory speech while moving the motion for consideration that the object of this Bill is to see that there should be a clean politics in the country. It should be fair and free election. The election is vitiated because of corruption, because of money power, because of various types of malpractices, because of administration being partial and several other defects. What is it that has been done? Lastly, he said one sentence that the State funding is not desirable.

Gadgilji also concluded in his report that the State funding is unnecessary because he felt that money power in the elections is being exaggerated; if I remembers his words correctly...*(Interruptions)*... I can quote it. I have his report with me. He said, the money power in the elections is being exaggerated; that is why he is not recommending any changes, any State funding, etc. That is what he said in the report. We have all the reports which you have published.

What is the reality today? As long ago as 1955 when our great Prime Minister Pandit Jawaharlal Nehru was alive what is it that he said about elections? In one of his fortnightly letters to the Chief Ministers in early 50s Panditji wrote—he used to write fortnightly letters to all the Chief Ministers, irrespective of political parties, which practice has now been dispensed with by our present Prime Minister.

I quote:

"I confess that I find the electioneering business most depressing. I wonder sometimes, if this particular type of democracy cannot be improved up on some thing that brings out the undesirable features in a man's nature, his desire for power and position, his acquisitiveness and wish for self advance-

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ment, even at the loss of others his losing all perspective of the larger issues and judging everything by petty personal victory."

That is what he said in 1955. We have travelled a long way after that. What is the corruption today? At that time it was not even one-tenth of what it is today. In my elections when I contested in 1951 I spent Rs. 10,000 for Parliament Today I cannot tell you how much party spends because at that time party was not permitted to spend. All expenditure, whether spent by the party, individual, friends or other associations was included. Even then I had to spend only Rs. 10,000 and get myself elected, a poor man like me. But today can anybody think of getting himself elected with even Rs. 1 lakh?

SOME HON. MEMBERS: How much had you spent?

SHRI C. MADHAV REDDI: Thanks to the amendment of 1974, I had not spent anything. Everything was spent by the party (*Interruptions*)

12.08 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Sir, the whole concept of electoral reforms was based only on this. Right from the beginning when the Prime Minister made the statement or when the President of India, Gyaniji said in his Presidential Address. The whole burden was that money power should be curbed and that is only thing which is absent in the Bill. I would like to quote what the Prime Minister himself said in his address to the Congress Plenary Session in Bombay:

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

The whole idea was the clear politics. He was not concerned with the peripheral changes which have been brought. The whole idea was that there should be cleaner elections and for that State funding must be introduced. That has not been done.

In 1985, in his Address to the Joint Session of Parliament Gyaniji said:

"Government are committed to a clean public life. They intend to initiate wide ranging discussions on electoral reforms with political parties."

Now, these are the commitments made by several dignitaries and these are also the aspirations of the people. They were expecting that something will be done through which the money power will be curbed. Why has this action not been taken particularly when some States have already taken initiative? Is it not surprising that small hilly States are taking decision to finance the local body elections whereas Central Government is not in a position to do so—not even in kind. Several committees recommended that if you cannot give in cash, give in kind, give posters; stop this poster war and restrict the posters. You give funds for printing, for several things and restrict the vehicles to be plied on roads during the elections. Now all this is not being done.

Mr. Gadgil, at one point, said that if this is done, this will be an additionality. Already they will be collecting funds from other sources. If the State also gives, this money will be additionally spent on the elections. That is all wrong. When we talked of State funding of elections, the whole idea was that State must have an exclusive funding right for elections. No private funding must be there. That has to be restricted. We never thought that there should be a dual funding of elections from the party, from the individual as well as from the Government. That was never the idea.

I now come to the question of the officers being treated on deputation to the Government of India. When I go through the Financial Memorandum, it does not say anything. It does not say what is the total expenditure which is likely to be incurred by this particular clause by treating these officers on deputation. As we all know, when an officer goes on a deputation or treated on a deputation, you have to pay deputation allowance. I calculated that and I found you have to pay nearly Rs. 25-30 crores per election to the officers only on deputation allowance. Have you considered this? Are you going to pay? If you say, you cannot pay, he will go to the court and get a direction from the court. Then you have to pay through your nose. Why have you not considered the financial implication of treating the officers on deputation? It has not been properly examined by the Law Ministry.

The hon. Minister was telling just now that non-serious candidates have to be eliminated. That is the recommendation of every Committee. But what have you done to eliminate the non-serious candidates? There are a large number of candidates. When Shri Vishwanath Pratap Singh contested from Allahabad, there were about 65 candidates. The ballot paper was as long as six feet. It was difficult for the voters to go through and find out the symbol of Shri Singh. Even then, he has won. That shows the greatness of the individual. But the point is how to eliminate the bogus candidates or the non-serious candidates—mostly independents. Of course, when we say non-serious candidates, we presume that they are all independents. It is argued that we cannot make a distinction between the independents and the other party candidates. That is wrong. We have already made a distinction in the case of Punjab elections. In Punjab, when the elections were being held, we promulgated an Ordinance. In that we said that if an independent candidate dies before the elections are over, the elections would not be countermanded on that ground. In other words, the normal law would not apply to an independent candidate. It applies only to party candidates. In a way,

that seems all right. But will that serve the purpose? It went to court also and the court upheld that it can be done. There is no discrimination. Some such measure was to be brought about in this Bill but it was not being done. No serious effect was made to eliminate the non-serious candidates. What we find here is only a provision relating to the candidates for the Council of States and the Legislative Council. What is the problem about the Legislative Council. I do not understand. There even if you have ten candidates, nothing is, going to happen because after all it is a limited franchise. The real malady is in the Assembly and parliamentary elections, not for the Council elections or local body elections. That has not been done. I think, a more serious thought should have been given to this particular aspect and the candidates should have been eliminated. For this you can increase the deposit. When we suggested that deposit can be increased to Rs 10,000 or Rs 25,000, it was opposed by saying that if that is the case, the poor man will be prevented from filing nominations. The poor man can be given loan. If he gets the required number of votes, he will get the deposit back and the loan it can be repaid. some such thing is possible. That is what the Andhra Pradesh Government has done already in the panchayat elections. The Bill is already before the assembly. We have given that Bill has been referred to the Select Committee to study for incorporation of some of these clauses in the Bill, but that has not been done so far.

Coming to the question of issue of photo identity cards, the Minister just now said that the photo identity cards is something which can be done without bringing in the Bill because rules can be framed. All right, but when you frame the rules and incur some expenditure, how are you going to meet that? If there was a mention about that in the Financial Memorandum, I could understand that you were serious about it. But are you serious about that? If you were serious, you should have certainly mentioned that in the Financial Memorandum because on this certain amount, says Rs. 2 crores or Rs 5 crores have to be incurred. You have not

[Sh. C. Madhav Reddi]

done that. The idea is not that the voters themselves would incur that expenditure. The voters themselves would incur that expenditure. The voter has to pay but there should be fifty per cent subsidy on that, but you should have made a mention about the expenditure to be incurred in the Financial Memorandum, but you have not done that. That only shows that the Government is not serious you will never do that. Another Bill Representation of the People (Amendment) Bill is going to come after some time when the Constitution Amendment Bill is approved by fifty per cent of the Assemblies I would urge upon the Minister to take the opportunity to change the Representation of the People Act, 1950 also and see that this is provided in the Act itself.

We of course, welcome certain measures such as the booth capturing has been made now a penal offence. But then my point is how many cases have ended in conviction during the last thirty eight years. So many elections have been held. How many people have been convicted? This question comes only after conviction. You can disqualify a man if there is conviction. But where is the conviction? Kindly give me statistics to show how many people had really been convicted because of corrupt practices under the Representation of the People Act so far. If there is no conviction, there will not be any disqualification. It will remain a dead letter in the Statute Book; if is not going to be implemented at all.

Finally, about the control of mass media nothing has been mentioned here. The Minister says that there is no need for all these things to be mentioned here; those would be incorporated in the rules. But can you make a commitment to that effect? Can you, say that election quarrels are not there during our elections? Having contested elections ten times so far—some times I have been defeated and some times I have won—I know what happens in the constituencies when petty quarrels become big. There must be somebody on the spot to

settle those things between the candidates. If they do not listen, record that and keep it as evidence so that that evidence can be led in the court if an election petition is filed. There is no scope for a reference. There are, of course, observers, but they have no powers. They observe and go away and give their reports to the Election Commission. That is not the point. What is required is that in elections, referee should be appointed by the Election commission in each constituency, so that the referees will pacify the parties, he will see that the parties settle by themselves and if they do not settle by themselves, he makes a note and it becomes evidence before the court, so that the erring persons gets convicted.

These are some of the observations which I would like to make. With these remarks, I conclude and I oppose the Bill while supporting the Constitutional Amendment Bill.

SHRI V.N. GADGIL: (Pune) Sir, I begin my speech with a tribute to the Indian voter; he may be illiterate, but the way he has displayed his talent for working out the system successfully, for that I salute his sagacity, his political erudition and his maturity. If India has succeeded as a Parliamentary Democracy, it is very largely due, to borrow Churchill's words, to that little man making a little cross on a little piece of paper in a little room. That man is really the person who deserves credit.

Sir, it is well known that the election is a device, a measuring system, to assess political reactions of the people to certain issues. If that be so, it is obvious that the measuring device must be impartial and accurate. By and large, our system has worked well but certain defects have crept in and they will always creep in but our duty is to take timely action.

The British democratic system took nearly hundred years to arrive at their present system. All kinds of influences, had influences of money, liquor and what not prevailed there. There was a time when the

candidates used to keep barrels of beer open for the voters and everybody used to drink, make merry and ultimately cast vote. There is one story of what kind of influences were used.

The story is that in one West Minister's constituency a beautiful dutches of Dobenshire offered to kiss every voter who would vote for her candidature. Such system prevailed. Seats were not only advertised but it was sold and the average rate was quoted in the newspaper The average rate at one time of purchasing a constituency used to be 8000 Pounds.

In America you have a famous Tammany Hall where all kinds of influences are used. One of the bosses, Plunkitt wrote in 1905, "I had a cousin, a young man who did not take any particular interest in politics. I went to him and said, 'John, I am going to be a politician and I want to get a following. Can I count on you? He said, 'Sure George, that is how I started in business. I have got a marketable commodity, the vote.'" "This is America. Even now there are some sceptics who say that all is not well with the British system.

One of the poets, all of you know him, says"

"The accursed power which stands for privilege goes with women, champagne and bridge Broke and Democracy resumed her reign which goes with bridge women and champagne."

Nearer home, Sir, in my constituency some 40 years back all kinds of influences were used, e.g. liquor, money and so on. There was one illicit liquor manufacturer. He used to give one note and a peg. In Marathi the peg is called "Ghot" So, his slogan was Ghot, Note and Vote. This was the system that was prevailing there. So all kinds of influences crept in.

We have one more thing which is like a disease in the Indian social life and that is the Caste. I was surprised when the Opposition

leaders said that our combination is Ajar, etc. e z.

(Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar): Sir, nobody stated this. He is trying to put words in the mouth of the Opposition.

SHRI V. N. GADGIL: I am relying on the source on which you always rely, i.e. the newspaper. Newspaper quoted it.

SHRI S. JAIPAL REDDY: It has been denied. (Interruptions)

MR. DEPUTY-SPEAKER: Mr. Reddy you please sit down.

SHRI S. JAIPAL REDDY: Sir, It is related to the Opposition, Should we not clarify it?

SHRI V. N. GADGIL: I have not mentioned any person's name I am quoting what I read in the newspapers. In any case Sir, our slogan is, 'Cost the vote' and their slogan is, 'Vote the caste.' That is the only difference.

SHRI S. JAIPAL REDDY: That is the reason, Sir, why they have been talking to Vanniyars in Tamil Nadu. (Interruptions)

SHRI V. N. GADGIL: There are three significant aspects of this Bill. In the very first year of his career as the Prime Minister, Shri Rajiv Gandhi, introduced the Anti-Defection Bill.

SHRI S. JAIPAL REDDY: And Shri Sharad Pawar is the Chief Minister of Maharashtra! (Interruptions)

MR. DEPUTY-SPEAKER: No comments please. Allow him to speak.

SHRI V. N. GADGIL: In the fifth year, he has brought this Bill. The Bill also shows the best evidence of the inner democracy that prevails in the Congress party. (Interruptions)

SHRI S.JAIPAL REDDY: The biggest joke of the year!

SHRI V.N.GADGIL: The subject of electoral reforms was discussed in all the Congress Committees - the Pradesh Congress Committees, meetings of the Chief Ministers and the PCC Presidents, the Working Committees of the AICC and the whole gamut.

The first provision that the Bill has introduced is the lowering of the age. I am happy that the Opposition is welcoming it. As has been told, the initiative was taken by the Congress Party-not only the Youth Congress and the NSUI - but the Congress party itself which has introduced the age of 18 for Zilla Parishads, Municipalities, etc. in various States.

SHRI S. JAIPAL REDDY: Which are the Congress States where this is introduced?

SHRI V.N. GADGIL: Read this.

SHRI S. JAIPAL REDDY: That is a Bible for the Congress people and not for us.

(Interruptions)

MR. DEPUTY SPEAKER: Please do not interrupt.

SHRI S. JAIPAL REDDY: Okay Sir, I am not speaking.

SHRI V.N. GADGIL: Now the secret is out. Because he is not speaking, he is interrupting .

It is obvious that if a person of 18 years age is mature enough to join the Army, to enter into a valid contract to be a director of a company and so on, there is no reason why he should not exercise his right to vote in the State legislatures and Lok Sabha elections. Therefore, according to me, this step that the Government is now taking is a very historic step.

Shri Madhav Reddi questioned the in-

dependence of the Election Commission and asked why all these provisions have been brought. He said that the Election Commission is not independent, and therefore it cannot be entrusted with this power. I am a little surprised because they are the very persons in the Opposition who wanted to hand over the Doordarshan to the Election Commission during the time of elections. So, far that purpose the Election Commission is independent and for this purpose it is not!

Mr. Advani and others suggested that when elections are announced, two to three months prior to elections, the State Governments should be dissolved and the state machinery should be left to the Chief Secretary or the Governor or whosoever it is. So, all these persons are independent and the whole thing can be entrusted to them. But they do not trust the independence of the Election Commission. It is because the Election Commission is really impartial which is to their disadvantage. Therefore, they are opposing it.

Now, I come to the aspect of disqualifications. A number of disqualifications have been prescribed and this shows the whole thrust of the social politics of the Government.

Sir, several enactments are mentioned - a conviction under which we disentitle a person to contest for six elections. This is a very salutary and a very welcome provision.

With regard to the registration of parties, some objection is raised. Why have you got all these things? It is already there in the symbols' order. Now I understand their difficulty. They have a difficulty. I will not go into the rest of it. Take the first thing. First is the name of the Association. They are really in difficulty. I sympathise with them. It is because, whether it is Janata Dal or something like that, the very first difficulty is what name to give. Therefore, I understand their difficulty. (Interruptions) Names change. Office bearers change. So, there is a difficulty for them. I understand it. Suddenly if somebody resigns, then somebody says "No, his resig-

nation is not accepted. It is not resignation." All times these difficulties they have. Therefore, naturally they will oppose it. I will only tell him this story. When Curzon was a Foreign Minister- you like this story, so I am telling you this story, Mr. Reddy- in Lloyd George's Cabinet, a Junior Minister was sitting by the side of Lloyd George. Suddenly a message came that the Foreign Minister has resigned and the Junior Minister got agitated—crisis in the Party, Crisis in Government, what will happen? He looked at Lloyd George's face. there was nothing on his face. He was calm, cool and collected. He said "Sir, the Foreign Minister has resigned." Still Lloyd George did not say anything. He repeated again. Then he said, "Young man, don't worry. Lord Curzon has employed two Messengers - what we call as *Chaprasis*. One is lame and the other is the Olympic runner. He sends his letter of resignation with the lame person and the letter of withdrawal of resignation with the Olympic runner." And Lloyd George said, "The letter of withdrawal will reach me first. So, you don't worry." So, my advise to them is - why do you bother about resignation, You employ two *Chaprasis* and your work will be done. Naturally, they have difficulties about the various provisions regarding registration of parties, names who are the office bearers, the number of Members of Parliament, Legislatures, etc. They have difficulties and understandably so. (*Interruptions*) Much has been made about the State Funding. All the time the Report of the Committee of which I happened to be the Chairman has been quoted; sometimes out of context and sometimes conveniently. It does not matter. Before I say anything on this State funding and the system of elections, I would like to point out one warning by a distinguished Scholar who all of use know Mr. J. F.S. Ross. He has written a book called "How democracies vote?" I would like to read a sentence from that. I quote: It is disturbing to notice how many people including universities, dons and Members of Parliament talk and write glibly about alternate votes, proportional representation, etc. when their own words show how they lack even a rudimentary understanding of the process on which

they so readily pass a judgement. " I was a victim of that. Let me make a confession. I was a victim of what he said. There was a time when I was very enthusiastic about the State funding. But when I went into its deeper, I found that the remedy is **worst than** the disease. That has been the **experience** of other countries and I dare say, It will be **our** experience if we introduce. First **place is** what is the cost? I am not quoting any Congress Office bearer, I am quoting a retired Secretary of the Election Commission. What does he say? He says" for every Lok Sabha Election, the *Legitimate* expenditure on posters, for 21 days one jeep for Six Assembly Constituencies, etc. in terms of 1986 prices will cost Rs. 5,80 000"

Assume that there are three minimum candidates, one from each of the major parties. So, 544 constituencies multiplied by three, multiplied by Rs 5 lakhs, comes to Rs 98 crores. Then how can you deny it to Independents? If you give it to Independents, it will be an astronomical figure. What is more, if you give it to Independents, it might encourage non-serious candidates, whom you want to stop.

Now, what will be the expenses? This memorandum says this about the electronic machines; Rs 250 crores. If you introduce identity cards—at the moment there are 40 crores of voters. If we lower the age, it will be 45 crores. If you take Rs 10 per card, it will be Rs. 450 crores. So, Rs 250 crores plus Rs 100 crores plus Rs 450 crores, for funding by the State, of candidates excluding Independents. Including Independents, it will again be an astronomical figure, So, the question in the first place is whether you can afford it.

The second submission I would make regarding State-funding is this: is there any assurance that when you introduce State-funding, the taking of money from industrialists, businessmen and traders and what have you, will stop? I will quote a very high authority and an eminent leader belonging to the Opposition. Mr. Bahuguna says that you will not be in a position to stop people from

[Sh. V.N. Gadgil]

taking money from these sources. Unless you are sure, he says, you should not introduce State-funding. What will happen is this: they will take from Government, and also from industries. So, the money power will, in fact, increase, in the electoral process. This is the second aspect.

The third aspect is this. Take West Germany, Italy, Japan, France-any of the countries. What is their experience? State-funding has not stopped political parties and candidates from getting money from other sources. If that is the experience of the so called sophisticated, advanced democracies, I do not think we are any better, we are in a better situation as of the moment, to stop people from taking money from other sources. So, State-funding will, on the contrary, be counter-productive.

I now come to the basic point. I for one do not believe it. I have fought four Lok Sabha elections. Right from my childhood, I have found that my house has been a politicians' house. I have seen nothing but elections. With that experience, I do not believe that you can win elections with money. That is an insult to the intelligence of the electorate. Mr. Tata, Mr. Birla, the two big guns, both of them fought elections, and both of them miserably failed. And therefore, the Indian voters is very discerning. So, State-funding does not solve the problem. The remedy is elsewhere, and not in bringing State-funding in.

Then there is another aspect which was not mentioned here, but which is one of the Opposition's demands. It is the List System-not proportional representation, but the List System. I have examined this very studiously. If you permit my saying so, since I left college, I have not studied any other subject so much. For one month, from 10 a.m. to 5 p.m. I was studying nothing else. What I do find in the List System? Three or four countries which had adopted it, are going back on it, because they had a very bad experience. The power of the bosses in the party will

increase. The Opposition is familiar with all the arguments. Si, I will not details them.

SHRI SAIFUDDIN CHOWDHARY:
(Kishanganj): Which party?

SHRI V.N. GADGIL: Any party. Do not ask me to tell you private things. All the parties. Bossism is there in all the parties. You read the literature of your party in the Soviet Union, and your own party in Indian for the last 20 years. There are all kinds of bossism. (*Interruptions*)

I am thinking of the candidates. Secondly, it completely breaks the link between the MP or the MLA and the electorate. In a developing country, we cannot afford it. You will then have no interest supposing we introduce the List System. Why should I do any work for the people in Poona? I will feel that if I just appease my bosses, I will get the ticket. And that will be all. The link will be broken.

The third submission I would make is that in the list system, what will happen? If you go by percentage Prof. Dandavate is a mathematician, he will correct me, if I am wrong. (*Interruptions*) He has said, that the hoax of the present system is that 40 percent is ruling with 60 percent on the opposite side. etc., that is the stock argument which has been going on for the last forty-fifty years. If the Congress cannot rule because 60 percent are against it, then certainly CPM, CPI or BJP cannot rule because 97 percent or 90 percent are against them. That is no argument. Statistically, I can show you. Take a party, I hope that BJP will not be annoyed with me. Suppose we take BJP. They contest 544 seats, all of them. What is our present law? You must get one-sixth of the vote to save your security deposit. Supposing you take the figure from 1952 onwards till today, if you take the BJP vote, average it out, and if you find that in the next election 544 seats they contest, and in all of them they get one-seventh vote, or everywhere they will lose deposit, 544 deposits lost! But what will happen? Because it has one-seventh votes, they will get 77 seats in the Lok

Sabha. So, a party which is rejected by the entire electorate in India with contempt, by losing their deposits in all the 544 constituencies will be getting 77 seats here. Is that democracy? I repeat: Is that democracy? If 44 percent cannot rule here, then surely a party which loses deposits in all other constituencies cannot get 77 seats! (*Interruptions*)

So, in every system I said, there are defects. In this system too there are defects. Therefore defects in all systems. You have to see which is the best and I may submit that the supreme virtue of the present system is its simplicity with which the Indian voter can usefully work. So, there is no need for a change.

Then there are other provisions in this Bill to which not much serious objections have been raised but which seem to me are very welcome. One is about booth-shifting. Fortunately, the State from where I come has not seen it. But I have seen its vile effect in operation in other parts of the country. The provision about booth-shifting is welcome to all, irrespective of the party.

SHRI SAIFUDDIN CHOWDHARY:
Booth-capturing.

SHRI V.N. GADGIL: Yes, Booth-capturing

MR. DEPUTY-SPEAKER: He could have said 'booth-lifting'.

(*Interruptions*)

SHRI V.N. GADGIL: That is the trouble. They want to play on words. You go on writing pamphlets and how Congress does not deserve to rule, how it spoiled the history, and so on. Since he is an interested reader—or Mr. Reddy, I have a particular weakness for him, it is for him—I will say. All kinds of analysis of the British elections appear and all kinds of conclusions are drawn. But there is a team of authors, Butler and Stokes. They go on analysing and conclusions like this are

drawn. Some people are drawing conclusions, that are not really in favour of Congress. If Congress wins, it is because of money. If Congress wins, it is because of power. If Congress wins it is due to Government machinery, or Congress wins with the use of Government machinery. And if Shri V.P. Singh wins, it is due to his high ethical values! (*Interruptions*) So, I would like to read what a reviewer writes about those studies, in England. On British elections by Butler and Stokes, The reviewer wrote about those academic reviews:

"Which of them put in the jokes,
Was it Butler, was it Stokes?
When the jokes are getting subtler
Is it Stokes or is it Butler"

You can go on and use all kinds of words.

I have said at the outset that I have complete faith in the average Indian voter, his political sagacity, his maturity, his acumen. He knows.

Sir, the voter who rejected us in six or seven States in 1967, within two years brought us back. The same voter gave us a massive majority in 1971 and he threw us out in 1977. The same voter brought us back in 1980. The same voter who gave us a massive mandate in 1984, within five months rejected us in four or five States. I have high regard for him. Therefore, I say, 'I salute the Indian voter'. He will take care of this insipid of what we may say here.

If you ask me the essence of this Bill, then I would say, as has been said by a great democrat, the right to vote is the essence of democracy. If the right to vote is the essence of democracy, then I would like to say that the right to vote was given to my generation by Dr. Ambedkar and I say, historically, it is very appropriate. I say, historically it is very appropriate, coincidence, apt coincidence, that the next generation will get the right to vote from Mr. Shankaranand. This is the historic part of it... (*Interruptions*)

SHRIS. JAIPAL REDDY: Mr. Shankar-anand can now hope to shine in the reflected glory of Dr. Ambedkar .. (*Interruptions*)

SHRI V.N. GADGIL: Finally, Sir, if you will permit me to strike a personal note on one of the books my father advocated reduction of voting age to eighteen. When I vote for this Bill today, I have a feeling that I am fulfilling a serious obligation.

Sir, when you enter this august premises, you will find.

Na sa sabha yatra na santi vridha
vridha na te yen vadanti dharma.

I would take the liberty of amending it and say:

No sa sabha yatra na santi yuva
vridha na te yen vadanti satyam.

Therefore, let the forces of this august House....

(*Interruptions*)

PROF. SAIFUDDIN SOZ (Baramulla): Sir, kindly ask Mr. Gadgil to translate it.

SHRI V.N. GADGIL: I will translate it in English.

That is no Assembly where there is no youth.

It is no youth which does not utter the truth.

Therefore, I say, pass this Bill and throw the portals forces of this august House open to the younger generation which is waiting outside.

MR. DEPUTY-SPEAKER: Shri Somnath Chatterjee. Please be brief. Only 18 minutes are allowed for your party.

PROF. MADHU DANDAVATE: This is a very important Bill ...(*Interruptions*)

SHRI S. JAIPAL REDDY: I think, Mr. Somnathji will also refer to his father's quotation, who was a Member of Parliament... (*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Jaipal Reddy, he will quote your quotation. Do not worry.

PROF. MADHU DANDAVATE: Sir, the difference is, he follows his father, but he does not.

MR. DEPUTY-SPEAKER: Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Deputy-Speaker Sir, it is ironical that this House today is to discuss the question of electoral reforms when we should be mourning the massacre of parliamentary democracy by not holding by-elections to this House which are overdue and which could have been easily held and are not being held because of the machinations of the ruling party which out of nervousness and cowardice, are not prepared to face the electorate...(*Interruptions*)

SHRI SHANTARAM NAIK (Panaji): Sir, the Speaker has given his ruling. But he is casting aspersions on the decision of the Election Commission... (*Interruptions*)

PROF. MADHU DANDAVATE: Sir, he has misunderstood. He has not talked about cowardice of the Election Commission, but he has talked about cowardice of the Government...(*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, what is the good saluting the Indian voters when you are not giving them an opportunity to exercise their franchise. Mr. Gadgil opened his speech by paying encomiums to Indian voters and ended his speech with a quotation, though not quite apt.

Sir, I would have expected that the ruling party here had been fair and candid and should have disclosed their commitment to bring about electoral reforms to do

away with the evils which have already engulfed the entire electoral process in this country. The use of money power, the use of muscle power, the abuse of the official media, the promises that are made just before the election of giving executive patronage—not a single provision has been made in this Bill that we are having. This Bill has been presented with great fanfare. If you go through the provisions Sir, it is nothing but a lip-service which is paid to the question of electoral reform by the party in power. The inadequate provisions which are made will hardly solve any of the basic problems that are plaguing the Indian electoral system. That is why, we feel that this Government has got a vested interest in maintaining and perpetuating the distortions and the infirmities in the electoral system because they are the biggest beneficiaries of that.

Therefore, it is not that this ruling party here today can take the credit. Sir, what has happened in different States? In 1978, when the Municipal Elections were held in West Bengal, the voting age was reduced to 18. Some States have done it followed by West Bengal. The Karnataka Government has done it. But the point is, look at the hypocrisy of the ruling party. A writ petition was filed in the Calcutta High Court challenging the reduction of the voting age to 18. Sir, I am quoting from the writ petition. It says:

“The Provisions for inclusion of the the Indian citizens of age of 18 years and below 21 years as voters in the electoral roll is illegal and void.”

There is no rational basis for making the persons of age-group of 18 years and 20 years eligible to vote in the Municipal elections whereas the same person should not be eligible to vote in Parliamentary and Assembly elections. The said purported provision is contrary to the spirit and object of the Constitution of India and is unconstitutional and invalid. Who said this? Mr. Ajit Kumar Panja has said this. Sir, in his capacity, he filed a writ petition as the President of West Bengal Congress (I) Party. In Calcutta,

they filed it in the High Court before the single judge. It went to the Division Bench. Again trying to stop it, they filed it in the Division Bench. Then, they went to the Supreme Court and ultimately they had to withdraw the petition because they had no merits in the matter. This is the commitment of the ruling party. (Interruptions)

KUMARI MAMATA BANERJEE: Sir, I have a point of order. The hon. Member is referring to a Member of the House. He is mentioning the name of Shri Ajit Kumar Panja in regard to the filing of the writ petition. But he is not present in the House. How can he mention his name when he is not present in the House?

MR. DEPUTY-SPEAKER: He is a Member of this House. It is not an allegation.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Unless you control the House, how can I speak? Sir, this petition was filed in the year 1980 before the Calcutta High Court and I can authenticate this copy and lay it on the Table of the House.

MR. DEPUTY-SPEAKER: No, no; you carry on.

SHRI SOMNATH CHATTERJEE: Sir, therefore not much credit can be claimed by this Government (Interruptions). Sir, out of many important reforms, this reform is necessary. The Government has chosen the reduction in the voting age which we welcome. Better late than never. But so far as the ruling party is concerned this so-called concession on their part is nothing but a desperate attempt to ingratiate itself to the young people of this country who are suffering under maladies, under the anti-people policies of this Government and today the young people are the largest number of unemployed people in this country. Today, they are suffering because of the economic policies, because of the industrial policies of the Government and more and more people are becoming unemployed.

13.00 hrs.

KUMARI MAMATA BANERJEE: What do you do in West Bengal? (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, unanimous recommendations of the parliamentary committee in 1972 was not accepted and now the ruling party finds itself more and more alienated from the people of this country generally. Now, they have thought of this as if they were giving some concessions to the young people with a vain hope that the young people will vote for them in the next election. But I can assure my friends on the other side, that they are completely under misconception. The young people will never vote for them. It is the young people of this country who have demanded this and who have got this right. It is not your Government. It is not the gift of the ruling party. This right of vote at the age of eighteen has been earned by the young people of this country themselves. This Government owes many more things to the young people of this country. They must have a commitment to the basic postulates of the constitution of India so far as the young people of this country are concerned. They must have their commitment to the Directive Principles of the State Policy so far as the young people of this country are concerned. Now this Government is not fulfilling any of their obligations towards the young people. They are suffering under total frustration. They are not given jobs. Their future is uncertain in this country. They are grouping today, and the Government thinks that today they are bringing about such a change in the electoral system of this country that the people will run after them. They are in for a great disappointment. I have no manner of doubt.

There is no difficulty in identifying the problems which are affecting our electoral system. Mr. Gadgil took so much pains to explain why the List System should not be followed. But we cannot forget in this country that the Congress Party has never come to power with the majority votes. Ever since the 1952 elections, the Congress votes per seat

in Parliament have varied from forty percent in 1969 to 48.1 percent in 1984—when we were told of the massive mandate. It has secured majority of the seats with minority of the votes and even they have got more than two-thirds of the seats with getting less than fifty percent of the votes. Is this not a distortion in the system? ...(*Interruptions*). These are not my statistics, these are the statistics of the Election Commission. Therefore, we know why they are anxious not to have proportional representation of List System because they will never be able to come to power if the proportional representation system is followed. That is why today, Mr. Gadgil, after a lot of study it is good at least he has made a study, as he says; I accept his statement he has been able to find out that to remain in power, his party cannot afford to adopt the proportional representation system. Naturally, they will have to oppose it.

Now, what about the State funding, they are saying? It is the ruling party, the Congress party who has changed the election law. They have permitted unlimited donations by the companies to the ruling party after Mrs. Indira Gandhi's election was set aside in 1974... (*Interruptions*). In 1974, the whole election law was changed regarding the election expenses, as you know. To save the election of one person in this country, post-haste Ordinances were brought, changing the election law. The Act was amended to bring about changes in the election law for only one candidate's election. Mr. Amer Nath Chawla was our colleague in the Fifth Lok Sabha here. He was a member of that committee. His election was set aside because the party's expenditure was included in his own election expenses and it was held that the ceiling had been exceeded. So, he lost. His election was set aside by the Supreme Court. No amendment was brought in the law until Mrs. Indira Gandhi's election was set aside for exceeding the election expenses and forthwith, and behold, an Ordinance came overnight. But Mr. Amer Nath Chawla was not spread because the law provided that election already set aside will not be revived. Retrospectively the law was changed for one

person in this country: Who has permitted? This ruling party has permitted unlimited expenditure for election. Now who is getting the benefit of donations, Sir? Which party is getting the benefit of donations?

(Interruptions)

SHRI T. BASHEER (Chirayinkil): I know the 13th Party Congress of the Marxist Party is going to be held in Kerala, you are spending crores of rupees in Kerala, Trivandrum. We know the sources. You come to Kerala and you will see that crores of rupees are being spent there.

(Interruptions)

MR. DEPUTY-SPEAKER: Please order.

SHRI SOMNATH CHATTERJEE: How can you say?

MR. DEPUTY-SPEAKER: You are yielding, that is the problem.

(Interruptions)

SHRI SOMNATH CHATTERJEE: I am not interrupting anybody...(Interruptions)

MR. DEPUTY-SPEAKER: I request the hon. Members to cooperate with the Chair, and allow the Member to speak. Don't disturb him.

(Interruptions)

SHRI T. BASHEER: It is very bad and unfortunate. (Interruptions) You are spending crores of rupees. From where is it coming? We know, and Kerala People know. You are in power there and you are using the Government machinery there. Don't forget that. We know how you are making money, and we know from where you are getting this money. (Interruptions)

MR. DEPUTY-SPEAKER: Please order. What are the challenges you people are making? What is this?

AN HON. MEMBER: Allow him to proceed.

MR. DEPUTY-SPEAKER: If you cooperate only I can do something.

SHRI V. SOBHANADREESWARA RAO (Vijayawada): You please control them, Sir.

MR. DEPUTY-SPEAKER: I am controlling, but nobody is listening. I will have to adjourn, that is all. If you go on shouting, I will adjourn. Please listen to me. I request all of you to cooperate with me. If you go on shouting, I cannot shout like you, I can only adjourn. That is all I can do. Also, when I order, you have to listen to me. If you go on shouting always, what can I do then? What is this?

(Interruptions)

MR. DEPUTY-SPEAKER: Why are you shouting? Listen to me. This is not the way. If you behave like that, I cannot allow you. I am here to control. Who are you to say that? Please listen to me.

(Interruptions)

SHRI T. BASHEER: You look at your hand.

(Interruptions)

MR. DEPUTY-SPEAKER: If you disturb like that, I cannot run the House.

(Interruptions)

MR. DEPUTY-SPEAKER: I go on telling, he is not listening. There must be a limit for it. Mr. Chatterjee, please continue.

(Interruptions)

PROF. N.G. RANGA (Guntur): Why don't you make your point? When Mr. Reddi was speaking, there was no disturbance. You should not provoke him.

(Interruptions)

PROF. MADHU DANDAVATE: Mr. Deputy-Speaker, there was a meeting of the Speaker with the Leaders of the Opposition and also the leaders of the Congress Party. And we had mutually agreed that when the debate is going on, one can reply in the debate but nobody's speech should be accepted. We had agreed. (Interruptions) He was only speaking. You reply afterwards.

PROF. N.G. RANGA: Why do you provoke him unnecessarily?

PROF. MADHU DANDAVATE: Who is provoking? (Interruptions)

MR. DEPUTY-SPEAKER: Please, Order.

SHRI SOMNATH CHATTERJEE: Sir, although the basic maladies and the distortions in the electoral system are known, my charge is that except by way of peripheral changes, this Bill does not seek to do away with any of the infirmities and perversities that have already crept in. That is why, this Bill will not bring about any qualitative improvement in our electoral system. We look at electoral reforms with a view to strengthen the democratic rights of the people so that there is greater scope of parliamentary democracy in the country, that the urges and aspirations of the people of the country can be articulated through the electoral process and the views and choice of the people can be truly reflected in the result of the elections. I was trying to show that the cannot be reflected unless we adopt a proportional representation system of voting.

Sir, what is the bane of the Indian electoral system? Take the case of misuse of the official media. Every day we see in the TV, how TV is being utilised by the Prime Minister for the purpose of Tamil Nadu elections. (Interruptions)

SHRISHANTARAM NAIK (Panaji): Are we discussing Doordarshan?

(Interruptions)

AN HON. MEMBER: He is the Prime Minister.

SHRI N.V.N. SOMU (Madras North): He is also the congress Party President.

SHRIBASUDEB ACHARIA (Barkerva): You are influencing the voters by using the media. (Interruptions)

MR. DEPUTY-SPEAKER: Please, Order.

SHRI SOMNATH CHATTERJEE: Promises galore are made before any elections about different public welfare schemes to be adopted. Foundation-stones are being laid just on the eve of elections. (Interruptions)

AN. HON. MEMBER: It is welfare scheme; why do you object?

(Interruptions)

PROF. MADHU DANDAVATE: Have we not got the right to criticise the Government? The moment he criticises the Government, they get up. Why don't you tell them. (Interruptions)

MR. DEPUTY-SPEAKER: When your chance comes, you can say. Why are you disturbing now?

SHRI SOMNATH CHATTERJEE: The muscle power is not even attempted to be controlled. We welcome inclusion of "booth capturing" as an electoral offence. But as Madhav Reddiji has said, no steps have been taken because you have been doing that. Where these people are in power, booth capturing goes on, and, therefore, they have no political will to control that. It is only for gimmick and nothing else. How the electoral process can be abused, we have seen in Tripura in the last elections; how military was utilised, Army of the country was misutilised for the purpose of electoral prospects of the ruling Party in the Centre, we

have seen. We have seen how the counting of votes was totally interfered with in Tripura. (Interruptions)

MR. DEPUTY-SPEAKER: You answer whatever you want, when the time comes.

SHRI SOMNATH CHATTERJEE: In Majlispur Assembly constituency, the CPM candidate was declared to have been elected.

There was a recounting of votes without authority from the Election Commission. Election Commission said that "against our directive recounting has taken place" and somebody, a Congressman, was declared elected. This is the way the whole process has been polluted in this country.

We have seen how killings had taken place which was utilised for the purpose of influencing the voters in the presence of the army against my party in the Left Front in Tripura. This is the way the electoral system has been perverted in this country by the ruling party. What Mr. Ghani Khan Chowdhary in doing is West Bengal? (Interruptions) Anand Bazar Patrika is not our paper

KUMARI MAMATA BANERJEE: Whose paper is it?

SHRI SOMNATH CHATTERJEE: Nobody in his senses is saying that Anand Bazar Patrika is our paper. What is being said is that he has called upon people to take up guns, swords and sten guns. (Interruptions)

PROF. MADHU DANDAVATE: Where is your assurance to guide your Members?

(Interruptions)

SHRI SOMNATH CHATTERJEE: I am reading from the newspaper Anand Bazar Patrika. You read it. He says that Congress has to take up the path of intimidating the people. This is what Shri Ghani Khan Chowdhary said. This is their commitment to parliamentary democracy! They will give us

lectures and we shall listen to them! (Interruptions)

PROF. MADHU DANDAVATE: If all criticism is unparliamentary, you declare it as such once for all.

SHRI THAMPAN THOMAS (Mavelikara): We are hungry. Adjourn for lunch.

SHRI T. BASHEER: You are hungry for power.

SHRI SOMNATH CHATTERJEE: We have seen how the electorate is sought to be influenced and the whole electoral process is sought to be interfered with, and it is proved by the holding of loan melas before the elections. This is something unheard of. They are trying to bribe the voters as the Prime Minister goes to the State before the elections and promises doles to the people, as he promised in West Bengal to pay Rs. 1,000 crores, for various projects in the State. Prime Minister is trying to influence the people with this sort of offer of money. This is the way this ruling party behaved itself and they are talking of electoral reforms in this country. (Interruptions)

PROF. MADHU DANDAVATE: If you carry on like this, this weapon can go on both ways. Let us accept that members should be allowed to speak to both the sides and let them reply. Are we expected to praise the Government? Are we not in the Opposition?

PROF. N. G. RANGA: Why do you indulge in provoking people?

PROF. MADHU DANDAVATE: We are all sitting in the Opposition, not to praise the Government. It is our duty to oppose the Government.

SHRI SOMNATH CHATTERJEE: Electoral reforms should be brought about comprehensively, not piecemeal as it is intended to be done. Proportional representation, lowering of voting age, State funding of election, elimination of money power and muscle power, avoidance of misuse of offi-

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cial machinery, in particular the mass media, these should be the objectives of reform and unless they are achieved, our charge is that these distortions in the electoral system will be perpetuated and nothing can be done. Only one of them has been selected namely, reduction of voting age due to the pressure of public opinion in this country.

So far as the other amendments which have been brought about are concerned, what has not been done is that there is no ceiling on expenses by parties over this election which is being provided in this Bill. Sir, Company donations remain totally uncontrolled. There is a very interesting thing. You will find that donations are being made by companies but hardly there is any reference in this Balance-sheets. Where from they are coming then—I mean the unaccounted money? (*Interruptions*) The one important thing which has been provided to which we have opposed is the concept of deputation of the State Government employees and the Police personal to the Election Commission; to bring them under the disciplinary control of the Election Commissioner. It has been rightly said by Shri Madhav Reddy that to whom are we giving them? Can we proceed on the basis that the Election Commission machinery and its executive agency is free from political interference by the ruling party at the Centre?...(*Interruptions*) Although it has been recommended earlier that this should be a multi-Member body, although our hon. Minister says that under Article 324 of the constitution, it can be done easily without even bringing about any law, then why it is not being done? Has any explanation been given? Not a single explanation has been given.

Sir, so far as the selection of Election Commissioner is concerned, it is completely left to the Executive at the Centre. We have demanded that the selection committee consisting of the Chief Justice of India, the Prime Minister and one of the Opposition leaders should select the Election Commis-

sioner in this country. But how they are trying to pervert the system of election in this country? We have seen that. It was a very sad day for India when one of the Election Commissioners, on retirement, was given the post of Governor of Gujarat State. This is nothing but dangling carrots before the Election Commissioners who are supposed to be totally independent. How can you expect that the people will have faith in the Election Commissioners when they are hankering for jobs after retirement and jobs which are dependent on the mercy and good wished of the party in power at the Centre? That is why we have said that we cannot concede to this, apart from the question of finances involved. Where is the allegation that during the elections any State Government has interfered with the election staff; nobody can be transferred and no action can be taken against them; nobody can be suspended who are deputed for election work? Without valid reasons, you want that they are completely under the guidance and control of the Election Commission at the Centre. The Chief Electoral Officer also has to carry out the decisions of the Election Commission.

There is another instance. There was an attempt on the part of the Congress to stop the Assembly elections in the year 1982 in West Bengal. They went to the court and obtained Interim Order whereby the entire election process had been stopped. The matter was fully heard before the Supreme court. Those allegations were made by Dr. Siddhartha Shankar Ray, Shri Ajit Kumar Panja, Shri Bholanath Sen and so many learned lawyers appeared. What has the Supreme Court said? The Supreme Court said that they made allegations against the Chief Electoral Officer; they made allegations against the election staff; they had been influenced by the party in power in the State. But that was unequivocally rejected by the Supreme Court. The Supreme Court held:

"It is significant that none of the petitioners has been denied a placed in the electoral roll nor were the objections raised by anyone of them dismissed. As

we have stated earlier, none of the four persons who forwarded the omnibus complaints even filed an affidavit in support of those complaints."

Whereas, the Court found their places in the electoral roll. Now, I would like to quote what the Supreme Court has further said.

I quote:

"We see no substance in the accusation that the voters' lists have been rigged by the election authorities with the help of enumerators belonging to any particular political party. Enumerators are mostly drawn from amongst teachers and Government servants and it is difficult to imagine that thirty-five years after independence, they are totally colour-blind. They are the same in every State and every constituency. The safeguard lies in the efficiency and impartiality of the higher officers who have to decide objections filed in relation to the voters' lists. That safeguard is not shown to have failed in the instant case."

And it has held—to save time I am not reading—that the Chief Electoral Officer of West Bengal and other election staff officers had scrupulously carried out the directions of the Election Commission and all the objections that were taken to stop election on the plea that voters' list had not been correctly prepared were turned down by the Supreme Court as without any basis and without any merits. Now what is this? A sort of impression is attempted to be created as if there is interference with the electoral staff by the State Government. The only object is to bring it within the control of the ruling party at the Centre because the staff of the Election Commission is under the control of the ruling party in the Centre. That is why, through them they want to control now—even the disciplinary process. We cannot but object strongly to that.

Regarding the voting machine percent we are not objecting to it. But we are yet to be satisfied that these voting machines cannot

be tampered with at the time of voting. The other important point with regard to voting machine is that in the Statement of Objects and Reasons and the Financial Memorandum it is being said that it is to be utilised in some sensitive constituencies about 150 sensitive constituencies. What is this? What are the considerations for deciding the sensitive constituencies? What are the guidelines for the Election Commission to decide sensitive constituencies? Sensitive for whom? Sensitive from what point of view? Therefore, we are saying this and we have given amendment to it and if it is taken recourse to, it should be taken recourse to every booth in one election. It cannot be done piecemeal. If it has to be utilised for the Lok Sabha elections, throughout the country it should be utilised and constituencies should not be picked and chosen for the purpose of introduction of this voting machine.

So far as other important spheres which have been totally left untouched are concerned, I charge that this Government is interested in perpetuating the infirmities and maladies so that they can take advantage of it.

So far as muscle power is concerned, who does not know how elections are held in some of the States, where booths are captured, where consideration of caste, consideration of religion, consideration of ethnic communities are being brought to bear and not political and economic considerations are raised during the elections. What is being done in this law? Nothing is being done to control that. It is a tragedy in this country that we find leaders of political parties who speak, swear by secularism, going to different religious places just before the elections and which is publicised and they speak of secularism, they speak of dissociating religion from politics and only think of this at the time of election, only to influence voters. Not one provision has been made in this law. Nothing to stop misuse of the official machinery. Nothing to stop use of religion during the elections. Nothing to stop use of caste consideration during the elections.

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Nothing to stop use of muscle power during the election. And nothing is being done so that people's will is truly reflected in the results of elections which can only be done by proportional representation and introduction of list system. Therefore, these are mere peripheral changes which are being made more for the consumption of the people, for the purpose of trying to influence young people of this country and nothing else.

So far as registration of political parties is concerned, it is amazing that a law is being enacted for which no purpose is mentioned. Political parties will be registered. But what is the effect of registration, nowhere it is said. What is the effect of non-registration? Nowhere it is said. So, we do not know, if it is not registered, what are the consequences? I have suggested a simple amendment which the Government should readily accept. I have said that no political party will be entitled to registration unless it holds elections once in every three years of its office bearers.

We were told of inner party democracy in the Congress. Mr. Gadgil's concept of inner party democracy is adhocism, adhoc president, adhoc vice president, adhoc committee, adhoc chief ministers, adhoc ministers, everybody adhoc. This is adhoc internal democracy!

I have not proposed anything revolutionary. Every political party which talks of democracy, which is shedding crocodile tears for democracy should at least follow the basic principles of inner party democracy. Now they don't believe in that. Therefore let them accept my amendment. Then, I would like to know from the Minister what is the purpose of this registration. He may please explain to us. He may also please explain to us what is the effect of non-registration.

Merely putting in some provisions will not help. already there is a provision for

registration relating to grant to symbols. That is already there. There is a principle of recognition by the Election Commission for the purpose of grant of symbols. Then what for this is being included in the law? Nobody knows.

One or two welcome changes are being made. We ourselves asked for them. For example, reduction in the voting age. There is nothing spectacular in this. We support that.

So far as other things are concerned, they are merely peripheral. It is not going to bring about any substantial change in the electoral process, it will not improve the polluted system which has been polluted for achieving the narrow partisan political interests of the party in power.

Therefore, we cannot but express our strong reservations against the Bills.

SHRI VEERENDRA PATIL (Gulbarga):
Mr. Deputy Speaker, just now I have heard the views expressed by a senior member Somnathji.

Electoral reforms is a subject which is being hotly discussed at different levels. Naturally it has evoked a lot of interest. My only appeal to the members on both the sides is to consider the Bills that are under consideration now dispassionately and not from any political angle.

I am sorry to say that the views expressed by one or two members so far are that they have viewed the Bills purely from their party angle. Whatever we are legislating today—we are not thinking of radical changes in the electoral reforms for the present generation—it is meant for the posterity.

Therefore, the reforms that are under consideration are very important and they should be considered with all seriousness. In this Parliament earlier there used to be not many but a few giants among intellectuals

and parliamentarians. If I can take the names for illustration—Acharya Kripalani, Shri Mavalankar and I am not sure whether Shri H.N. Kunzru was in this House or the other House. Those giants have disappeared. What I am interested to know is whether there is any scope—because we are discussing about the electoral reforms—for such giants in this House. I had an occasion to hear the speeches delivered by Acharyaji and other eminent personalities. Although they were very vehement in attacking the Government yet it was a pleasure to hear them. Even now I do not say that all the giants or all the eminent parliamentarians have completely disappeared from this House. Even now there are a few, only a handful. I do not want to take their names because it may lead to unnecessary controversy. I am mentioning it because what I want to know is whether it is possible for us to create an atmosphere for the entry of such eminent and intellectual giants into this House. I am quite certain that this is not possible by legislation. It is possible only by perfect understanding and conventions between all the parties concerned. So, I thought I should give vent to my feelings because this is the supreme body of the largest democracy today in the world with nearly 80 crores population. Nobody can say that this country is short of giants, intellectuals and eminent parliamentarians but I think it is the duty of the present generation and this House also to provide and create a scope for such giants to come into this House. I am not talking about the other House.

Now I come to the other point, namely, multiplicity of political parties. There may be a few political parties even in this House who may be welcoming the multiplicity of political parties but in my humble view multiplicity of political parties in a country is harmful to democracy and its healthy growth. I think, for a country like ours—why only our country if we take the example of other countries also where democracy is so many centuries old there, we find at the most there are two—three parties. Looking to the conditions of

our country, I think, in our country, there is scope only for three parties, not more than three parties. One is rightist party, another is leftist party and the third one is centrist party. You can say left-of-centre or whatever it is. There should be only three parties. So, when there is scope for only three parties, how many parties do we have in our country? Why should we tolerate so many parties when it is not necessary?

Sir, I am very sorry to say about the tendency among our political leaders. Supposing a political leader is there. Fortunately or unfortunately, he belongs to a particular caste or a particular community and supposing he develops some differences not on any ideology, not on any programme, not on any philosophy but personal differences, what is happening? They are leading to a split in the party. And the gentleman who goes out of the party starts his own party as if he is registering a private limited company. This is what is going on. So many parties are there. Sometimes, they come together. Sometimes because of lack of proper understanding, they again break, they again split and the result is that there are too many parties in our country. It is for us to consider and very seriously also how to eliminate or minimise the parties that are there today. According to me, the only way of eliminating—it has been tried in other countries also; I am not suggesting it for the first time—these political parties, which are unnecessary, which are baseless, which are formed for their own personal ends, such parties should not have any place in democracy in our public life. Therefore, in order to eliminate them, my only suggestion is that such political parties, who face the elections and secure less than five per cent of the votes polled, should be immediately derecognised or deregistered. Again, no opportunity should be given to such political parties for their existence. If this is done, then it is possible for us to see that these political parties are minimised. Ultimately, we will be in a position to see that there are only two or, at the most, three parties in our country which is very good and very healthy for the growth of democracy.

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So far as lowering of the voting age is concerned, I do not oppose it. My party has already taken a decision. This has been welcomed from all sides. But some apprehensions are there. I would be failing in my duty if I do not give expression to those apprehensions. I want to say about those voters who are going to be voters now after some time. I think, they may be about 45 million. As I said, we are legislating not for the present generation. We are legislating for the posterity which is going to be a permanent piece of legislation on the statute. These voters may be 47 million today. I don't know how many are they going to be after five or ten years. I can say without any fear of contradiction that you will find 80—90 per cent of these voters in high schools or in colleges. Literacy is not up to our expectations. That is a different matter. But that is the present position. In future, it is not going to be like this. So, you will find a boy or a girl of 18 years either in a high school or in a junior college. Now, when they are voters, it becomes the duty of every political party to approach that voter wherever he or she is. I quote one instance. During 1960s Justice Chawla was incharge of Education. He came to Karnataka and while addressing the Convocation in one of the University from the University Convocation platform, he exhorted all the political leaders to remain away from the educational campuses. He said: "Please have your activities only outside the educational campuses. Do not come to the educational campuses; do not pollute the atmosphere of these institutions which are training the future generation of our country".

Now, we have to go to the high schools, we have to go to the colleges and we have to mobilize all our strength and try to attract these young boys and girls and see that they vote for our party. Naturally, politicians will invade hereafter the educational institutions; nobody can stop them. The result would be that academic career would get disrupted; high schools, colleges and other institutions will become a hotbed of politics.

This is the apprehension which is lurking in my mind and I would be failing in my duty if I do not give expression to it. And how best we can avoid that, it is not only for the party in power to consider, but it is also for the parties who are either sitting on this side or that side. It is our duty to avoid polluting the atmosphere of the educational institutions. Now, I come to frivolous and non-serious candidates. In my opinion, such candidates should be discouraged and whatever facilities are going to be made available to party candidates today or in future, those facilities should not be made available to independent candidates. From my experience I can say that independent candidates at the time of election feel that that is a good opportunity to make money. After all by paying Rs. 250 or Rs. 500 they file nominations in different places and naturally other serious candidates are worried about all that. If the independent candidate belongs to a particular community, and if the serious candidate wants to get rid of him, then bargaining will start. I know of cases where they have demanded Rs. five, ten, fifteen or even twenty-five thousands in order to withdraw their candidature. They make a lot of money for nothing and they say that the money that they make at the time of elections, that is sufficient for them to sustain for another election. How to prevent it? I do not want to go into the details; I have some suggestions and I want to make those suggestions.

As Shri Madhav Reddi said, and I entirely agree with him, once the election process is set in motion, if any independent candidate dies, then that election should not be countermanded. I am telling my experience; in 1984 I contested from my home constituency and after the last date of withdrawal, I found to my surprise that there was one candidate who was in the hospital and he was in a very serious condition. Everyday in the morning I used to go for canvassing and at night before I retired, I used to contact the doctor in-charge to find out whether that candidate was going to survive. If he died then the elections would be countermanded, and I would have to spend a lot of money; I would have to spend four or five times more.

That would be beyond my capacity. That is why in Punjab an Ordinance was issued. I request the Minister to look into the matter. That Ordinance lapsed and today there is no provision. So, I earnestly appeal to the Government to see that such a provision is made available or accommodated, if it is possible, within the existing Bill itself, that is if any independent candidate dies during the election, then that election should not be countermanded.

PROF. MADHU DANDAVATE: That means if the party candidate dies, then it does not matter.

SHRI VEERENDRA PATIL: I do not mind their countermanding the election but what about the independent candidate? Sir, I don't want to give the name but the Hon. Member knows very well that even some cancer patient becomes a candidate for election. At the time of election it is well known that his days are numbered but then he is not responsible for it. The political parties or other people who are interested in their prospects do all these things.

Now, as far as the ballot paper is concerned, there should be two groups. One group consisting of political party candidates arranged in the alphabetical order and another group consisting of independent candidate arranged in the alphabetical order and it should be arranged after the first group. Such an arrangement should be made.

Then these independent candidates should not be allowed to contest from more than two constituencies. They can contest at the most only from the two constituencies. Today the provision is that they can contest from 30, 40 and 50 constituencies. There is no bar at all.

SHRI S. JAIPAL REDDY: We support it.

SHRI VEERENDRA PATIL: Now, about the security deposit because the elections have become very costly, a poor man

cannot contest the election unless he has the blessings of the people in abundance. People themselves come forward, contribute money and make all sorts of arrangements and take the entire responsibility. But these are rare cases and that is why I say that in order to discourage this, the deposit in the case of Parliament should be Rs. 20,000 and in the case of Assembly elections it should be Rs. 10,000. And if any independent candidate contesting the election secures less than 5 per cent of the votes held in that particular constituency, he should be disqualified for six years. This means that he cannot contest other election also. This will be a very good punishment for him and this will have a very sober effect on our political system.

So, far as the composition of the Commission is concerned, whether it is a single member Commission or a multi-member one, there is already a provision. It is for the Government to take a decision. If Government is convinced that the multi-member Commission is going to be more helpful, they can consider it. But the crucial issue to which I give more importance is that the Election Commission's decision, their findings, should be truly independent. Their decision should be impartial and unbiased. As to how it should be done, I think is a matter of details.

So far as the State funding of elections is concerned, I am not inclined towards it because there are so many difficulties. It is not feasible. Therefore, I am not pleading for the State funding of the elections. But I want certain facilities to be provided to the candidates belonging to the political parties, such as, supplying the voters' list, may be one dozen or whatever it is, free of cost. Similarly, the posters and pamphlets should be supplied free or cost to the candidates belonging to the political parties. Postal facility should also be provided. If they want to send literature from one place to other or if they want to make an appeal to the voters, for this the postal facility should be made available to them. The advertisement that so and so is their candidate, when the election is going

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to take place, who will be their candidate and what will be the symbol, should be done at the cost of the Government. That means the Government should bear the cost of the advertisement.

Another most important suggestion that I want to make is that the campaigning period should be reduced from 21 days to 14 days. We have sufficient experience of elections. I do not want to say all this; but in the case of certain candidates, one day more means, an additional expenditure of one lakh rupees or two lakh rupees or any amount. That is why from the day of the last date for the withdrawal, there should not be more than 14 days for campaigning. Today, it is 21 days and sometimes we get so disgusted that we really want to disappear from the scene because everybody looks to our pocket only to find out as to how much we are carrying. As a matter of fact, carrying a bag is a sin at that time. Therefore, it is better if the elections are completed as soon as possible. When the political organisations contest the elections, it is possible because these organisations have got the advantage of rank and file, workers and so on who can arrange the whole thing.

PROF. MADHU DANDAVATE: It is a good suggestion. We should be disposed of as early as possible.

SHRI VEERENDRA PATIL: Lastly I come to the introduction of identity cards. Just now I heard Gadgilji and I must say that it is a disappointment. He tried to work out the details and it came to about Rs. 450 crores. When I heard it, I thought that some rethinking is going on somewhere. But I feel that identity card is a must because of what is happening today. If there is no identity card, we cannot fight the evil of impersonation, bogus voting and rigging of elections. The only beneficiaries, in the absence of identity cards, are the parties which are cadre based. I tell you all this from my experience. By the time our voters go to the polling booth, the polling officers say that

persons with those names have already voted. These cadre based parties manage everything. They go and sit in front of the voters and they bring them to the polling booth and see that within an hour or so, voting is over. Ultimately, we are left with only a very few people who are one hundred per cent with us. The net result of all this is that those who do not have any cadre are the worst sufferers in the absence of identity card arrangement.

Even in Pakistan, when elections were held recently, identity cards with photographs were insisted upon and it seems that only those people with identity cards allowed to exercise their franchise. Therefore, whatever be the cost, there must be identity cards with photographs. If we are thinking of identity cards exclusively for election purposes, I suggest that we may go in for multi-purpose identity cards—for rationing and for various other purposes. Only those voters with identity cards should be allowed to exercise their franchise. Then, to a great extent, the impersonation, rigging of elections and so on will disappear. Whatever may be the cost, this should be implemented. If this suggestion is agreed to, we need not go to the houses of the voters distributing polling chits again and again in case these chits are lost some times.

Therefore, these are a few of my suggestions and I feel that we should make these provisions in order to have fair and free elections. I agree with some of the hon. members when they said that the Bill is inadequate. Nobody can claim that this Bill is going to fulfil one hundred per cent the aspirations of the people and the political parties. There may be some loopholes and there may be some drawbacks. But we can always sit together and discuss and find a way out. This is a continuous process and exercise. Simply because this Bill has been brought forward by the Government, I do not think it is fair on the part of any of the political party leaders here to attribute motives to the Government. Therefore, in the beginning I made an appeal and I reiterate it that this Bill should be considered, not on party lines, but

quite dispassionately because the interests of the future generations are very much linked with these electoral reforms.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSI): Mr. Chairman, Sir, I rise to support the Constitution (Amendment) Bill introduced by our Law Minister Shankaranandji as well as the Amendment of the Representation of the People Act concerning the Electoral Reforms.

This day will be remembered as one of the most important days in the history of India's Parliamentary democracy not because the voting age will be reduced to 18 years but certainly because of certain things for which both the Opposition and the Ruling Parties did consider for the last so many years—to bring about some changes in the electoral process of this country. The debate was going on in the morning and I was hearing with great patience the speeches made by Shri Madhav Reddi and learned Member of the Opposition, Mr. Somnath Chatterjee specially as to who should share the credit for bringing in this Bill. I think it would be quite small if you discuss things in that manner as to who is going to get the credit. Let us think of the country, the aspirations of the young people and also the response of all the political parties of the country. And as a responsible Government, the Government is also responsible to it.

No, Sir, we are observing the Centenary Celebration of Pandit Jawaharlal Nehru. We are observing the Centenary Celebration of Acharia Kripalani, Sharad Bose—the famous Parliamentarian—and Abdul Kalam Azad, who all identified themselves to the aspirations of the people of India as well as who symbolised the aspirations of the youth in the beginning of the national liberation movement. This occasion is a very significant one because the voting age is going to be reduced. If I may repeat it, this is the Centenary year of the Martyr of Bengal—Khudi Ram Bose who went to gallows at the age of 18 and also Shri Prafulla Chaki. This is a kind of salute to the vigour of the youth

and the student power who fought for the freedom of the country from the British yoke. They also strived hard for building a new India, after independence.

Sir, a question was raised as to why, this was not brought earlier? I read for at least a week the debate of the Constituent Assembly. At that time what was the wisdom of the Members of the Constituent Assembly? At that time, a provision came in Article 289-(b) for which there was hardly any discussion. That was regarding age—as to why it was confined to 21 years and why not 18? Possibly because it was the view of the leaders of the national movement. They thought that after the liberation of the country, they will give India its Constitution first and then to have a matured electorate. They wanted to lead the young people in a new direction. It is because before 15 August, 1947, they were fighting the British people. Thereafter they wanted to make the country fulfil its dream. Possibly at that time, it was not considered that important to lower the age limit. But certainly Pandit Nehru provided one room for the Indian students. At that time, activities of the students' union were declared as legal and Students' Union Act was passed in many parts and the actual training of the students in the process of parliamentary democracy began right from the student days itself. We have had the pleasure of participating in the students' union activities. We have had the occasion to work and launch many programmes and all as to how the country's parliamentary democracy should perform. But, unfortunately, the student and youth power could not get a share or involvement in the entire process of the elections, except by working for a candidate or a party, or defending a party or a candidate. But now, after day-after-tomorrow when this Bill is passed, young people in India belonging to that age group will not only have that right to vote, but a right with the responsibility to create an India of their dreams. This is not a small or minor thing. This is a big thing. This new step is being taken in this House, i.e. of reposing faith in the Indian youth, during the Centenary Celebrations of Pandit Nehru,

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that too when a young man is the Prime Minister.

It is not a question of finding out whether the Congress is gaining ground, or the Opposition is gaining ground. We have to think over this matter in the context I have spoken about. The question is: why was not such a Bill brought in earlier? The Opposition friends are sitting there. If I am not wrong, in 1977, when the Janata Government came to power, behind their coming to power was the leadership of Jayaprakash Narayan whose main instrument or fighting against the then Congress Government was the student power, the power of Chhatra Sanghush Samiti, and the Yuva Sanghush Samiti or the Nava Nirman movement in Gujarat. It is the student power in Gujarat which came out in the streets to pull down the Government of Chimanbhai Patel who, unfortunately or fortunately, is now the leader of the Janata Party in that State. It is the student power and youth over in Bihar which tried to begin the movement under the leadership of Jayaprakash Narayan. What was the dream of JP? His dream was to have total revolution ultimately, and he wanted to cleanse democracy, stop defections and provide more rights like the right to work in the Constitution, right to vote for young people etc.

I ask the leaders in the Opposition: where was your wisdom when the Janata Party was in power? JP was spending his last days, and he died with great sorrow that he was betrayed by the party which he brought into power. How did you repay for the massive student power which supported Morarji's Government? I can refer to one incident today. It is a very significant one. India has always stood by people all over the world, wherever parliamentary democracy is functioning; and where it is not, we have expressed our concern that it is not doing so. Morarjibhai as Prime Minister was sitting on this side, and we were on that side. At that time, in Pakistan, people had a legally elected leader called Zulfiqar Ali Bhutto.

When he was nanged, Government did not even express its concern over that incident, from this forum, to say that parliamentary democracy in Pakistan was being abolished, and that democratic life was over in Pakistan and that the Army there was in the streets. They did not express any concern.

Jayaprakash Narayan was trying to help the youth of our country. But the Janata Party Government did not bring the anti-defection Bill to cleanse the democratic life in our country. It was Prime Minister Rajiv Gandhi who had brought in the anti-defection Bill. What did you do at that time? Where were you? You could have easily brought that amendment. The masses would have supported you; the masses would have supported the Janata Government, if they had brought the Bill on anti-defection. You could also have said: 'We are giving the youth the right to enable them to participate in the elections, at the age of 18 years.' But you were all busy seeing whether BJP would be with RSS, or RSS would be with BJP. You were busy wondering whether Raj Narain will stick to Hindi, or would become anti-Hindi. You were all busy in that manner. You tried to run the country against the interests of the youth. You exploited the youth in the name of Chhatra Sanghush Samiti; you exploited them in Bihar in the name of the Nava Nirman movement. You gave them the commitment, but betrayed them when you came to power.

That is why you have lost all the moral right to speak for youth. But you do exercise the right to exploit the youth. On many issues, you could do so. So, what is the point in talking about all these things now? If you think about these matters, you cannot defend yourself, because you had betrayed the youth. If JP had been alive today, he might not agree with the principles and programmes of the Congress. That is different. But at least, as an honest politician, he would have said: 'Part of what I had dreamt has been fulfilled by Rajiv Gandhi's Government—and not by my friends whom I brought to power. That is the history. (*Interruptions*)

The present decision is not a decision of any group or block. But you could easily have brought in this amendment. I thank Mr. Satyagopal Misra for bringing his Private Member's Bill on this subject. Mr Somnath Chatterjee referred to it. I thank Mr. Misra. I congratulate him. But in a parliamentary system, we cannot give credit to individuals. We know that many Members move Bills and Resolutions and give notice. But there is something called parliamentary luck, i.e. the luck of the ballot. Whichever Bill gets through the ballot, the name of the person giving it comes to the forefront. It does not mean that the Members whose Bills have not come through the ballot are opposed to this principle. This is precisely the practice. However, I congratulate Shri Satyagopal Misra for bringing this. I congratulate the Students Federations of India, the Youth Congress, the NSUI who have been fighting for the last so many years to include this provision in the Constitution. There is no denying the fact. I am not talking of the Students Federation which is now in the streets, I am talking of that All India Students Federation which was addressed by Pandit Jawaharlal Nehru. Till today they speak of the concept of nationalism.

Now, Shri Somnath Chatterjee in his usual manner tried to ridicule the entire electoral reforms of ours that it was done in a manner which is in the interest of a particular political party, and all those things. I think Somnathji while he spoke so vehemently, spoke with courage and confidence about all those matters, about the sanctity of elections and all those things, quoted the High Court judgement, Supreme Court Judgement, what had happened in my home State Bengal and all those things. And I would only make this appeal to him. If I am wrong, he can certainly interrupt me. If the Congress takes an allegation you can certainly find fault with it. Is it not a fact that two responsible Ministers of your own Government in the State belonging to Forward Block and RSP on the eve of Panchayat election, made public statements that under the leadership of you and the Chief Minister, with the con-

nivance of the police and the party, elections cannot be held, free and fair, in that State? Am I wrong?

SHRI SAIFUDDIN CHOWDHARY:
What did they say after the election?

SHRI P.R. DAS MUNSI : Do not say that. They did not say anything after the election. Say what they said before the election. I am putting that question. It was Shri Kamal Guha, Forward Block Minister and it was Shri Debabrata Bosu, RSP Minister who appealed to the people,—Mr. Amar Roypradhan is sitting in the House, if he has not, he may question me and say what happened in Cooch Behar when Forward Block was there.—they said that no election can be held free and fair.

KUMARI MAMATA BANNERJEE: Did you mention Shri Narayan Choubey?

SHRI P.R. DAS MUNSI: I do not like to mention many names. How was the election conducted? I will give one instance. If I am proved to be wrong, I say with authority, I will resign from this seat and the Government, in one instant. Only six months before, it happened (*interruptions*)

PROF. MADHU DANDAVATE (Rajapur): Once you said that and Mr. Unnikrishnan had gone into trouble. (*Interruptions*)

SHRI S. JAIPAL REDDY: He is going to resign already in the privilege matter. (*Interruptions*)

SHRI P.R. DAS MUNSI: Mr. Jaipal Reddy, I am prepared to accept many more privilege issues. I am not afraid. I am not afraid. What I say is that the system is so good in that part, that when the election process starts, revision of rolls, no officer is transferred. Nothing happens.

SHRI SOMNATH CHATTERJEE: I quoted Supreme Court.

SHRI P.R. DAS MUNSI: Yes, you quoted Supreme Court. This judgement was given possibly in seven or eight petitions. Now, six months before the Secretary summary revision was going on, I am referring to my constituency, while the revision was going on, the SDO without any knowledge was telegraphically transferred and a new SDO was brought in, just to do the work. I repeatedly told that electoral officer. He told me, 'I am sorry, I cannot do.' It never happened. It never happened. It frequently happened and the answer is with the Election Commission. I cannot blame the Election Commission. What can they do? They have to depend on the requisition of the Government officers. The precise point is, today there are free and fair elections. It is not a question of a party, Congress or CPM. May be, CPM is also still like that in other States. On the day of the election, the Superintendent of the Public whether he will be loyal on that day to the dictates of the State Home Minister or the dictates of the Election Commission, that is the question. That is the precise point. If the Superintendent of Police find that some rigging is going on and the Chief Minister, whether of Congress or non-Congress Government, or the Home Minister, or the Chief Secretary dictates to him, and says, "Do not rush", he will not rush.

SHRI SAIFUDDIN CHOWDHARY: Why will he not rush?

SHRI P.R. DAS MUNSI: He does not. What happened in the case of Sultan Singh? What happened in the case of Sultan Singh? I am grateful to the Chief Minister, Shri Jyoti Basu, that after having heard me, he transferred the OC after the election. Point blank, he says, "We can not help."

I do not want to take much time. I will not appeal to Congressmen, I appeal only to one Member of the Opposition, Prof. Madhu Dandavate. whatever findings he will give, I will accept. Let him tour four districts of Bengal and talk to the people how elections are conducted for the last three years.

PROF. MADHU DANDAVATE: I will do it.

SHRI P.R. DAS MUNSI: In Seoul Olympics there was a provision that the Olympic Council can examine an athlete if he is found doped, if he is found to be habitually in the habit of taking steroids, he could be stripped off. And Ben Johnson was stripped off, after he won a medal, on the next day he was stripped off. If there was a kind of commission to understand how things had happened, the Left Front Government of West Bengal would have been stripped off next day on how the elections were conducted. This is how it was arranged. I appeal to the opposition members—I will accept what Mr. Madhu Dandavate will say...

SHRI SOMNATH CHATTERJEE: They are demanding imposition of article 356 in West Bengal.

SHRI P.R. DAS MUNSI: I would ask: Are the Constitutional provisions anti-people or anti-democratic? Is Article 356 outside the Constitution? (Interruptions) In this very House, Mr. Buta Singh, hon. Minister, while announcing the dissolution of the Punjab Government, made a statement that a particular Minister within the Punjab Government or somebody else was hobnobbing with terrorists with arms and, therefore, that was one of the reasons of dissolution. In the same manner, I draw your attention to the fact that if a lawful Government openly gives self-loading rifles, SLRs from the police barrack and stenguns of the police to the party workers to combat the force...

SHRI BASUDEB ACHARIA(Bankura): How can you say?

SHRI P.R. DAS MUNSI: I say it with authority. In Darjeeling it happened.. I say, if this is found to be wrong, I will resign, Arms were recovered by the CPM party...(Interruption) And the Minister publicly admitted that yes, they had done that. So do not talk of these things. Let us confine ourselves on this.

SHRI BASUDEB ACHARIA: What is your President, Ghani Khan Choudhary, openly saying?

SHRI P.R. DAS MUNSI: I know why you are allergic.

SHRI BASUDEB ACHARIA: Who gave arms to GNLF? (*Interruption*)

MR. CHAIRMAN: Please speak on the Bill.

SHRI P.R. DAS MUNSI: The important provision of this amendment of the People's Representation Act is the registration of the political parties. If I am not wrong, when the concept of socialism was embodied in the Preamble of the Constitution during Mrs. Gandhi's Prime Ministership, almost all the opposition accepted that. Let us be very frank and honest. Who will be disturbed by this provision? The provision says that communal elements, corrupt elements and such other people should not be there. I have no idea. Hardly I travelled outside Bengal in elections. But I had been to Allahabad election. In 1977 the election was fought between Janata Party and the Congress. Honestly and objectively if we make an assessment and even CPI will agree with me on that assessment, Maulanah Bukhari campaigned in 1977. Hazi Mastan campaigned in Allahabad. All these campaigns were never encouraged by the Congress but by the opposition.

AN HON. MEMBER: What about Arun Govil?

SHRI P.R. DAS MUNSI: Arun Govil was a film actor. Raj Babbar was also a film actor. The difference is, one acts which is liked by the people and the other is the husband of a great artist who died mysteriously and still it requires to be probed.

The registration of political party concept is nothing but a total commitment for a cause which was the basic spirit of the Preamble. Now, we are talking of the centenary of Kripalani, Abul Kalam Azad, Pandit

Jawaharlal Nehru, Sarat Bose. None from the opposition and the ruling party will question the commitment of these great leaders to socialism, secularism and democracy. If that is so, on this great occasion when this Bill is brought and when all the political parties commit to the total concept of the Preamble of the constitution i.e. secularism and socialism, if Mr. Madhav Reddy say that he is opposed to it, that means, they will be totally opposed to it. It is not Mr. Madhav Reddy who says so because Mr. Madhav Reddy is a very nice leader having old Congress culture. But he is forced to say so as Telugu Desam do not believe in secularism, socialism and democracy. If we cannot do it, how can Telugu Desam people do it? The concept of socialism will hurt many. We know it. To them it is difficult, we know that. It will not be difficult to those who believe in it. The leftist parties will not oppose it because they like it, they believe in it. Whether they practise it, that is a different matter. But they believe in it., They will sign and they will register themselves. Only a few rightist parties who believe more in the words of Harshman and Khasogi, as published in Indian newspapers, for them it will be difficult to commit themselves to this. Therefore, this will give a direction to the poor people of this country, the parties for which they will vote and listen to how much they are committed in their memorandum, in their objective declaration to the basic cause of the country which is espoused by the Constitution of India. Therefore, this registration concept is a revolutionary concept to bind all the political parties to come to a common concept. Now, I know the problem of the opposition because that will create a problem for the unity of the opposition in the sense that while the Government of India recognised Palestine and Mr. Arafat gained strength, it hurt many in the opposition and they tried to bring Moshe Dayan clandestinely in the dark night of Morarji Desai's Government in Delhi. So they feel that if somehow they come to the power, what will happen to them? We know who tried to kill the planning concept and bring in the rolling plan. We know all these. That is why, the so-called concept of unity is not emerging. Everyday this shade or that

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shade is coming because on the content and spirit of the Constitution, i.e. secularism, socialism and democracy, they are still differing.

I will conclude by saying two other points. Mr. Somnath Chatterjee said that it is the ruling party which will be the highest beneficiary to get grants, donations from big business and all these things. Mr. Somnath Chatterjee must be remembering that at that time when Mr. Jyotirmoy Bose was their leader, I personally tabled at my responsibility the receipt of the amount received by the Community Party (Marxist) from Mr. B.M. Birla and Mr. B.K. Birla. At that time, I had submitted the receipt as to how much money CPM collected from Birla House for their party funds.

SHRI SAIFUDDIN CHOUDHARY:
Who gave you the receipt?

SHRI P.R. DAS MUNSI: Yes, I submitted the receipt. It was a very interesting receipt. The receipt does not say the amount. I have interpreted the receipt — BMB and a big gap and then interrogation mark. The counterfoil was kept by the party. I was in the opposition. The only difference of the Marxist Party is that the Marxist Party does not believe in small donations of the private individual companies. They believe, let the treasury be looted in Calcutta, Alipore and no enquiry. Let the tram company — the British people and the Indian monopoly — get the proportionate amount that was settled from the Government exchequer. The gas turbine is brought from abroad without quotations and in this way they collect the money. They feel this is the much more easier way of collecting money than to collect from individuals or from companies. This tactic I say, is the new method, the modernised method of collection in their system. It is a high-tech collection. Therefore, I support both the Constitution Amendment Bill, saluting the concept and the vigour and the wisdom of the Prime Minister who

symbolised...*(Interruptions)* Yes, he symbolised you must listen please. You did not support the freedom till 1950, you did not support the parliamentary system till 1952, you did not support the Indo-Soviet Treaty till 1971, you did not support the Indian crisis in 1962. So, what Congress speaks today, Marxists will speak tomorrow. That is their system in this country...*(Interruptions)*. You have no moral right. It is nice that you are in Parliament. Mr. Chairman, Sir, it is this party which adopted the document that let us be within the democracy to subvert the Constitution from within. It was their concept, not the concept of the people, and still they are holding that concept. So, from the Marxists whose party called CPI(M) was born in India in 1963 or 1964, we should not learn what is parliamentary democracy; we should learn from them what is booth capturing, we should learn from them what is rigging, what is high-tech collection... *(Interruptions)* You look back at your record...*(Interruptions)*

Mr. Chairman, Sir, I have not levelled any accusations against the Marxist Party about corruption or anything. All these are levelled by the former RSP Minister as to how corrupt they are, how bad they are, how they are killing the democracy in the State. Therefore, I would appeal to the hon. Members of the Opposition to rethink the whole thing and to support wholeheartedly and to stand by the amendments of the Constitution and the amendment of the Electoral Reforms Act so that the young people of this country feel that they are not hypocrite, they are not exploiter, who are using them in the streets and saying something in the House.

PROF. MADHU DANDAVATE (Rajapur): Mr. Chairman, Sir, I will now come to the discussion of the Bill. For the last sixteen years, apart from participating in the debate on electoral reforms in this House, I have initiated a discussion on electoral reforms at least five to six times. The person who initiated debate was the same, only the person who replied was changing.

SHRI SOMNATH CHATTERJEE: In course of reply, even he may be changed.

PROF. MADHU DANDAVATE: Every time I got a very favourite reply from the concerned Minister that the matter is under consideration, the matter is under active consideration and ultimately Prime Minister gave me the reply that the matter has been left to a Cabinet Sub-Committee.

First I want to point out to you that as far as the eighteen years limit is concerned, I do not think there will be any controversy at all, but as far as the other Bill is concerned, really it is the scope of the Bill that is important to us. We have been demanding fundamental basic electoral reforms. When some persons, infected by law and order situation, go to the Government and demand that some measure should be taken to prevent and check dacoity and robbery and if the Government comes forward with the device to check only pick-pocketing, one cannot oppose that, but one would say that we are demanding steps to prevent robbery and gangsterism and you are only tinkering with the problem by bringing a measure to check pick-pocketing. So, really that is the basic problem. They have taken up peripheral issues. Here, I would like to draw the attention of the new Law Minister that so long as, in the last several years, there is so much material available, so much material has been placed at your disposal both by the Opposition and by the various Committees appointed by your Government that on the basis of the substantial material, we expected no such a Bill which is just a window dressing, but a more basic Bill touching the fundamentals of the problem of the electoral reform. Sir, starting with the report of the Committee on Defection headed by Shri Y.B. Chavan, strangely enough because later on he also defected, then reports on the proposed amendments to the Election laws, then the reports on Tharkunde Committee of electoral reforms set up by the late Shri Jayaprakash Narayan, then suggestions were made by the Chief Election Commissioner, Shri Shakhder and the suggestions made by the Opposition parties to the Chief

Election Commissioner on his own request and also various suggestions that had been made to the experts of the electoral reform, to Shri Shankaranand, and the Opposition parties had made these suggestions, it was expected that you will take cognisance of a very constructive step on a number of issues on which Congress and Opposition also agreed, the Chief Election Commissioner had also agreed and we expected that on the basis of such voluminous materials that are available to you, a more comprehensive Bill would be available. I would only make one request at the outset and the request is that after adoption of this Bill, don't give up the efforts of bringing in at a later stage a comprehensive Bill on electoral reforms on which you will find a lot of consensus in this House and unless you are able to touch the basic problems and not touch only the fringe and peripheral problems, you will not be able to achieve the results at all.

As far as the age of 18 years is concerned, I myself had moved a Bill in this House. Various Youth Organisations belonging to Congress and Opposition have all been saying that youngsters in this country should be put a little more faith and therefore 10 States in this country—West Bengal, Tripura, Karnataka, Andhra Pradesh, Kerala and other States and of course Gujarat and Himachal Pradesh—have already introduced the limit of 18 years for voting at the local body elections. They have no right to touch Assembly and Lok Sabha elections. That was already done and there was a clamour. I am glad that ultimately at long last this has been accepted and there is no controversy. So, I do not think that this House will be divided at all on this. Even the old men agree that the young must get vote and therefore there is no problem. Though we are not young; we were at least ex-youth and we have respect for them and there will be no difference of opinion as far as vote for youth of 18 years is concerned.

Now, I would like to point out at the very beginning and I hope our hon. Minister will take note of that. He is an-old friend of ours in common educational institutions with

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which we were associated, that too with Dr. Ambedkar. Mr. Gadgil told that Dr. Ambedkar gave the right to vote and Shri Shankaranand will be giving the right to vote to the youth. I am embarrassing you, Mr. Shankaranand. I would say that don't stop at that. Try to read Dr. Ambedkar once again what he said in the Constituent Assembly and you will find that a number of warnings and signals he had given in the Constituent Assembly which you have not taken note of today. But I am sure at least Mr. Shankaranand will be able to take note of this now. Sir, we find in this Bill which is only a flimsy Bill, a lot of issues which are already excluded on which we have given concrete suggestions. In regard to State funding of elections, I will come to that in detail later. In regard to change in the electoral system to remove the wide disparity between the votes secured and the seats won, I am not saying anything because sometimes Congress had suffered when we came to power and we suffer when the Congress came to power and the country has suffered when everything happened. Therefore, as a result of that this also has not changed.

Then, ending the monopoly of TV and radio. Nowadays whenever we switch on the radio and television, we find that such a partisan performance is there.

14.35 hrs.

[MR. SPEAKER *in the Chair*]

Welcome, Mr. Speaker.

MR. SPEAKER: What happened?

PROF. MADHU DANDAVATE: I welcome you, Sir. Nothing unparliamentary, Sir.

Sir, I say that as far as the monopoly of TV and Radio is concerned, that has to be changed.

Preventing the deployment of para-military forces without the concurrence of the

concerned State Governments: Already a problem was created in Garhwal and hats off to the then Chief Election Commissioner, he sent an observer and when the observer sent the telegram from the adjoining State, in such a large number para-military forces had been inducted into Garhwal that they were likely to overawe the voters he cancelled the elections and postponed them. So, that issue has to be there, it has not been tackled.

Independent machinery of the Election Commission including the method of appointment: I do not want the monopoly of appointment to be held by the Government and I would suggest a three-man Committee consisting of the Prime Minister of the country whoever might be—just now Shri Rajiv Gandhi is there, in 1990 some one else, but whatever he may be, the Prime Minister of the country, then the Chief Justice of India and thirdly, a representative elected or nominated by the Opposition. If there is an official leader of the Opposition, he will be there, otherwise a representative nominated by the entire Opposition, and they should have the right to recommend the nomination of the Chief Election Commission machinery which has to be essentially a multi-member machinery for which there is already a provision in the Constitution. I think they can rightly justify that there is no need of making any constitutional provision because already the provision is there, all that is needed is an Executive Order as far as the multi-member machinery is concerned. But as far as the other machinery is concerned, you should make a statutory provision there. The Prime Minister, the Chief Justice of India and a representative of the Opposition—they should recommend what should be the structure and the membership of the multi-member machinery.

Then, misuses of the places of religious worship, I am coming to that. Particularly you, Sir, will be very happy at the amendment which I am moving and if only you have to vote, my amendment would be carried. But because the entire House has to vote, I am afraid what will happen to the amend-

ment.

Then the multi-purpose identity cards. Sir, at this stage I will give you a very interesting instance that has happened in Bihar. I full agree with Mr. Veerendra Patil, he is not there. If the identify card is not there, what happens? I won't name him, he will name him, but there is one Electoral Officer from Bihar who told me, on one occasion one person voted 6-7 times. That man has retired now. He used to clean his ink and come back. He voted seven times.

MR. SPEAKER: I had gone through Tiloni's biography and he said that 'in my State it used to be like this. People will just vote, once more or twice or 10 or 12 times. This practice existed...

PROF. MADHU DANDAVATE: We are emulating that practice.

MR. SPEAKER: No, no. We must eradicate that.

PROF. MADHU DANDAVATE: That is right. So, when he came for voting...

SHRI DINESH GOSWAMI (Guwahati): Did you come to occupy the Chair to point out this to Mr. Dandavate and the House?

MR. SPEAKER: I didn't know; I am not that soothsayer!

(Interruptions)

PROF. MADHU DANDAVATE: Listen to me, Mr. Speaker. For the eighth time when that young man came for voting, then that officer said, 'Get out'. Then that man said, 'Sir, I have voted seven times and why you object now?' He said, 'You, young man, do you realise now for whom you are voting? You are voting for the Chief Justice of Bihar State and then, he was driven away.

On another occasion when one voted five times and when he came for the sixth time, that boy complained, 'Why are you preventing me? I have done it five times.' He

said: 'Do you realise now with whose ballot paper you have come? You are voting in my name.' Such type of impersonations are going on and therefore, for that multi-purpose identity card is absolutely necessary

Sir, about disparity between votes and seats, rest assured that this is not a question of Congress or non-Congress because there are various States where non-Congress governments are there. At the Centre in 1977 we were in power, at that time you suffered as a result of this disparity. Next time if we are likely to be in power, you may suffer as a result of this disparity. So, you will find that this disparity is going to hit every Member of Parliament and every Member of the Legislature. I will not give the entire tabulation. But I will give from 1952 to 1971 because in 1971, there was consolidation and that matter was different. In 1952, Congress got 45% votes and secured 75% seats. The Opposition got 55% votes and got 25% seats. In 1971, Congress got 43% votes, secured 57% seats. The Opposition got 56% votes and got 32% seats. As a result of that, some sort of remedy is to be found out.

I was carefully listening to the new expert on electoral reforms, Shri Gadgil.

MR. SPEAKER: What is in 1977?

PROF. MADHU DANDAVATE: In 1977 also, the position was same. I was pointing it out, whether we are in power or you are in power, everybody is likely to suffer. That is why, I am insisting on that.

I was listening to Mr. Gadgil very carefully. He made one argument, that if it is purely a list system, replacing our present system, in that case, it is the bosses of the party who will select the list and to that extent, there will be erosion of democracy. Therefore taking hint from his constructive suggestion, I would like to strike a balance between the two extremes. In the present system, if those who get 51% votes run away with the entire cake and if anybody who has got 49% votes and that 49% of votes is no

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use, I want some sort of balance. About how the membership of Parliament should come on the basis of the existing system of voting, let me tell you very clearly.

On one issue, I am completely one with Mr. Gadgil and Mr. Veerendra Patil. If you look at all the elections—forget the aberrations and all that—as far as common voter in this country is concerned, he has proved himself to be a commonman with a common sense and robust common sense. In 1977, to register the protest against the promulgation of Emergency, he threw away the Congress and put us into power. When he found that we quarrelled for two years, the same voter rightly told us: We asked you to have a mandate for 5 years but you misruled and so go out of power. The same electorates told this. I have full confidence in the common sense and robust sense of the commonman. Let us have half of the seats in Parliament filled up by the present system. I will tell you, why. If no personal element is involved in the constituency and only list system is there, then, Madhu Dandavate will not care for the constituency at all. He will not nurse the constituency at all. People come for redressal of their grievances and he does not attend to them and he does not come into the picture because he comes through the list and not through personal elections. Therefore, a personal element has also to be maintained in order to see that the constituencies are nursed by the Parliament Members. So, half of the constituencies should be filled like that and half of them should be on the basis of percentage votes secured by all the parties. Certain statutory provisions will be made that one percent will qualify you for 2 additional seats or one percent will qualify you for one additional seat. So, I may get 50 seats directly and on the basis of percentage, I may get 30 or 40 seats. So, my number goes up from 50 to 90 seats. That is why, the imbalance between the votes and the seats should be eliminated. I am very sorry that no provision has been made as far as this aspect is concerned. There will be another advantage.

There are many experts in the country. When I speak about the experts, it is not the elites only. You have basic interest in the farmers' problem. You must have seen people who have not taken doctorates in economics or agriculture but by common sense and by constant association in agriculture understand the problem of agriculture. People working in cooperatives are experts in cooperatives. People working in trade unions must be experts of trade unions. There may be educational experts, experts in law, experts in jurisprudence, experts in Constitutional law. Such people do not like to go through the humdrum of elections. But if part of the Parliament is elected through a list system, in that case, such men can be included in the list. If they get elected to the ruling party, the administrative talent of the ruling party will improve. It is a combination of the system. Therefore, in that particular case, you will find that if they get elected to the Opposition, the calibre of the Opposition will be improved.

And therefore it will be a gain for the entire parliamentary life. West Germany has a combination of both the systems. It is not purely elitist and, therefore, to induct the talent also, there is no reference to that.

As far as TV and radio are concerned, more and more people are convinced that unless there are autonomous corporations for Doordarshan and Akashvani, Akashvani will not be Akashvani. It will be somebody else's Vani. And Doordarshan from a distance will be a Doordarshan of a single personality. If it is in your hands, it might be the Darshan of your Prime Minister whom the country has elected and vice versa.

I do not want that personality cult to be developed and that can happen only when TV and radio are conducted by autonomous corporations. Once I happened to be in U.K. For a long time, I was listening to a speech in a Conference. I asked "Is it the Conference of the ruling party?" They replied "No. It is the Conference of an Opposition party." It is because it is autonomous corporation that controls, and whether it is the ruling party or

the opposition party, if people are interested in the information, and in knowing the facts, then the autonomous corporation has to cater to the needs of both the parties.

There is no provision at all for deployment of para-military forces. I told you that in Garhwal when a large number of para-military forces were inducted, then the Chief Election Commissioner was able to say that it has to be withdrawn and, therefore, I would demand and Shri Shankaranandji can take note of that at a later stage in a more comprehensive way—in fact, I had already given an amendment but generally amendment is something which is always lost if it is moved by the Opposition—and, therefore, anticipating the defeat of my amendment—I would suggest that in the comprehensive legislation that you will be bringing, at least make a provision, that even if the Chief Election Commissioner requires the deployment of paramilitary forces in a Constituency, that cannot be done unless there is a concurrence of the concerned State Governments and I am sure that you will plead for it. I am sure that on the basis of the experience in the State, people will give the advice. We have, for instance, the advantage of Shri S.B. Chavan coming over here.

MR. SPEAKER: I say that Garhwal election was negated.

PROF. MADHU DANDAVATE: It was postponed.

MR. SPEAKER: That was cancelled. That was done on the suggestion of the Election Commission. But, if you again say that the forces cannot be sent without the consent of the States, would it not curtail the authority of the Commission?

PROF. MADHU DANDAVATE: For that, the norms have to be laid that if it is to be deployed, under what conditions. If that is done, that will be a good thing.

As far as the independence of the Election Commission is concerned, I have concrete suggestions. In Clause 2 of the present

Bill, for superintendence of the work of the Election and the conduct of the elections by the Election Commission, the machinery is such that deputationists have been provided for. Here my concrete suggestion is, we will be all in favour of allowing the election machinery to control the election machinery in the States and also other machinery provided that Election Commission is assisted in becoming really independent. Because if the Election Commission—I am not casting any aspersions; so, don't rule it out—what I am saying is, if the Election Commission has the power to supervise the conduct of the elections in various States and, at the same time, the election machinery is so divided that it becomes an instrument in the hands of the Central Government, in that case, with one hand, they are giving power to the Election Commission and with the other hand, it is transferred from the Election Commission to the Government. It will mean only nationalisation of the Election Commission at the hands of the Central Government. I do not want that to happen and, therefore, I want that independence of the machinery of the Election Commission should be maintained. You have set up a pattern in the Lok Sabha. The other day, when we congratulated the Secretariat of the Lok Sabha, every Member from the Congress as well as the Opposition said that starting from Shri Vithalbai Patel very fine traditions have been built up, that Lok Sabha Secretariat Staff are no more the staff of the Central Secretariat which is opposite the Parliament House. If they find that even the Government staff have bungled; for instance, if the staff feel that when certain Question material is to be given to the Minister and some staff from outside try to tamper with it, today they can resist it. Therefore, the independence can be maintained in the Lok Sabha Secretariat. I want the tradition of Lok Sabha Secretariat to be maintained in the machinery of the Election Commission also, so that the Election Commission will never become a hand-maid of the Government.

Sir, in the morning, none of us was casting aspersions on the Election Commission. All that we were saying was that when-

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ever it is convenient they avoid by-elections; whenever it is convenient they force the by-elections. If that happens and if that freedom is given to the Government, they make the recommendations, they point out certain law and order difficulties, they manipulate results and as a result of that, on the basis of the data suggested and recommendations made—the Election Commission is the best at heart, but, unfortunately, faced with the practical proposition...

MR. SPEAKER: Now I find that you are saying the same thing in an orderly manner and according to the rules and I am allowing it.

(Interruptions)

PROF. MADHU DANDAVATE: In the morning also, I said in an orderly manner. But you smelt that I am disorderly.

In fact, I have given one notice under Rule 184 saying that...

MR. SPEAKER: It is question of falling within the rules.

That is all. There is no difference of opinion.

(Interruptions)

PROF. MADHU DANDAVATE: At a later stage, you did accept that I had given a formal Motion. Only you have that power to rule out that Motion. That is the only thing you did.

(Interruptions)

MR. SPEAKER: You have given me the rules. If it is outside the rules, I rule out.

(Interruptions)

PROF. MADHU DANDAVATE: My contention was that my Motion was in order and your ruling was out of order.

MR. SPEAKER: My ruling was also in order.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur): When Madhu Bhaiya is pleased with you, one can see him in his usual quality of Madhu (honey) but when he is annoyed he turns into a honeybee.

MR. SPEAKER: Honeybee bite is also sweet.

[English]

PROF. MADHU DANDAVATE: Sir, as far as registration is concerned, the manner in which the registration Clause had been framed. I do not know whether Shri Shankaranand had consulted Shri Shiv Shanker and also his colleague sitting next to him, going in-depth about all the legalities and the conventions about drafting rules.

In this connection, I would like to mention one thing. You yourself have said so many times in the Orientation Course that one of the qualities of drafting is the simplicity. It might be an absurdity. But, it should have principle of drafting. I find in this particular Bill which they have drafted...(Interruptions)

SHRI THAMPAN THOMAS (Mavelikara): Sir, something is happening there. Lobbying is going on there. (Interruptions)

PROF. MADHU DANDAVATE: Sir, are you allowing Lobbying inside the House? (Interruptions)

MR. SPEAKER: Something is happening there.

SHRI S. JALPAL REDDY: They are so engrossed. They didn't even see your fingers pointing towards them.(Interruptions)

PROF. MADHU DANDAVATE: As a former External Affairs Minister, all his affairs should be external and not internal. When he is talking to Sheilaji, I have to make this comment. (Interruptions)

MR. SPEAKER: Is it like some Doctors who treat internally and some who treat externally?

(Interruptions)

PROF. MADHU DANDAVATE: So many times, portfolios were changed. Some mistakes might have happened... (Interruptions)

I come to the subject now. Take for instance, page 5 of this Bill. I have given separate amendment. I know the fate. Therefore, I am saying earlier. On page 5, Sub-Clause 5 in the original Clause 29-A - I am sorry for sticking to the Bill while discussion it here - it is said.:

"The application under sub-section (4) shall be accompanied by a copy of the memorandum or rules and regulations of the association or body, by whatever name called, and such memorandum or rules and regulations shall contain a specific provision that the association or body shall bear true faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism and democracy, and would uphold the secularism and democracy, and would uphold the sovereignty, unity and integrity of India..."

I wish to draw your attention that when I got elected to this House and I took my oath in front of your — I am sorry, oath was taken before Babuji, he was the Protem Speaker, When I took oath — no aspersions on you it had to be done: you were not elected at that time —

I did not dwell with all the details that I shall protect and defend the Constitution, its Directive Principles, then its concept of social economic equality and also the programmes enunciated and Part III that is, the Fundamental Rights. If I were to take an oath like that, you would have said: "better don't take oath and go out of Parliament." Don't have such a lengthy oath at all because oath

has to be simplified. Therefore, we gave allegiance to the Constitution. And of course, the later part is very important. I took oath that I will uphold the sovereignty, unity and integrity of India. I would suggest without meaning anything ill, to the Minister concerned not to try to have all the elaboration of what is contained in the Constitution.

SHRI THAMPAN THOMAS: It is propaganda.

PROF. MADHU DANDAVATE: I don't allege that. He is not a propagandist. Have only that much portion saying that specific provision that an association or a body shall bear true faith and allegiance to the Constitution of India as by law established and would uphold the sovereignty, unity and integrity of India." When you say that, everything of Preamble comes, Fundamental Rights come, even the future amendments which you are likely to make even that comes, everything comes. Therefore, I say, you don't go on spelling out secularism, principles of socialism because when you say principles of socialism, even those who had the revolution in 1917 in the Soviet Russia, Mr. Gorbachev today talks in terms of Perestroika and Glasnost. So the concept in 1988 is different from 1977. I am happy that they are moving in a forward direction. Even on principles of socialism, there can be difference of opinion, there can be different manifestations. Therefore that has also to be noted.

I am suggesting something about which you will have no difference at all. We have actually accepted in this House - the Bill has been converted into Act - that is, the Religious Institutions (Prevention of Misuses) Act. That is already adopted by this House. Whether one is a Hindu or a Muslim or a Sikh or a Christian, I do not want anyone to misuse the place of worship at all. I do not want any nefarious activities to be carried either from the temple or from the mosque or from the church or from gurdwara...

MR. SPEAKER: Or even from outside

PROF. MADHU DANAVATE: Or from outside.

MR. SPEAKER: Any religious platform.

PROF. MADHU DANAVATE: I do not want immunity even to the Parliament.

MR. SPEAKER: Yes.

PROF. MADHU DANAVATE: Therefore, every temple including the temple of democracy which is the Parliament over which you are presiding...

MR. SPEAKER: I won't allow that.

PROF. MADHU DANAVATE: We will not give you opportunity to do that. Therefore, I have also moved one important amendment in which I have specifically said that as far as violation of Section 7 of the Religious Institutions (Prevention of Misuses) Act, 1988 is concerned, that also should be drawn as one of the grounds for disqualification. If I find that I belong to the Janata Party but I utilise the temple for nefarious activity, for subversive activity I use church, I use gurdwara, I use mosque, in that case, I shall be subjected to disqualification for six years. That doesn't mean that after six years I can continue that.

MR. SPEAKER: I support whole-heartedly this proposal.

PROF. MADHU DANAVATE: Thank you Sir, He has supported it, please accept my amendment.

MR. SPEAKER: You must accept it.

PROF. MADHU DANAVATE: That is the aspect that I wanted to bring.

One more thing on which House will not be divided because it doesn't concern parties is that very often we submit our returns. There is no statutory provision that when we file our nomination, a statement of assets and liabilities should be made. In Maharashtra in 1977, we made it compulsory for our

candidates saying that though there is no statutory provision, you must submit your returns and you will not be allotted a symbol unless you give a statement of assets and liabilities. We publish them. Suppose we have provisions of submitting it later on. When that is submitted and the Court of Law says that that is false- not only wrong but false- I think that should be considered as a disqualification for six years. I think this is not my original contribution; its creative originality belongs to my friend Mr. Jaipal Reddy. He has suggested that. Only because he has suggested, don't reject it.

15.00 hrs.

MR. SPEAKER: If I had suggested it earlier, then?

PROF. MADHU DANAVATE: It would be wonderful. Then they would be forced to accept that.

PROF. P.J. KURIEN (Idukki): He is not supposed to take brief from others.

PROF. MADHU DANAVATE: Inside the House I am allowed. I cannot take hints from my home; but from the House I can.

As far as the identity cards are concerned, from the experience of Bihar I told you, multi-purpose identity cards should be introduced.

As far as the Bill concerned, it is so limited. But some of the provisions which are excluded, if they are accepted, I will tell you what will be the result and the by-product. Take for instance the question of State funding of elections. Mr. Gadgil not being a Finance Minister has talked about finance. Really what Mr. S. B. Chavan ought to have said, unfortunately Mr. Gadgil has said—that how much money will have to be paid. Mr. Gadgil, you will not have to pay this, it is Mr. S. B. Chavan who has to pay this. When he is remaining quiet on that issue, I would like you too to remain quiet. If State funding of elections is there, there are two advantages.

It has been provided in the case of West Germany that what Mr. Gadgil has said is wrong. If there is a subvention by the Central Government to the candidates, some people are taking for granted that there will be a large number of independents and party candidates and therefore the expenditure would be large. That is why my concrete and constructive suggestion to Mr. Shankaranand is that he should not give the subvention indiscriminately. Let him discuss the matter with the Leader of the Opposition and the Leader of the House, make a statutory provision as to which are the candidates who will get the assistance from the Centre and only those candidates who in the previous election have secured more than a certain minimum percentage of votes — I mean their parties — parties which have secured a certain minimum prescribed percentage of votes, only they will be entitled for assistance.

MR. SPEAKER: But what happens if they spend in addition to that?

PROF. MADHU DANDAVATE: I am coming to that; I have anticipated that point, Sir.

If that is done, what is the advantage? There are small splinter groups. They are individual oriented — whether they belong to the Congress or the Opposition, the same disease is there. In the Congress also there have been Congress (O), Congress (I), Congress (J), Congress (U); then Urs goes and Sharad comes and Congress (S) — like that whatever be the name, their surname is Congress and whatever be their name, the surname is Janata.

If that situation arises and small splinter groups are formed, once you say that on the basis of percentage of votes secured by the parties in the previous elections you will give assistance, the tendency of small splinter parties will be that, rather than running a small party, it is better to merge in the mainstream national party which is nearest to me ideologically and won't carry the banner in the name of an individual leader.

In West Germany it has happened. There were a large number of political parties. But the moment the Federal Government started giving subvention to the political parties which have secured more than a minimum percentage of votes, the small splinter groups started saying that in our entire life time and even after rebirth we are not likely to get this percentage and therefore let us join hands with the SPD, let us merge in the Christian Democratic Union, let us merge with the Communist Party and like that the parties merged. Today basically there are only three major parties in West Germany.

Here, Mr. Shankaranand, your own colleague Mr. Veerendra Patil has suggested that something constructive should be done, have a proposal to do some family planning of the parties. Population will take care of itself afterwards. What is needed is the family planning of the political parties; not by compulsion, not by law, but if we have subvention given only to the parties securing more than a certain minimum percentage of votes, the small splinter parties will merge, then the number of parties will be reduced and that will also help in reducing the disparity between the votes and seats because Opposition parties are split in a number of ways.

Therefore, the sixty per cent votes are spread into a number of boxes That also can be avoided.

AN HON. MEMBER: What about the independents?

PROF. MADHU DANDAVATE: No, no, independents cannot claim. There are certain advantages that can accrue only to the organised political parties. For instance, can independents complain, "Organised political parties have one symbol reserved for them; you also reserve for all the independents different symbols?" We can't do it. If you have your independent candidature, you are not able to get the advantage of reserved symbol. If you organise a political party, you get the reserved symbol. Similarly, you or-

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ganise a political party and get more than a certain percentage of votes. In that case, you are entitled to subvention.

Madam, in the end, I will touch that point which Shri Gadgil raised and the query came from the Speaker. When Speaker makes the queries, even if the time is over, I must clarify. Therefore, I will clarify this point. Speaker Sahib raised the question. What will happen about the amount to be paid to those in addition to whatever is done by the State. The best position would be that if State funding of elections takes place, in that case, there can be only one channel of funding. All others will be treated as illegal. If it is not detected, nothing can happen. So many commissions are taken without being detected. One cannot do anything. But if it is detected and it is proved — sometimes high dignitaries admit that they have taken a commission but for a good cause — if the proof is available, in that case, that should be treated an illegality and further subventions should be stopped. A lot of amount shall be given afterwards. Then, that candidate will realise: I unnecessarily took additional money while the State Government money is lost. And, therefore only one channel. But even if that takes time the question is, people like us — who have meagre means — contest the elections.

I come from a constituency where seven consecutive times — whatever be the way — we have won. That's why I said that voters has a commonsense. We have won seven times with least expenditure. But the expenditure is going up. Now, to persons like us — even Tata or Birla in addition to State funding through the Congress get some more proceeds, it does not matter — should have the bare minimum. For instance, some are living below the poverty line. If they are lifted at least above the poverty line, then we can survive. Let others remain in the palatial houses and spend millions of money from their pockets. Even if we are able to survive above the poverty line, we will be able to succeed in the elections. Therefore, that is

the point. So, as a last resort, even if it comes to dual funding, doesn't matter. But some rock-bottom minimum will be available to us. Tata and Birla might have millions of money. But I tell you, friends, Mr. Veerendra Patil or Mr. Gadgil was right. In Bombay, Tata contested. He was defeated. Biria contested. He was defeated. Pataudi contested. He was defeated. So many industrialists, most of them lost. Of course, if they get the patronage of the political party, that is different. But when they stand on their own, they lose. The common electorate in this country have not preferred industrialists. They have not preferred *Maharajahs*. Therefore, I am not at all worried. I have full confidence because I feel that the electorate in this country might not be having a doctorate. He might not be M.A. He might not be B.A. He might not be educated. I have seen the educated who are politically ignorant. And I have seen the uneducated who are politically conscious. In this land of Gandhi, various struggles, that Gandhi had raised, generated a new wave. Those who participated in the Dandi March and devoted themselves to political work, later on, as full time party workers or full-time social workers, their political consciousness was far better than the political consciousness of those who have taken Doctorate and B.Sc. in the university and claimed political understanding and consciousness. Such a dichotomy we have seen. Therefore, I would request hon. Minister to take cognisance of all these suggestions which I have made. If we spoke out here and we make constructive suggestions, it is not with a view to have some exercise for our throats. At 12 o'clock, you give enough exercise to us. What we want is, we have studied the problem. We have studied the entire system. We have suggested electoral reforms. The Tarakunde Committee has suggested; Chavan Committee has suggested; even your own Committee has suggested something; Gadgil ji also produced that green document. So, you take cognizance of all that. Our difficulty, Madam, is that a number of issues which we wanted to push, this gentleman, sorry for my calling him gentleman, I meant the Hon. Minister, has picked up only certain clauses from the

principal Act. Now, our liberty is restricted. If any measures or reforms are to be suggested, they have to be within the parameters and framework of only the clauses that he has touched and he has deliberately not touched the clauses on which we want amendments. Therefore, that being our difficulty, we have said everything in our speeches and whatever amendments are permissible, we have put them.

I would like to say to Shankaranand Ji that on the question of electoral reforms, do not debar any amendment in this House. Whatever is acceptable, let us accept it. Whatever amendments we are suggesting to strengthen even the limited measures that you have suggested, you accept them. Only because it has come from Somnathji or Madhu Dandavate or Madhav Reddy or Jaipal Reddy, it has to be rejected. Don't reject them. Some of them are qualified to be accepted when they are recommended even by the Speaker, so, you accept them. Whatever You cannot, for God's sake and for our sake also — does not matter even if you do not do it for God's sake but for our sake — you bring a more comprehensive legislation at a later stage so that whatever suggestions various veterans have made in the last 20 years will not go wasted and they will not have to say in the heaven that all our suggestions were a waste in the Parliament, and nobody took cognizance of them. So, you take cognizance of them and I would preferably say that before you quit, if you complete the task, it will be appreciated.

SHRI MUKUL WASNIK (Buldhana):
Madam, Chairperson, I rise to support the amendment moved to Article 326 and the Representation of the Peoples Act. This has been a long awaited Act and I am very happy that today in this Parliament we are discussing it and we are making an attempt to pass on a very important responsibility on the younger generation of the country.

Madam, Chairperson, since the day the Prime Minister has risen on the political scene of the country, the hope of the nation

and the hope of the youth in particular has also risen. On the political scene this was one expectation which was there in the hearts and minds of the younger people and today that expectation, the expectation to lower the voting age from 21 years to 18 years, is being fulfilled. This has been the demand of the Youth Congress and the NUSI throughout the Country for the last more than a decade. Today this demand of the Youth Congress and NUSI is reflected in the amendment which has been brought.

This amendment has also reflected one more important thing. This has reflected the determination of the Prime Minister to involve the younger generation in the democratic system. This has also reflected his determination to involve the younger generation to strengthen the democratic system of the country. This has also reflected that the Prime Minister wants that younger generation should play more responsible and an important role in building the country's further. This has also reflected that the Prime Minister has got tremendous confidence and faith in the younger generation.

Today I am happy that a lot many people, a lot many political parties and a lot many leaders from the Opposition have joined their voice to say that this was their demand and their demand is being accepted by the Congress party ; their demand being accepted by the Prime Minister of India. I am happy that at least today they are saying this. But what happened in 1977 when they in their election manifesto had told the youth of the country that when they will come power, if they come to power, they will lower the voting age from 21 to 18 years. The younger generation of the country had confidence in the Janata Party at that time and they believed them. But what had happened? A little later, they came to realise that they were fooled and their expectations were belied because the promise given in the Janata Party's manifesto was not fulfilled. So, Since 1980 the younger generation throughout the country has never again try to believe the Janata Party or the new Janata Dal, whatever be the name old wine in the new bottle.

[Sh. Mukul Wasnik]

Madam I really congratulate all those young people who are in the age group of 18 to 21 years, who will be getting their right to vote after this Bill is passed.

There are certain other important things which have come for discussion today as part of the electoral reforms. Our experience has shown that the election system is working quite effectively and our experience has also shown that the Election Commission which is now a one-man-commission has to be improved further to make the election system work more effectively. One very important area which has been dealt with in the electoral reforms that have been introduced is the provision to see that booth capturing is brought to an end. There is also a provision to take stringent action against those involved in booth-capturing such as disqualification of candidates who are involved in booth-capturing and awarding proper punishment to those officers who are involved in booth capturing.

Here I would like to recall one incident. Recently, there was a by-election to the Faridabad Parliamentary Constituency. When elections were being held, a lady SDM in Bahadurgarh was brutally assaulted and abused by the Lok Dal people who were booth-capturing for their candidate. It was such an ugly scene which could never be forgotten. I hope, with this amendment to curtail booth-capturing, such type of ugly incidents do not happen again.

AN HON. MEMBER: What about Udhampur?

SHRI MUKUL WASNIK: You knew very well what happened in Udhampur. But if you know what happened in the very neighbouring area, you would feel really pained if you have a heart.

Now, I come to the issue of registration of political parties. I do not understand why the Opposition takes a stand that there is no necessity to include this provision that the

political parties must owe allegiance to the Constitution of India and to the principles of socialism and secularism. Why are they shying away from this provision? Why are they afraid of it? This type of an amendment is definitely required because in the past few years, we have seen that there has been a growth of communal organisations and secessionist organisations and these organisations in some place or the other my some way or the other are trying to enter the political arena and thereby trying to destroy the very social and political fabric of this country. Therefore, it is very much essential that measures should be taken to see that such type of organisations which are based on religion and caste are not allowed to enter the political field. So, I support this provision.

There have been certain suggestions by many hon. members about the multi-purpose identity cards. I also feel that there is a necessity for the introduction of multi-purpose identity cards because this may be a step to check booth capturing and with these multi-purpose cards, certain other problems can also be tackled afterwards. But as has been pointed out in the speech of Shri Gadgil, we have to go into the details of money required for this purpose. But at the same time, even if the cost of making these multi-purpose identity cards is going to be somewhat exorbitant and if we are unable to take it up now, I feel that this idea should not be dropped altogether. Even at a later stage, it should be pursued so that whatever benefits we expect from it can be derived from this.

Regarding State funding of the elections, every Member of the Opposition who spoke just now have demanded that State funding of elections should be done. We do feel that if it is possible, the State funding should be done. But for the State funding, the present system of multi-parties, where not only many political parties but very small organisations and individuals independently contesting the elections are going to be there then State funding will not be possible. That is not going to bring results which we want or which we expect. State funding is talked about for curtailing the role of money. If it is

not going to curtail the role of money, then there is no use of funding the elections from the Government because the evil will continue and for continuing this evil there will be one more share coming from the Government officers. So, this thing I do not support. Prof. Dandavate was mentioning that when the population could not be controlled, when the family planning cannot be done effectively, at least there should be a family planning of political parties. We want that. We want a strong Opposition, on Opposition which is a national Opposition, an Opposition which has a national approach, a national outlook and a perspective towards several national issues. But what have we seen? We have seen an Opposition coming together on a national front not for the national cause, for national issues, but for coming to power. If this sort of approach is there, then there will be never a two-party system because there will never be a strong Opposition, there will never be a national Opposition to take a vow from the ruling party. If there has to be a two-party system, if there has to be a State funding of elections then there has to be an Opposition which has a national approach, a national outlook and concern for the country. The concern for the country is lacking in the Opposition today. Today, they are trying to get political gain from every issue. We have lowered the voting age. That reflects the Prime Minister's confidence in the younger generation. But Mr. V.P. Singh, the Opposition Leader who never thought of the youth of the country has started talking about the youth of the country. Why? He wants votes from the younger generation. If the Opposition is going to believe that by doing so they will get votes from the younger generation, then they are mistaken. Today, the younger generation are very well aware of these things. They are not only aware of the political and social conditions of the country but also of the future of the country.

Shri Shankaranand mentioned that present generation is the future of the country. I strongly object to this. The younger generation today is not the future of the nation; it is the builder of the future of the

country. That is how we should look at the younger generation today. I am happy that the Prime Minister has shown that confidence and taken the younger generation along with him. I expect that whatever expectations are there from the younger generation for building a country, for strengthening the country and for building a better India, this right of voting to the younger generation will be used effectively and will be used widely, though they are young people. A demand of the Youth Congress and the NUSI has been met. I am happy for that. I am happy that today the chain of events which has started since the Anti-Defection Bill was passed, that chain is continuing. It will continue to strengthen the democracy of the country in the interest of the country and also the future of the country.

[*Translation*]

SHRI BALKAVI BAIRAGI (Mandsaur): Madam, Chairman, I thank you for the time given to me to speak on this Bill. I support this Bill and would like to congratulate our hon. Prime Minister Shri Rajiv Gandhi, the hon. Minister of law, Shri Shankaranand, Shri Bhardwaj and others, who took keen interest in framing this Bill, because a very good Bill has been brought forward for the welfare of our future generations. Some of our hon. Members tried their best to make this Bill controversial. Once a doubt was raised as to whether this Bill would be introduced even. Later a doubt was raised that this Bill would be shelved but and it is our good luck that finally the Bill has been brought forward for which credit should go to all of us.

From morning till now, I have been listening carefully to all the Members who participated in this debate. In 1985, when this Government came in power, it brought Anti Defection Bill which was later passed by both the Houses and became an Act. At that time also, while people in general welcomed that Bill, whereas our friends, of opposition benches later on began to speak against that Bill by alleging that the Bill had been brought forward to save the Congress Government. This time from the very begin-

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ning, our friends of opposition benches have been saying that this amendment in election laws will directly benefit the Congress Party. I am happy that this Bill has been brought forward and we are participation in it and for the first time we are associating our youngsters of 18 years of age in our political process, but our opposition friends are raising finger on this. On this, I would only like to submit that they should go and scrutinize the voters list in their respective constituencies, then they will find that as many as one to three percent of their voters were below 18 years of age. Not only this, even youths of 15 or 16 years of age have been included in the voter lists and they are casting their votes. Candidates were declared elected or lost in elections held on the basis of such voter lists. If our Government and the party after having felt the necessity of such measures have brought this electoral reforms Bill, the credit should go to us, but our colleagues of opposite benches, in spite of taking keen interest in its passage, are vying with each other as whom the credit should go for this. But I humbly submit to them that whenever this Bill would find berth in the pages of history, no amount of big talk on their part will be able to wrest this credit from Shri Rajiv Gandhi. It will be accounted for in the name of Shri Rajiv Gandhi alone. There is a great difference between the newspapers and History. You can write anything in Newspapers. As the credit of Anti-Defection Bill went to Shri Rajiv Gandhi, the credit of this Bill will also go to him. *(Interruptions)*

We always have dialogue with the opposition in each and every tone and for the last 103 years Congress Party has been knowing this as to how a dialogue should be made with the opposition. We do not have to learn the language from you or the opposition. I would like to submit that opposition in this country has always been a body to be pitied for, not now but from the very beginning so they deserve to be left like this. These people deserve our sympathy. I pray to god in this House — the temple of democracy that the Opposition may be granted

such wisdom by him that they act in such a way that we continue to remain in power. I do not know where will you be when you state thinking positively.

You have opposed the registration of the parties and you feel that this should not be done. Shri Gadgil has aptly said as to in which company's name should they get registered when their partners, brands and names are changed everyday?

AN HON. MEMBER: In the name of benami party.

SHRI BALKAVI BAIRAGI: On the whole had there been a provision of blank registration and bank Chit for registration, then everyone would have availed that facility but when rules are proposed these people straight a way oppose them. I feel sad and surprised that all the responsible people occupying seats on the Opposition benches, whom we bear and treat responsible persons, submit that persons from opposition were consulted but not the opposition Party. This is a strange thesis that person from, Opposition and Opposition Party are different. In the Opposition Party their number is constituted not in unit but in hundreds. How can this work? I am understand when our Opposition Members oppose some point and what else do they have to do except opposing? I will not regret or feel surprised even if they stage a walk out at the time of passing of this Bill. I anticipate that they will get angry at some point or the other and tomorrow when voting will take place, the Opposition Members will say that they disagree with it and will stage a walkout. But they should remember that if the Opposition does not participate in the discussion in a constructive manner then it will be an opportunistic Opposition and not a historical Opposition.

The point of expenditure has also been highlighted. I am a poor citizen of this country and although I have the right to speak on the personal life yet I will not do so. I have contested elections four times in my life and believe it that I walkout spending even a

single penny from my own pocket. . Even though I was defeated in one election but I have never spent even a single penny from my own pocket. I am saying the truth that till date I do not even know as to who paid my deposit money during the four elections. However, if a poor person in this country is elected to the parliament without knowing how all this happened, then, I feel that the credit goes to the system and not to me . I want to submit that democracy is virtuous.

RAO BIRENDRA SINGH (Mahendragarh): You should tell this way to everyone.

SHRI BALKAVI BAIIRAGI: Our colleague Shri Rao is saying that this method should be told to everyone (*Interruptions*)

I would like to relate the strategy of this system to the Opposition Member Shri D.B. Patil and Shri Rao that it is very simple that everyone should become a bairagi if he wants to win. You will have to become bairagi, forget your personality and be one with the rural population.

AN. HON. MEMBER: One will also have to become a poet.

SHRI BALKAVI BAIIRAGI: Poetry is the gift of God but if you become bairagi you will win the hearts of the people of this country. When you will become part and parcel of this country, the country will reciprocate in equal terms but when you will work for foreign country then.

DR. G. S. DHILLON: (Ferozepur). A bairagi too with a family.

SHRI BALKAVI BAIIRAGI: I want to make another submission. This is right that Shri Hansraj is taking note of all the points about election. I would request him to note down that when we asked Shri Madhav to relate the expenditure met on contesting election, he evaded this question. Can you swear that we file genuine returns?

The case here is such that the public spends more money than the contestant.

The situation is such that when the procession of the elected candidate taken out, his family members say that we did not get anything.

DR. G.S. DHILLON: it will not do if everyone becomes bairagi.

SHRI BALKAVI BAIIRAGI: Shri Dhillon, I shall take to you in the lobby after some time. (*Interruptions*) Mr. Chairman, Sir, Shri Rao has started speaking on personal topics and I would not like to go into it . I would like to submit that the public does not have a favourable opinion about the Government funds. The people will not favour those who will contest elections with Government funds. Therefore, elections should be contested with the help of that money which is supposed to be legitimate in the eyes of people. I would like to submit for your information that that money belongs to the people and not to the Government. Besides the Government should direct the Gram Panchayats to fix the place and number of posters to be pasted. in every village . Posters in torn condition are often found pasted on the walls . Many a times it is even difficult to find as to whose poster has been pasted there and by whom? A lot of money has to be spent in putting up these posters and flags. I would like to say one thing about flags also for your information. Everyone knows that there are three columns in our flag. But the parties whose flag is of one of two colours have to face a lot of problems. The workers of such parties say that the length of the flag should not be less than one metre. They say this so that that cloth may used for stitching a blouse later on. The Government should fix certain limit about these flags. Those flags are seen on the top of buildings upto elections but thereafter flag cloth is stitched and used in some form of the other. Due to too much of indigo in it gets difficult to wash it. Later on it is overheard that so and so woman is wearing a dress which bear an election symbol on its back I am saying this quite seriously. You will find all this if you visit the villages the Government should find out some way to that unnecessary expenditure on flags may be avoided. The Government

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should fix the limit of general meetings in the respective constituencies. Too many meetings have to be held and a lot of time, resources and money are wasted.

Our colleagues in the opposition have criticised the independent candidates Shri Madhav who is like my elder brother has entered the Parliament by winning elections. After having spoken he realised that one should not be so vocal in criticising the independent candidates because a gentleman by the name of Shri V.P. Singh is also an independent. Our colleagues are aware that he is also their leader however Shri Madhav realised this late. (*Interruptions*)

I would like to tell Shri Madhav that there is a difference between an independent and absolutely independent. The Government must take some decision about independent candidates. Even if the Government raises the deposit money to Rs. 25 thousand, the powers who was to destabilise the democratic set up from the country will manage even a sum of Rs 50/- thousand through some source or the other. They will somehow manage to keep them fighting. There are certain forces within the country who want to destabilise the democratic Government by some means or the other. Some conspiracy or the other goes on in the country. The Government should find out some such way through which such practises could be curbed.

Besides, the number of candidates in elections is very large and it becomes difficult to trace them out, in the ballot paper I am happy that the Government has faith in our children and we also feel that they are the children of intelligent people. The Government is giving the right to vote to persons having attained the age of 18 years. After getting this right they will work intelligently and our leaders and organisers have full faith in them.

Shri Madhu Dandavate made a number of good points. He is now scared about the

fate of his amendment. There is no hassle about what is past. Once something is over we want to bring in something good. Introduction of electronic machines is also right-step. The neighbouring State of Delhi will face some problem because by installing electronic machines the bungling which has been done in the past will not be possible any more. My submission is that the Government should install electronic machines (*Interruptions*)

I regret when the Government itself indulges in booth capturing. To whom should we complain in such a situation? If the State Governments themselves indulge in booth capturing then to whom can the public complain I would like to thank the Government for having made the provision of punishment in this Bill. The Government has made a good provision of punishment on disturbing the election, meetings, otherwise our friends had sought out various ways of disturbing meetings. But now it will be easy to apprehend such elements I congratulate you and Shri Shankaranand in advance for this step and I want that this Bill should be passed.

I agree that there may be some drawbacks and weaknesses in this Bill Elections will be held after one year and all the drawbacks will become, cleared at that time. We will come to know as to what steps need to be taken. The party which may come into power after the elections can discuss those drawbacks but it will not be proper to stop this Bill on the plea that a comprehensive Bill should be introduced right now.

I would like to request that it is an occasion no less than Diwali in our country. The country and many generations have been waiting for this Bill. The Government should pass it and get the best wishes and blessings of the nation.

[*English*]

SHRI DINESH GOSWAMI (Guwahati):
Madam Chairperson, there are two Bills before us — one is the Constitution Amend-

ment bill by which the voting age is being reduced to eighteen and another Bill by which the Representation of the People Act, 1950 and 1951 is sought to be amended. So far as the first Bill is concerned — the reduction of voting age to eighteen years — I give my support fully, without any reservation. I have more reasons to be happy because I represent a party here which is composed primarily of the younger generation. If an eighteen years old boy can take part and take responsibility of all affairs under the law, there is no reason as to why we should deny them the right of franchise, and I think that aberration has been corrected today. But I have only one point to make and I will like an explanation of Mr. Bhardwaj on that. The Law Minister has said that this Bill requires ratification of the Legislatures. My own feeling is that under article 368, this Bill does not require ratification of the Legislatures because the ratification of the Legislatures is required only in case of amendments of articles 54, 55, 73, 162 and 241. The only provision that can probably be attracted by Mr. Bhardwaj is that ratification is required if there is a change in the representation of States in Parliament. Now, this is not going to make any change in the representation in Parliament because if my friend says that this makes changes in the representation in Parliament, then every delimitation makes changes in the representation in the Parliament. Therefore, I will like Mr. Bhardwaj or Mr. Shankaranand to clarify whether actually this Bill will require ratification because in my view, this Bill does not require ratification because it is not attracted by any of the ratification clauses under article 368.

So far as the other Bill is concerned, I must express my disappointment. I have tried to study the provisions of the other Bill, not from the Opposition point of view but objectively, and I have tried to analyse the provisions, and my disappointment arises from the fact that number of maladies which today we find in our electoral system, which require correction, have not been touched in this bill at all. While saying so that there are a number of maladies in our electoral system, I must make it clear that I have no

complaint against the Indian people or the Indian voter. I believe in successive elections. The Indian voters, in spite of many being uneducated in the sense that they may not have had college or school education, have voted with responsibility, have voted with pride. Otherwise, there would not have been so many changes of government. The voters have risen above caste considerations, communal considerations. I am also one of those who are of the view that in crucial time, money has not really been able to influence them. Otherwise, in 1971, in spite of the fact that there were strong forces against Mrs. Gandhi, she would not have come to power. Otherwise in 1977, the hundred year old Congress Party would not have been reduced to the dustbin of politics. Equally a party like A.G.P. would not have come to power in Assam. In Andhra Pradesh, even in 1977, when in Northern India Congress was routed, Congress could secure 41 out of 42 seats, but because the pride of the Andhra Pradesh people was hurt, they again decided to put the same party out of power in Andhra Pradesh. Therefore, the people have voted with responsibility and I feel that irrespective of the party to which he belongs, if somebody has failed in this country, it is the political parties and politicians who have failed the people and not the people. The people stood their ground and if we have not been able to balance the representation in the Parliament or if we have not been able to occupy the seats of power, I put the blame to myself and no other. Some of the friends opposite have complained that the opposition has only the ambition to occupy the seat of power and that is in my view natural ambition. In a democracy, the Opposition will always try to occupy the seat of power and the ruling party will always try to keep itself in the seat of power. But that does not mean that there are no maladies which require no rectification. We have also seen in Assam in 1983, an aberration of the electoral process when under the pretext of Constitutional compulsion, the election was held and out of 90,000 voters in a constituency, i.e. 89,990 people said, "we are not casting the votes" and with 90 votes the persons were selected and was

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made a Ministers. There have been aberrations in the electoral process and about aberrations in the electoral process, it is not that we have complained, the complaints have also come from the other side. Whenever the opposition had won, the ruling party had complained that there had been aberrations and therefore it is necessary that we have a deep look into our electoral process.

Sir, there are three forces or the three powers which are required to be dealt with. One is the abuse of the money power and the other is the abuse of the State power and the third is the abuse of muscle power. I am of the view that the money by itself does not influence election results. Otherwise Tatas and Birlas would have won the elections. But the problem that I face today is that we require a great deal of money to run elections. Mr. Bairagi may be one who may win elections without money. He has asked everybody to be like himself. At this stage I cannot leave my wife. If I do that, all the women will come and pounce upon me.

AN HON. MEMBER: Mr. Bairagi has not left his wife.

SHRI DINESH GOSWAMI: I am happy to note that. I can tell you that in the last General Elections I hope our adversaries will bear me out, that our candidates of A.G.P. won by spending less than Rs. 5000. It is because people in that election took the election as a challenge. It was more like a referendum. But is an exception. Today if you want to run an election machinery, whether the money states out of your pocket or whether the money comes from the party or whether it comes from your friends or other sources, I think it is impossible to manage a parliamentary election in less than Rs. 5 lakhs. In fact, Mr. Ganesan, the Secretary of the Election Commission made a certain exercise sometime back and he was of the view that in a constituency Rs. 5.85 lakhs would be necessary in order to run the elections effectively. I made certain

calculations. Supposing I am to contest in the next election, what will be my expenses? From whatever sources it may come, I found that I am to run 22 vehicles. I have 10 Assembly constituencies and to manage these 22 vehicles, for 8 days with 2 vehicles for each Assembly constituency and this is the minimum number required nowadays. So, one will require about Rs. 3.50 lakhs and on the polling days one will need Rs. 70,000 on an average and for the other propaganda materials one requires about Rs. 50,000. Therefore, you cannot think of running an election in less than Rs. 4.5 lakhs. Now, wherefrom this money will come? Either this money of Rs. 5 lakhs I will get from my friends or from some other sources. How many friends will have money to give me for election purposes? I think that either the party or the individual shall have to fall back upon the industrialists and mill-owners. Do they give this money without asking for quid proquo? Either you shall have to get from the foreign Commissioner from the Indian industrialists. In case of a very highly cadre-based party like the CPI(M) is there, expenses may be less, but even they will require money after coming to power. There, I think their expenses are also going up. Therefore, when we ask for tackling the money power, it is not in order to influence the Indian voters as they have been by and large influenced by money, but in order to point out that if we want really the election promises to be translated into reality, on the one hand we cannot say that we will usher in a socialist society, we will work for the poor. For fighting elections we turn to the richer sections for their money. In such a situation after elections, whatever may be our attempt or commitment, that is going to be diluted and that is why it has become necessary that the election expenses must be reduced if we want to translate our promises into reality and there the question of State funding comes in. I am aware that in a country like India it is not possible to provide State funds to all Rs. 5 lakhs to each candidate is not possible and I am not in favour of that. I am not in favour also of giving this state funding to Independents or the un-organised parties. But we have certain criteria, the Election Commis-

sion give symbols to certain parties which acquire a percentage of votes either in the Assembly elections or in the parliamentary elections. We may lay down certain criteria and instead of giving money, I think we can start giving minimum of facilities. Why can't the facility of free postage be given to a candidate who comes from a recognised political party, recognised under the Election Symbol Order, for posting his' appeal to the voters or the identification slips to the voters? Why can't we put certain limitations on the banners, the posters etc? Even Mr. Bairagi has suggested it. Why can't we give a certain number of vehicles, a limited number of vehicles and fuel facilities to the candidates of the recognised political parties? It will not cost the State much, but it will give an opportunity, even to a poor party, to fight the election and equally even a rich party will be made much less dependant upon the richer section of the society because whatever you may say, the fact remains that the electoral process has been vitiated not because the people have voted wrongly but because we make promises, and we have failed to keep these promises whichever the party may be, whether it is the Congress Party or the Opposition parties because the compulsions of fighting elections on money and then fighting those people are there and therefore, the question of State funding assumes importance. It is not that the Opposition has made that suggestion, the question of State funding has been discussed threadbare in fact the Election Commission of 1980 made this suggestion to the Government. Shri R.K. Trivedi and Shri S.L. Shakhder, the two former Chief Election Commissioners, have made this suggestion. There was a Seminar in which the hon. Speaker himself was present Shri L.P. Singh, Shri Tarkunde and the then Law Minister Shri Sen were present, all of them were of the view that limited State funding is essential. What may be the items that can be funded or what type of assistance — I am not asking for cash — what materials can be given, well that may be a subject matter of debate, but on principle I believe that the State funding should be accepted, but unfortunately this has not been dealt with in this

Bill at all.

The other question is the misuse of State power. However much one may say, today the TV and the Radio have lost their credibility.

PROF. N.G. RANGA (Guntur): No, no.

SHRI DINESH GOSWAMI (Guwahati): My friends from the Ruling Party may disagree but people do not rely upon the TV and the Radio.

PROF. N.G. RANGA: What do you mean by 'people'?

(Interruptions)

SHRI DINESH GOSWAMI: Maybe to you I am wrong. (Interruptions) I may be wrong, I do not know. But this is the view, if you ask a common man, you will know that the TV and the Radio have lost their credibility. (Interruptions)

Secondly, whichever political party may be in power, who can deny that once the election is in the offing the foundation laying ceremonies start? There are obviously certain codes, but the codes come into operation only after the election process formally starts. But we all know well ahead that election is going to take place. For example the election process will start in Tamil Nadu, formally only from Saturday, according to the law when the Notification will be issued. But everybody knew even five months back that the election will take place in January. And during these months all sorts of promises have been made without violating the Codes. I am not blaming only the Congress. It is the tendency in any ruling party, whoever in power to try to placate the voters. Then, there is the misuse of the official machinery. Should we not do something regarding that? About the use of official vehicles, official helicopters, these are misused with impunity. Should there be no restriction on the misused of official vehicles and the curtailment of the misuse of the State power?

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One point has been made about the Election Commission. Now my friend, Shri Shankaranand said that the Constitution itself says that there should be a multi-member Election Commission. But article 324 (2) says:

"The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President".

Up till now, this Parliament has not made any law in exercise of its powers under article 324 (2). The power is inherent in this Parliament that the Parliament should make a law about appointment of Election Commission. I demand upon this Government, if the Government is honest, Let them bring a law under which the Election Commission is constituted as a multi-member Election Commission. Our suggestion is that it should be constituted in consultation with the Chief Justice of India and also the vice-President, who is the Chairman of the Rajya Sabha, because of the Council of States is also being involved in the process. The law should be made. Then the other Printer that the Election Commission staff are staff of the Union Government. There is no independent secretariat of Election Commission and this point was debated at the time of Constituent Assembly. Dr. Ambedkar at that point of time said that is would mean extra cost or duplicity and he did not favour it. But if you want now today to put everybody of the State machinery who is in-charge of election operation, right from the date of the preparation of the voters list on deputation to the Election Commission, then do you not feel that the cost would be so much multiplied. I am totally in favour of making the Election Commission, totally an independent body

and therefore, the charity should begin at home. You do not want to give up your control over the Election Commission. The Election Commission itself suggested for the creation of a Department of Election and the Union Government does not respond to it. My suggestion is that an independent Secretariat of the Election Commission be constituted and if an independent Secretariat like that of as in the Lok Sabha or Rajya Sabha is created, I have no hesitation in supporting the provision by which all the staff of State Government who are today responsible for doing any duty of the Election are entrusted on a put on to the Election Commission. But that is not done. So far as the Election Commission is concerned, you decide not to give an independent secretariat but try to bring the State Government employees under the control of the Commission. I feel that your action is not *bona fide* and that is why, I urge upon this Government that an independent Secretariat should be established and, therefore, I have given an amendment to section 13 CC and section 28A My amendment is:

"Provided that the provision of this Section shall come into operation after the Parliament by law sets up an independent Secretariat of Election Commission and the Commission is given total authority over the electoral staff employed by the Commission independent of the control of the Union Government."

I will give full credit to the Government if it has courage and conviction, to accept my amendment.

The other point I want to make is that a statutory limit should be laid down regarding holding of by-elections. A number of constituencies are being unrepresented here in Parliament. In Tamil Nadu, the Assembly election is taking place. Therefore, there cannot be any law and order ground as to why in Tamil Nadu, the Parliamentary elections cannot take place. What is the reason as to why the parliamentary bye-elections have not been announced. As a Member of

Parliament, I am entitled to know why a particular constituency in Tamil Nadu is remaining unrepresented here in Parliament. Therefore, there should be a limit to be put down that within such and such time limits, the election must take place and supposing even if you feel that there are exceptional reasons, well, we can make exceptions to that. Otherwise, I have seen that the byelections take place only when it suits that ruling party.

16.00 hrs.

The third point is regarding the muscle power. I welcome the provisions regarding booth capturing and rigging but everybody has suggested for issue of the identity cards. We have accepted the principle of the identity cards in the registration of the electoral rules. Having accepted that principle, it should not remain only on paper. If you want it, definitely you should implement Clause 28 of the Registration of the Election Rules. If you want to implement it, it may not be possible to implement it throughout India at one stroke. But, at least a beginning must be made. As Shri C. Madhav Reddi has pointed out, I do not find in the financial memorandum any allocation for implementing the principle or issue of identity cards in notified constituencies. Even an experienced legislator like Shri Virendra Patil has said how impersonation has taken place and, therefore, issue of multi-purpose identity cards which we have accepted under the rules, should be given immediate effect.

So far as the electronic machines are concerned, I am totally in favour of them. But, there is no guideline as to where the Election Commission will induct this electronic machine. The only sentence is "if the Election Commission so decides". In your Financial Memorandum, you have said "sensitive constituencies". In the Act, the wording is "Wherever the Election Commission in the circumstances so decides". And, therefore, there must be some guideline because this sensitive constituency may be a constituency which is sensitive to the ruling party. Those constituencies which are sensi-

tive to ruling party from the electoral prospects, may be treated as sensitive constituencies and, therefore, I have given amendment that the constituencies where electronic machine to be used, must be decided by the Election Commission in consultation with the recognised parties and the State and the Union Governments.

So far as registration is concerned, I am not opposed to the registration. But, I have failed to understand what is the purpose of this registration. By this registration, the political parties are not going to get any benefit or accept any responsibility except that one should make a declaration under Clause 5. Most of the political parties' rules and regulations contain this declaration. So far as I am concerned, my party is committed to socialism, secularism and democracy and all that. But, I have got a point which I request the Law Minister to consider from legal importance point of view. So far as the unity, integrity and secularism of this country or owing to allegiance to the Constitution is concerned, there is no problem. But, does Article 19 permit you to include socialism also? Article 19 gives the absolute right of association. The only limitation put under Article 19 is that:

"Nothing in this sub-clause shall affect the operation of any existing law or prevent the State from making any law in so far as the law imposes reasonable restrictions on the exercise of the right on these grounds:

You can put

"sovereignty and integrity; the security of the State, friendly relations with foreign States, public order, or decency and morality."

But can you put a restriction saying that "I will not allow an Association to fight elections, if that Association or a Party does not proclaim to be a believer of socialism? That party may say it does not believe in socialism and it will through the Constitutional process, to change the country to a different

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system." Prof. N.G. Ranga, the veteran parliamentarian, was once a Member of the Swatantra Party. The Swatantra Party did not believe in socialism.

PROF. N.G. RANGA: No. We too believed in socialism. We believed in agrarian socialism.

SHRI DINESH GOSWAMI: He believed in a socialism of a different type. Shri Rajagopalachari was of the view that socialism of the type which is followed in the country is not real socialism. I am saying it because we are creating dangerous precedents. There are many Leftist Communist parties; there are many ultra-Leftist parties which have different ideological philosophy. For example, once the CPM didn't believe in the Parliamentary Democracy. There are some ultra-Leftist Parties which, today, may not believe in this system as it is, but if they want to say in future that to committed to the Parliamentary Democracy and they want to come to the fold of Parliamentary Democracy or a party which may not believe in socialism says that it wants to go to voters, on these issues can we say that within the democratic system we will not give the opportunity? I believe that this will be against the very basis and philosophy of our Constitution. I am sure that such parties will be rejected by the people but people are given the freedom of reject them. I believe that the inherent philosophy of our Constitution is that of the right of free association. Some people may not believe in certain things. I have no quarrel with Again I am saying that the requirements of clause (5). So far as my party is concerned, we have already proclaimed that we are prepared to give the declaration under Clause 5 if it is necessary. But I would like the hon. Minister to consider whether the entire Clause will be struck down on the ground that we are putting restriction which is not a reasonable restriction as contemplated under Article 19. The spirit of the Constitution and by spirit of the democratic process allow interplay of thoughts to be tested by the electors? This is

something which I would like the hon. Law Minister to consider. I can assure Shri Bairagi that we have decided not to vote against the Bill. We have our view that this is inadequate. We have suggested amendments. But, we will support the Bill, though inadequate, with many reservations regarding some clause. But, I am in agreement with Prof. Dandavate and this is the demand from us that a more comprehensive Bill should be brought incorporating the various suggestions that have been made from time to time after adopting this Bill. After this Bill is passed Government should bring a comprehensive Bill so that the money power, muscle power and State power could be contained not for the benefit of all but more particularly for the benefit of the democratic polity of the country.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT): Madam Chairman, very eminent and very capable Parliamentarians from the Opposition Benches and from our side have already participated in the debate. The reply will be given by the hon. Law Minister who is piloting this Bill. I would like to make a few suggestions for consideration and a few observations in question. Everybody has expressed confidence in the people of India and congratulated them for making this Indian democracy a stable democracy.

16.08 hrs.

[SHRI SOMNATH RATH *in the Chair*]

I would like to go a little further than that. I do not say that everything is perfect; even with today's amendments, everything will be all right. I don't claim that. Certainly, there is scope for reform and that is what the Government felt; that is what all the Opposition groups felt. That is why this Bill has been brought before Parliament. Of course, some of the Opposition Leaders have said that they were disappointed over certain things; they were happy with only one or two things. My good friend Shri Madhav Reddy spoke. I

heard his speech. He said that only one thing is good and that is about lowering of voting age to 18 years and he said that the rest is all nothing.

I would like to say that the amendments which have been brought are very significant and they are of far-reaching consequence. India can rightly feel proud of that because a new direction is being given to this country. I will come to that later. What I would like to say is that the people of India are masters. They certainly stood by Indian democracy. I would say that despite the deficiencies, it has worked well. What pinches us is the booth-capturing and rigging in some parts of the country, sometimes. 'A' blames 'B', 'B' blames 'C' etc. Leaving that apart, I would say that the electoral system of India has stood the test of time. Despite the prophecy of many prophets of doom outside this House and inside this House, democracy has firmly stood its ground in India. I know from the day we became free, there were people who said that democracy would not survive in India because of various reasons. They put forth several arguments. All these prophets of doom notwithstanding, democracy has taken very strong and firm roots in India. As for those arguments and those versions which say that democracy is being weakened, democracy system is crumbling and it is breaking and so on, I think, democracy system has taken very strong roots in India and we are proud of that. That shows the confidence of the people of India in democracy and in our system despite certain deficiencies.

Now one point which I did not expect Mr. Madhav Reddiji to make but which he tried to make was this. He said: "opposition as such has not been consulted and we as groups have been consulted." I do not know what he meant by that. I say each group of the opposition irrespective of the fact whether it is one member group or three member group or 25-member group or 30 member group, each group was consulted and given sufficient time and they placed their point of view. Now despite the fact according to the rules of Parliament—we do not go by that here—

there is not one group which is a recognised opposition party as such, each one was consulted and given an opportunity and they gave their points very frankly which were taken note of by the Law Minister and the officers of the Law Minister and the officers of the Parliamentary Affairs Ministry. Now he says: "you don't consult us." Supposing we were to call only one or two. Where is the opposition—one united opposition? Does it exist here? You are today speaking as representatives of different opposition groups. Supposing we had ignored you and called one or two people, what would you have felt? We have consulted the opposition in a very fair and objective manner and given the opportunity. We have gained by that. We are grateful to you for cooperation you gave. Well, we wish you well. So far as Government is concerned, we want the opposition to grow, to develop. But we are very sorry that during these 40 years of India becoming free, no opposition party or group of opposition parties has developed with national perspective with national existence and with vision the result, they are not able to deliver the goods. Sometimes just by chance they won by a negative vote. Otherwise everywhere else they lost. (*Interruptions*)

More than anybody else Prof. Madhu Dandavate knows what happened in 1977. He was Minister then. They had a leader like Mr. Jayaprakash Narayan. When he died how much disenchanted was he? With whom? With the present directors of the drama—not with us or with you people. That is a fact. Facts of history and facts of life. Now what are you suggesting today? Now Hon. Members today stressed more on the by-elections. And I just checked up with the Law Minister. Nobody asked for any mid-term poll. Till two or three months, outside, they were asking for mid-term poll. Now they are asking for by-elections. They are saying: "by-elections have not taken place." They are blaming the Central Government for that. On the one hand, you say: "make the Election Commission independent." On the other hand, you blame the Government for holding or not holding elections. This looks rather contradictory. It doesn't go well to—

[Sh. H.K.L. Bhagat]

gether. Let me make it clear. As far as holding of elections is concerned, Speaker very rightly said that it is the job of the Election Commission. So far as Government is concerned or the ruling party is concerned, we have never been afraid of any by-elections or elections. We have always fought by-elections, fought elections. You remember only the by-elections that you have won. Mr. Madhav Reddi forgets the by-election that he lost in his own State, for Parliament. We have won in your State. You forget the trends which are discernible in all the opposition-led States. What are the trends in Andhra itself? What are the trends in Karnataka itself? What are the trends in Kerala itself? What are the trends in opposition ruled States? I say there is no use my claiming and your claiming today and saying that "you are afraid of by-elections." I say: "you are afraid of by-elections." You think, you will win. But I am very confident because Congress is the only national party with national perspective with policies and programmes in a nationally and internationally accepted leadership. It may face difficulties. But it is the party which has won in the past. Even when it was defeated, it has come back. We hope to win back last states as well. There is nothing else but to clap. You will have to clap. Therefore no question of fearing the by-elections.

Now I come straight to the point. Mr. Goswami also knows the situation in which they are passing through today; I don't want to say much on that. We are not happy. We want you to grow; we want you to be united; but you cannot be. After all during these 40 years if the Opposition could not develop, it is because no party had developed. Unless it has ideological clarity, unless it has a vision, unless it has a national existence, and unless it is prepared to work patiently for a long time, you cannot develop. The difficulty is that you want to find out short-cuts to power.

Sometime even when you got by chance the power because of our mistake,

you failed. Now what you are aiming at is coalition and multi-member groups and combinations at various places. This has been tried at the Centre, it failed. It was tried in various States, it failed. I think, I will ask Mr. Madhav Reddi to ask his Chief Minister whether he would like to have a coalition government in Andhra Pradesh. What will happen to a coalition government? The late Mr. Charan Singh, when his SVD coalition Government failed in UP, said that SVD is a cancer. Each one of you know what has happened to various coalition governments...*(Interruptions)*... It is very relevant. Prof. Dandavateji, I consider always you as the repository of wisdom; but I still wish to say something.

PROF. MADHU DANDAVATE: I say you will represent an ideal opposition. I wish you godspeed.

SHRI H.K.L. BHAGAT: Thank you very much. I always value your compliments.

Some friends said that they will have a proportional representation and partly proportional representation. It is very easy to say that. But what will be the consequences? The consequences are that wherever stability exists today in Indian conditions, that will disappear. Will you accept proportional representation then? Does any State like to accept it? It is not that because of this in the present system the Opposition has not come to power. A number of you have come to power—you are in the Parliament though not in power. In other States you are in power. The system provides you an opportunity for different views to come up. The only thing is that the Opposition in the country has not been able to develop into a national opposition in the sense—Prof. Madhu Dandavate will excuse me to say this—that they are surrendering their national perspective and are trying to make a combination to find nectar in regional wills. Some of you personally have the national perspective. You have won in spite of waves, typhoons and so on.

PROF. MADHU DANDAVATE: Please tell us who are your allies in Kerala.

SHRI H.K.L. BHAGAT: I am saying all this to categorically refute that the Congress or the Government is afraid of facing you. We are never afraid of facing you and we are very confident that in any polls under Rajiv Gandhi's leadership we will win the elections.

I am coming to Hon. Member Dinesh Goswami's point. He says the radio and television have lost credibility. According to him, in his language, if he talks to any man he say that the TV has lost its credibility. Why are you afraid of that? If TV has lost credibility, it should go against us. Is it not it? It should help you. No; you know that the TV has not lost its credibility. It is wrong.

SHRI DINESH GOSWAMI: As far as Chitrahaar is concerned, it has not lost credibility.

SHRI H.K.L. BHAGAT: It is very contradictory. You say that the TV has lost credibility; radio has lost credibility, nobody trusts them, nobody believes them. In that case, it should go against us. If it has lost credibility, I cannot understand why all the Opposition-ruled States MPs, MLAs and other people write to me again and again and want to have more and more TV transmitters in their States and in their constituencies. If you like, I can quote. I have a number of letters from all of you.

SHRI DINESH GOSWAMI: They want to see Chitrahaar and films on the TV and not your programmes.

SHRI H.K.L. BHAGAT: Well, if you want to say that it is not lost credibility, it is all right.

PROF. MADHU DANDAVATE: That is for the benefit of the congressmen in our constituencies.

SHRI H.K.L. BHAGAT: It looks very funny that TV and radio have lost credibility and you want TV and radio more.

I am not here to reply to a debate on the TV and Radio. Because a point was men-

tioned, I am saying all this. I want to say, I did get some period checked up and today the best covered Chief Ministers in TV and Radio are my friend Shri Somnath's Chief Minister Mr. Jyoti Basu and Mr. Nayanar. They are the best covered Chief Ministers in TVs and the media. I got it checked up for same period.

I went to Andhra and the Chief Minister gave me very good breakfast. After that, he quietly gave me a 'love letter' complaining that the media is not covering him and his Government well. I checked up those two months. I found that it has got a tremendous coverage. I told the Press. No reply came because facts and figures could not be done.

Then, you have one advantage. Leaving aside the Ministers, Chief Ministers and the Prime Minister, if you look aside, I have got done certain work-study. You are fortunate that the number of Opposition parties happens to be very large. Therefore, you get a little more, if not equal, publicity as far as the Congress is concerned. You are getting even more. The TV and the Radio are under crossfire not only from you but from the Congress. I am getting it from both the sides. The Congress says, I am giving you more. And you say, I am giving more to the Congress. This is what is happening.

So far as the present system is concerned—Madhuji, you also raised this monopoly media—what I am saying is that the present system, at the time of election, gives equal opportunity to the recognised political parties. Now that system worked and it should work well. There are certain guidelines. They said, well, guidelines are violated. Then, they can be seen after the elections. How many cases of violations of guidelines have been there? All these issues can be raised and you have raised. Therefore, I am saying that you talk about the AIR and talk about the TV. I don't say that TV and AIR are prophets and there is nothing to complain. If I were to pick up how much Madhu Dandavate has been covered—he works; he speaks here—how much various Opposition leaders have been covered by

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the TV and the AIR and those who speak in 'Current Affairs', I can give you a list. I don't cover the Parliament news. It is the news correspondents and journalists who cover it. If I show you the list of those who come in 'Current Affairs' during the last one or two years, the number of Congressmen in that list will be very few. So, this is all a part of the game try to give a bad name to the TV and the Radio and ask for more TV and Radio stations in your constituencies.

Shri Madhav Reddi and others also said that there is nothing in this Bill. I am told about it. I did not have the privilege of listening to Prof. Madhu Dandavate but the Law Minister tells me that he is impressed by his speech, though not all arguments. (*Interruptions*) Anyway, he said that. I am always impressed by your speech. Now, you say that there is nothing in this. Well, on age, all agree that a very big thing has been done. Confidence has been shown in the younger people. On that, we are all agreed. Now, Shri Madhav Reddi did say that is the only one thing. Supposing this to be the only thing, is it small? I would say that it is one of the most crucial and biggest decisions in the Indian democracy being taken in this House today on an initiative by Shri Rajiv Gandhi, the Prime Minister of India. That means, the Parliament is going to show confidence in the younger generation, who are no less patriotic than us, no less conscientious than us, no less hardworking than us. They look after India better than us. Is it true that there is nothing else in this Bill?

I want to see the clause of disqualification. A man convicted under dowry offences and under various other social offences, for the first time, has come under the clause of 'offences'. For offences against women and even hoarding, profiteering and various other things, people have been disqualified. Is it a small thing? If you see from the angle of giving a social thrust towards elections, this again is a red letter day that these provisions have been made. Those people could contest. Now, if they are convicted and

sentenced to some kind of imprisonment, they will not be able to contest.

Shri Madhav Reddi and some others also said about the officers who today work under the Election Commission. They are already under their supervision. Why are you putting them under his discipline? On the one hand, you always say: Give full powers to the Election Commission; give them all powers. For 10, 15 or 20 days, you are not prepared to put your officers to work under his supervision and under his discipline. By this argument, are you strengthening the hands of the Election Commissioner or weakening his hands? If he does not have this power, what will he do? Should he run to the Chief Minister and say that there is something wrong and he wants to take action?

SHRI DINESH GOSWAMI: Will you permit me for a minute and answer my question? Why don't you put the officers who are in the Chief Election Commissioner's office under this discipline? You are not putting the officers who are working in the office of the Chief Election Commissioner under the discipline of the Chief Election Commissioner. They are under the Law Ministry.

SHRI H.K.L. BHAGAT: That process is already there.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Mr. Goswami, you know that when the election process starts, the Law Ministry cannot touch any of the officials working there. They are completely under their control even now.

SHRI H.K.L. BHAGAT: Now, I would like to talk about the State funding of elections on which a lot of stress has been laid. I agree that a lot of money is spent on elections and that they are expensive. Lot of money is spent on election and nobody can deny it. Elections are a costly affair, nobody can deny it. It is not that only we spend money and you have all come without

spending money. No. Is that so? No. Now, the question is whether the State funding of the elections is practicable. And whether it will eliminate the use of money power in the elections. This may be your experience that with the use of money power you can win elections. In my whole life I have been contesting elections and I believe that no amount of money can make anyone to win election. Elections are never won and lost by money. Of course, we spend money on propaganda and publicity and so on. But the question is how much does it help. There are various legal and Constitutional questions which are not easy to answer. We are Members of Parliament and we have come here on the Party symbols. The Members should not be given the funding, rather it should be given to the parties. It is an idea. I do not say that new ideas should not be thrown out. But these are not thrown out. It is not easy to find out ways to deal with this. Secondly, will it mean lesser use of money power? No.

I think by now you all would have realised—but you will not admit—that the so called talk of value based politics which was started by some section of the Opposition has disappeared in the air. It has gone because it did not exist. It was something which was unnatural, which has no existence. So, it has gone. It is very funny—I hope you will not mind my saying so—to talk of value based politics by the politicians who make allegations against other leaders and against whom serious allegations exist. I do not want to name them to annoy them. Who is a senior Opposition leader against whom no allegation exists? I am not talking about you, Mr. Dandavate. No allegation exists against you. Who amongst your seniors, so called architects, are the leaders against whom there are no serious allegations? In regard to some, there are prima facie findings; in regard to some; there are court observations. I would only say, "Physician, heal thyself." Those who live in glass houses should not throw stones on others. You are trying to make a boat out of a very brittle paper. You cannot make it. It would not work. By now you may admit it. Madhuji may not

admit it. He himself is a worried man. He has to do a lot of 'chipkoing' to create paper boat. His vote is not coming up, and it will not come up. I know his worry.

PROF. MADHU DANDAVATE: I am only worried about your speech.

SHRI H.K.L. BHAGAT: Well, for the first time, it has been decided, in this Bill a provision is there, that there should be the registration of the party. At present the parties are for the purpose of allotment of symbols. One thing which is the most important and towards which at least a beginning has to be made and a very big beginning has been made, is that every party will have to declare its loyalty to the principles enshrined in the Constitution. Is it a small thing? Well, Madhuji said that we should do something about the misuse of the religious places. I personally agree with his sentiments. I agree that some way should be found out. Government is also thinking that some or the other way should be found out. We should not bring religion in politics. This provision in itself that no party will be able to register itself unless it swears by secularism, socialism and all the principles enshrined in the Constitution is no small achievement. Today, it may look like a small piece of paper but it is something very good.

Now let us come to the aspect of booth-capturing. Booth-capturing has now been defined and certain examples too have been given. Is that a small step?

Shri Madhav Reddi had spoken about a uniform policy. Do you want the Government to run the elections? No. You want the elections to be run by the Election Commission. What can be 'uniform'? Are the conditions and situations in different States at different times uniform? They are not always uniform. They may be uniform or they may not be. Therefore, the best under the circumstances is the Election Commission. In principle, I also agree when you say that the Chief Election Commissioner should be independent. In beginning, I also thought like you and I was also taken in by the idea of a multi-

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member Election Commission I too used to think that it might be better and I thought that there was nothing wrong in what you are asking. But then I thought over the matter carefully and calmly. By making it a multi-member commission, will you be eroding the authority of the Chief Election Commissioner or will you be giving him more authority? Some leaders of the opposition suggested that we must consult this and consult that. Now, do you want an independent commission or a commission which would be prone to pressures and pulls from all sides? Therefore, I want to know what you mean by a multi-member commission.

PROF. MADHU DANDAVATE: There is a provision for that in the Constitution itself.

SHRI H.K.L. BHAGAT: In the beginning, I too thought like you. But when I used my head a little more, I found that this would only weaken the position of the Chief Election Commissioner. Under any circumstances, the Chief Election Commissioner's position must be strengthened and not weakened.

I was quite impressed when Shri Goswami asked as to why some posters and some vehicles could not be given to different parties. Will that run your elections? No. Now, you should think whether there should be government funding of elections at all in principle. Apart from being practical or not, will government funding alone solve the problem of elections in our country, which has its own size, dimensions and regions? I really do not know. I have organised elections in various States and from my own personal experience I can tell you this much that so far as the people of India are concerned, they do not give votes for money and they are not intimidated by money power. They cannot be purchased. It is totally wrong if anyone thinks that people of his country can be purchased.

Maybe, his intention is that smaller

parties can also contest elections with the help of state funding. Perhaps he thinks that the fight between a major party and a small party is unequal, if I understand him right. But I wonder whether you can reduce the major party having a national stature and compare it to a party of regional stature. You cannot do that. Therefore some posters and two or three vehicles are not going to help you. Secondly, there will be so many details like the design of the posters, the wording of the slogans and so on which have to be worked out and for this purpose twenty or thirty or forty people should sit together and discuss and decide. It is very easy to talk about these things. But it is very difficult to take decisions and implement them. Therefore, state funding of elections has not appealed to us.

While concluding, I would say that we all agree on the provisions contained in the Bill. There is no difference of opinion about these provisions. You have asked us to do this and to do that. But you have not said anything in appreciation of what we have done. It is bad. Not in one clause, but in clause after clause, we have brought forward many provisions with which you all agree. Could you suggest that we must remove the clause on booth-capturing, the provision of disqualification or the provision of registration of parties? No, you cannot. I think we should all happily and unitedly agree to all these things because all the steps taken are in the positive direction. We are all politicians. You are politicians and I am a politician and we do have a politically-motivated approach on every issue including electoral reforms. But these are matters of great interest to our nation and I hope you all accept these provisions because these are matters which are not going to help any individual party but the whole nation.

SHRI SHARAD DIGHE (Bombay North Central): Mr. Chairman, Sir, I rise to support the Constitution (Sixty-second Amendment) Bill and also the Representation of the People (Amendment) Bill, 1988.

Sir, by doing so, a very bold step has been taken to bring the youth of this country

in the mainstream of the democratic life of this country. Many may say and take credit that they were the first to suggest this or that and because of their pressure this Electoral Reform has been introduced by the Government but the fact remains that during the last 17 years, every Committee, every Seminar and most of the eminent individuals had canvassed for the introduction of this Electoral Reform, namely, the reduction of age of the voters. This was voiced by a broad spectrum of the body politic. In 1971, the Petitions Committee of the Lok Sabha recommended this proposal. Upon the directive of the Union Ministry Dr. Karan Singh went into the subject and reported back in 1972 in favour of this proposal. The Youth Wing of the Congress in Tirupati in August, 1984 and the National Convention of the NSUI held in September, 1984 also supported this proposal and finally in September, 1988, NSUI National Council in Delhi demanded the reduction of the age. Therefore, for the last several years, this demand was there from several sections of the public and most of the political parties as far as this reduction of age is concerned. It is natural because the age of 18 years has been recognised as the adulthood in law as far as several laws are concerned, say, for example, the Contract Act, the Transfer of Property Act, etc.

Similarly, in the Criminal Law also, a boy of 18 years, if he commits a murder, he can be hanged. In the Marriage Law also a girl of 18 years can marry as far as the age is concerned.

In many countries, the age of voting is 18 years, say for example, USA, UK Canada, Australia, New Zealand, France, USSR, China and also Sri Lanka and Burma.

As far as recruitment to a particular profession is concerned, I would say that in this country the minimum age for recruiting a Sepoy in the Army is 16 years so also in the case of Navy, in Para-military forces, which come under the Home Minister—the BSF, CRPF, Rifle Man in Assam Rifles and Sub-Inspector in the BSF, CRPF, ITBP, Assistant Commissioners in Delhi Police, Constables

and also Sub-Inspectors the age for recruitment is 18 years.

Therefore, it was but natural that as far as election is concerned, the voting age should be reduced promptly from 21 years to 18 years and all sections of the people of this country will welcome this proposal.

But I want to point out that consequent upon to this Amendment, Section 19 of the Representation of People Act 1950 ought to have been amended. It does not find a place in the Bill. It amends also the Representation of the People Act, 1950. Section 19 lays down the Condition of Registration.

It lays down this condition. "Subject to the foregoing provisions of this part, every person who (a) is not less than 21 years of age on the qualifying date." Therefore, consequent upon this upon the Constitution amendment this Section 19 also ought to have been amended and I am surprised that that amendment does not find a place in the present amending bill. Now another bill will be brought for the purpose.

SHRI BIPIN PAL DAS (Tezpur): Mr. Dighe, the Law Minister is not listening to it. This is very important.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): I am taking notes.

SHRI SHARAD DIGHE: Why not that be done now? Mr. Shankaranand, the Law Minister had said in the beginning and now that it will have to be done later. But I say, when you are already amending the Representation of the People Act, 1950 along with this, why have you forgotten to amend that one? What I feel is that inadvertently it has been left out and now that also will have to be brought in, another bill will have to be passed by the House. And it will take time.

Similarly, there is a talk that ratification of this Constitution Bill by more than half the States will be required. But I feel that the Article, 368 of the Constitution does not

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warrant it. Several articles which are mentioned for this purpose, do not cover this Article 326 which we are amending. Only stretching imagination, we can bring this under (d) the Representation of the States in Parliament. But I do not think that such an interpretation is warranted and the ratification by the States, according to me, is not necessary at all.

As far as the Representation of the People (Amendment) Bill is concerned, several good suggestions and proposals have been incorporated in it. Many of the Opposition members have taken objection to the provision seeking to bring under the discipline of the Election Commissioner the served officers and staff members would be working for the election. But I submit that no motives may be attributed for this purpose because there have been reports of several election commissioners who say, that the staff which is employed for the election purpose, if they commit any offence, or any breach of duty, then they cannot be punished. And when their names are reported to the State Governments, the State Governments also do not take any note of those objections and the officers are let off. It has been reported that in one election after another, officers have been guilty of serious dereliction of duty and yet no disciplinary action has been taken against them or the action taken has been inadequate. Therefore, it is necessary to bring them directly under the discipline of the Election Commission there have been even cases in the Supreme Court and the High Court where strictures have been passed.

In a High Court case in Bihar one Block Development Officer had actually canvassed for a candidates and strictures were passed by the High Court. The matter was reported by the Election Commissioner to the Chief Secretary of the State. But benefit of doubt was given to that officer.

Similarly, in a case in Haryana, stric-

tures were passed against a Secretary to the Government who had not followed the instructions of the Election Commissioner. But there also no action was taken by the State Government.

Therefore, there are many cases where even though the Election Commissioner recommends action against the officer for dereliction of duty, the State Governments protect their officers and do not take any action. Therefore, they become bold and do not follow the instructions of the Election Commissioner. Even in case booth capturing several instructions were issued by the Election Commissioner to prevent booth capturing but they have been completely ignored. Nobody follows them and therefore booth capturing goes on. Therefore it is a very well intended suggestion that the staff should be brought under the direct discipline of the Election Commissioner so that he can take disciplinary action if his instructions are not followed by the persons who are on duty.

But as far as booth capturing is concerned, a very good thing has been done to prevent booth capturing. We have done three things. Firstly booth capturing has been defined. Secondly, it has been made a punishable offence. Up to now it could not be directly punished but it was punishable under the Indian Penal Code only. Thirdly, we have made it also a corrupt practice. That will also prevent booth capturing. Side by side we are providing voting by electronic machines. We have made this experiment in a number of Constituencies in 1982 and 1983 Kerala and in other State like Nagaland, Tripura and Bihar. But the election had to be struck down by the Supreme Court because there was no provision in the law. Now we are making this provision. Therefore it will be possible to make use of the electronic machines for the purpose of voting. It is said that it will be introduced in the sensitive booths. We must have some faith in Chief Election Commissioner and I feel that wherever there are more probabilities of booth capturing, the electronic machine will have to be used so that the muscle power will be curtailed.

Finally I suggest that this proportional voting suggestion should never be accepted. It will weaken the Governments. You will always have a coalition Governments. You will have weak Governments in the State as well as in the Centre if this proportional voting system is adopted.

As far as funding is concerned, I submit that second look will have to be taken by the Government. I believe that the electoral reform process is a continuous process and it does not end here. Therefore funding may again be considered.

With these words, I support the Bill.

16.47 hrs.

CHOUHDARY KHURSHID AHMED (Faridabad): Mr. Chairman, I am grateful to Mr. Sharad Dighe that he had given a list of person of eighteen years who are competent to be recruited for different jobs in different walks of life. Also in this Bill, we have provided the age of 18 years for being qualified to be a voter in any of the elections. This is a welcome amendment. Everybody has welcomed it. We from the opposition had always been advocating lowering of the voting age and some of the States where the opposition Governments exist have already lowered the voting age to 18 years and that experiment had been quite successful. There was no opposition from this side and it was always from the other side, the ruling party and they have challenged it in High Courts and Supreme Court. If somebody says that we are claiming this credit, we do deserve it. We are claiming it very rightly.

To claim that the problem of youth would be solved by giving them simple right of voting is a misleading opinion. What the youth of this country needs today is proper opportunities for jobs to relieve them the frustration which they are facing in life. Now we have given them only a voting right.

Could it not be possible to reduce the age by three years for qualifying to be a candidates if not for the Parliament at least

for the Assemblies and local bodies? Our party suggested that for Assemblies and other local elections, it should be made as 21 years.

Everybody is saying that we are trying to bring the youth into the mainstream of the national body politic. But we are bringing them only as the voters and only add them in the list of voters instead of allowing the younger generation to participate in the actual functioning. I may say that they could have made an exception. They might have left the qualifying age for standing to Lok Sabha as 25 years, but certainly in an Assembly by-election, it could be even done 21 or 22 years. If we can entrust the entire district to an IAS officer, a big district of Bengal like 24 Parganas to one IAS officer who may be of 23 or 24 years, can we not entrust a smaller portion of that big district to be represented in an Assembly? Can we not entrust the municipal ward to a person who is only of 21 years? So, what we are giving this side to the youth, we are on the other side denying them the opportunity and allowing them to stagnate for seven long years. After allowing him to vote at the age of 18 years and allowing him to enter into the House only after 8 long years, that I think, is a lack of confidence in the youth of this country. Everybody says that we are proud of the youth of this country. If that is so, at least you should bring another amendment and allow them to enter into the Houses of the State Legislatures and other local authorities at the younger age. Whereas everybody else is considered responsible at the age of 21 but not the youth of the country for entering into the Houses of the State Legislature.

In this amending Bill, several clauses have been added. And some of the new offences have been created. If somebody is convicted under any of these offences, he will be disqualified for contesting the election. That is a welcome feature. But it could have been made more specific and a few other offences of moral turpitude and others should have been taken in.

[Choudhary Khurshid Ahmed]

Various points have been made with regard to the election expenses. From this side, we have said that the State should be able to fund some of the election expenses in any manner possible. There may be complications. In every new thing, there are complications. But because of the complications we should not throw away a suggestion which has been given and which has been practised in western countries with success.

About Election Commission whether it should be multi-member body or one member body, as we have bench in the Supreme Court and the High Courts, can we not think of a multiple body as Election Commission? We are giving too much of powers to one individual now who is sitting for the time being as an Election Commissioner. Most of the time, he is looking towards the Government. We can say that during the elections he is all independent. He functions independently. He takes his own action under his own supervision. When we are putting everybody under the supervision of the Election Commission during the elections, at least the Election Commissioner and the staff working under him, should have nothing to do with the Government. It should be totally independent of any of the Ministries of the Government like the staff of the Lok Sabha Secretariat or the Rajya Sabha Secretariat. Because if it is independent only for the time being for conducting a particular election, anybody who is aspiring for promotion and other things would always look towards the Government and instead of acting as an independent body, most of them, it has been found, to be acting as an extension of the Government ruling party. That suggestion, if it has not been incorporated for the time being, may be brought immediately. By just putting the election staff under the supervision and functional control of the Election Commission during elections, would not improve the things. It would be only putting those people, who are from the States and against whom grouses have been expressed here, indirectly under the Govern-

ment of India. It would not be in the fairness of things to put them indirectly under a ruling party which is having control at the centre. So, this particular aspect has been ignored. The Election Commission has not been given that independence which it needs if it is to supervise, control and to administer the staff of the other States who are involved in the elections.

Then, Sir, I welcome the amendments which have been able to give a clear definition to booth capturing and making it a specific offence which under the electoral law, renders a man disqualified. So, that also is a welcome step. It has been said by our hon. Minister, Mr. Bhagat, that we have been asking for more television centres and still we are saying that it is not independent. But it remains a fact that most of the false promises at the time of elections are made with full use of this media—the All India Radio and the Doordarshan. There have been many many promises made to most of the States on the eve of elections. We heard in 1987 that Haryana would be given Rs. 400 crores and that was very widely televised and propagated on radio. But till today we have not been able to receive that amount. A year before, such a promise was made with regard to Jammu and Kashmir also that Rs. 1,000 crores would flow to the state. After the elections, what certificate has the Central Government got from... (Interruptions)

SHRI CHIRANJI LAL SHARMA (Karnal): The amount sanctioned for SYL canal was also included in these Rs. 400 crores. Don't misrepresent the facts please.

CHOUHDRY KHURSHID AHMAD: SYL was not covered under that agreement. It was an already committed expenditure. Don't put the things in a twisted manner. SYL expenditure was already committed. That was not on the election eve. It was a decision taken a few years back... (Interruptions)

SHRI CHIRANJI LAL SHARMA: That amount is included in these Rs. 400 crores. ... (Interruptions)

MR. CHAIRMAN: Order please.

CHOUHDRY KHURSHID AHMAD: You will get a chance and then you can have your say. I say that to put SYL expenses in these Rs. 400 crores is only giving a false and twisted version to the whole grant. Leave aside Haryana. It was only Rs. 400 crores. You showered Rs. 1,000 crores on Kashmir, but has it fallen on it? ** who is an ally of the Congress (I), has given a very brilliant certificate only a week back...(Interruptions)

MR. CHAIRMAN: The name is expunged from the record.

PROF. SAIFUDDIN SOZ(Baramula): Mr. Chairman, Sir, may be he is quoting out of context.

CHOUHDRY KHURSHID AHMAD: Well, you quote him in a proper context and then prove whatever you want to. But whatever I have heard, I have told and whatever has come in the Press, everybody has seen that. So, Sir, this is a fact. These false promises are widely propagated on the public media and that should be stopped by putting it under the control of an independent Commission. Thank you, Sir.

PROF. P.J. KURIEN (Idukki): Sir, both the Bills under consideration, the Representation of the people (Amendment) Bill and the Constitution (Amendment) Bill, are historic ones. When this Government come into power under the dynamic leadership of Shri Rajiv Gandhi, in the first year itself the Anti-Defection Bill was brought which was unanimously passed by this House. This Bill which is under consideration is a step further, a step forward to improve the quality of Indian politics and polity. Everybody, I am sure, will agree that our election system has stood the test of time. This has been said by many hon. Members.

Looking back to the General Elections held in the country, in 1977, the party in power was routed out of power. In 1980

again it was repeated, that is, The Janata party was routed out and Congress was brought back to power.

17.00 hrs.

Sir, this shews that our people have attained the maturity in taking part in the elections. Sir, it also reflects the soundness of our election system. In spite of the fact that there are certain drawbacks yet because of the sound election system and functioning of the Election Commission independently and impartially, these elections have been possible. Well, at the Centre there is one party and in some states other parties are ruling. When the elections are held different parties come to power and by this, we can proudly say that the election system in our country has stood the test of time, We can compare ourselves to many other democratic countries in so far as sound elections are concerned. But at the same time, no system is absolutely perfect.' There may be drawbacks and it requires time to improve the system perfectly and we can now only reduce or minimise the drawbacks. This Bill which is under discussion is a step in that direction.

Sir, some of the Opposition Members who spoke before me wanted an immediate change and they were asking for a comprehensive bill including everything that they want and everything that they imagine should be incorporated in the Bill. Sir, this is a dangerous preposition. In matters like this, we have to proceed courteously. Sir, while introducing the Bill, the hon. Minister himself said that this bill was only a first step and when time comes and if we want more amendments, at that time we can think of further amendments.

Sir, a number of members from the other side spoke about the impartial conduct of the elections. I am surprised to know that they doubted the impartiality of the Election Commission. They also questioned why the officers deputed for the elections work should be brought under the discipline and

[Prof. P.J. Kurien]

superintendence of the Election Commission. They seem to forget that it is under this Election Commission the Telugu Desam came to power by winning the elections. Mr. Madhav Reddi is not here. But I would tell him that they came to power in their state under this Election Commission. Again Shri V.P. Singh was elected under this Election Commission. They seem to have forgotten all this reality. So, it is very clear that the Election Commission is absolutely independent. Sir, I could not understand why there should be opposition for registering of the political parties. Some other Members asked why there should be registration. When Mr. Goswami spoke, he made it very clear. I should say that the cat is out of the bag now. His party believes in socialism. But at the same time, he asked why the party should say that they believe in socialism which is in the Preamble of the Constitution. Sir, in the Preamble of the Constitution, Socialism, democracy and secularism, all the three corner stones of our country, are there. The fact is that some of the opposition parties find themselves difficult to consume it. They cannot really adhere to this because they don't really believe in it. Therefore, I can understand their difficulty in giving application to the Election Commission saying that they believe in these principles and they believe in the preamble of the Constitution.

Sir, much has been said about the funding of the elections. I personally feel that there should be some assistance from the exchequer. I am not saying that money power can influence the electorate. It is not like that. But I myself have got experience when I contested the last election in my own constituency. A very rich person contested as an independent candidate against me in my constituency. He was pouring money like anything. I think he spent at least Rs. 5—6 million. He is a very very rich person and he was flooding the constituency with posters, with banners and he was paying to every worker, like that he was spending. And, Sir, I had no money, I had to face difficulties. But with all this, the electorate was not influ-

enced, I was elected with the highest majority ever in Kerala, that is, 1,35,000 and odd votes, but the difficulty was that as a candidate I was to struggle and I could not spend even fraction of what he spent, still people elected me. But as a candidate I felt very bad because I had no money. If there is election funding, there should also be a control on the expenditure on election. It can be done in various ways. It has also been suggested by some Members—No. 1 is, the campaigning days can be reduced. No. 2 is, I feel that statutorily we can limit the number of vehicles to be used, number of posters to be used, even the use of cars, mikes and all that. This should be considered by the Government. This should be considered so that in the real election field, the real, genuine candidates will not face such problems.

Sir, about the question of multipurpose identity cards, I am one who says that it should be introduced. The reason is my experience in Kerala only. I have no experience about other States. But I say in Kerala—the Marxist Government is in power, they are for manipulations and for impersonation in the elections. In the Panchayat elections, in elections for cooperative societies, exactly that is what is happening there. All kinds of election malpractices are there. Therefore, I would request that for the proper and impartial conduct of elections at least in Kerala and West Bengal this multipurpose identity card system should be introduced.

Mr. Somnath Chatterjee was speaking very much about the election expenditure, especially about the corruption by the Ruling Party. I was surprised to hear this. How could he forget that his own friends are doing the same thing in Kerala? What is happening in Kerala... (*Interruptions*). In West Bengal? I know about Kerala, so I say this, they cannot do anything else in West Bengal, I admit. Sir, for conducting a rally at Alleppey the Marxist Communist Party spent more than two crores of rupees. Now, the 13th Party Congress is going to be held in Trivandrum and the expenditure is going to be more than five crores of rupees. With all this Mr. Somnath Chatterjee is blaming the

Congress Party. How can he blame the Congress Party? Is it that he is ignorant of what his friends are doing in Kerala? Hearing his speech I was only praying, 'Lord, forgive him, he does not know what his friends are doing in Kerala.' Sir, if you want impartial elections in the States of Kerala and West Bengal, I would earnestly request—the Law Minister is there; hon. Law Minister, if you cannot bring this multipurpose card system in all States, I have no complaint, but bring it in Kerala and West Bengal. Otherwise there will be no free and fair elections in those States. That is the attitude of the Marxist Government.

With these words, I support both the Bills.

1709 hrs.

SHRI SURENDRA PAL SINGH (Bulandshahr): Mr. Chairman, Sir, the two Bills which are the subject matter of today's discussion have been welcomed by one and all in the country. I have listened to the speeches of hon. Members on the opposite side and from that I have deduced that they are not very much against the proposals which have been made in these Bills. They have faulted the Government only on two accounts. First, they feel that the scope of the Bill is not wide enough and many of the recommendations on electoral reforms have not been incorporated in this Bill. Secondly, they feel, there has been a delay on the part of the Government in bringing forward these two legislative measures. When I first read the Bill, I too felt that perhaps the scope of the Bill could have been enlarged. But after listening to the remarks made by the hon. Law Minister and after listening to what Mr. Gadgil had to say about it, I am now convinced that perhaps the Government has a valid reason for not incorporating other recommendations. But I am sure that the Government and the Law Minister have an open mind on it and I am sure, all the suggestions that have been made on this side or the other side of the House will be considered in depth and later on, if need be, another comprehensive Bill could be brought for-

ward to incorporate all the new suggestions.

As regards the delay, I do feel that perhaps there has been a slight delay in bringing forward these two Bills before the House. But the Government has a good reason for that and I congratulate the hon. Law Minister because he has taken the initiative and has now brought these two Bills before the House, the acceptance and approval of which will go a long way in strengthening our democracy and in giving a quality to our democracy.

The decision regarding reduction of age from 21 to 18 years is a very important step, a very important measure which the Government has taken and it has been welcomed by one and all. There is absolutely no controversy about it. I congratulate the Government on having come forward with the proposal. The decision is absolutely in tune with the present political climate in the country and the present thinking. The youth of today, we are all aware, are very well educated; they are enlightened, well informed and they have the political perception of the world around them. They are bubbling with energy and ideas to contribute might, therefore, towards making India a better country. It is in the fitness of things that in recognition of this spirit, they should be given an opportunity to participate in the electoral process and to be a party to the formation of the government of their country and we should benefit from their ideas, from their energies and from their enthusiasm.

In this connection, I have only one humble submission to make. There are still a number of formalities to be completed before this measure becomes an Act. My only request is that those formalities should be fulfilled as early as possible so that these young voters of ours are able to participate in the next elections. If that is not done, my fear is that it will lead to frustration and this whole exercise might prove counter-productive. Necessary steps should be taken to fulfil all the formalities to convert bringing this Bill into an Act as early as possible.

[Sh. Surendra Pal Singh]

It is said that the health of a democracy can be gauged by the quality of its electoral process. During the last 40 years, we have had many elections in our country. They were held very successfully, they were fair and impartial, which go to show that parliamentary system of government has taken roots in our country. Our democracy is strong; its roots are strong. This is a remarkable achievement for third world country, and an achievement, which I am sure, no other country of the Third World can boast of. But having said that, I must admit that, of late, we have been observing that certain pernicious malpractices have crept into our electoral process.

17.14 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

As has been mentioned by a large number of Members, the most prominent of those are the use or the emergence of muscle power in elections, or use of money power in elections. I am glad that these evils which have emerged have been taken note of by the Government and ample provisions have been made in these two Bills to meet the situation.

On this occasion, I would like to make a few practical suggestions for the consideration of the hon. Law Minister which, I if accepted and approved, might be helpful in curbing the practice of booth capturing.

My first suggestion in this regard is that, while I welcome the introduction of the automatic voting machines, —they will be very helpful, no doubt— but, I am not prepared to believe that these machines can stop the malpractice of impersonation and the other malpractices like booth capturing. To stop that, it is my suggestion that even if it be a very costly affair the Government should issue identity cards to all voters. I know it costs a lot of money but without that, I feel, you cannot stop impersonation.

Secondly, it should be made compul-

sory for the State machinery and State Government to use mobile booths for the benefit of the weaker sections of our society like the Scheduled Castes and minorities who are prevented from casting their votes at the time of elections. It has been noticed that despite all the efforts that have been made by the Election Commission and the Government, these weaker sections are prevented from using their franchise. It will be very useful if mobile booths are introduced compulsorily by the Government and these mobile booths can go to the areas where poor people live, so that they can cast their votes without any hindrance.

The third suggestion in this regard is that if booth capturing has taken place in any place and the subsequent inquiry has revealed that the followers of a particular party have indulged in booth capturing, then it is my humble suggestion that the candidate of that party should be disqualified straightway. He should not be allowed to contest the election therefrom. I say this because booth capturing cannot take place without the connivance and approval of the candidate himself. Unless and until we are in a position to punish the concerned party and the candidate, I doubt very much if all these laws and penal provisions which are included there can eradicate this evil. The fact of the matter is that no system of punishment can really stop it. The real solution lies in the fact that there should be a firm commitment on the part of all political parties, the Government machinery and the public at large to keep election free and fair these three elements can cooperate with each other and carry out their responsibility properly, then alone we can stop this evil practice.

A great deal has been said about money power and funding of elections. It is a fact, whether we admit it or not, that money power today does play a very big role in elections. Personally, I am very unhappy about it. There are two aspects of this problem. One is the acceptance of donations by political parties from large business houses for financing elections. The other aspect is expenditure of an individual candidate which is

escalating by leaps and bounds and the elections have become very very expensive indeed. I am not very happy with the system of donations at all because I feel that the money which the party accepts from others is tainted and has strings attached to it. But, at the same time, I am at a loss to suggest as to how we can get out of this system and practice. What can be done about it? After all, political parties do need money for elections. But, my request is that this whole question should be gone into in depth. I request the hon. Minister to find some way whereby we can be freed from the clutches of the money bags in elections. As regards the election expenses, the expenses have become so high that it has become impossible for an ordinary citizen to contest elections. One has to look right and left for help. If help is not forthcoming, difficulties and hurdles will be created and it becomes very difficult to contest the elections. If a candidate accepts that help, then in my opinion, that particular candidate sells his soul and conscience to somebody who gives that money. I am not in favour of it. Some way must be found whereby all these citizens of this country who are not rich can contest elections. Otherwise, I only very rich people can afford to contest elections and an average man will not be able to do so and if he does so, he will do so with the help of blackmoney which I am not in favour of. This is a matter which, I think, should be given very serious thought. Something must be done by the Government.

Lastly, I would like to mention something about the non-serious candidates who are contesting for the fun of it. Many of them just contest elections for the sake of getting publicity or for the sake of introducing themselves in the constituency. Some, indeed are those who are put up by political parties to harm others. The other reason is the lure of money. I think all this vitiates the entire atmosphere. I am not in favour of it at all. How to stop it, how to curb it, is the problem facing us now. My only suggestion with regard to this is that the security deposit in the case of those who are contesting the Lok Sabha elections should be raised, at least, to

Rs. 10, 000/- and in the case of those who are contesting the Assembly Elections, it should be raised to Rs. 5,000/- In making this suggestion. I don't say that this will stop or eradicate the evil altogether. But, it will certainly discourage those candidates who enter the fray just for the sake of publicity, or contesting the elections for the fun of it. That kind of an element can be eliminated altogether by raising the security deposit. Of course, it will not prevent the practice wholly. But it will certainly reduce its incidence. Sir, you have rung the bell, and I have said what I wanted to say. I thank you very much, indeed, for giving me this opportunity to speak I fully support these Bills.

PROF. SAIFUDDIN SOZ (Baramulla):
Mr. Deputy-Speaker, Sir, at the very outset, I want to say that I appreciate the Government of India's response to the aspirations of the people of this country, so far as the electoral reforms are concerned. There are two Bills in this connection before us. As far as the Constitution (Amendment) Bill is concerned, I must congratulate the Government for reducing the voting age from 21 years to 18 years. There is no time. Therefore, I would not like to go into the details of what Shri Somnath Chatterjee said. Now the Government has accepted it. It may be the demand of the people. But, the Government of India has responded to the demand of the people. A very big chunk of new voters will be coming forward to vote. I think they are nearly four crores or so. Therefore, it will be a feather in the cap of Shri Shankaranand. I must congratulate him for this... (*Interruptions*) We have to see whom it is going to benefit. The future is uncertain. We cannot say which party is benefiting from this. We do not know about it. But, as of now, I want to give credit to the Government of India for this. So far as the Representation of the People (Amendment) Bill is concerned, the principal Act is being amended. I have gone through the Bill minutely. But, there is no time to go through Clause-by-Clause. I see some good features in the Bill. Some of the provisions are welcome. For instance, Clause-4 has become a very comprehensive one. It will take note of the disqualifica-

[Prof. Saifuddin Soz]

tions. But, I would like to go a step further. I don't want to go into the principal Act, and say how many disqualifications are there. But, I wonder why have we not touched the anti-Defection Law. It has become a fashion to win the election on the symbol of a party and then go against the party's interests and no action is taken. So, if not now, even at some future date, the hon. Minister will have to respond to the need to enlarge the disqualification of the whole list and bring the Anti-Defection Law also because there are many laws. This is the manual. You have clubbed all kinds of laws. When you think of disqualification, you go against the symbol; you go against the party activity outside Parliament or inside Parliament. There is no action. Therefore, I would like to say that Clause 4 makes it comprehensive enough. But, I would like to go a step further and say that something should be thought of about the Anti-Defection Law also. I welcome Section 5. Because of lack of time, I am going very hurriedly. Section 5 says that the staff drawn from Government Departments will work under the Election Commission, who will be on deputation. Somebody raised the question of finances. They said that the deputationists will draw deputation allowance. My point is that the State Governments will have to be consulted somewhere.

That provision should be there. Many people have made this demand. Mr. Chatterjee has made this demand through his amendment. I have gone through his amendment. I have also moved amendment that State Governments will have to be consulted. I am not, as of now, going into my amendment. I will move this amendment later on.

In Section 6, Part IV (A), regarding registration of political parties, I would say that certain parties are already registered and those parties should not be again called upon to register with the election Commission of India.

In Section 15 which deals with booth

capturing, this has become an offence and the explanation is very good. Explanation on this clause is very comprehensive. These are some very good provisions of the Bill.

On the question of State funding, I am inclined to agree. This is for the first time that I disagree with my very senior colleague on this side Prof. Madhu Dandavate for whom I have the greatest regard. Here, I agree with Mr. Gadgil, not with his calculation of the finances that will be required. In that respect also, it is the poor man's money that will be lost. As far as National Conference is concerned, Madhuji, we fought an election with Rs. 20,000 only. When we go to villages, people offer tea, people offer food. We don't spend any money. Now I hear that you require lakhs of rupees and jeeps and all that and you want the States to fund the election. By that time, the situation will be that money will be got from the Government and money will be received from the private parties. I don't think our country is ready for this kind of extravagance at this moment. Therefore, I disagree with Mr. Dandavate. (*Interruptions*)

Please, Give me a couple of minutes. This Bill is deficient in certain areas. In Clause 6, the commission gets very sweeping powers and the Bill says: "Commission may call for such other particulars as it may deem fit from the association or body." It is a sweeping power before the commission. I think, Mr. Hansrajji should note it because we wanted a multi-member commission. Hon. Minister for Parliamentary Affairs is not here, he advised us that one member Commission is all right. but I am of the opinion that it could be a three-member commission and that commission also should not have sweeping powers like this. That commission can ask for any details it likes. You have not qualified commission's powers here.

Here, I agree with Madhuji who just remembered the Lok Sabha staff while comparing the staff of the Election Commission. It is going on record. Recently there was a Conference where we spoke, "it goes

to the credit of Mr. Vithalbai Patel, it goes to the credit of the father of the Lok Sabha late Dr. Mavalankar who created an institution and we have had giants in Secretaries General." Now Lok Sabha staff is totally impartial. We give them a certificate. Therefore, Commission's staff has to be impartial. It will not work under Government of India. It will be independent. Here, I support wholeheartedly Madhuji.

I also agree with Madhuji when he wanted deletion of expression like 'secularism', 'socialism' and all that because you have to salute the "Constitution of India as by law established and therein comes everything. You may add 'unity and integrity of India.' But nothing more.

In Clause 11 recording of voting machine, we welcome it. But it should become uniform and it should be uniformly applied throughout the country. You say that the Election commission may decide having regard to circumstances of each case in a year specifically. This is a power to the Election Commission. If you use voting machines, it should be used in the length and breadth of the country.

Then I come to the question of punishment.

MR. DEPUTY SPEAKER: Please conclude. You have already taken ten minutes. Please take your seat.

PROF. SAIFUDDIN SOZ: Sir, I will take just two or three minutes.

As far as punishments are concerned, monetary punishment in terms of money is no punishment. Because you say two years rigorous imprisonment and there you say a fine of Rs. 1000. What is Rs. 1000/- worth? When there is a default, it should be imprisonment and no fine.

I want the election manual to be rigorously implemented because it is not being implemented as of now. To the principal Act, i.e. the Act of 1951, there are so many

reforms; but the Returning Officer and the Presiding Officer do not care about them. Therefore by amendment I have suggested that the Returning Officers and the Presiding Officers will also be bound by the laws that are provided in the book.

MR. DEPUTY SPEAKER: Please conclude.

PROF. SAIFUDDIN SOZ: Please implement the principal Act, i.e. 1951 Act, you will have a lot of reforms. We prepare the law, we enact the law; but we don't implement. Therefore, when you reply to the debate you give us an assurance that you will not only implement the principal Act; but you will also implement these amendments religiously.

[Translation]

SHRI PRATAP BHANU SHARMA (Vidisha): Mr. Deputy Speaker, Sir, two Bills have been introduced in the House today concerning electoral reforms. I believe both these Bills, which are the result of years of debate on electoral reforms will take care of all the issues including the one which deals with lowering the voting age and will prove to be highly useful.

Sir, for the last four-five years, the demand to lower the voting age from 21 years to 18 years was being increasingly aired. At the Indian Youth Congress Session in Tirupati in May 1984, a demand was put with one voice before the Hon. young Prime Minister, who was the General Secretary of AICC then, to lower the voting age from 21 years to 18 years. I am happy, that today Hon. Prime Minister, has fulfilled the promise he made to the youth of the country by introducing the 62nd Constitutional Amendment Bill in the House. I want to congratulate him for this. I also want to congratulate him on behalf of the youths of my constituency for fulfilling the promise made to them. Similarly, at the AICC session also, emphasis was laid on lowering the voting age from 21 years to 18 years by the delegates representing all sections from all States. Both the

[Sh. Pratap Bhanu Sharma]

Government as well as the hon. Minister of Law and Justice deserve congratulations, for incorporating the suggestions in the Bill and introducing the Bill at the appropriate time.

Sir, besides this Bill, the Peoples Representations (Amendment) Bill, 1988, seeks to alter the electoral process as also the minimum qualifications in order to strengthen the democratic process so that the candidate who is not able to safeguard the interests of the country and the people does not contest the election. Such candidates are guided by selfish, regional and religious considerations and have the tendency to commit social and economic offences. But somehow or the other, they try to get elected. The Representation of the People (Amendment) Bill, has a provision to debar all persons who perpetuate social evils and vitiate the atmosphere in the name of community for serving their narrow personal interests from contesting the elections to Legislative Assemblies and Parliament. The hon. Minister deserves congratulations for incorporating this provision. It would have been better had the scope of this provision been widened to include all those political parties, who take recourse to regionalism, communalism and use religion for furthering their political ambitions, so that the candidates sponsored by them could be disqualified from contesting elections. This could be a big contribution to the democratic system of the country. I hope the present Bills provide for the inclusion of all the suggestions that may come up from time to time in future.

Some hon. Members raised the demand of the State funding of elections. There is no difference of opinion about the excessive election expenditure. However, it would be better to think in terms of limiting election expenditure and putting checks in order to ensure that the money so spent is not made good through unfair means. In the event of State funding of elections, democracy will be nothing but the Government machinery. In

democracy it is the people's participation that strengthens the electoral process through which the Government is elected. The elected representatives run the Government. But if there is State for funding of elections, there will be no distinction between the Government and the people's representations. Therefore, this distinction has to be maintained. What is special about democracy is that it is the Government of the people, by the people and for the people. The importance of the cooperation and involvement of the people in democracy cannot be undermined, because maximum participation of the people is the source of its strength. I am against accepting donations from big people and instead favour acceptance of small donations from the common people, instead of the state funding of the elections. The Government is requested to bring forward an amendment, proposing code of conduct to be followed by all the political parties so as to check corruption and excessive expenditures. At the same time, there should be a provision to ensure that the returns of election expenses to be filed should be realistic enough to avoid concealment.

Some hon. Members drew the attention of the Central Government towards the promises made by it to the Government of Haryana. However, the conduct of the Chief Ministers of the opposition and the performance of the Opposition Government in Haryana coupled with corruption, bankruptcy and non-fulfilment of the promises made by the latter, are in the knowledge of all. But, now they are unnecessarily trying to shift the blame on the Central Government. This should not be allowed. (*Interruptions*)... This is in reply to what they have said.

In the end, I want to congratulate the young Prime Minister Shri Rajiv Gandhi, under whose leadership the country has progressed a lot during the last four years, in the social, economic, agricultural and industrial fields. He also deserves congratulations for bringing forward these two bills to cleanse the public life.

[English]

SHRI SOMNATH RATH (Aska): Mr. Deputy Speaker, Sir, I rise to support both these historic Bills. I congratulate the Leader of the House, Shri Rajiv Gandhi, and also Shri Shankaranand who is piloting the Bill, for having brought the revolutionary and radical changes in the electoral reforms. Sir, the Congress Party has a tradition and it is that before any major decision is taken, it is always preceded by debate and discussion. In the Congress Party, the Working Committee has recommended the electoral reforms and it was accepted by the All India Congress Committee. The Government has also consulted and discussed with the Opposition parties.

In 1971 the Petition Committee of this House recommended to reduce the age of the voters and as per the decision of the Cabinet, the then Minister of Tourism and Civil Aviation went into the matter. He also recommended that the age should be reduced. So, Sir it is the Congress Party, the Congress Government which had initiated the measure to reduce the age and it was implemented by the Congress Government alone, not by any other government who intervened for a few years in the meanwhile.

Sir, the Congress Party and the Party Leader Shri Rajiv Gandhi has profound faith in the youth force of India. In our freedom movement the youth force had played a great role. Shrimati Indira Gandhi in her childhood formed the Vaner Sena. She had to sacrifice, she was imprisoned and she fought against the British Government. So, it is Congress Party which has taken the lead in the freedom movement even before the Independence, through the youth force of the country. Our election system has stood the test of time. Under the changed circumstances, it is necessary that the electoral reforms should be made and accordingly feeling the pulse of the people and youth force of the country, these electoral reforms have been introduced.

I suppose, the Opposition has no griev-

ance against both the Bills. They have not spoken anything against the provisions of both the Bills. What they have stated is only an improvement upon the Bills and some changes. This is accepted now. The consensus opinion of the House is that both the Bills should be passed.

Many Members have stated about the independence of the Election Commission. The Election Commission of India is a Constitutional authority as per the Article 324 (1). The Commission since its inception consisted only of the Chief Election Commissioner and as the Supreme Court has said, Article, 324 is the reservoir of power for the Election Commission and the Election Commission has got the residuary powers. There is no instance which can be cited when the political parties have interfered with the functioning of Election Commission. The suggestion is that the Election Commission should be appointed by a Supreme Court Judge. Vice President etc. has no meaning because even the Supreme Court Judge or the Chief Justice of Supreme Court or High Court is being appointed by the President of India. So, there is no gain-saying that the Election Commission, being appointed otherwise should be an independent organisation.

In this Bill, Sir, what is rigging and what is booth capturing, has been clearly defined which was not there earlier. Punishment is also being levied for booth capturing and rigging besides disqualification.

Not only these persons who committed offences under the Indian Penal Code and convicted for more than two years are disqualified. But those persons who committed offence under other laws such as the Food Adulteration Act, Customs Act, FERA, Sati, etc. are also to be disqualified for six years. So, this Bill is practically an eye-opener to those persons having criminal record and they should be cautious of their actions if they intend to be the citizens of India.

Some members have said that registration of political parties need not be insisted

[Sh. Somnath Rath]

upon. As we all know, on many occasions we take shelter under the Constitution in this House. When we speak about an Act or a Bill with which we disagree, we say that it is not constitutional. Then, why should we object to the provision in this Bill which says that "the association or body shall bear true faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India?"

We know that today there are forces inside India who want to destabilise the Government and they indulge in secessionist activities. Under these circumstances, let those political parties who have no faith in these secessionist movements and who do not support them at all, come forward and accept this provision. Because of the changed times and the prevailing situation, this provision has been included and it should be adhered to.

About the issue of state-funding, the less said the better it would be. State-funding will not solve the problem of malpractices at all. It will only add to the corrupt practices and lead to the misuse of more funds and spending more money to get votes.

Similarly, about proportional representation, I feel that it will not suit our country. Ours is a vast country. This concept has been experimented in some other countries. But they are also now thinking of changing it. In fact some countries like France have changed it also. Under these circumstances, the system that is prevailing in our country is the best suited and if any improvements are required for holding free and fair elections, the Government will come forward in due course with those changes.

MR. DEPUTY SPEAKER: Shall we extend the House by one more hour ?

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF IN-

FORMATION AND BROADCASTING (SHRI H.K.L.BHAGAT): If the House agrees, we have no objection to sit after 6 o' clock.

SOME HON. MEMBERS: No, no.

SHRI H.K.L.BHAGAT: It has been decided by the Speaker that clause by clause consideration should start by 11 o' clock tomorrow. So, it is better if we sit late today.

PROF. MADHU DANDAVATE: We have no objection.

MR. DEPUTY SPEAKER: Is it the consensus of the House to sit for one more hour?

SEVERAL HON. MEMBERS: Yes please.

SHRI G.M. BANATWALLA (Ponnani): Mr. Deputy Speaker, Sir, the House is considering certain, specific Electoral Reforms. At the outset, I must express my deep appreciation of the political intelligence and sagacity of the Indian voters. Indeed the credit for the survival and stability of democracy goes to our electorate. The Constitution (Amendment) Bill seeks to lower the minimum voting age from 21 years to 18 years. I thank the Government for having responded to this popular demand and having responded to the aspirations of the youth. Indeed, the youth have proved themselves quite capable of shouldering this confidence that has been reposed on them. In fact, our youth have been playing a very major role, a very active role in almost all the elections we have had till this date. I must however say that there are half-hearted salutes that are being given to the youth; here in this House. Indeed, it is a great achievement, a radical amendment to extend franchise to all those above the age of 18 years. But at the sametime, I am constrained to say that the youth of our country do not get all that is due to them and that our salutes to the youth are only half-hearted.

As a corollary to the lowering of the

minimum voting age, there ought to have been also the lowering of the minimum age required to contest as candidates in the elections. There the age remains at 25 years and that every person who wishes to contest for the Assembly or the Lok Sabha must be of a minimum age of 25 years and if he wishes to contest the Rajya Sabha elections, then he must be of a minimum age of 30 years. That is Article 84. I am sorry that as a corollary to the Amendment to Article 326 lowering the voting age, this Article 84 has remained or has rather been ignored. It is absolutely essential that the age for contesting elections ought to have been simultaneously reduced to 21 years. Here in the House we were told and I may recall the words of the hon. Member Shri Gadgil who said, "You pass the Bill and throw open the portals of the House to the Youth of the country". I am sorry, we are only extending them the right to vote, but the portals of this House are not open to the youth. We still want to keep them for ourselves.

Similarly, the Minister for Parliamentary Affairs, Shri Bhagat, said "The Youth look after India better than us." These are glowing tributes to the youth but still we are not doing full justice to them. I therefore demand that the minimum age required to be elected to the Lok Sabha and to Rajya Sabha also should duly be lowered. For the Lok Sabha, we must lower the age from 25 to 21.

We have spoken at length about the independence of the Election Commission. The amendment to the Representation of the People Act speaks about the control of the Election Commission on the State electoral machinery, and speaks about the staff being on deputation to the Election Commission. This mere deputation business will not suffice, in order to ensure the independence of the machinery. An officer who is on deputation still has an eye on the State Government. He knows that he may be required or may have to revert back to his cadre or post. Therefore, it is again a very halfhearted measure. What is necessary is to have a fully independent and autonomous Election Commission, right from the Centre to the

States and the districts. The entire electoral machinery must be independent, and fully under the control of the Election Commission, and then the Election Commission at the Centre should be independent and must not function in any way under the Union government. I, therefore, insist that the entire electoral machinery, the entire Election Commission, its staff even at the State level and the lower levels must not be on mere deputation from the State Governments; but they must be independent staff for all times under the Election Commission. These halfhearted measures for independence do not solve the problems that are before us.

Then we have the question of the multi-member Election Commission. We have been told nothing, except that the Constitution also provides for it. But I must ask the Government and the Law Minister to take the House into confidence as to whether they intend to have a multi-member Election Commission, or not. Then, it is not merely a question of having a multi-member Election Commission. We are not asking for a multi-member Election Commission merely for the sake of form. There are also deeper questions with respect to the appointment of the Election Commission, their terms, their service conditions, the conditions of removal and so on. It is necessary that the Constitution and the relevant Article 324 about the Election Commission should be duly amended to provide for the appointment of all the members of the multi-member Election Commission in the manner in which the Judges of the Supreme Court are appointed. It must be specified also that no member of the Election Commission can be removed save and except in the manner in which Supreme Court Judges are removed. Today, even if a multi-member Commission is appointed, a member of the Election Commission can be removed on the mere advice of the Chief Election Commissioner. That is a very unhappy situation. We cannot call this a radical electoral reform. At the most, we can call them as some gimmicks that are being played. Sir, there is also the question about the election commissioners taking up governmental posts after retire-

[Sh. G.M. Banatwalla]

ment. Suitable restrictions may be placed upon these and it is necessary. I am shocked to find nothing here.

18.00 hrs

MR. DEPUTY SPEAKER: Please wind up.

SHRI G.M. BANATWALLA: I have hardly started.

Since you have rung the bell, I will simply run along., giving some suggestions rather than elaborating them.

I must say that the electoral reforms are by their very nature a continuous process and should not be treated as something that can be completed at one stroke. I have been insisting not on mere political gimmicks but on substantial reforms. There is hardly any substantial reform save and except the question of extending the franchise to those above the age of 18.

There is a clause here - Clause 6 about the registration of political parties. But for what purpose? What are the consequences of registration? What are the consequences of non-registration? A very purposeless clause, I must say, that has been added over here with sweeping powers given to the Election Commissioner. I must, therefore, strongly protest against such a purposeless clause and sweeping powers being given to the election commissioner, for no purpose whatsoever. This can only lead to various complications rather than solving the present problems.

I must also insist upon proper facilities to be extended to those Indian citizens residing or working abroad who wish to vote. We want these Indians residing abroad or working abroad to take greater and greater part in the development of the nation. We have always been inviting them for greater and greater cooperation, but I am sorry to point out that our suggestions made to the Law

Minister with respect to increasing the facilities or providing facilities to those working abroad or residing abroad, to vote in the elections has not found favour by the Government.

SHRI SHANTARAM NAIK: Some of them are residing in Canada.

SHRI G.M. BANATWALLA: I can understand that there are people working within the country, distant from their constituencies. But as compared to such people who can easily return to their constituency to vote, it is difficult for those working abroad to return to exercise their franchise. Therefore, necessary facilities ought to have been extended to them. We are talking about electronic voting devices. We are happy with it. But I am afraid now the elections and rigging may not take another form of the rigging of the machine itself ! Necessary precautions there are also necessary.

I must also insist on electoral rolls in the various languages being easily available in the constituency in which those languages are spoken. I think, there are various suggestions that can be made for the improvement of the electoral procedure that is there today. But the hon'ble Law Minister has pointed out while piloting the Bill that as more and more experience is gained, the Government may come forward with more Bills for improvement of the reform because the electoral reforms are a matter of a continuous process.

With these words, while I welcome the Constitution Amendment Bill lowering the age to 18 years., I strongly protest against Clause 6 amending the Representation of the People Act and calling for a purposeless registration which is fraught with very sweeping and unbridled powers to the Election Commission.

[Translation]

SHRI JAGANNATH CHOUDHARY (Ballia): Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity to speak in

support of both the amendment Bills moved in the House in connection with electoral reforms.

I take this opportunity to congratulate the Hon. Prime Minister Shri Rajiv Gandhi for realising the need for introducing electoral reforms within four years of his assuming office though the shortcomings have been there ever since we achieved independence 40 years ago. During this period, the process of holding elections has been going on uninterrupted.

The provision of lowering the voting age from 21 years to 18 years is meant to encourage the youth and to associate them actively in the electoral process. Earlier, they did not have voting rights, though they were helping in the election process. It is the Congress Government which felt the needs for giving them the voting rights.

The hon. Minister of Law and Justice deserved congratulations for realising the need to amend the constitution in order to debar anti-social elements from contesting elections because with such elements in the fray honest and sincere people are scared of contesting elections.

The Government will realise the gravity of the criminals contesting the elections from the level of Gram Panchayat to Lok Sabha and winning by huge margins, defeating the upright persons who work among people day and night. So the need of the hour is to think about the tactics being adopted by these people, who though remain behind the bars, yet manage to defeat the sincere persons who work 24 hours amidst the people. What happens is, that terror is unleashed by these persons to win the elections. I thank the hon. Minister for debaring such persons from contesting the elections.

The Government should also think over the question of denial of right of franchise to Harijans and weaker sections even after 40 years of independence. The big landlords tell these people to remain indoors and not

to go to the polling booth to exercise their right of franchise. Even after 40 years of independence, the Harijans do not exercise the right of franchise according to their will. Therefore, the Government should give it a serious consideration and make arrangements for casting of votes in the Harijan bastis itself to enable them to cast the votes according to their free will, without fear and influence of the extremists and the landlords.

Issue of booth capturing is raised. Booths are captured in full view of the senior police officers and other officials, but none of the officials present dares to resist booth capturing. The point to ponder over is, why the police do not interfere to prevent booth capturing and instead insist on the complaint to be lodged in writing? Who can dare to come forward to lodge complaint against the landlords and incur their wrath? Therefore, the Government must take some steps to prevent booth capturing, which has become a common feature even during the general elections.

I would suggest insuing identity cards to the voters, because in the absence of identity card, anyone can cast vote even upto 10 times without being detected. If the Government is really interested in preventing booth capturing and bogus voting, it must issue identity cards to the voters and bear the expenses on this account.

Issue of introducing electronic voting machines is being debated. But some people say that it is a very costly proposition. If we avoid such expenditure, free and fair elections all over the country cannot be ensured. In democracy, free and fair election is a pre-requisite. Therefore, if we want to safeguard democracy and ensure free and fair elections, this expenditure must be borne by the Government.

I do not agree with the suggestion made by all the political parties regarding state funding of elections. But I would like the Government to bear the expenses required for buying electronic machines in order to

[Sh. Jagannath Choudhary]

have free and fair elections.

I would like to submit that I represent Ballia constituency of Uttar Pradesh. The victory of a Janata Party candidate in the elections in Ballia rests only on booth capturing. If there is no booth capturing, no Janata Party candidate can dare to stand in the elections in this area. I have myself suffered because of this. The President of Janata Party has won twice because of booth capturing. I challenge that if there is no booth capturing, no Janata Party candidate can contest the elections. I would insist upon the Government to provide electronic machines. If free and fair elections are held in Ballia, there would be no sign of Janata Party left anymore. God knows what will happen if free elections are not held there. The consequences might be dangerous. Keeping all these facts in view, I would urge our young Prime Minister to take measures for holding free elections. I would like to congratulate him because during his four year tenure, he felt the need of electoral reforms which would help in protecting the democracy.

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Deputy Speaker, Sir, I support the Representation of the people (Amendment) Bill, which has been introduced in the House. I also support and welcome the Constitution Amendment Bill presented in the House. Since 1972 efforts were being made to reduce the voting age from 21 years to 18 years. Now the hon. Prime Minister has taken a decision in this regard and thus boosted up the spirits of youth and made them participate in the development, progress and process of nation building. We admire the Hon. Prime Minister for this.

I would like to give some suggestions. The hon. Minister has mentioned in his statement, the proposal of issuing multi purpose identity cards for which the existing laws are adequate. I would like him to fully assure the House in this regard, because I have observed that there is a long standing demand

for it in my own constituency. This would help in curtailing incidents of booth capturing. In the light of this the Government should make provision for issuing multi purpose identity cards and bear the expenditure without any hesitation. The Government of Pakistan also allowed the voters to cast their votes only through identity cards. The Government of India too should follow the same system in India. The Government of Pakistan did not issue those cards and the people had to get them prepared themselves. The Central Government should take a decision in this regard and implement it at the earliest.

I feel that the period of 21 days for campaigning for the Parliament and legislative Assembly elections is too long. It should be reduced to 15 days for Parliament elections and 11 days for Legislative Assembly. It would enable to reduce the campaigning expenditure to a great extent. If the candidate contesting elections is popular with the people, if the people have full faith in him and his party, he would be able to complete his campaign in the given period. The Government should give a serious thought to the matter. This modification should be included while formulating the rules and regulations regarding electoral reforms.

It has been observed that the young voters in particular rub off the voting marks and thus misuse their right of casting vote. The ink used for this purpose should therefore be chemically processed in such a way so that it could not be rubbed off at least for the next three days. The Government should make some provision in this regard. If the Government does not take effective measure against the prevailing practice, the situation may go beyond control. Therefore, special ink should be prepared which cannot fade for least next three days.

So far as the independent candidates are concerned, I am of the view that they should not have a right to contest elections in a democracy. Though my stand is quite harsh, yet the contestant who has full faith in democracy, should positively belong to a particular political party and the independent

candidates should not be allowed to contest elections. If at all they are allowed, stringent provisions should be made for them. So far as the security deposit is concerned, it should be Rs 5000 for Assembly candidature and Rs. 10,000 for Parliamentary candidature. In the same manner the number of those who propose and second the name should be increased to 21-25. Strict provisions should be made so that those who do not fulfil the required conditions are not permitted to contest, otherwise they would always remain a source of nuisance. I would suggest that the independent candidates should not be allowed to contest elections at all, if that is possible, or if at all they are permitted, stringent provisions should be made for them. Elections should not be countermanded due to the death of an independent candidate...*(Interruptions)*

It was done earlier but now there is no such provision. Therefore, such a provision should be included.

Besides, communal organisations should be properly defined. Political parties misuse religious organisations. There is an Act to check this misuse but, more often than not, it is violated. Therefore, I would suggest to consider this point as a disqualification. Besides, provisions have been made in the Bill to disqualify the economic offenders or anti-social elements. I support these provisions.

With these words I support the Constitution sixty-second (Amendment) Bill and the Representation of the People (Amendment) Bill.

[English]

DR. A.K. PATEL (Mehsana): Mr. Deputy Speaker, Sir, I rise here to express my views about the electoral reforms Bill which has been brought forward in this House. Sir, since long, since the last General Elections particularly, the people have been expecting that some electoral reforms Bill will be brought because it was promised by the Prime Minister in public speeches that the

Government will bring forward some reforms in the elections so that there may not be any discontent among the people. Sir, I have gone through the Bill and I am not impressed with the Bill because the Bill is inadequate and I would say that it is also mischievous.

Now, Sir, the walls of Delhi are flooded with colourful posters congratulating the Prime Minister for lowering the age of voters. Sir, before the Prime Minister entered politics, it was demanded by different political parties and also the Joint Parliamentary Committee about lowering of the age. In March, 1972 the Joint Parliamentary Committee suggested that Article 326 should be amended so that the age can be lowered. On 7th May, 1972, the then All Indian Jan Sangh party under the leadership of Shri Vajpayee demanded that the age from 21 should be lowered to 18 for voting purposes. In 1974, the Tharkunde Committee on electoral reforms set up by Shri Jaya Prakash Narayan, recommended that voting age should be lowered to 18. In 1977, the Cabinet Sub-Committee meeting of Janta Party Government considered a number of proposals about the poll reforms and lowering of the voting age was one of them. In 1981, an all-Party meeting was convened by the Janata Party President who also recommended the same thing. In 1982, the Election Commission endorsed the view of the Joint Parliamentary Committee that the voting age should be reduced.

Sir, in 1987 an All Party Conference convened in New Delhi pursued the same thing. This showed that it was a long-standing demand for lowering the age. So, the Ruling Party need not feel proud that they have done a great thing.

About registration of political parties, I do not find any necessity for registration because the intention is not clear. Reforms which were expected are not brought out in this Bill. People expected good changes which will create confidence about democracy. But nowadays as we see, the way in which elections are conducted, people are losing hope, especially the educated group

[Dr. A.K. Patel]

of people do not even come out for voting. The say, 'What is the sense of voting when we don't get good results?' This is the general feeling. So, I would suggest, especially to combat the money power, State funding was suggested by different Opposition parties, and I think it is a very good solution, but it is knowingly omitted in this Bill.

There were some reports in the past about booth-capturing, and the persons against whom there were complaints, were not punished.

The Elections Commission is under the Law Ministry and as you know there are very bad precedents in the past. For example, the present Governor of Gujarat was formerly Election Commissioner and he was given a good post after his retirement. Like that, a new person will be tempted to do the same thing by obliging the Government to get a good post after retirement. So this should be stopped so as to create a healthy atmosphere.

About electoral reforms, I would say that Doordarshan and All India Radio are clearly favouring the Ruling Party. Now, people have got hatred for it. They avoid the news time, even children are betting daily on how many times our Prime Minister will be seen on the TV in a day. They know that this is the practice. This should be stopped and it should be an independent body.

Sir, the time does not permit me to say many things. About the amendment which I have given I will speak in detail later on. I would only say now that Doordarshan, All India Radio, the Police Department and other Departments should not be under the control of the Government.

I thank you very much for giving me this time.

[Translation]

SHRIMATI PATEL RAMABEN
RAMJIBHAI MAVANI (Rajkot): Mr. Deputy

Speaker Sir, first of all I express my support for the constitution (Sixty-Second Amendment) Bill and the Representation of the People (Amendment) Bill. The youth of today is literate, awakened and fully conversant with politics. We are happy that for the first time after Independence, the Government has come forward with a Bill lowering the voting age to 18 years. For this I congratulate the hon. Prime Minister Shri Rajiv Gandhi.

The introduction of this Bill has brought an awakening among the youth of our country. An aspect which needs to be condemned is that of booth-capturing. I have myself suffered on this account. In my constituency it is the B.J.P. which indulges in booth-capturing. B.J.P. activists do not allow the people to cast their vote. Even so many years after Independence, they indulge in such practices. (Interruptions)... It is the B.J.P. activists who indulge in such things. I agree that. (Interruptions)... This causes hardship to the honest people. It is for the first time that booth-capturing will be treated as a cognizable offence. The people will be able to take direct action in such matters. For this I thank the Government.

The Amendments in the Representation of people (Amendment) Bill are very important. Important amendments have been made in the provision dealing with disqualification of candidates in elections. I want to congratulate the hon. Prime Minister Shri Rajiv Gandhi for showing special consideration towards women. For the first time social offences like dowry and Sati and economic offences like hoarding, profiteering and smuggling have been included in the list of offences, conviction in any one of which would render a person disqualified for contesting elections. Which supporting this Bill I would like to put forward a few suggestions.

It is difficult for the common man to contest elections because of the heavy expenditure involved. The entire electoral process should be completed in as little time as possible. The time given to candidates for

electioneering should not exceed 15 days. This will reduce election expenses to a considerable extent. The fine of Rs 1000 proposed for persons who disturb election meetings should be increased to Rs. 5000/-

This will prevent people from disturbing election meetings. People who create disturbances at election meetings should be severely punished.

Another suggestion I want to give is that, with a view to reducing the number of non-serious candidates in the election, the amount of security deposit should be increased to Rs 20,000 on Rs. 25,000. This amount should be forfeited if the candidate fails to secure at least 1/3 rd of the total votes.

Issuing identity cards for voting is also necessary. Booths are captured at many places and bogus votes are cast. In order to check the bogus voting, identity cards must be issued to voters.

I thank you for your gesture of allowing a lady to express her views.

KUMARI MAMATA BANERJEE
(Jadavpur): Mr. Deputy-Speaker, Sir, I am grateful to you for giving me an opportunity to speak on the Representation of the people (Amendment) Bill. Firstly I congratulate our hon. Prime Minister Shri Rajiv Gandhi for giving voting rights to our youth. Hon. Shri Shankaranand also deserves congratulation for bringing forward this Bill.

I feel that identity cards are a must. I have observed the electoral process in several states during different general elections and by-elections. We are proud of India being a democracy but there are people who use their money-power and muscle-power during elections. A number of parties manage to fetch votes by booth-capturing in elections. So I favour the idea of issuing identity cards.

There is a proposal to instal 150 electronic voting machines in sensitive areas.

My constituency lies in a disturbed belt. After Independence, this is the first time I have been elected from there on a congress ticket. In that constituency candidates and voters are not even allowed to reach the polling booths. Since it is a disturbed area, electronic voting machines should be most welcome.

I am in favour of State funding of elections. It is difficult for candidates from the middle and lower classes to contest elections against those who flaunt their money-power and even use muscle-power. The middle-classes do not have any links with industrialists like Tatas and Birlas. But there are many candidates and parties which get funds from industrialists. These people dominate over the contestants from the working class and from villages. State funding is necessary for the middle and lower classes. How can a person contesting the Parliamentary election spend Rs 15-20 crores on his election campaign? When people like me contest elections in future we will be hard put to spend so much money. We restrict our expenditure to the funds allotted to us by our Party. That is why I am in favour of State funding.

Today we heard many speeches on elections. It is regrettable to note the happenings in my State in the last elections. In West Bengal 22,000 candidates were not able to file their nomination papers in the last election. The C.P.I. and the Socialist Party will vouch for this. Cabinet Ministers in the C.P.I. (M) Government in West Bengal criticise the C.P.I. (M) activists for beating the people and not letting them cast their votes. How will the common man in our country be able to vote? We had defined democracy as:-

[English]

Government of the people, by the people and for the people.

[Translation]

But now the definition is

[Kumari Mamata Banerjee]

[English]

Government of the masses, Govern-
ment by the masses, and Government for
the masses.

[Translation]

This definition should be properly ad-
hered to by all States. If I speak against the
West Bengal Government, they pay that I
am doing so because I belong to Congress
(I). But in West Bengal, a Cabinet Minister of
C.P.I. (M) Government publicity criticised his
Chief Minister why do I say that West Bengal
and Haryana should be identified? The last
bye-election saw a wide spread use of
muscle-power for getting votes. This is not
the proper way. I would suggest that first of
all ** because in his State the death of
Supriya occurred. In his State.**

People who indulge in such things when
in power should be disqualified. (*Interrup-
tions*)

Sir, political leaders should be....

[English]

Political leaders are for prosecuting, not
for profession.

[Translation]

A political leader murders a woman and
burns a man on his farm house. When such
things are happening on his farm house,
how can he look after the common man in his
state? What are these people contributing to
the nation? They are indulging in anti-social
activities. Such people should be disquali-
fied. Nobody should be above the law. The
Government should give it a thought.

I want to say something about the reg-
istration of political parties. In the Allahabad
election we saw that villagers were not

aware of the Party to which the candidate
belonged. A lot of expenditure was incurred.
People in the area questioned me on the
source of these Funds, and how this candi-
date was able to contest the elections. V.P.
Singh had been wondering as to how he
would be able to contest election in the
absence of funds. We went there. We visited
the village of the Raja of Manda. Over there
we saw —the flags of B.J.P. goondas of* —
and lathi wielding activists of C.P.I. (M). This
is how election was contested by the Raja of
Manda. Previously he used the Bofors issue
to make some political capital. Now the
Bofors issue has become stale and so has
the Raja of Manda. This is how elections are
gone through. Votes are captured through
muscle power, money power, booth rigging
and booth capturing . Sir, therefore, such
things needs to be checked in our country.

Here every person has a right to cast
vote and contest elections but there should
be some system for it. No discrimination
should be practised against anyone and the
Government should have a uniform policy in
this regard. Today, look at the police, look at
the Administration, all have become de-
stroyers. In the morning Mr Somnath Chat-
terji referred to the statement of Shri Ghani
Khan Choudhury in which he had asked the
Government to supply stenguns to the con-
gress workers. I want to tell you that C.P.M.
workers there daily beat our workers, that is
why he has asked for providing stenguns for
self-defence. The Government there has
itself provided weapons to C.P.M. workers in
Darjeeling. I request Prof. Dandavate to go
there and see with his own eyes and if it is
found wrong he may bring a privilege motion
against me. He may visit Darjeeling and see
the state of affairs prevailing there. Democ-
racy cannot be run like this.

It has also been stated that Congress
Party gets money from Tatas and Birlas but
from where they get? Today Tatas, Birlas,
Rajourias and Fatehpurias all have become
their friends. A small party with a small office
have been able to have a big party office like

**Expunged as ordered by the Chair

*Expunged as ordered by the Chair.

a five star hotel. From where this money has come? Therefore, we must have an objection on party-registration. Some days ago a conference of their party was held and each delegate was provided with food worth Rs. 100/- per head and one bag containing toothpaste, tooth-brush, powder, snow, soap and one dozen digestive pills for use if something goes wrong due to overeating. So from where they get this money? It is, therefore, necessary that such a policy should be framed so that a common man has not to face any difficulty.

I want to submit one more point. Today I.A.S. and I.P.S. officers in our State have started indulging in politics. Thus how can we expect free and fair elections there. The Government should set up an independent election machinery. If this work is entrusted to the State Government, we cannot expect a free and fair elections as I.A.S. and I.P.S. officers will directly involve themselves in them and totally follow the instructions of the State Government. Some days ago it has been reported in a newspaper that an I.A.S. officer in a meeting of the CPM Party stated that Mamata would lose the election. An I.A.S. officer is not God to declare as to which party will win the election and who will lose it. I request Prof. Dandavate to visit my constituency to find out as to what is happening there. Can any person of Administration speak like this? But this is what is happening there. There the police have been vested with political powers. How can we expect free and fair elections in such a situation? All these things should be looked into.

In the end I want to say only this much—

"Nahein hai jinko bharosa khud apne phanon par
Ve hi nakhuda ke saharon ki baat karte hein."

Only those people who themselves do nothing talk like this.

What we say is this:

"Khudi ko kar buland itana ki har takadir

se pahaile
Khuda bande se puchhe bata teri raza
kiya hai"

[English]

MR. DEPUTY-SPEAKER: Madam, the allegation you made against will not go on record.

SHRI SHANTARAM NAIK (Panaji): Sir, there are so many "..."

MR. DEPUTY-SPEAKER: I am telling about the "..."

I don't think there is any "..." this House.

MR. DEPUTY-SPEAKER: Shri N. V. N. Somu.

SHRI N.V.N. SOMU (Madras North): Mr. Deputy-Speaker, Sir, at the outset, I want to ask the Minister why they are not holding elections to the two parliamentary constituencies along with the Tamil Nadu Assembly elections which are supposed to take place on January 21? The Madurai Parliamentary constituency and Karur Parliamentary.... constituency seats are lying vacant for more than one year. When they are holding elections for 234 Assembly constituencies, what prevents the Government from holding elections to two parliamentary constituencies along with the Assembly election? When elections to the 12 Assembly segments are taking place, why don't they have it along with that. I do not know what is the policy of the Government. The former MLA; Shri V.P. Chintan, who expired in May 1987, represented the Villivakkam Assembly constituency and that constituency is also lying vacant for more than one and a half years. I want to bring it to the notice of the Government why as to they are keeping MLA and MP seats vacant for such a long period?

The youth in the age group of 18—20 who were deprived of their direct involvement in the country's affair are now getting a constitutional right in the affairs of the country. On behalf of millions of youth in the

[Sh. N.V.N. Somu]

country, I welcome this Bill which accepts a long pending demand of the Opposition parties. Likewise the qualifying age for becoming a candidate for the Lok Sabha, the Rajya Sabha and the House of the State Legislatures should also be reduced suitably from the present age of 25 and 35. This will give opportunity to so many youth to participate in the august democratic institutions.

The former President, Mr. Zail Singh, in his Address to the joint sitting of both the House of Parliament in January 1985 had said that electoral reforms would be taken up with speed by the Government. I underline the word 'speed'.

PROF. MADHU DANDAVATE: That is the Congress speed.

SHRI N.V. N. SOMU: The Government has come with this reform with a terrible speed after four years. You project a big mountain. But this is only a mole hill.

The Indian Constitution provides for an independent Election Commission. It says—I quote: "the superintendence, direction and control of the preparation of the electoral rolls and the conduct of all election to the Parliament and to the legislature of every State and all elections to the office of the President and the Vice-President."

A veteran congress leader and the former Union Minister, Shri K. Santhanam, has said and I quote:

"In order to assure the independence of the Election Commission, it has been provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment. While this is quite satisfactory, the appointment has been left to the President who

is bound to act on the advice of the Cabinet. I do not think that it is right to leave this vital appointment to the discretion of a party government. I would therefore suggest that the Chief Election Commissioner should be appointed in consultation with a representative of the opposition and the Chief Justice of India."

Shri K. Santhanam said it many years back but this is not found in the Bill. You appoint the Election Commissioner as a Governor of some State. By this, you are trying to influence that independent body. How can the Election Commission function as an independent body? Opposition parties also should be consulted for fixing the date and time of the election. The ruling party alone should not have the advantage of fixing the time according to their convenience.

Regarding TV and radio, during my meeting with the Hon. Minister for Law, Shri Shankaranand, and the Hon. Minister for Parliamentary Affairs, Shri Bhagat, I had suggested that at least during the election time, TV and radio should be kept under an autonomous committee consisting of all the leaders of the party. For example, there was a Congress procession held in Madras on 28th November. Our hon. Prime Minister, Shri Rajiv Gandhi in the capacity of the Congress President participated in that procession. That was shown on the TV for more than ten minutes whereas on September 17 our National Front took out a much bigger procession than the Congress procession but it was shown on the TV just for one minute and that too just for the sake of telecast. This kind of favouritism and partisan attitude should be definitely abolished. Therefore, I suggest TV and Radio should be kept under an autonomous committee consisting of all party leaders at least during the election time.

Government machinery is always misused by the ruling party during election time. So many foundation stones are laid. In Tamil Nadu let the Prime Minister and other Ministers come for propaganda but let them come

as Congress leaders and not as Prime Minister and Ministers. Let there not be mixing of Government machinery and party machinery. The ruling party should at least set an example for others in this respect. In respect of misuse of Government machinery the Election Commission itself has felt that combining official tours with electioneering and use of Government machinery and personnel by any Minister during elections should be prohibited by law under the model code of conduct for political parties and candidates and no Minister is supposed to do so. But as the code has no legal sanction the Election Commission is very often unable to take action against its violations. The Commission has, therefore, asked the Government that this provision should be incorporated into the Representation of the People Act so that legal action can be taken against the offender. The Commission has recommended that use of Government vehicles, machinery and personnel to serve electoral interests of the ruling party should be banned. The Commission has said that public places should not be monopolised by the party in power for holding election meetings. Other parties and candidates also shall be allowed to use such places. Although the code and the Election Commission's directions are clear in this respect there have been cases of violation in this regard during elections. The representatives of political parties at the last meeting with the Chief Election Commissioner had suggested that violations of the code be treated as corrupt practice under the law. The Commission has, therefore, recommended to the Government that some of the provisions of the code be incorporated into the Representation of People Act but the Government is completely sitting cool on these suggestions.

Regarding booth capture the punishment should be enhanced. This is shaking the very foundation of democracy. Giving of identity cards to voters is a must. Identity card holders will ensure fair elections. What is the purpose for registration of political parties? Already political parties are registered with the Election Commission. It

seems the Election Commission wants to sit over the political party. If Election Commission is an independent body then the political parties can give particulars and register themselves but this Government is making them sub-servient to it. It is making Election Commission as one of the Government Department. Then what is the use of furnishing the particulars by the political parties? So I vehemently oppose this registration clause. It is treating the political parties just as trade unions. Further those parties which are already registered should not be asked to do so again.

I would conclude by saying that electoral reforms are just an eye-wash and if I quote one of the names of the Shakespearean plays to these electoral laws 'This is much also about nothing'.

[Translation]

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity to speak. I had no hope that I would get a chance today. Keeping in view the time factor, I would like to draw your attention only to 2-3 points.

If we want to keep democracy alive in this country, we will have to stop booth-capturing. A number of provisions have been made in this Bill for prevention of booth-capturing but these are insufficient. It appears that the people who have assisted you in drafting this Bill, have never seen how booths are captured. If one wants to see booth-capturing, he should visit Bihar, Uttar Pradesh and Haryana. Everybody wants that all those who indulge in booth capturing should be punished and disqualified but the question is as to who will arrest them? Has anybody courage to arrest them? Bihar is full of deadly arms and nobody can dare to speak against them. I am saying this with full responsibility that the Government have totally failed to stop booth-capturing. If the Government fails to stop booth capturing in the Hindi heart land, it is beyond any doubt that democracy will come to an end here. What I am saying is bitter but it is sure and I

[Dr. G.S. Rajhans]

am saying this with full responsibility. In our area people are hacked into pieces in broad daylight but nobody has courage to get the culprits arrested or give evidence against them. If a judge is asked as to how bail has been granted to an culprit then the judge asks as to what protection has been provided to him by the Government. If he had not granted bail to the criminal, either his children would have been kidnapped or killed. Therefore, why should he punish the criminal? Therefore, I suggest that this Bill should be considered *do novo* as it affects all the parties. A day may come when in the Hindi heart land, there will be criminals only and the Government will not be able to do anything. There is a theory in Economics: "Bad coin ousts good coin." similarly criminal people will come and sit here and oust us all. Then only the criminals will be occupying these seats. Therefore, I request that all these things should not be ignored. It is true that a provision is being made in this Bill that any person found abetting dowry or Sati shall be disqualified. But such a provision do exist in many existing laws, but so far nobody has been punished under these laws. If you allow me to speak, I want to make you aware of the situation which is prevailing in Bihar. I suggest you to change all the Polling Officers and Presiding Officers and appoint people from other states and a similar procedure should be adopted in other States also. Besides, in sensitive areas of Bihar C.R.P.F or B.S.F. should be deployed in place of the local police because local police are unable to control the situation prevailing there as a number of malpractices are being indulged into there and Harijans and people of weaker-sections are not even allowed to cast their votes. If a brahmin works in the house of a rich brahmin, he is asked by the rich brahmin that instead of going to the polling booth to cast his vote he should remain at home and his vote will be cast. It means that if he is to remain in employment, he should not go to cast his vote and should remain at home. If he casts vote, he will have to lose both his job and life. Such a treatment is meted out to Harijans, Girijans and other

people of weaker sections. Therefore, it is a very serious problem and you will have to look into it seriously. I request you to change all polling officers and presiding officers at least in Bihar and Eastern Uttar Pradesh, if not in all the States. Whatever Shri Jagannath Choudhary has said is correct. It is not a matter of a particular constituency or a booth. I suggest you to issue identity-cards because a very large number of people are coming from Nepal and Bangladesh to our North Bihar. It is not known as to how much population is increasing. This can be stopped to a great extent if multi-purpose Identity Cards are issued to the people. If you are unable to issue multi-purpose Identity cards in all the States, I request you to issue these cards at least in North Bihar and in Border areas of the country.

19.00 hrs.

I would like to submit one more point. It is not proper to seek votes in the name of caste. I feel this casteism would devour us all. Therefore, any person who seeks votes on the basis of a caste should be disqualified.

Finally, I would like to speak a few words about electronic machines. You are most welcome if you set up electronic machines but it should be ensured that these machines work properly and tell us as to how many people have cast their votes, as to who got them and who did not get. If machines work properly, only then these will be useful. Otherwise, we see here as to how many times machines fail. What I want to say is that machines may be set up but at the same time their proper functioning should also be ensured. There is no electricity in villages and the battery also does not work there. Therefore, all these things should be kept in mind. The people who say that money power does not play any role in elections, again request them to visit the Hindi-heart-land and see that only a day before election the candidate goes there and offer an amount of 20 thousand for carrying out repairs to the village school saying that they may cast their votes in favour of anybody, however, he belongs to

their caste. The people there bow their heads in shame and during night think that he is really a nice fellow as he has given money for carrying out repairs to the village school and they ask others also to cast their votes in his favour. That is why I say that money power plays a very important role. Therefore, I request that we should have a detailed discussion on it. Unless terrorism is eradicated from the Hindi-heart-land,, fair

and free elections cannot be held in this country. If terrorism is not rooted out the future of democracy in this country will remain dark.

19.02 hrs.

*The Lok Sabha then adjourned till eleven
of the Clock on Thursday, December
15, 1988/Agrahayana 24, 1910 (Saka)*
