

trying to provide for a railway line. It is a very difficult task indeed.

Our friends there are always harping on the accidents. The accidents may be caused by human failure or by mechanical failure. We are very said to learn whenever a human life is lost. There is no doubt about that. I would urge upon the Railways to see that proper care is taken and all precautions are taken so that no accident takes place in future. But let us look to the brighter side also. We are now in an age, in an era, in the history of Indian railways when freight leading has been given all the importance and the revenue earning on that score has increased. If I am not mistaken, the hon. Railway Minister has stated in his reply that 215 million tonnes of goods have been loaded and that the peak has already been reached and whatever more would be achieved would be beyond the peak so that we can understand as to what is the amount of revenue that we are getting from the additional bookings on that score.

MR. CHAIRMAN: How long will the hon. Member take?

PROF. NARAIN CHAND PARASHAR: Five minutes more.

MR. CHAIRMAN: Let him continue tomorrow then.

16. hrs.

DISCUSSION RE: INADEQUATES IN ELECTORAL LAW IN NOT PROVIDING SPECIFIC PERIOD FOR COMPLETION OF BYE-ELECTION TO PARLIAMENT.

MR. CHAIRMAN: Shri Chitta Basu.

SHRI CHITTA BASU (Barasat): I raise a discussion under Rule 193 on the inadequacies in the electoral law in not providing a specific period for completion of a bye-election to Parliament.

Before I proceed to set out my argument, I would appeal to you and

through you to the Members of the House that this particular discussion involves certain basic issues. The House should, therefore, give careful consideration to the issues involved as this is necessary for the preservation of parliamentary democracy which we have today and in which we all live and prosper also.

No doubt there are inadequacies in the existing electoral laws particularly in matters relating to specifying particular dates before which a by-election to the Parliament is to be completed. The irony of it is that this inadequacy has come to be taken advantage of by the ruling party and they are now in a position to postpone any by-election for a very long period of time. But recent experience has shown that the by-election to Parliament can be postponed indefinitely and for any length of time.

We have had this experience recently when the Garhwal byelection was indefinitely postponed.

The whole issue is to be discussed in the background of the Garhwal bye-election episode. We have necessarily to take into consideration, as I have mentioned earlier, the vital issues which are involved in it.

There is a long history of the Garhwal bye-election. The Garhwal seat fell vacant with the resignation of Shri H.N. Bahuguna on 19th May, 1980, If I am not mistaken (Interruptions)

..... आप लोग बहुगुणा के नाम से डरते क्यों हैं ?

एक माननीय सदस्य : कोई नहीं डरता ।

श्री चित्त बसु : हेमवती तो हैं ही, कुमार हैं या नन्दन हैं, उस से कोई फर्क नहीं पड़ता । जो कुमार होता है वहीं नन्दन होता है ।

सभापति महोदय : बहुत से लोगों में जैसा आप कहते हैं उससे उदासी आ जाती है और बहुत से सदस्यों चेहरे खिल भी जाते हैं यह भी मैं देख रहा हूँ।

SHRI CHITTA BASU: When the seat fell vacant, there was consistent demand from the electorate to hold the election at Garhwal as soon as possible. But the Government of Uttar Pradesh after much reluctance, agreed to hold the same in the month of June, 1981.

There were complaints of large-scale rigging in Southern sector of the Constituency, according to reports. The Election Commission in its wisdom declared the election void and a repoll was ordered within two months. Here the specific period of 'two months' has to be taken into account. That is, the by-election or the repoll was to be held in the month of September in terms of the order of the Election Commission. But the State Government of Uttar Pradesh does not like the election to be held within the month of September and they were raising pleas after pleas to postpone the election. The Election Commission in its wisdom, after consulting the Parties concerned, finally fixed the date for the repoll as November 22, 1981. Unfortunately, the Election Commission, by its order of 14th November, 1981, has said that the Garhwal by-election has been postponed indefinitely. This is the short background of the postponement of the by-election. It may be recalled at this stage that, right from the day of deciding upon, or fixing, the final date of the repoll as November 22, 1981, the Government of Uttar Pradesh have been trying their utmost to raise this plea and that plea, sometimes imaginary, sometimes unreal, sometimes frivolous, because all their pleas ranged from 'mela' to strikes of the Government employees'. Therefore, by giving frivolous, unreal and imaginary arguments, the Government of Uttar Pradesh wanted postponement of the

election right from the day the repoll date was finally announced. The Election Commission, I suppose, sensed this attitude of the Government of U.P.;—this has also to be taken note of—otherwise the Election Commission had no occasion to state again that there would be no question of postponement except for reasons like national calamity or war. Therefore, it is transparent, clear, obvious, that the prevarication on the part of the Government of U.P. was taken note of by the Election Commission itself; therefore, at a later stage, the Election Commission announced it publicly that there would not be any further postponement of the repoll except in the case of a national calamity or a war. The House knows, the entire country knows, that there has been no war, that there has not been any national calamity which has befallen during that period as it has befallen the people of West Bengal and Orissa today. . . .

AN HON. MEMBER: Qutab.

SHRI CHITTA BASU: Yes.

Therefore, the important point which I want to emphasize is this. The Election Commission sensed the prevaricating attitude of the Government of U.P. and, therefore, made it publicly clear that there would be no further postponement of the repoll except in the case of a war or a national calamity. There was no war, there was no national calamity but the repoll was postponed. A very important issue arises at this stage, that is, with the latest postponement, the electorate of Garhwal have been denied the inalienable right to represent themselves in this highest body, that is, Parliament. Already about 18 months have been lost and nobody knows when the election will be held. Therefore, for an indefinite period of time the people of Karhwal have been denied the inalienable right of representation. Once upon a time, Sir, there was a slogan—no representation, no taxation. . . .

MR. CHAIRMAN: No taxation without representation.

SHRI CHITTA BASU: Yes, Sir, that is the correct expression no taxation without representation. I thank you, Sir. But the people of Garhwal for the last 18 months have been denied the right of representation in this august House and nobody knows when they will have the chance of being represented in this House. Yet, the laws passed by the Parliament are applicable to them. The taxes imposed by this Parliament are applicable to them. Where does lie the significance of the slogan—no taxation without representation? Therefore, this is an important issue. The indefinite postponement of Garhwal election has shaken the faith of our democratic people in the system itself. How long are you going to deny this right?

Now I come to the order of postponement of the Chief Election Commissioner. The Election Commissioner, while delivering the order of cancellation of date of repoll, made *inter alia* two points. These observations made by the Election Commission, in the course of its order, constitute the two basic fulcrums of the entire system. Let us see what are those points and what is the importance and significance of those observations.

I quote from the order of the Chief Election Commissioner:

"In view of the situation obtaining in the State of Uttar Pradesh today as disclosed by the Government of Uttar Pradesh, I am satisfied that the State Government will not be in a position to hold orderly and peaceful repoll on 22nd November, 1981 in the Garhwal parliamentary constituency. I hereby cancel the date of repoll."

The second important observation made by him is:

2907 LS—14.

"It is not possible for me at this stage to assess the real and correct situation in regard to the matter referred to above having regard to the statements and counter-statements."

Then I do not like to proceed further because that will consume my time. . .

MR. CHAIRMAN: What you read earlier—were they the last sentences of the order—or in other words, whether he has analysed the situation and then has come to this conclusion?

SHRI CHITTA BASU: I was reading from the order of the Chief Election Commissioner. The last sentences I quoted earlier. In the course of giving the final verdict he said:

"In view of the situation obtaining in the State of Uttar Pradesh to-day as disclosed by the Government of Uttar Pradesh, I am satisfied that the State Government will not be in a position to hold an orderly and peaceful repoll of 22nd November, 1981 in the Garhwal parliamentary constituency. I hereby cancel the date of repoll."

The other observation that I have mentioned is:

"It is not possible for me at this stage to assess the real and correct situation

in regard to the matters referred to above. That is the condition prevailing in U.P. and having regard to the statements and counter-statements. . . ."

The net or rather simple meaning of these two observations is: (1) he has decided to cancel; he had decided to postpone the repoll and that decision he has been able to arrive at without an objective evaluation of the situation prevailing in U.P. prior to 22-11 because he said he was not at this stage in a position to make an assessment of the situation.

[Shri Chitta Basu]

Therefore, Sir, he drew that conclusion without having an objective assessment of the situation. It was on the basis of subjective evaluation—not on the basis of the objective evaluation or objective assessment of the situation. Whether it was possible for him or not that is another question; whether it was within the power of the Chief Election Commissioner to make an objective assessment is another thing to be discussed. But, he has admitted in course of his order that the decision was not arrived at on the basis of objective assessment of the situation but he gives the order for an indefinite cancellation of the repoll.

Sir, I now only want to put two to three arguments in this regard. Was it wise on the part of the Chief Election Commissioner? As I have mentioned earlier, this decision was not based on an objective study of the situation. It was an entirely subjective and likely to be, if I could say in the mildest possible word as a result of the vulnerability to pressures from certain quarters. (*Interruptions*).

PROF. K. K. TEWARY (Buxar): Sir, this is objectionable. We want your ruling. This is getting a wrong precedent.

MR. CHAIRMAN: Kindly listen. He has not named the person. He has only expressed some apprehensions.

SHRI CHITTA BASU: Sir, I have measured; I have weighed every word.

MR. CHAIRMAN: You were using a diplomatic language.

SHRI CHITTA BASU: Sir, I know my limitations, I know what I am or I am not to discuss.

PROF. MADHU DANDAVATE (Rajapur): You can praise the Chief Election Commissioner.

SHRI CHITTA BASU: Anyway I still stand by this that there was or there is apprehension. This was due to the vulnerability of certain pressures from certain quarters. (*Interruptions*).

MR. CHAIRMAN: Who are vulnerable—you do not mention. (*Interruptions*).

PROF. K. K. TEWARY: Would you allow me....? (*Interruptions*).

MR. CHAIRMAN: Mr. Basu, have you finished?

SHRI CHITTA BASU: No, Sir

MR. CHAIRMAN: If there was some vulnerability from some quarter what does it mean? He has not mentioned anyone. Don't put your own meaning. (*Interruptions*).

PROF. K. K. TEWARY: Sir, I would only say that you are opening flood gates.

SHRI CHITTA BASU: Sir, now I would like to draw your attention to the statement issued by Mr. Ganeshan Secretary of the Commission, who toured the constituency of Garhwal from November 10. He issued a statement on November 13 stating that there was no question of postponement of the repoll at Garhwal. He toured the constituency for four days. After the completion of his tour he came to Delhi and made a public statement that there was no necessity of postponement of the Garhwal by-election. That statement was issued on November 13 by a person no less than Mr. Ganeshan, Secretary of the Election Commission. May I know whether it is not the same Mr. Ganeshan, Secretary of the Commission, on whose report on June 13 the election of Garhwal was declared void. It is necessary to read from the relevant document. I quote:

"I consider that the induction of the police force from outside the State without the knowledge and

approval of the Commission is a serious matter and has interfered with the conduct of the free and fair poll. There should not only be a free and fair poll but it must also appear to be so."

Sir, I would like to further quote:

"Immediately I stand a team of officers headed by the Secretary of the Commission Mr. Ganeshan... to investigate the matter both at Pauri and Dehra Dun where the election records of 4 out of 5 assembly segments of the parliamentary constituency are stored.

The Secretary of the Commission, after investigations, gave a detailed report to the Commission. This detailed report referred to both capturing as established, based on contemporaneous documentary evidence, like Presiding Officers' diaries, their independent reports, Sector Magistrates' reports, report of Observers, the R. O. that the A.R.Os.'

It is very clear that this order was issued on the basis of the report placed by Mr. Ganeshan. The election was declared void. I want to put before you this very important question: When that same Mr. Ganeshan made another report regarding the pre-22nd November situation in Garhwal why was that report not accepted. He is such an important person, an officer of the Commission, on whose report the election of June was set aside.

SHRI K. LAKKAPPA (Tumkur): Whom are you questioning now?

AN HON. MEMBER: He is questioning you.

SHRI CHITTA BASU: If the Election Commission relied on his report then, what are the specific reasons why his explicit statement of 13th November was not relied upon? Here is the question of vulnerability which comes in...

MR. CHAIRMAN: Kindly avoid controversial points.

SHRI CHITTA BASU: You are also vulnerable I think, Sir.

MR. CHAIRMAN: What do you mean?

SHRI CHITTA BASU: I am also vulnerable...

MR. CHAIRMAN: Then everyone is vulnerable here...

SHRI CHITTA BASU: Sir, my point is only this.

MR. CHAIRMAN: That report was on 13th. During intervening period circumstances might have changed.

SHRI CHITTA BASU: On 13th November he has given a public statement.

MR. CHAIRMAN: Please conclude. You have taken 1½ an hour.

SHRI CHITTA BASU: Please exclude the time of interruptions.

MR. CHAIRMAN: Interruptions may have been for 2 or 3 minutes.

SHRI CHITTA BASU: 13th of November was the date of the statement of Mr. Ganeshan. 14th of November was the date of the order of postponement. The Chief Minister, UP, disclosed that the attention of the Election Commission was drawn on November 10, to the practical constraints of the situation. And here I have got a letter by Mr. Thakur in which he says, "I wrote to the Election Commission of India for such directions and guidance." Mark the word 'Direction'. Sir, may I submit with all humility and with all respect to the Election Commission and May I ask, why the assistance of the Central Government was not sought by the Chief Election Commission. As a matter of fact, I have got a reply to my Question regarding the deployment of CRP in U.P. It was the highest in number.

[Shri Chitta Basu]

Twelve times they have requested the assistance of the C.R.P.F. B.S.F. and other Central forces. Here why did not the U.P. Government requisition the assistance from the Central Government in order to hold the Garhwal election as per schedule?

Thirdly, it was stated that the total requirement of Police personnel was of the order of 7,770 and the U.P. Government at that time, at its disposal had only 302 constables for deployment to Garhwal constituency. Now, what does the Indian Express say in its 23rd November edition? It has published on the basis of the information given by the U.P. Government on the 23rd November, I quote.

"In fact, on November 14, the day when the Commission announced the decision, the State Government had through a communication apprised the Commission of deployment of more than 5000 policemen in addition to 18 companies of the Provincial Armed Constabulary for the Garhwal repoll. Some of them had already reached there and posted."

Now, can you postpone it? So, my point is this:

(1) Why the Election Commission did not seek the assistance from the Central Government to hold the election as per schedule?

(2) The U.P. Government's contention is not tenable because of the fact that the information they have furnished suggests that they could deploy more than 5000 policemen and other companies of P.A.C. for the Garhwal by-election.

(3) The question of the Chief Election Commissioner's direction has arisen for special assistance of the Central Police to hold the election. This is the constitutional obligation for the State Government

and the State Government had not followed the constitutional obligation. The State Government could have been dismissed because of the violation of the Constitutional directives. The Chief Election Commissioner, did not do its duty in his wisdom.

(4) One of the constraints which was mentioned by the U.P. Government was that the State Government's employees went on strike. I do not want to go into the details, but would confine myself to this comment only. These were all created for a make-belief. But the entire endeavour of the UP Government was to create a condition of a mini-Emergency in the State of U.P. so that they could avoid the Garhwal by-election. It is necessary for me to point out here in this connection that in Maharashtra the election was held as per schedule in June 1978 amidst a total strike declared by the State Government employees. Therefore, if the State Government is serious enough, if the Chief Election Commissioner is serious enough to hold election, the elections could have been held as per schedule.

Article 324(6) of the Constitution enjoins upon the President and the Governor of the State to make available of the Election Commission such staff as may be necessary for the discharge of the functions conferred on the Election Commission. My charge against the U.P. Government *inter alia* is that it did not willfully discharge its constitutional obligations. This was done on a political consideration. In fact, the villain of the piece is the U. P. Government

(Interruptions)

SHRI K. LAKKAPPA: Why are you attacking the Election Commission?

PROF. K. K. TEWARY: I rise on a point of order. Rule 193 specifically says:

"Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary-General specifying clearly and precisely the matter to be raised...."

In this case, the matter to be raised is:

"Inadequacies in the electoral law in not providing a specific period for completion of a bye-election to Parliament."

Under this rule, you have very kindly given permission to the hon. Members to raise a discussion on the inadequacies in the electoral law in not providing a specific period for completion of a bye-election to Parliament. This rule, however, seems to have been circumvented; the hon. Member has not spoken a single word on this subject. Here, the matter is a specific one. The hon. Member should speak on the inadequacies in the electoral law in not providing a specific period for completion of a bye-election to Parliament. However, this opportunity is being availed of to raise a question, that is bye-election to the Garhwal constituency, which is not so relevant. This can be referred to in the course of discussion, but I find that the whole discussion is centred only on this bye-election. You allowed his discussion, you wanted certain things about bye-elections to be discussed, not Garhwal bye-election as such.

Further proviso to Rule 194 says:

"...Provided that if an early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice."

There are other ways under which a discussion on the Garhwal issue could have been raised. However, this has not been done. I, therefore, draw your kind attention to Rule 193 and urge upon you not to allow any discussion on the Garhwal bye-election

as such. This would otherwise be in gross violation of the rules and would set a bad precedent and when the hon. Members want to discuss such things, they may take advantage of this rule and may circumvent it. I would therefore, request you that while the hon. Members may be allowed to make a reference to the Garhwal bye-election, they may not continue to discuss it as such.

AN HON. MEMBER: How can the Election Commission be discussed here?

MR. CHAIRMAN: Mr. Chitta Basu, you have heard what Shri Tewary has said.

SHRI CHITTA BASU: I am within my rights. If you had been present in the House, you would have known that.

आचार्य भगवान देव (अजमेर) :
सभापति महोदय, आपसे रुलिंग मांगा गया है, आप इस पर अपना निर्णय दीजिये ।

MR. CHAIRMAN: My ruling is, that the hon. Member should speak in the House keeping in mind the relevant rules.

AN HON. MEMBER: Why are you taking it so lightly?

MR. CHAIRMAN: You have raised your point just now. In future Mr. Chitta Basu will keep in mind provisions of the rules and if he appears to go against the rules, I will look into it and, if necessary, stop him.

SHRI CHITTA BASU: I had all along been within my rule.

MR. CHAIRMAN: It is my duty to remain watchful and see whether you are within limits.

आचार्य भगवान देव : उन्होंने वास्तव में नियमों का उल्लंघन किया है । गढ़वाल क सिवा उन्हें कुछ नजर नहीं आया है ।

SHRI CHITTA BASU: Sir, what is the reason? The reason pure and simple is a political one. The political reason was that the Uttar Pradesh Government did not want to see Bahuguna

[Shri Chitta Basu]

back to this Parliament because they....

आचार्य भगवान देव : यू पी सरकार और गढ़वाल के सिवा उनके पास कुछ भी कहने के लिए नहीं है।

PROF. K. K. TEWARY: Then how are all of you here?

SHRI CHITTA BASU: Because they felt that the very return of Bahuguna to this House would be of a catalyst nature. They say there was some potentiality of creating significant disturbance within their ranks.

MR. CHAIRMAN: Have you finished?

SHRI CHITTA BASU: No, Sir. How is it? Therefore, Sir, I conclude, I conclude this point, not the whole speech....

MR. CHAIRMAN: You have already concluded.

SHRI CHITTA BASU: By saying that the willful negligence on the part of the Uttar Pradesh Government to fulfil the Constitutional obligation and the position of the Election Commission has landed ourselves in this unwanted and unwarranted situation. Sir, you have promised me ten minutes.

(Interruptions)

MR. CHAIRMAN: That you have taken. And you said you were concluding. (Interruptions).

SHRI CHITTA BASU: I said I was concluding that point. Sir, this is very serious. What are the stakes involved? What are the issues which have been given birth to by these inadequacies of the electoral laws? These are to be taken into consideration in a calm and quiet atmosphere. This postponement of the Garhwal bye-election is a clear indication of the shape of things to come. It confirms once again that our Parliamentary democratic set up is

not safe in the hands of the Congress (I) leadership. It further proves. . .

PROF. K. K. Tewary: Mr. Chairman, Sir, I am again on a point of order. . .
(Interruptions)

Listen to me. I rising on a point of order. You were also doing.

MR. CHAIRMAN: Why do you obstruct? He is rising on a point of order.

PROF. K. K. TEWARY: Rule 195 specifically says:

"There shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to take part in the discussion."

And I am surprised a senior person like Shri Chitta Basu is doing this. It is not a short statement, it is a lecture and Mr. Basu has been making a political speech. He should not be allowed to make a political speech.

SHRI CHITTA BASU: I say that the ruling party has no consideration for democratic norms and procedures and even the Election Commission finds itself helpless to safeguard the norms and procedures for conducting elections in a free and fair manner.

Lastly, Sir, the most important issue involved is this that this has created a dangerous precedent which would enable the ruling party to get any election postponed.

MR. CHAIRMAN: From where are you reading?

SHRI CHITTA BASU: I am reading from my notes. If you give me more time, I will speak without referring to my notes.

This shows that if the ruling party wants to cancel or postpone the elections, it can do so at any time, and thus damages the course of the electoral process.

Lastly, if you take this precedent to its logical conclusion, the ruling party—whichever it might be—can do away with the electoral process itself, and impose a dictatorship on the country and do away with parliamentary democracy. This is the danger which is ahead of us.

So, I think the issues are not to be lost sight of. The House should not lose sight of these basic issues. Not only the question of Garhwal, but that of the future of parliament itself is involved. Only under a parliamentary democracy will we prosper and live in freedom and peace.

SHRI K. LAKKAPPA (Tumkur): I am sorry for Mr. Chitta Basu. He has no points even while concluding his speech. The subject which he has chosen and the arguments that he advances are not only fallacious, but they are like one blind party leading the other. This is the situation in which Opposition parties are placed.

Mr. Chitta Basu is talking about parliamentary democracy. The tottering Opposition is to-day trying to find a way, as to how to come up, how to come out from the darkness, and also to pass a resolution on the unity of Opposition parties in this country but not on the basis of programmes, policies or philosophy. They want to attack the Government on a blind issue.

We have Mr. Desai. There are charges of corruption against his son. An enquiry has been ordered. These Opposition parties want to protect democracy. I thought these Opposition parties would make some valuable suggestions in respect of electoral reforms. I am very sorry they have forgotten the subject matter which they have brought. The bugbear in their minds is Mr. Bahuguna, because there is no other subject for them.

Mr. Bahuguna is not a danger to Parliament. We know Mr. Bahuguna's political acrobats. He is now famous for defections, re-defections and re-re-defections. For what purpose did he resign from Parliament? He defected,

and he resigned in order to wash out his sin. He wanted elections. The election was in order. Elections were never opposed by the Central Government or State Government. Is it the intention of the mover Mr. Chitta Basu, or of the Opposition parties to attack the Election Commission? Where is their wisdom? They have no right to attack the Election Commission. What are the reasons for attacking the State Government or Central Government?

The other day, my friend Mr. Shiv Shankar was replying in the Rajya Sabha. The Election Commission is the only body which can announce the dates for the by-election. It is not the State Government or Central Government—nor can the Central Government and the State Government in collusion, do it. But it is the Election Commission, on the basis of the information, on the basis of the situation available that decides that the election should go on in this country. We have fought elections. We are never afraid of elections. Even in 1969 when we were in a minority we announced elections. And what happened to the Opposition at that time in 1969? What happened? Where was the Opposition? The Opposition could not muster strength to have a recognised strong Opposition, a responsible Opposition. Today they are attacking the Election Commission, and at the same time he is telling us about respect for Parliamentary democracy. We can quote from what happened in the July election and in the November 14 election. It was neither the State Government, nor the Central Government which instructed the Election Commission as Mr. Chitta Basu says. It is not only fallacious, but it is also politically motivated. They want to attack the Central Government and the State Government without any reason or rhyme. We can cite the situation after the October election in U. P. It was there in all the newspapers about the lightning strike by the U.P. Government jail staff.

He has mentioned Sections 57 and 57A of the Representation of the Peo-

[Shri K. Lakkappa]

ple Act to say that a by-election can be postponed only when natural calamities and other situations are there. About the other situations it is silent. The other day, my dear friend, Shri Shiv Shankar was replying in the Rajya Sabha, that these loopholes will be plugged. You cannot attribute any mistake to our Government, because we have today reason to say that we have got every right to bring out the necessary laws in the electoral laws. After the first election in Garhwal in U.P. what happened? They alleged that the elections were rigged. But by whom were the elections rigged? The elections were rigged by the Left Front led by Bahuguna. That is what happened when the first election was held in Garhwal. That is the report. It is not that these are. (Interruptions)

SHRI HARIKESH BAHADUR (Gorakhpur): All these things are being done by you. You have taken a contract for hooliganism. (Interruptions)

SHRI K. LAKKAPPA: Today the position is that the Election Commission has rightly, on the basis of the reports, took a decision to postpone the election. Why do you blame the State Government and the Central Government? The State Government or the Central Government has not committed any mistake. Therefore, instead of bringing out any new suggestions for electoral reforms, Mr. Chitta Basu is bringing out this Motion under Rule 193 and attacking the Election Commission and the Government machinery. It is not only immoral but is impracticable. The Opposition Parties are questioning us when our Government and the Election Commission or the State Government have not done any wrong. Therefore, I would request my hon. friend Mr. Chitta Basu not only to withdraw the resolution but to come forward with good suggestions.

I will give certain facts. He said that the Nation has reported about the U.P.

Government. It was not the U.P. Government nor did they send any information, nor any letter was sent. The Chief Minister of Uttar Pradesh very clearly stated and I would like to read out the statement of the Chief Minister. The Chief Minister, Mr. Vishwanath Pratap Singh, categorically denied on the 15th November that his Government had sought a postponement of the re-polling in Garhwal. He said that his Government only placed before the Election Commission the grave situation in the State following the strike by the jail staff and threatened strike by the employees of various Government agencies. He had asked for the Commission's directions and guidance and said that his Government would abide by its decision. So, the Government has placed all the records before the Election Commission; it is the duty of the Government machinery to place all the records before the Election Commission. Not only the jail staff were on strike, but nearly 30 associations of staff consisting of lakhs of people who were employees of various organisations of the Government were on strike. It is not that I am telling this. On 30-10-1981 the *Indian Express* reported: "Lightning strike by UP Jail Staff". The *Patriot* reported: "UP Government asks DMs to take over jails. UP trade unions to send 10 lakh workers for rally." On 31-10-1981 the *Indian Express* reported: "UP Jail employees served ultimatum". On 1-11-1981, the *Indian Express* reported: "No sign of end to UP jail staff strike. Pantnagar 'Varsity locked in tussle with Government." The three important segments of the Garhwal parliamentary constituency are covered by this. The examinations were scheduled to be held at that time and the students passed a resolution saying that if elections are held, they will disturb the examinations and also bring about students' unrest. Not only did the students pass a resolution, but the Vice-Chancellor of the University wrote to the Election Commissioner that it would not be possible to hold elections in that area. These are the hard facts; these are the realities of

the situation. We are prepared to conduct any election, It is not as if we have not conducted elections. We are all in the House because of elections only. I know when the elections take place, what will happen even in that constituency. Therefore, it is not only false but the opposition is ill-advised to do this. The opposition is taking this opportunity to attack individuals, to attack the State Governments, to attack the Central Government. Not only that. They proclaim that they believe in democracy, but they attack even the Election Commission directly or indirectly in all ways. Is this the sense, is this the wisdom of the opposition parties to muster strength or consolidate on this issue? They have no responsibility. It is an irresponsible and unscrupulous attack. People today know what is happening in Garhwal. Even today if the elections are held, we are prepared for it. You direct the Election Commission to hold the election and we are prepared to face it. Mr. Bahuguna is no angel here; he is one among many. We are not preventing any election process or election laws. Why should Mr. Chitta Basu make so much fuss about these things? He talked of rigging, manipulation and so many other things he has alleged during his speech. May I say, rigging and booth-capturing in this country was only done in West Bengal. Then it spread to Kerala and slowly all those agencies are now working in Garhwal very quietly and operating successfully so far as rigging of elections is concerned. The *National Herald* dated August 26, 1981 says:

"Violent clashes between the police and a crowd, led by communists, the stoning of a Minister's car and brickbatting incidents have been reported from different parts of the Chamoli district in Garhwal region. At Joshimath"—

I am giving the place also for Mr. Chitta Basu's information—

"At Joshimath, it was reported that the supporters of Mr. Bahuguna"—

your friend—"and the wings of the Communist Parties"—I do not know how many wings they have got and how many wings have been cut—"were fanning trouble in Chamoli district on some pretext or other."

"A driver of the Garhwal Motor Owners' Union was killed in a clash with the Police."

17 hrs.

You always support the principles of parliamentary democracy. But this is how the people who support Congress (I) Party are being killed. What do you say about these things? Who is preventing the voters, rigging the election by using force and violence? I am quoting from the '*Indian Express*' which is your paper. It has all praise for you.

"The Haryana Chief Minister Bhajan Lal said that if the Haryana police had not been sent to Garhwal Parliamentary constituency, Bahuguna's men would have captured all the booths.

He said, Bahuguna had brought people from as far a place as West Bengal to create violence and capturing of booths. He alleged some miscreants had stoned to death a Haryana Congress(I) worker who belonged to Panipat and thrown his body into a river. The body was untraceable. This, he said, was done in the presence of Congress(I) workers and he himself was also around there.

Mr. Bahuguna's men were able to capture some booths etc."

I do not know, how many booth capturing experts West Bengal has prepared. Mr. Chitta Basu is a gentleman. I do not know why he is in alliance with them.

I have quoted from your paper '*Indian Express*'. Now I will quote from the '*National Herald*'. It says:

"If there was intimidation, it was done by the agents of Mr. Bahuguna, and if there was booth capturing,

[Shri K. Lakkappa]

terrorising of voters or rigging, it was done by the same set of people."

The same set of people moved from one booth to another. They were rowdy elements, holding weapons, terrorising the people and capturing the booth. This is the situation created by Mr. Bahuguna, his agents and his friends, who are sitting here, defending Mr. Bahuguna, praising Mr. Bahuguna and attacking us. When Mr. Bahuguna was with us, they were attacking him. Now, when he is in their camp, they have all praise for him. This is the opposition.

I want to give another instance, where Mr. P. C. Sen had complained of manipulation and rigging of the voters list used in the recent Assembly and Lok Sabha bye-elections. West Bengal is known for rigging. (*Interruptions*) Rigging was not there in our country at all. It was first brought in West Bengal.

SHRI SUDHIR GIRI (Contai): Your Party did that there.

SHRI K. LAKKAPPA: Bahuguna's men had indulged in terrorism and violence to intimidate voters. They disrupted and there was stone-throwing. The Bahuguna people were there and there was rigging. Not only that. A number of people were employed and put in Harijan bastis so that people there were not allowed to come out. These are the people who indulged in this unlawful restraining and violence, intimidation and rigging, and these are the people who are advising us for electoral reforms, and these are the people who say that they have got respect for democracy:

I would like to quote here from *The Tribune* of June 19, 1981 as follows:—

"The Punjab Chief Minister met the Chief Election Commissioner and apprised him of the incidents of booth capturing on a large scale by hired musclemen and supporters of the Democratic Socialist Front."

I do not know what the Democratic Socialist Front consists of.

Incidentally, my friends lost their wisdom in bringing out the changes in the electoral laws when they were in power. For the first time it is our Party which has thought of the electoral reforms and they are under consideration and even according to the statement made in the Rajya Sabha by our hon. Minister, Shri Shiv Shankar, we are for electoral reforms.

When I was sitting on that side and when the Janata Party was in power, I demanded electoral reforms many times, but they did not make. In 1977 they even deployed police force from various States when the elections in Maharashtra took place. They deployed police force from other States when the employees were on strike, when the policemen were on strike and when the trade union people were on strike. At that time you ignited the situation and followed all unscrupulous methods for coming into power. It is evident that because you adopted unscrupulous methods at the time to win the elections, you could not retain the power. So, what happened in 1979? Where were you all shown your positions? You were all kicked up.

Now, may I say that electoral reforms are very necessary in this country? I want that the Election Commission should be consisting of clean persons and I want a meaningful change in the electoral laws. So, I urge upon our hon. Minister and our Government that the electoral reforms are very necessary. In view of all these things, I suggest electoral reforms for protecting democracy and providing adequate arrangements for free and fair elections. (*Interruptions*). Don't tell me all these things. I do not know what type of electoral reforms they suggest. Do they suggest electoral reforms on the basis of the electoral reforms in China or Russia or East Germany or West Germany, or do they suggest electoral reforms on the basis of the ideology of RSS? I do not know how many reforms they are going to

suggest. Therefore, Sir, I only say that better wisdom should prevail on them. I do not want to say any harsh words, but I only say that let us send the Opposition parties to a dog house.

With these words, I conclude.

श्री हरीश चन्द्र सिंह रावत :
अल्मोड़ा) : माननीय सभापति महोदय, अड़ा अच्छा होता यदि यह डिवेट बजाए एक पार्लियामेंटरी कांस्टीट्यूएन्सी के चुनाव स्थगन को ले कर होती, बल्कि समस्त चुनाव-प्रणाली को ले कर होती, क्योंकि आज इस बात को हर व्यक्ति महसूस करता है कि हमारी जो चुनाव प्रणाली है, इसमें कुछ खामियां हैं और जो सत्तारूढ़ पार्टी है उसका यह फर्ज है कि वह चुनाव-प्रणाली में जहां पर भी कोई दोष है, कमी है, उसको दूर करने की कोशिश करें। उसमें सुधार हो, संशोधन और परिवर्तन हो। यह सब प्रगतिशील समाज की अपरिहार्य आवश्यकताएँ हैं। हमारी पार्टी परिवर्तन के लिए है। हम प्रजातांत्रिक तरीके से समाज में परिवर्तन लाना चाहते हैं। कांग्रेस का यह इतिहास भी रहा है। हमारे सामने चाहे जितनी बाधाएँ आ कर खड़ी हो गई हों फिर भी हम ने उन बाधाओं को हटाने की कोशिश की है दूर करने की कोशिश की है और यह सब समाज के हित में किया है। देश में हम ने परिवर्तन लाने की कोशिश की है। यही गांधी, नेहरू और इंदिरा गांधी की पार्टी की पहचान है। इस दिशा में हमारे विधि मंत्री जी कुछ कदम उठा रहे हैं। कैबिनेट की सब कमेटी के सामने चुनाव सुधारों का मसला है। मैं समझता हूँ कि जो कमियाँ हैं उन को दूर करने के लिए एक कम्प्रिहेंसिव बिल लेकर विधि मंत्री जी सदन के सामने आएंगे।

गढ़वाल में चुनाव स्थगन का सवाल आज विचाराधीन है। यह निर्वाचन क्षेत्र

मेरे निर्वाचन क्षेत्र से लगा हुआ है। जाने अनजाने मुझ को भी उस निर्वाचन क्षेत्र में चुनाव प्रचार के लिए जाना पड़ा। 1980 में अल्मोड़ा, पिथौरागढ़ संसदीय निर्वाचन क्षेत्र में वहाँ की जनता ने मुझ नाचीज को जिस का कोई रिकार्ड नहीं था सेवा का, श्रीमती इंदिरा गांधी के नाम पर, कांग्रेस के नाम पर चुन कर भेजा। जहाँ उसने मुझे भेजा वहाँ उसने दल बदलू बहुगुणा जी को भी इस सदन में चुन कर भेजा। गढ़वाल की जनता की मंशा यह थी, उसका विश्वास यह था कि वह व्यक्ति चुन कर आए जो वहाँ के लोगों की गरीबी, वहाँ के लोगों की परेशानियों और दुख दर्द को यहाँ उबलित करे। बजाय ऐसा करने के उस व्यक्ति को जब कोई कुर्सी नहीं मिल पाई, जिस मंत्री पद का वह 1952 से आदी हो चुका था, वह पद नहीं मिल पाया, जिस कांग्रेस में वह यह वह कर शामिल हुआ था कि यह मेरा घर है, इस कांग्रेस के लिए मैं मरूंगा और इसी के लिए मैं जीऊंगा और जिस ने इंदिरा जी को अपनी बहन कहा था और कांग्रेस में ऐसा कह कर शामिल हुआ था, उस कांग्रेस को ही छोड़ दिया। इतिहास में कंस के अलावा ऐसी कोई दूसरी मिसाल आप को शायद न मिले कि जो अपनी बहन को इस तरह से छोड़ कर चला गया हो। वह अपने आपको पर्वत पूत कहते हैं। हिमालय के पूत हैं यह कहते हैं। वह हिमालय में पैदा जरूर हुए हैं। लेकिन हिमालय से बड़े से बड़ा बोल्टर भी बल को निकल कर अगर बाहर आ जाता है तो वह कंकड़ बन जाता है। वह हिमालय से निकला हुआ कंकड़ होता है पत्थर नहीं। हिमालय तो अपनी जगह पर सुदृढ़ है, चट्टान की तरह अडिग है। लेकिन वह व्यक्ति तो पैंडुलम की तरह इधर से उधर और इधर से उधर चलता रहता है। शायद इसी वजह से उन्होंने अपनी पार्टी का चुनाव चिन्ह तराजू लिय

[श्री हरीश चन्द्र सिंह रावत]
है। उन्होंने सिद्ध कर दिया है कि जिस का पलड़ा भारी होगा उधर मैं बैठूंगा।

श्री वसु ने इस गम्भीर संवाल को यहां उठाया है। उन्होंने उस व्यक्ति को हीरो बनाने की कोशिश की है जिन्होंने 1977 में कांग्रेस को उस समय छोड़ा जब यह देखा कि वह कमजोर हो रही है। उस समय उन्होंने लोगों से कहा कि मैं कांग्रेस फार ईमोक्सेसी बना रहा हूं। इसका कभी विघटन नहीं होगा। जब जनता पार्टी के लोगों ने जेठमलानी जी जैसे लोगों ने कहा कि तुम को मंत्री पद से हटा दिया जाएगा, तुम पार्टी का विघटन कर दो तो रातोंरात उन्होंने पार्टी को विघटित कर दिया और मंत्री पद से चिपक गए। जनता पार्टी कमजोर होने लगी —

SHRI HARIKESH BAHADUR:
Sir, he is talking something of irrlevance.

SHRI HARISH CHANDRA SINGH RAWAT: This is a historical fact, Sir.

MR. CHAIRMAN: This is not a law forum. Everything can be said here.

श्री हरीश चन्द्र सिंह रावत : मैं बैकग्राउंड बता रहा हूं। जिस पार्टी ने उनको के जी वी का एजेंट कहा था वह पार्टी जब कमजोर होने लगी तो उन्होंने अपने आपको पहाड़ का नेता और इंदिरा जी को पहाड़ की बेटी कहा। जब यहां उनको मंत्री पद नहीं मिल पाया तो वह इस पार्टी को छोड़ गए। 14 जून, को जब चुनाव हुआ तो उस में एक नए नाम के साथ वह मैदान में आए। 22 नवम्बर के चुनाव में उनकी पार्टी का दूसरा नाम हो गया था। मैं समझता हूं कि अब जब चुनाव होगा तो उनकी पार्टी का कोई और नाम हो जाएगा।

तो आज एक तरफ ऐसा व्यक्ति है जिसको वह हीरो बनाने की कोशिश कर

रहे हैं। मैं कहना चाहता हूं कि हमारा मुकाबला गढ़वाल संसदीय चुनाव-क्षेत्र में ऐसे व्यक्ति के साथ था जिसकी इंटग्रेटी पहले से डाउटफुल रही है। जिसकी प्रजातंत्र में कितनी आस्था है इसी से साफ जाहिर होता है कि वह बार-बार दल बदलता रहा। क्या बार-बार दल बदलना ही...

आचार्य भगवान देव (भजमेर) :
इनको तो चुल्हू भर पाबी में जरूर डूब मरना चाहिए। उन को त्याग-पत्र दे देना चाहिए।

श्री हरीश चन्द्र सिंह रावत : एक तरफ ऐसा व्यक्ति चुनाव मैदान में था। 14 जून, को चुनाव था उसक संदर्भ में कुछ तथ्य पेश करना चाहता हूं, जिनका जिक्र मननीय चित्त वसु ने किया। उस चुनाव के वक्त जब हम शुरू में चुनाव प्रचार कर रहे थे तो जगह-जगह उस मत्यासी के द्वारा हमारी मीटिंग भंग कराई गयीं। 16 मीटिंगें हमारी भंग हुई, हमारे साथी को मारा पीटा गया। जो हमारे प्रचार के एक साथी थे उनकी पत्नी को चोट पहुंचाई गई। श्री नारायण दत्त तिवारी की चुनाव मीटिंगों को भंग करने की कोशिश की गई। हमारे बिधायक को चोट पहुंचाने की कोशिश की गई। एक अशांति का माहौल खड़ा किया गया। और जब उत्तर प्रदेश सरकार ने बाहर से पुलिस फोर्स मंगाया तो यह कहा गया कि बाहर से पुलिस फोर्स मंगाया गया है। इसलिए ठीक तरह से चुनाव नहीं हो सकता। और उसी आधार पर चुनाव आयोग ने चुनाव को रद्द कर दिया। और आज जब 22 नवम्बर का जो चुनाव होने वाला था उस चुनाव के लिए किन्हीं कारणोंवश कुछ ऐसी परिस्थितियां पैदा हो गई हड़ताल आदि की वजह से कि उत्तर प्रदेश सरकार ने कहा कि हम केवल 3, साढ़े तीन हजार रेगुलर पुलिसमैन ही दे सकते

हैं, बाकी आपको स्थानीय लोगों से ही काम करना पड़ेगा। तो चुनाव आयोग ने इस बात को ठीक समझा कि वहाँ पर शांतिपूर्ण तरीके से चुनाव नहीं हो सकेगा इसलिए चुनाव आयोग ने चुनाव स्थगित करने का फैसला किया। वह हमारा फैसला नहीं था। हम चुनाव चाहते थे। हमारे संसद सदस्य, हमारे विधायक, हमारे मंत्रिगण गांव गांव में चुनाव प्रचार में लगे हुए थे। और दूसरी तरफ जो प्रत्याशी थे, जिनका अभी जिक्र किया गया उनके लोग चुनाव क्षेत्र में गये ही नहीं। वह एक डरमौ मैनैज कर रहे थे। वहाँ की जो छात्र यूनियन हैं, चाहे श्रीनगर की हो या देहरादून की हो, उसमें उन्हीं लोगों का कब्जा है। वह छात्र यूनियनों के पदाधिकारी हैं। उनके छात्रों ने एक जलूस निकाला, एक प्रस्ताव पास किया, मेमोरेण्डम निकाला कि हम 8 हजार छात्र सारे गढ़वाल को अशांत कर देंगे यदि चुनाव स्थगित नहीं हुआ। क्योंकि इनसे हमारी परीक्षाओं में बाधा पड़ रही है। इतनी बड़ी धमकी श्री बहुगुणा जी के समर्थकों के नेतृत्व में दी गई। और आज हम पर तोहमत लगा रहे हैं। यही कारण है कि गढ़वाल विश्वविद्यालय के वाइस-चांसलर को छात्रों की धमकी के आगे चुनाव आयोग को लिखना पड़ा कि चुनाव स्थगित कर दिया जाये अन्यथा छात्रों की परीक्षा में बाधा उपस्थित होगी। हम ठीक तरह से विश्वविद्यालय के परिसर में कानूनी और व्यवस्था नहीं बनाये रख सकेंगे। यही नहीं वहाँ पर कुछ ऐसी पैम्फलेट्स भी बांटी गयीं जिनमें कहा गया कि हम चुनाव को ठीक तरह से नहीं होने देंगे। जगह-जगह धमकियां दी गयीं। इसलिए कि उन्हें विश्वास नहीं था कि वह जीत पायेंगे। उनको 14 जून को भी विश्वास नहीं था कि हम चुनाव को जीत पायेंगे। यदि उनको

विश्वास होता कि चुनाव जीत जायेंगे तो वह कभी नहीं कहते कि वोट रिग किये गये। क्योंकि वह अच्छी तरह से जानते थे कि चुनाव के अन्दर धांधलियां करने के मास्टर अब कांग्रेस में नहीं रह गये हैं। वह जब कांग्रेस पार्टी में थे, तो निश्चित तौर पर मैं इस बात को कबूल करता हूँ कि वह हमारी पार्टी में चुनाव में धांधली कराने के विशेषज्ञ के रूप में थे। वही विशेषज्ञ जब हमारी पार्टी से अपने तामझाम और साथियों के साथ चले गये, तो हमारे पास कौन रह गया है जो चुनाव में धांधली करता?

मैं माननीय श्री जेठमलानी जी से और दूसरे, तीसरे लोगों से पूछना चाहता हूँ कि क्या हिन्दुस्तान में कोई ऐसा व्यक्ति या कोई ऐसा राजनीतिज्ञ है, जो कि बहुगुणा जी जैसे व्यक्ति के साथ चुनाव में धांधली कर सकता हो? जिधर बहुगुणा जी होते हैं, उसके दूसरे पक्ष को निश्चित तौर पर यह डर लगा रहता है कि हमारे साथ कहीं ये धांधली न कर दें। यही कारण है कि उत्तर प्रदेश के उनके एक सहयोगी, जो जनता पार्टी में उनके सहयोगी रहे थे, माननीय श्री चन्द्रभानु गुप्ता, उन्होंने उनसे कहा कि यह तो बताओ नटवर लाल जी, कि मैं चुनाव में हार जाता 1974 में, यह तो मैं मान जाता हूँ, लेकिन मेरी जमानत कैसे जम्मा हुई? तो उन्होंने इस बात को कबूल किया और कहा कि मैं आपको व्यक्तिगत तौर पर बता दूंगा कि किस प्रकार से मैंने सारे के सारे वॉलट-वाक्सेज को बदलवा दिया था। जब इतने बड़े विशेषज्ञ वह हैं, तो उनके साथ कौन बेईमानी कर सकेगा?

यही नहीं, उत्तर प्रदेश की विधान सभा के रिकार्ड में देखा जा सकता है कि आज जो उनके साथी हैं दाहिन बाजू श्री बनारसी दासजी उन्होंने भी उनको नटवर लाल कहा कि यह व्यक्ति चुनाव में धांधली कर के

[श्री हरीश चन्द्र सिंह रावत]

जीतने का माहिर है, और जो उनका बायां बाजू है, बाबू राज नारायण जी, उन्होंने जयप्रकाश नारायण की मीटिंग में लखनऊ में कहा कि जब से आया बहुगुणा, भ्रष्टाचार बढ़ा सौ गुना। तो उनके साथियों ने भी उनके बारे में जो कुछ कहा है, वह मैं सदन की और श्री चित्ता वसु जी की जानकारी के लिए यहां बताना चाहता हूं। जब इस प्रकार के व्यक्ति हमारे विरोध में हों, तो उस व्यक्ति ने बराबर इस बात की कोशिश की है कि गढ़वाल में शांतिपूर्ण तरीके से चुनाव न हो सकें।

उस स्थिति में उनका एक उद्देश्य था, वह जानते थे कि यदि मैं चुनकर भी आऊंगा सदन में तो मैं कुछ नहीं कर सकता हूं क्योंकि एक लम्बी फौज जहां विरोधी दल के नेताओं की है, वहां मैं अपनी छोटी पार्टी के साथ क्या कर लूंगा। मुझे 5 मिनट का भी बोलने का टाइम नहीं मिल सकेगा। इसलिए उन्होंने बराबर इस बात की कोशिश की कि किसी तरह से चुनाव में गड़बड़ी करवाकर, इस चुनाव के विषय को महत्व दिया जाये और इसको प्रचार का माध्यम बनाया जाये ताकि हिन्दुस्तान की राजनीति में, जिसमें वह बिल्कुल मर गये थे, जिसमें उनकी राजनीतिक मौत हो गई थी, उसमें वह ज़िन्दा रह सके और वह चर्चा का विषय बन रह सके। केवल चर्चा का विषय बने रहने के लिए उन्होंने गढ़वाल की जनता को, जब 1980 में वह चुनकर आये थे तो प्रतिनिधित्व विहीन किया इस्तीफा दे कर और आज भी गढ़वाल की जनता को प्रतिनिधित्व विहीन करने के लिए अगर कोई कोषी है तो वह श्री हेमवती नन्दन बहुगुणा हैं।

जहां तक उत्तर प्रदेश की सरकार का सवाल है, उसकी मंशा बिल्कुल साफ थी और उत्तर प्रदेश का मुख्यमंत्री जो इतना त्यागी और तपस्वी हो, जब भी कहीं कोई कमी रह जाती हो दोष होता हो, तो उसको स्वीकार करने के लिए तैयार हो, जो सार्वजनिक रूप से इस बात को कह सकता हो कि मुझ से अगर कहीं कोई भूल हो गई है, तो वह स्वीकार करूंगा, एक तरफ इतना बड़ा त्यागी-तपस्वी व्यक्ति है और दूसरी तरफ वह व्यक्ति है, जिसके विषय में उनके साथियों की राय किस तरह की रही है, जिसके बारे में मैंने बताया है। तो वहां की सरकार और वहां के मुख्य मंत्री कभी भी जान-बूझ कर इस तरह की हरकत नहीं कर सकते हैं।

वहां सब चीजें तबाह करने की कोशिश की गई है। हमने जो चीजें आज ईमानदारी और सत्यनिष्ठा के साथ चुनाव आयोग को बतानी चाहो हैं, उत्तर प्रदेश की सरकार ने जो तथ्यात्मक बातें चुनाव आयोग को बताई है, बहुगुणा जी के लोग उस चीज से आज राजनीतिक फायदा उठाने की कोशिश कर रहे हैं।

मैं इस सारे परिप्रेक्ष्य में आप से और आपके माध्यम से इस माननीय सदन से यह निवेदन करना चाहता हूं कि हमारी इस चुनाव प्रणाली के अन्दर एक से एक बड़े कलाकर पैदा हो सकते हैं, जिस तरीके के कलाकार का मैंने जिक्र किया है। इसलिए जरूरी है कि हम आज जहां चुनाव प्रणाली में सुधार की बात करें कितना ही सुधार सरकार क्यों न लाये, कितने ही सुधार के कानून संसद् क्यों न पास करे, कितना ही हम इसका जिक्र क्यों न करें, जब तक हम अन्तःकरण से, मन से इस प्रणाली को मजबूत नहीं करना चाहेंगे, तब तक चुनाव

प्रणाली स्वच्छ और निष्पक्ष नहीं बन सकेगी, उसमें छिद्र पैदा करने वालों की कोई कमी नहीं है।

को इतने व्यापक अधिकार देना कहाँ तक उचित है।

हमारे इलैक्शन कमीशन का जो ढाँचा है उसमें उस के पास कोई प्रत्यक्ष अधिकार नहीं है कि वह कहाँ कितनी फोर्स किस तरीके से ले सकता है, क्योंकि ला एण्ड आर्डर स्टेट का सबजस्ट है। इस कारण कई तरह की फ्रिक्शन पैदा हो जाती हैं कि किसी स्टेट को कब क्या करना चाहिए, क्या नहीं करना चाहिए। इस को भी देखने की जरूरत है।

प्रधानमन्त्र की बलिहारी है कि आज हमारे देश में कई ऐसी पार्टियाँ भी हैं, जिनका चुनाव प्रणाली में विश्वास नहीं है, जिन के विषय में एक से अधिक बार कहा जा चुका है कि वह मतदान-सूचियों में भी गड़बड़ कर रही हैं। हमारे देश में ऐसी पार्टियाँ भी हैं, जो जगह जगह पोलोटिकल मर्डर के द्वारा अपने विरोधियों को आतंकित करने की कोशिश कर रही हैं। आज इस बिंदु पर भी विचार करना जरूरी हो गया है कि जहाँ हमारे चुनाव आयोग पर यह दायित्व है कि चुनाव निष्पक्ष हों, वहाँ उस के पास इतनी ताकत और इतने अधिकार भी होने चाहियें कि उसे जितनी पुलिस फोर्स की जरूरत है, वह उतनी फोर्स सीधे स्टेट या सेंटर से बात कर के ले सके।

और भी बहुत से सुझाव इस बारे में दिए जाएंगे। मेरी भावना किसी को चोट पहुँचाने की नहीं है, लेकिन कुछ ऐसा माहौल बना दिया गया है, जिस में एक व्यक्ति विशेष को हीरो बनाने की कोशिश की गई है, इसलिए मुझे कुछ कटु सत्य वहाँ पर रखने पड़े हैं। अगर इस से किसी के दिल को चोट पहुँची हो, तो मैं क्षमा चाहता हूँ।

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Mr. Chairman, Sir, I was hearing with rapt attention the speeches made by my friends on the Treasury Benches, Mr.

इसलिए मेरा निवेदन है कि आज जो निश्चय करने का मौका मिला है, उसके माध्यम से मैं माननीय न्याय मंत्री से कहूंगा कि सारे गड़वाल के चुनाव में जहाँ विरोधी दल के लोग इससे राजनीतिक फायदा उठाना चाहते हैं, वहाँ उसने हमको इस बात का अवसर भी दिया है कि हम वर्तमान चुनाव-प्रणाली की कमियों की तरफ दृष्टिपात करें। हमें देखना चाहिए कि क्या इलैक्शन कमीशन को इतना बड़ा अधिकार देना उचित है या नहीं वह जब चाहे तब किसी आधार पर, किसी टेक्निकल आधार पर एक चुनाव को रद्द कर सके जिस तरह कि उसने 20 जून का गड़वाल का चुनाव इस टेक्निकलिटी के आधार पर रद्द कर दिया कि वहाँ पर बाहर की पुलिस डेपुटी की गई थी जबकि यह स्वयं-सिद्ध है कि वहाँ कोई रिगिंग नहीं हुई। स्वयं चुनाव आयोग ने माना है—श्री गणेशन जो वहाँ गए थे उन्होंने माना है—कि यह सिद्ध नहीं हो सका है कि वहाँ कोई रिगिंग हुई है। बाद में श्री तारकुंडे ने जो इन के साथी हैं, जो इन के साथ सिम्पैथी रखने वाले हैं, यह माना कि वहाँ कोई रिगिंग नहीं हुई।

कहने को तो कुछ लोगों ने अपने राजनैतिक फायदे के लिए यहाँ तक कह दिया कि वहाँ पर सुभाषी गाँव में हरियाणा की पुलिस ने महिलाओं के साथ बलात्कार किया। मुझे इस बात पर दुःख है। मैं उस पहाड़ का बेटा हूँ। जब तथ्यों की जानकारी करने की कोशिश की गई, तो पाया गया कि यह आरोप बिल्कुल झूठा है। मैं निवेदन करना चाहता हूँ कि यह देखना चाहिए कि इलैक्शन कमीशन

[Shri Satyasadhan Chakraborty]

Lakkappa started from Badrinath and reached upto West Bengal. What I would like to tell Mr. Lakkappa who is not present here is this: 'Well done; go ahead, Mr. Lakkappa; you will have to traverse a long way upto Rameswaram'. Because, the pilgrimage of sinners starts from Badrinath and at Rameswaram they have to take a holy dip. I would request Mr. Lakkappa to take the whole Party along with him to get rid of their sins, but I am sure that, even by that, they will not be able to get rid of their sins.

There have been a lot of sound and fury, accusations and counter-accusations. But all said and done, the fact remains that the Garhwal constituency remains unrepresented for 18 months; this is a fact; this cannot be denied. I would ask this question of the hon. Members of the ruling party. Is it not the responsibility of the Central Government to hold election in a particular constituency? Is it not the responsibility of the ruling party to see that the Constitutional provisions are respected? Well, who is responsible for it? That is the question. I would like to quote not from any newspaper as Mr. Lakkappa has stated from his paper, *National Herald*. I do not depend upon newspapers. I would quote from the letter of the Election Commissioner, Mr. Shaktiher. I believe the hon. Members of the ruling Party will not go to such an extent as to brand him as a supporter of a particular political party. I would request you to look at the facts, to analyse them and come to the logical conclusion, a conclusion which is inevitable if objectively we study the facts.

What is the new thing in Garhwal election? Normally in certain places during elections clashes take place...

SOME HON. MEMBERS: Why?

SHRI SATYASADHAN CHAKRABORTY: You might ask why? I am not going into it.... (Interruptions) They

must be knowing what is the meaning of 'rigging'. When the State machinery is used by the ruling party to get the desired results, then this is known as rigging. Now, let us see what has happened in Garhwal...

17.32 hrs.

[MR. DEPUTY SPEAKER in the Chair]

Police forces were brought from the neighbouring States. For what? For the ostensible purpose of maintaining law and order. But what does the Election Commission say? The Election Commission says:

"It is further stated that the police force from the State of Haryana and other neighbouring States had been inducted into the constituency and they have spread terror."

This is the allegation. This is what has been alleged. And it was Mr. Bahuguna who first alleged that the Haryana police has spread terror. There has been booth capturing with the help of the Police. The Election Commission constituted a committee, an investigating committee headed by Mr. Ganesan and that committee investigated the whole thing. When this was out, all of a sudden the Congress(I) people lodged their complaint. It was an afterthought. When my friend Mr. Rawat was saying and when Mr. Lakkappa was saying, that they were in possession of indisputable facts that the opponents were creating troubles, my question is: did you register your protest before Mr. Bahuguna did? Did you write to the Election Commission? Is there any FIR? Have you lodged any protest?.... (Interruptions) For your information, I am quoting again from the letter of Mr. Shaktiher:

"There are also complaints received from the Congress(I) in respect of Badri-Kedar Assembly segment specifying the places where the alleged booth-capturing by Mr. Bahuguna's supporters have taken place. These complaints were, how-

ever, received in the Commission on 17th June 1981."

I would like to emphasize 17th June. When they found that they were caught redhanded, they went to the Election Commission.

Then, Mr. Shakhder says:

"There were further complaints from this party which were received on the 18th June but which had been earlier lodged with the R.O. from the Congress(I) workers or workers of the Bahuguna Party."

He further proceeds:

"Therefore, it was not possible to make an investigation by the Commission's Team, into these complaints at Badri-Kedar which was not visited by the Team of this Commission."

Then, the Commission was ready to go into the allegations made by Congress(I) workers. What happened? The same letter says:

"In this connection, it is relevant to mention that when Shri Bahuguna met me on the 10th, he suggested that the proposed team headed by Mr. Ganesan should also visit Gobeswar where the election records of Badri-Kedar had been torn. Mr. Bahuguna himself wanted that there should be a full investigation."

Mr. Chairman, Sir, it is an interesting story which will unfold the deed that the ruling party perpetrated in the Garhwal bye-election.

"Then immediately asked the U.P. Government so that the investigation could be done quickly."

Then what happened.

"Unfortunately, the U.P. Government did not place the helicopter at the disposal of the Commission."

Well, Sir, this is what has happened. Now, the question is: The Election Commission was stating that it was the presence of the Haryana Police which created all the trouble. Why was this police brought in without the knowledge of the Election Commission? Well, I do not dispute the right of a State Government to request for police from other States. It may be necessary, nobody can deny that. But, the Election Commission was kept in the dark about it. Why? The Election Commission says that they were kept in the dark and the same letter of Mr. Shakhder says:

'the presence of the Haryana Police created a terror in the rest of the voters which helped booth capturing.'

Booth capturing and rigging are not possible without the help of the police, the greatest organised goonda force.

Mr. Chairman, Sir, the question came. When the whole ruling party, the Congress(I) was exposed to the people of India, what did they do in Garhwal. When the question came...

SHRI RAM PYARE PANIKA (Robertganj): He has used the expression 'goonda'.

MR. DEPUTY-SPEAKER: We will go through the record. We will take care of it.

SHRI SATYASADHAN CHAKRABORTY: Mr. Deputy-Speaker, Sir, then the question came how fast the bye-election could take place.

Again, the U.P. Government came into the picture. What are the arguments—I won't say arguments, but I would say these are the excuses. What are the excuses. The U.P. Jail Police was on strike. Okay. There was a threatened strike of the Government employees—not actually happening. It was only a threatened

[Shri Satyasadhan Chakraborty]

strike by the Government employees. Then there was a university examination. What is the other reason? It was Aligarh Muslim University. Is any Member of the House aware that the trouble in Aligarh Muslim University was started at that time. What was the argument again. There was Shia-Sunni trouble in Lucknow. Was there Shia-Sunni trouble in Lucknow? Mr. Deputy-Speaker, is any Member aware of the fact that in November there was any Shia-Sunni trouble in Lucknow? You will agree with me that there was no trouble. Is there any Member who can say that there was any large-scale disturbance in Aligarh Muslim University. You will agree with me that there were no large scale disturbance.

Now, Sir, what are their arguments? They say that we are incapable of providing the required number of armed personnel. Well I understand the real reason is that the situation was not such where by sending the police they would be able to capture the booths. When I say this I do not hold any brief for any individual. The question is how long people can be deprived of their democratic right. That is the fundamental question. Should the State Government be allowed to hold such a position where it will decide as to when the elections will take place. If we accept this argument then any State Government which finds itself in adverse circumstances will try to postpone the elections indefinitely and will try to create favourable situations—by fair or foul means—to get a tailored verdict of the people. That is the danger.

Sir, democracy depends on the free will of the people and not on the will that the ruling party wants it to be expressed in a particular way. People are the highest court of this country and they have been denied the right to exercise their franchise and elect their representa-

tives. I expected from the Government that they will declare it 'yes' we are going to do it very soon because the people of Garhwal have committed no crime. If you cannot provide security, then it is the failure of the administration. It is the duty of the administration to create conditions where elections may take place. Why is it that you cannot do it?

Sir, in Bihar by-elections took place when there was a threatened strike of NGOs. You held the elections there because you were assured that you will most probably win. So, the whole thing comes to this: Have we come to a position that the ruling party will decide when the elections will be held?

Mr. Deputy Speaker, Sir, they were talking of West Bengal. Now, what happened in West Bengal? There is one constituency called Maniktala. The Congress (I) President, Mr. Ajit Panja, complained to the Election Commission that there were fictitious names in the electoral rolls and on his complaint the election was postponed. The Election Commission sent a team to investigate the matter and they found that all the allegations were baseless and the election was held and the Congress (I) candidate was miserably defeated. So, my point is: is it the Congress (I) President or the ruling party or study of the weather or study of the astrologers which will decide the time of the elections? Democracy has been reduced to a grand farce. Why are you doing it? You are telling us with loud voice that you are wedded to democracy. You have framed the Constitution. I do not agree with many of the Articles of the Constitution. I do not think all the Articles are democratic.

But I do agree that there are certain democratic things in our Constitution. And what are you doing? Do you think that this Constitution and this democracy is a

gift of the ruling party to the people? No. It is due to the relentless struggle of our Indian people; it is due to their sacrifice, and their blood; these things have been brought about and there are the rights of the people. It is the Indian people who have got to be congratulated for these democratic rights that we have in the Constitution. And what are you doing? You cannot hold the election in a particular constituency. You say, anti-dacoity operations of U.P. Government. When Mrs. Gandhi went to U. P. you provided police force. Garhwal is not the graveyard. But it is the starting point. It is the process which we are afraid of. What is the process? Anti-socials, bureaucrats, police, all combining together; muscle power, money-power all coming into play. They can have the verdict of the people as they once had. Sir, I would quote only one thing before I conclude. Only the other day my friends from West Bengal were telling us about this, and so I wish to state my view. The Prime Minister was telling that 30 per cent. of the voters in the electoral roll in West Bengal were fictitious. I am sorry that she is the Prime Minister, such an irresponsible lady is our Prime Minister. She went to Bolpur, and she said something. How did she smell it, I don't know. I know that certain creations of our nature know certain things by smelling. She went to Bolpur; she addressed some people. Then she said, I am told. Who said it? Any particular people? Anand Mukherjee?

ग्राचार्य भगवान देव : ये मूल विषय की बात करें। इन की गाड़ी पटरी से उतरती जा रही है। ये नियम 193 के अधीन बात करें।

PROF. K. K. TEWARY: I rise on a point of order. The discussion is about Electoral Reform which is a precise issue. Mr. Chakraborty is dilating on the issue. He is bringing

in things which are absolutely irrelevant to the present discussion. I think you should restrain the hon. Member and tell him that he should not indulge in these irresponsible propagandist speeches. He should not be allowed to make such types of speeches. He should speak only about Electoral reform.

MR. DEPUTY-SPEAKER: I think, Professor also knows it.

SHRI SATYASADHAN CHAKRABORTY: Does the Prime Minister who is responsible or supposed to be responsible, know that this electoral roll is prepared by the Election Commission? Is she not aware of the fact that the State Government has got nothing to do with it? (Interruptions) It is the State Government which provides the personnel at the request of the Election Commission. (Interruptions) I want to educate them. Mr. Deputy Speaker, Sir, you should educate them. (Interruptions).

श्री राम प्यारे पनिका : उाधक्षममहोदय, एक तरफ तो इन्होंने ये कह दिया कि इलेक्टोरल रोलड इलेक्शन कमीशन तैयार करता है। (व्यवधान)

SHRI SUNIL MAITRA (Calcutta North East): Under what rule he is raising the point of order?

श्री राम प्यारे पनिका : हमारे प्रधानमंत्री जी ने पब्लिक मीटिंग में कहा कि वहनों की सरकार इस को ठीक नहीं कर रही है। उस पर अब ये कहते हैं कि यह चुनाव कमीशन का काम है, गढ़वाल के बारे में ये दूसरी बात कहते हैं। तो क्या यह विरोधाभास नहीं है?

MR. DEPUTY-SPEAKER: The Government will reply to that. (Interruptions)

SHRI SATYASADHAN CHAKRABORTY: It is the Election Commission which will have to go into the charges. (Interruptions)

MR. DEPUTY-SPEAKER: I want to regulate the proceedings of the

[Mr. Deputy-Speaker]

House. There are many Members yet to speak. Now, it is just 6 O'Clock and there are still about 12 Members to speak. Now, we have got to decide how much time every Member take. If every Member takes more time, then the Government will be left with no time. So what is the use of all these discussions? Therefore, I would suggest that each Member would kindly take 10 minutes. No speaker will take more than 10 minutes. Then after this, there is Half-an-hour discussion also. So, if you restrict to 10 minutes each, without making any repetition, you can bring your point of view to the notice of the Government. Hence I would allow only 10 minutes to each Member.

SHRI SATYASADHAN CHAKRABORTY: When the electoral rolls are published did the Congress people scrutinise them? Did they try to enroll people in their own party? They are engaged in breaking their own heads. It is a deplorable condition of the party. Now, Mrs. Gandhi, the Prime Minister, whose duty is to defend democracy is destroying the democracy. She is going to West Bengal and instigating the people and not only....(Interruptions)

PROF. K. K. TEWARI: Sir, this is a propagandist speech. This should not be allowed.

SHRI SATYASADHAN CHAKRABORTY: Mrs. Gandhi has now usurped the powers of the Election Commission (Interruptions). The dangerous thing is this that the Prime Minister, herself has taken the responsibilities on her shoulders to usurp the powers of the Election Commission. She is openly telling that "I shall not dismiss a Government". Who are you to dismiss it? The Left Front Government is existing there not on your sweet will but it is the verdict of the people, it is the people of West Bengal who have decided that and not Mrs. Gandhi. She is accusing the West Bengal Government. That is the state of thing now.

So, it is not only the question of Garhwal. The dangerous portends are there. They are out to sabotage, destroy and tarpedo the democratic system in India and that is why they have attached the judiciary. Mr. Rawat was telling that the Election Commission's powers should be curtailed. Why? Because the letter of Mr. Shakhder was not to your liking because you are exposed to the people of India. You are a past-master in rigging, you are using hooligans, and Haryana police to browbeat the people and capture the booths. That is the reason, why you take your own time in deciding these matters.

My friends were talking of democracy. I would like to ask them in how many Municipal Committees in Congress(I) States, you have elected representatives. How many Municipal Committees in Congress(I) States are managed by nominated people? You are afraid of the voters, you are afraid of elections, because the people are deserting you, hating you on account of your performance, non-performance and mis-performance. I would ask the Minister to give a straight answer, as to when they are going to hold elections in Garhwal. Will you give an assurance to the House that the elections will be held not 'as soon as possible', because that is an elastic phrase and can be used for your own benefits? Will you declare a firm date for this? And that has got to be done.

MR. DEPUTY-SPEAKER: Is it the Government which fixes the date for elections? The Government does not do that.

SHRI SATYASADHAN CHAKRABORTY: They should say that they also want the election to be held immediately.

The resolution being discussed has something to do with electoral reforms. I join my voice with other hon. Members in saying that we want electoral reforms urgently. Various reforms, including the right to recall, are necessary and urgently required.

(Dis.)

I want this House to discuss these electoral reforms in its various aspects. We want to talk about money power, we want to talk about the muscle power and the necessary measures to put a curb on them. We want to talk about the real democracy for the people, we want the Government to be responsible and responsive to the needs of the people.

What is a demonstration of your faith in democracy? Prime Minister is the leader of the House and the ruling party. She is conspicuous by her absence. That shows her attitude... (Interruptions). In democracy, Prime Minister is not a Caesar's wife that her name cannot be mentioned; her name can always be mentioned. She is only a Member of this House; do not forget that. She is conspicuous by her absence. She has time to go to flower shows. Flowers are, of course, beautiful, but the Parliament is more beautiful, because it consists of the representatives of people. This is the type of your democracy. You are trying to destroy the democracy. You want one party rule, one leader. You want that all should say: Hallelujah my leader".

MR. DEPUTY-SPEAKER: It is 6 o'clock now. There is half-an-hour discussion also.

SHRI INDRAJIT GUPTA (Basirhat): Postpone it.
(Interruptions)

MR. DEPUTY-SPEAKER: This discussion has to be completed today; there is no question of its postponement.

श्री राज नाथ सोनकर शास्त्री : (सैद-पुर) : अगर पोस्टपोन करते हैं तो मुझे कोई ऐतराज नहीं है ।

MR. DEPUTY-SPEAKER: The half-an-hour discussion is postponed to some date. It will be put down on some other date according to the rules.

We will continue with this discussion.

How long are we going to sit in this House today? I want to make it very clear. Is this the consensus of the House to sit up to seven or eight?

SHRI SATYASADHAN CHAKRABORTY: Till we finish, Sir.

MR. DEPUTY-SPEAKER: Then there will not be many people and the Government side will also not be in large number. Now we have to fix the time. I think we will have discussion upto 7.30 and the Minister will reply at 7.35. Half-an-hour discussion has been postponed according to the Rules. Therefore, each Hon. Member should not take more than ten minutes. I will ring the bell. There should not be any repetition.

SHRI JANARDHANA POOJARY (Mangalore): Mr. Deputy-Speaker, Sir, the main charge against the Central and also the UP Government is that both these governments have engineered and entered into a conspiracy to effect a postponement of the election and in fact the Election Commission was forced to postpone the election. This is the crucial point which has been raised here. Also, Sir, the assessment of the Election Commission: is also for the consideration of the House. The Election Commission is vested with the power and authority as per the provisions of Article 324 of the Constitution.

I will just point out Section 149 about the power of the Election Commission. Now, whether the Election Commission has got the power to declare the election or whether it is the Central Government or whether it is the State Government in power to declare the election?—

The Representation of the Peoples Act, Section 149, reads:

[Shri Janardhana Poojary]

"When the seat of a Member elected to the House of the people becomes vacant or is declared vacant or the election to the House of the people is declared void, the Election Commission, shall, subject to the provisions of the Section, by a Notification in the Gazette of India, call upon the Parliamentary Constituency concerned to elect a person for the purpose of filling up the vacancy so caused before such date as may be specified in the Notification."

So it is within the arena of the Election Commission to declare the election; it is not within the jurisdiction of the Central Government, it is not within the jurisdiction of the State Government to declare the election. So, to blame the State Government or the Central Government for postponing the election is not justified. It cannot be stated that it is the responsibility of the Central or the State Government to postpone the election and it is not the responsibility of the Election Commission. So far as this aspect is concerned, this Section is very clear.

Now, I come to Section 56: Fixing time limit for the pool.

"The Election Commission shall fix the hours during which the poll shall be taken and the hours shall be published as may be prescribed provided that total period allowed on any one day for holding of election in Parliamentary or Assembly Constituency shall not be less than eight hours."

So, it is for the Election Commission to fix and determine the date, to set the electoral process rolling, to superintend, direct or control the elections. It is the responsibility of the Election Commission to hold the elections, and not the responsibility of the Central or State Governments to conduct them.

Coming to the crucial point, viz. postponement of the Garhwal bye-election, in the month of June, 1981 an order was passed by the Election Commission, to the effect that the mere presence

of the police force from outside was sufficient to vitiate the atmosphere and to vitiate the elections. And so, it declared the election null and void. I am underlining the word "the mere presence." It is not the case of the Election Commission that this police force there, from outside, has exceeded its limits. It is not their contention. It is the judgement of Election Commission, it is not the judgement of the Central Government or State Government or the people. What is the judgement? The judgement is that the presence of the outside police force in Garhwal constituency is sufficient to vitiate the atmosphere; and that is why the election has been declared null and void. It is a clear case. Who has declared it? It is the creation of the Election Commission. The judgement has been created by the Election Commission. So, what were the after-effects of this order—subsequently? We have to consider this order and then look at the consequence. What is the consequence thereafter? The consequence is the present situation.

What had happened? In June 1981, he has declared the election null and void. He has gone against Section 58. If he had passed the order under Section 58 of the Representation of People Act which speaks of "Fresh pool in the case of destruction of ballot boxes", I would have understood it. I am not going through that section, but it is very clear that it is sufficient to vitiate the election. But unfortunately it has been done otherwise.

But what had happened during the Janata rule in 1977? One battalion from each State, viz. Madhya Pradesh and Gujarat had been deployed in Maharashtra in conducting the elections, without the consent of the Election Commission and without the knowledge of the Election Commission. Our friend Mr. Dandavate was the Cabinet Minister at that time; and even CPI(M) was a part and parcel of the Janata Party at that time. They colluded with them. What was their reaction to it? What had happened

(Dis.)

during the Janata rule? Immediately thereafter, in Orissa, a battalion of Andhra Pradesh police was summoned. It was deployed. Nobody raised his finger or said anything against it. Were they sleeping? Was there no democracy at that time? Now they say democracy is in peril, and that we are throttling democracy and that it is under extinction. That is the argument advanced today. There must be a limit to all these arguments.

I will now come to the point as to who is responsible. What is the crime committed by the U.P. Government? I have the details of the letter which I may be permitted to read. It is a letter written by the State authorities to the Election Commission—which states:

“This letter has been necessitated due to the developments which have been notice since I wrote to you last, and also invites attention to certain points which require the directives and guidance of the Commission.”

The State Government did not want postponement. The State Government did not want the election to be postponed. Now, Sir, if at all I may be permitted to say, it is Mr. Bahuguna who wanted the postponement. He must be now laughing in his sleeves. He must be the happiest person about the Garhwal situation. With full seriousness we went to the elections. The people of Garhwal also know to whom they should vote. They know in whose hands their interests are safe. The Janata Government or the Opposition Party people need not teach them. Unfortunately, what happened because of this situation? It led to the postponement of the elections. This has been deplored from this side and from that side of the House also. But I think, I may submit, that the main reason is that the Election Commission's Order of June 1981 should not have been there today, that is the position. This position would not have been before the country today. But unfortunately that has happened now? My submission is what is the answer given by the Election Commission? What answer is

it giving to the people. It is not the Central Government, it is not Mrs. Gandhi who took this decision. It is the decision of the people. The Election Commission is an autonomous body. There is nobody to question its authority. Now, when this order is passed, what is their reaction? But come to another aspect, another picture. They say that the Election Commission is not autonomous. It is under Smt. Indira Gandhi. The order has been passed by the Election Commission. Now, my submission would be if this order would not have been passed, what would be the result? The result would have been the election would have been held and our Party would have won the election. Unfortunately, that has been scuttled. There was a conspiracy from the Opposition side to scuttle the decision. They have successfully done it. They have scuttled this election. Now, our Law Minister will deal with the legal points. There are overtones, political overtones on this issue. I have stated that our Party is committed to democracy. It is a total commitment. What happened during Janata rule? Some of the people, our hon. Members in the Opposition, Mr. Madhu Dandavate and Mr. Samar Mukherjee these people were there during 1978. Election was conducted in Chikmagalur. Mrs. Indira Gandhi contested the election. The people of Chikmagalur sent her to Parliament. What did these people do? They scuttled the democratic institutions. Whatever they have done, they have through her out of Parliament. That is the case for democracy! (Interruptions).

SOME HON. MEMBERS: Shame! Shame!

SHRI JANARDHANA POOJARY: What had happened when they were in power? We have been in power for the last 34 years—except for two and a half years when the Janata Party was in power—it is the Congress Party which was in power, for the last 31 years. The Congress Party and Shrimati Indira Gandhi have got

[Shri Janardhana Poojary]

the highest respect for democracy. These people when they were in power could not get the benefit of the democratic institutions. They are not for the democratic functioning of the country. What is happening? When Mr. Bahuguna agreed to their wishes, Bahuguna is not God for them! When Mr. Bahuguna went to Cong.(I) Party, what did the opposition parties say against him? We have not stated anything against him; it is only the opposition parties which called him opportunist, unscrupulous and undemocratic. Today they say, that we are scared of him, that we are afraid of him and if he comes here, the entire heaven will fall on the earth and the entire Parliament will be shaken. The very same Mr. Bahuguna joined our party after Mrs. Indira Gandhi came to power and he won the election in her name. Today the man is not in a position to win the election. That is why under the guise of postponing the election, he is creating grounds for declaring the election null and void. That is his case. If at all there is democracy today in this country, it is because of Mrs. Indira Gandhi and the Cong.(I) Party. Because we are democratic, you are here. As far as the forces of right reaction and extreme leftists are concerned, they ganged together in order to overthrow the Government established by law and to paralyse it. You know the very fabric of the democratic institutions was threatened with destruction and that is why emergency was declared in 1975. Now we are not declaring emergency. We know the opposition parties want to create chaos and disorder in the country. We are not allowing it. We know what is democracy. We know the value of democracy in this country. We stand for it. Our leader will stand for it. The people of this country brought back Mrs Indira Gandhi with a vengeance because the opposition played with the dignity and honour of the people.

With these words, I conclude.

श्री राम बिलास पासवान (हाजीपुर :
उपाध्यक्ष महोदय, 14 नवम्बर को, पंडित

जवाहरलाल नेहरू के जन्म-दिवस पर हिन्दुस्तान के लोगों को यह तोहफा दिया गया है। इस में भी कोई गलती है रेड्डी साहब ? नहीं। इस चुनाव के स्थान के बहुत से कारण बताए गए हैं। पहले मैं आप के सामने गढ़वाल बाई इलैक्शन के बारे में फैंक्ट-फाइंडिंग कमेटी की रिपोर्ट पढ़ कर सुनाना चाहता हूं, जो जर्नलिस्ट, श्री बी० जी० वर्गीज, ने सिटिजेन्ज फार डेमोक्रेसी की तरफ से लिखी है। 10 जुलाई, 1981 को भारत के प्रधान मंत्री ने विज्ञान भवन में एक प्रेस कॉन्फ्रेंस में यह एलोगेशन लगाया था—मैं उन के एग्जैक्ट वर्ड्स को पढ़ रहा हूं :—

“Who was beaten up in Garhwal? They were Congress workers who were in hospital and I think some still are in hospitals. Even when I go, I have to take some officials with me for typing and so on, because official work keeps on coming. Now, they had nothing to do with the election process or with politics or with party; they were attacked.”

प्राइन मिनिस्टर ने कहा कि मेरे साथ जो लोग गढ़वाल गए थे उन पर एटैक किया गया। फैंक्ट-फाइंडिंग कमेटी की रिपोर्ट में कहा गया है कि आज तक यह बात हम लोगों को समझ में नहीं आई है, हम लोगों ने इनवाइट किया कि अगर एक आई आर दर्ज नहीं कराई गई, तो भी हमें बताया जाय कि किन लोगों पर एटैक किया गया।

“What are the names of the stenographers or other officials who were assaulted or manhandled and what would be their designations? In which place and on what dates did these incidents occur? Who were hospitalised and what were the nature of the injuries? And, was any complaint filed with the police or election officials and, if so, when and where?”

The charges made by the Prime Minister at her press conference are very serious.”

यह कहा फ्रैंक फार्डिंग कमेटी ने लेकिन कहीं से किसी कार्नर से जवाब नहीं आया अभी हमारे साथी ने कहा कि कल का अखबार रंगा हुआ है प्राइम मिनिस्टर के स्टेटमेंट से। भारत को प्रधानमंत्री कहती हैं कि 30 परसेंट वोट वहां बोगस हुआ है हमारे साथी ने अभी बताया उसके बारे में। प्राइम मिनिस्टर का यह वक्तव्य है, कोई प्राइम मिनिस्टर इतना असुरक्षित अपने को समझता है और वह इंदिरा गांधी के समान प्राइम मिनिस्टर, वह कहती हैं कि हमारे साथ जो लोग गये उनके ऊपर अटैक किया गया किस ने अटैक किया? कहां अटैक हुआ किस कर अटैक हुआ? इस प्रकार के बेसलेस चार्जिज और वह भी खास कर प्रधान मंत्री के द्वारा लगाए जायें—और यह किस को सुना रही हैं आप? हमारे जैसे लोगों को सुना रही हैं। आप हैं यहां पावर में और सी पी एम की सरकार वहां पावर में है, यह तो आप किस को रोना सुना रही हैं कि 30 परसेंट वोट बोगस है? इसलिए मैं सबसे पहले यह कहूंगा कि भारत के प्रधान मंत्री को इस तरह का स्टेटमेंट देना जो देश की रक्षा और देश के हित के खिलाफ हो उचित नहीं है और रिपोर्टेडली यह किया गया। यहां कारण बना दिया गया है कि जेल कर्मचारियों की हड़ताल हो रही है। आज बिहार में आप जाइए, बिहार के 6 लाख कर्मचारी हड़ताल पर हैं। कहते हैं जेल कर्मचारियों की हड़ताल हो गई, विद्यार्थियों ने कहा कि हम परीक्षा नहीं देंगे, हमारे सामने यह प्रश्न है। गढ़वाल यूनिवर्सिटी का वाइस चांसलर कहता है कि विद्यार्थियों का जीवन खतरे में है। उस वाइस चांसलर को तो तुरन्त हटा देना चाहिए जिस का विद्यार्थियों के जीवन पर खतरा तो नजर आता है लेकिन देश के जनतंत्र का भविष्य खतरे में है, यह नजर नहीं आता है और सोधा लिखता है वाइस चांसलर इलेक्शन कमिशनर को कि हमारे यहां विद्यार्थी अभावित करने पर तैयार हैं इसलिए इलेक्शन

रोक दिया जाय। उनका सोधा सम्बन्ध स्टेट के गवर्नर से होता है, उसको वह लिख सकते हैं, दूसरे किसी को लिख सकते हैं, लेकिन डायरेक्ट एलेक्शन कमिशन को लिखने का क्या मतलब है? कहां से इन्स्टिगेशन हो रहा है, यह समझने की बात है।

यह कहा गया और अब भी कहा जा रहा है कि प्रत्येक स्टेट में कानून व्यवस्था हमारे यहां ठीक है। उत्तर प्रदेश में कहा गया कि कानून व्यवस्था ठीक है। अभी कहा जा रहा है कि कानून व्यवस्था ठीक है। लेकिन जब गढ़वाल के चुनाव का सवाल आया तो कहां कि कानून व्यवस्था खराब हो गई है स्टेट भर में इसलिए चुनाव नहीं हो सकता। लेकिन चुनाव के मौके पर हो यह खराब हुई? अभी चुनाव आयोग के सचिव को रिपोर्ट को पढ़ा गया। मैं ज्यादा उस में नहीं जाना चाहता हूं लेकिन एक बात कहना चाहता हूं अभी संविधान के आर्टिकल का हवाला दिया गया, हमारे साथी जनार्दन पुजारी ने हवाला दिया, मैं वह आर्टिकल पढ़ कर सुनाता हूं: आर्टिकल 324 की छठी उपधारा इस प्रकार है:

“The President; or the Governor or a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).”

तो यह है “शैल” न कि “विल” और आर्टिकल 144 में क्या है:

“All authorities, civil and Judicial, in the territory of India shall act in aid of the Supreme Court.”

कल को यदि भारत की सरकार कह दे कि सुप्रीम कोर्ट के आर्डर को मानने के लिए

[श्री राम विलास पासवान]

हम बाइस नहीं हैं तो क्या होगा ? एलेक्शन कमीशन का स्टेटस आटीनामस बताया गया और जो एलेक्शन कमीशन के लिए शब्द वाइंडिंग है वही शब्द वाइंडिंग है सुप्रीम कोर्ट के लिए। यदि कल भारत की सरकार कह दे या सत्ताधारी दल के स्टेट के अन्दर चीफ मिनिस्टर बैठे हुए हैं अन्तुले और गुन्डुराव जैसे लोग वो कल को कह दें कि हम सुप्रीम कोर्ट की फाईंडिंग्स को नहीं मानते हैं तो क्या फैक्ट होगा देश का ? ... (व्यवधान) ...

SHRI R. Y. GHORPADE (Bellary): Why should he refer to those persons who are not there to defend themselves? He cannot do so.

श्री राम विलास पासवान : बहुगुणा , बहुगुणा, बहुगुणा हजार बार यहाँ कहा गया है।

MR. DEPUTY-SPEAKER: They are so much affectionate to Antulay and other friends. Take it like this.

श्री राम विलास पासवान : एक प्रश्न वह उठाया जा सकता है कि गढ़वाल के एलेक्शन को ही क्यों रोका है ? तमाम जगहों पर एलेक्शन हुए, बिहार में बाइ-एलेक्शन हुए, उसको क्यों नहीं रोका गया ? इसका सब से बड़ा कारण है कि जो लड़ने वाले लोग हैं उस में जो गैंग का लीडर होता है वह कहता है कि अगर कोई गैंग का आदमी बगावत करे तो उस को ऐसा सबक सिखाओ कि दूसरा कोई—ऐसा न करे।

यह आप को सबक सिखाया जा रहा है, आप के ऊपर यह वार्निंग है कि भविष्य में अगर हमारी इच्छा के खिलाफ कोई कदम उठाया तो फिर लौट कर इस पार्लियामेंट में नहीं आ सकोगे। (व्यवधान) तो फिर प्रधान मंत्री उस बाई एलेक्शन के सम्बन्ध में वहाँ पर नहीं जा सकीं हालांकि प्रोग्राम

30-40 बार बताया गया। लेकिन कौन जाते हैं ? रक्षा मंत्री जाते हैं। आज इस चीज को देखना है और आज इस चीज को देखना है। वे सरकारी ड्यूटी पर वहाँ जाते हैं लेकिन काम बाइ-एलेक्शन का हो रहा है। (व्यवधान) इस के पीछे कारण यह था कि दूसरा कोई भी आदमी कभी फिर उठाने की हिम्मत न करे। लेकिन आप समझ लीजिए, इस में हमारे लिए कोई खतरा नहीं है, खतरा आप के लिए है। हमने तो पहले भी भुगत है और फिर भुगत लेंगे। इस में एक बात अभी तक मेरी समझ में नहीं आई कि जब एलेक्शन कमीशन ने रोका तब अपोजीशन के सारे लोग यहाँ पर मौजूद थे, अगर ऐसी परिस्थिति उत्पन्न हो गई थी जिस में एलेक्शन कराना असम्भव था—22 नवम्बर को चुनाव कराना था और 14 नवम्बर को यह घोषणा की गई—तब ट्रेजरी बजट के लोगों ने अपोजीशन के लोगों से विचार-विमर्श क्यों नहीं कर लिया कि ऐसी स्थिति में बाई एलेक्शन को पोस्टपोन कर देना चाहिए ?

उपाध्यक्ष महोदय, अभी पिछली रात को मैं टी बी देख रहा था उस में राजीव गांधी कह रहे थे कि विरोधी दलों की खिचड़ी सरकार थी। उन को शायद पता नहीं है कि खिचड़ी की क्या महत्ता होती है। जब कोई रोगी मरणाश्रय हो जाता है तभी डाक्टर कहता है कि इसको खिचड़ी रो। आज इस देश में आपकी सरकार ने जो स्थिति पैदा कर दी उस में खिचड़ी ही इस देश को जीवित रख सकेगी। लेकिन जिस ने कभी भी जीवन में खिचड़ी खाई न हो उसे उसकी महत्ता क्या मालूम हो सकती है ? खिचड़ी तो गरीबों का भोजन होती है। जिसके मन में हमेशा लड्डू ही रहे हों वह खिचड़ी की महत्ता क्या जानेगा ?

MR. DEPUTY-SPEAKER: Mr. Paswan, you were also eating laddus for three or three-and-a-half years.

श्री राम विलास पासवान : मैं यह कहना चाहता हूँ कि जिस स्थिति में यह देश पहुँच गया है उसके लिए चिन्तन करने वाले लोग हैं। रोते तो आप लोग भी हैं, राजाई ओढ़ कर रोते हैं। हम तो अपना गुबार निकाल लेते हैं लेकिन आप तो वह भी नहीं कर सकते हैं। आप तो भीतर ही भीतर फट रहे हैं। हम लोग तो उस साइड में रह कर भी अपना गुबार निकाल लेते थे लेकिन आप ऐसा नहीं कर सकते हैं।

जहाँ तक चुनाव आयोग का सवाल है—किसी साथी ने यहाँ पर बतलाया हो या न बतलाया हो—लेकिन मैं तो इस निश्चित मत का हूँ—बल्कि जब चुनाव आयोग की स्थापना हो रही थी उस समय भी यह मामला सामने आया था कि आयोग में एक व्यक्ति रहे या उससे अधिक व्यक्ति रहे—मैं समझता हूँ वहाँ एक व्यक्ति के स्थान पर 3 व्यक्ति रहने चाहिए। मान लीजिए कभी स्टेट गवर्नमेंट ने लिख दिया कि हमारे पास इस समय चुनाव कराने के लिए मशीनरी नहीं है, चुनाव कंसिल किया जाये तब एक से अधिक व्यक्ति अगर चुनाव आयोग में रहेंगे तो डिस्जिजन को बदलने के लिये लिए थोड़ा सोचना पड़ेगा और वह इतना आसान नहीं रह जायेगा।

दूसरी बात यह है कि वार्ड-एलेक्शन के लिए कोई अवधि निश्चित होनी चाहिए। यह कांस्टिट्यूएन्सी 18 महीने से अनरिप्रेजेंटेटिव है—इसके लिए कौन जिम्मेदार है? इसके लिए आप जिम्मेदार हैं। आप दो तिहाई बहुमत ले कर यहाँ पर बैठे हुए हैं लेकिन एक उप चुनाव कराने के लिए भी पुलिस फार्स उपलब्ध नहीं होती है। (व्यवधान) इसलिए मेरा आग्रह है कि उप-चुनाव का पीरियड तीन महीने से अधिक नहीं होना चाहिए, तीन महीने के अन्दर अन्दर उप चुनाव हो जाना चाहिए।

तीसरी बात यह है कि चुनाव आयोग को चुनाव की व्यवस्था कराने के लिए शक्ति

प्रदान की जाए वरना हो सकता है 1985 में जब चुनाव का समय होगा तब कह दिया जायेगा कि कानून व्यवस्था की स्थिति बहुत खराब है। अभी हरियाणा में चुनाव होने वाले हैं, पश्चिमी बंगाल में होने वाले हैं, हिमाचल प्रदेश में होने वाले हैं। कहीं भी आप कह सकते हैं कि यहाँ पर कानून और व्यवस्था ठीक नहीं है, हमारे यहाँ फलांफलां लोग हड़ताल पर हैं। ट्रेड यूनियन्ज सब जगह हैं, कहला दिया जायेगा कि हम हड़ताल पर जा रहे हैं, तब भारत की प्रधान मंत्री और आप की सरकार कह देगी कि चुनाव कराना जरूरी नहीं है। इसलिए इलैक्शन कमीशन के पास अलग से अपनी मशीनरी होनी चाहिए, जिस से वह चुनाव करवा सके। हम लोगों ने अपने समय में ऐसा करवाने की कोशिश की थी। आज गरीब उम्मीदवार चुनाव जीत कर नहीं आ सकता, क्योंकि चुनाव पैसे पर आधारित हो गया है। गुण्डे भी किस को मिलते हैं जिस के पास पैसा होता है। पुलिस भी उस की मदद करेगी। चुनाव कराने के लिए प्रिसाइडिंग आफिसर जाता है, रिटर्निंग आफिसर जाता है, पोलिंग आफिसर जाता है, सिफरही जाते हैं, सब को लालच होता है कि हम को प्रमोशन मिलना चाहिए, तस्करी मिलनी चाहिए, ऐसे लोग कैसे निष्पक्ष चुनाव करवा सकते हैं। 1977 में जो चुनाव हुआ वह आंधी थी, चुनाव नहीं था। आज आप के प्रति आम जनता में नफरत की भावना आ गई है, इस लिए फेअर-इलैक्शन तभी हो सकता है जब इलैक्शन कमीशन के पास चुनाव कराने के लिए अपनी मशीनरी होगी। जो गरीब उम्मीदवार है उस को फण्ड दिया जाय, बराबर-बराबर फण्ड दिया जाय-जिस से वह अपना चुनाव करवा सके। जिस ढंग से यह सब हुआ है, मैं तो आप लोगों से भी यह अपेक्षा करता था कि इस की सब ओर से निन्दा की जानी चाहिए थी। यह

[श्री राम विलास पासवान]

स्टेट गवर्नमेंट, सैण्ट्रल गवर्नमेंट यह हमारी बात नहीं है, यह भविष्य को इंगित करता है, यह पूर्व-नियोजित घटना है, जिस के तहत यह सारी कार्यवाही हो रही है और इस कार्यवाही का अन्तिम परिणाम क्या निकलने वाला है—यह भविष्य बतलायेगा।

आज लोग कहने लगे हैं—क्या भविष्य में यह व्यवस्था चल पायेगी ? न्याय पालिका को स्वतन्त्रता रहेगी या नहीं ? इलैक्शन कमिशन को स्वतन्त्रता रहेगी या नहीं ? न्यायपालिका को पंगु बना कर, इलैक्शन कमिशन को पंगु बना कर, एक व्यक्ति का राज, एक परिवार का राज, इस देश में स्थापित करने की यह पूर्व-नियोजित योजना है। इस लिए चाहे इस पक्ष के लोग हों या उस पक्ष के लोग हों, मैं सब से आग्रह करूंगा

श्री एम० राम गोपाल रेड्डी (निजामाबाद): पार्टी कहिए।

श्री राम विलास पासवान : पार्टी का मतलब क्या होता है—जानते हैं ? पार्टी का मतलब होता है—मंंत्री मण्डल की सरकार, मंंत्री मंडल का मतलब है कैबिनेट और कैबिनेट का मतलब है जो पार्टी का नेता है उसकी सरकार। दिक्कत यह है कि आप को यहां बोलने की आजादी नहीं है, हिम्मत नहीं है। एक ही चीज कर सकते हैं, अगर इधर से कोई बोलेगा तो हल्ला किया जायगा। लेकिन मैं आप के मन की बात कहता हूं, आपके हित की बात कहता हूं, जिसे आप को सपोर्ट करना चाहिए, लेकिन आप उल्टा विरोध करके खुद अपने गले में फांसी लगा रहे हैं।

इस लिए मैं आप के हित में बोल रहा हूं। जब चुनाव आयोग में निष्पक्षता रहेगी और उस के आधार पर जो सरकार

यहां चुन कर आयेगी, तब देश प्रगति पर जायेगा, नहीं तो देश गिरने वाला है, मर चुका है। मैंने एक बार नहीं, कई बार कहा है, हजार बार कहा है—एक कहावत है—

एक ही उल्लू काफ़ी थे बरबाद
गुलिस्तां को करने,

हर डाल पे उल्लू बैठे हैं अंजामे-
गुलिस्तां क्या होगा।

SHRI M. RAM GOPAL REDDY: Mr. Deputy-Speaker Sir, he has just now stated that India is going to die. I am very sorry for him.

श्री नवल किशोर शर्मा (दौसा) : उपाध्यक्ष महोदय, आज जो चर्चा का विषय है, वह बहुत महत्वपूर्ण है। मैं अभी तक विरोधी दलों के नेताओं के भाषण बड़े ध्यान से सुन रहा था। मुझे ऐसी उम्मीद थी कि प्रो० सत्यसाधन चक्रवर्ती, श्री चित्त बसु, जैसे लोग शायद कुछ समझदारी की बात करेंगे और चुनाव कानून के बारे में जो विषय आज की चर्चा का है उस पर कुछ कंस्ट्रक्टिव सुझाव देंगे।

श्री चित्त बसु : बाद में देंगे।

श्री नवल किशोर शर्मा : मैं कुछ दिनों से यह बात देख रहा हूं कि दुर्भाग्य से हमारे देश के विरोधी दलों के लोग घोर निराशा की भावना से ग्रसित हैं। इस घोर निराशा की भावना के कारण इन के सामने कोई कंस्ट्रक्टिव रास्ता नहीं है, कोई प्लान नहीं है। एक ही बात इन के सामने

है कि इस देश में ऐसा वातावरण पैदा करो, जिससे देश में निराशा आए, डेमोक्रेसी की हत्या हो रही है यह बात कहो, इन्दिरा गांधी आथेरी-टेरियन हो रही है यह बात कहो, जूडीशियरी को डाउनग्रेड किया जा रहा है यह बात कहो, इलैक्शन कमीशन को निकम्मा बना कर उस की भी स्थिति खराब की जा रही है यह बात कहो और जितनी गालियाँ दे सकते हो, उतनी गालियाँ दो। मैं नहीं समझता कि यह बात इन को कैसे लाभदायक होगी।

मैं तो एक ही बात कह सकता हूँ हालाँकि आप भगवान में विश्वास नहीं करते, नेचर में विश्वास करते होंगे, आप में जो समझदार लोग हैं, उन से मैं कहता हूँ कि अगर आप वाकई में जिम्मेदारी की बात करो, तो शायद लोग आप की बात सुनेंगे। आप 30 साल तक यही नाटक करते रहे और उस कल नतीजा यह हुआ है कि आप का जो इतना बड़ा साइज था, वह अब कितना छोटा हो गया है। आखिर कुछ तो आप इस से सबक लो और जनता पर भरोसा करो।

डा० सुब्रह्मण्यम स्वामी : (बम्बई उत्तर पूर्व) : जनता पार्टी पर।

श्री नवल किशोर शर्मा : इस देश की जनता इतनी महान है कि हमारी गलतियों के कारण, हमारी कमियों और खामियों के कारण हम को सत्ता से हटा सकती है और आप की खिचड़ी पार्टी की खिचड़ी सरकार बनाने की बात कर सकते हैं और मैं राम विलास पासवान जी से भी कहना चाहता हूँ और डा० सुब्रह्मण्यम स्वामी, जो अभी जनता पार्टी

की बात कह रहे थे, से भी कहना चाहता हूँ कि मई, सत्ता में आने के लिए नापाक गठबन्धन मत करो और उसूलों पर, किसी संवैधानिक आधार पर पार्टी चलाओ। सत्ता में आने के लिए जो आप ने सन् 1977 में एक नापाक गठबन्धन किया था, उस का परिणाम एक ढका देख लिया। आप उस समय सत्ता में भी आ गये थे और गांधी जी की समाधि पर जा कर आप सब ने कसम खाई थी लेकिन उस समाधि की कसम को भी आप भूल गये और उस के बाद जब हथ आप का हुआ, वह सारा देश जानता है। इसलिए वह गलती मत करो, उस गलती को करने की कोशिश मत करो और विचारधारा के आधार पर नेतृत्व के आधार पर इस देश में जनतंत्र स्थापित करने की कोशिश करो। यह मैं अपनी पार्टी की आलोचना करने वाले लोगों से कहना चाहता हूँ।

मैं यह बात भी आप से कहना चाहता हूँ कि आप देश में जो इस तरह का प्रचार कर रहे हो कि देश में निराशा की भावना पैदा हो रही है, तो क्या आप कोई ज्योतिषी हो जो ऐसी बात कहते हो। आप यह देखें कि बाई-इलैक्शन इस देश में हुए हैं, 14 जून को बाई-इलैक्शन्स हुए और अभी 22 नवम्बर को कुछ बाई-इलैक्शन्स हुए हैं और इन का परिणाम क्या हुआ ?

डा० सुब्रह्मण्यम स्वामी : आप के वोट कम हो गये।

श्री नवल किशोर शर्मा : वोट कम हुए या ज्यादा, इस की बात तो मैं फिर करूँगा लेकिन आपको यह देखना चाहिए कि इन के परिणाम क्या निकले हैं। आप कहते हैं कि सरकार के कारण इस देश में निराशा की भावना पैदा

[श्री नवल किशोर शर्मा]

हो रही है, असंतोष बढ़ रहा है और असंतोष बढ़ने के कारण यह सब हो रहा है। क्या इन्डैक्ज है यह जानने के लिए आप के पास। क्या आप के भाषण ही इस का इन्डैक्ज है? असल में यह बात ये इसलिए कहते हैं क्योंकि इन का जो रैंक एण्ड फाइल है, वह डीमो-रेलाइज हो रहा है। आपके लोगों में, आप के समर्थकों में निराशा की भावना पैदा हो रही है। इसलिए उन के मोरल बूस्टिंग के लिए यह ऐसी बात कह रहे हैं। अभी मैं कल का श्री अटल बिहारी वाजपेयी जो का भाषण पढ़ रहा था। अटल बिहारी वाजपेयी जो ने अपने भाषण में कहा था कि इस देश में सन् 1982 में एक बड़ा परिवर्तन होगा। क्या परिवर्तन होगा? क्या पार्लियामेंट को आप बन्द कर दोगे और क्या पार्लियामेंट का घेराव करोगे? हमारा बहुमत है। हमारी पार्टी के 351 से ज्यादा सदस्य यहां पर हैं। बहुत सारे राज्यों में हमारा बहुमत है। फिर आप कैसे परिवर्तन ले आओगे? क्या आप के पास कोई मेजिक ब्रेण्ड है? क्या आप करप्शन के खिलाफ अन्दोलन ला कर हमारी सरकार को गिराओगे? अजीब जिम्मेदार लोगों के अजीब भाषण होते हैं। हम लोगों को 85 तक राज करने का हक है जो कि हमें जनता ने दिया है। आप शायद इसलिए यह सारी बातें कहते हैं कि कहीं आपके वर्कर्स का मोरल न टूट जाए। आप चाहते हैं कि लोगों में एक हवा, एक वातावरण बनाया जाए और यह कहने से बनाया जाए कि 82 में देश में परिवर्तन होगा।

हमारे चक्रवर्ती साहब ने कहा और अटल बिहारी जी ने कहा कि हम भ्रष्टाचार के खिलाफ अन्दोलन करेंगे। वे कोई कंस्ट्रक्टिव अपोजिशन की बात नहीं करते। उस बात को वे छोड़ देते

हैं। भाई कांच के मकान में रहने वाले लोगों को यह बात शोभा नहीं देती।

Those who live in glass houses, should not talk like this.

आप कहते हैं कि परिवर्तन हो और आपको जल्दी से जल्दी करप्शन का मौका मिले। क्योंकि जितने दिनों आपको मौका मिला, आपको कोई कसर नहीं छोड़ी। सकलेचा जी की कहानी आपकी जबानी ही बोल रही है। आपके लोगों हो उनके खिलाफ मेमोरेण्डम पेश किया था। जनता पार्टी के एक कांस्टीच्युएट ने पेश किया था और आपके लोगों ने ही कान्ति देसाई के खिलाफ जांच कराने की मांग की थी। अब क्यों इन बातों को भूलते हो? सुब्रह्मण्य स्वामी भी यहां बैठे हैं। ये सब जानते हैं।

I am not yielding. I am the last person to yield.

उपस्थित महोदय, ये लोग अपनी बातों को भूल जाते हैं यही इनके साथ मुश्किल है। आपके आचरण को लोग देख चुके हैं। अगर सीमावर्ती से आपको शासन करने का मौका न मिला होता तो बात दूसरी थी। लेकिन आपका ढाई साल शासन करने का मौका मिल चुका है और आप लोगों की निगाह में नंगे हो चुके हैं। इसलिए ऐसे भाषण कर के, ऐसी बातें कह कर आपने दलों को संगठित नहीं कर सकते। इसलिए मेरा आपको सुझाव है, विनम्रता के साथ सुझाव है कि आप कुछ कंस्ट्रक्टिव काम करो।

एक माननीय सदस्य : ये एल्लिगेंशन लगा रहे हैं।

MR. DEPUTY-SPEAKER: If he has made any allegation, it will not go on record.

श्री नवल किशोर शर्मा : उपाध्यक्ष महोदय, मैं सही बात कह रहा हूँ । मैं दंडवते जी के सबजेक्ट पर अभी नहीं आया हूँ । अच्छा होता वे अपने विरोधी दलों के लोगों को यह सलाह देते कि वे अपने सबजेक्ट पर ही कंफाइन करें । यह ज्यादा अच्छा होता ।

उपाध्यक्ष महोदय, असल में, इस देश के अन्दर, इस में कोई शक नहीं है कि चुनाव रिफार्म्स को बहुत जरूरत है जैसा इस बात से सहमत हूँ कि इलेक्शन कमीशन के आफिस को एक डिग्री मिलनी चाहिए, जिसकी इंडिपेंडेंस कायम रहनी चाहिए । उसको इंडिपेंडेंट माना जाना चाहिए । लेकिन मैं इस बात से हैरत में हूँ कि जब एक तरफ 14 जून को चुनाव हुआ इसको अगर पोस्टपोंड कर दिया तो ये लोग कहते हैं कि इलेक्शन कमीशन ने बहुत अच्छा काम किया ।

डा० सुब्रह्मण्यम स्वामी : कैसिल हुआ ।

श्री नवल किशोर शर्मा : कैसिल हुआ, ठीक है । भिन्नता द्वारा करने का अधिकार दे दिया तो उसको कहते हैं कि अच्छा काम किया और उसने यह आज्ञा दे दी कि चुनाव नहीं हो सकते तो इलेक्शन कमीशन प्रेशराइज हो गया । इसका मतलब तो यह हुआ कि इलेक्शन कमीशन जैसा बात आपके लिए ठीक कर दे तो इलेक्शन कमीशन ठीक और अगर कोई बात दूसरे ढंग से कर दे जैसा आपको सूट नहीं करती हो तो इलेक्शन कमीशन को डाक में खड़ा करो । “कड़वा-कड़वा थू और मोठा-मोठा गप्प । यह कैसा आचरण है ?

मैं यह निवेदन करना चाहता हूँ कि यह बात एग्जामिन होनी चाहिए कि इलेक्शन लॉ में क्या कमी है, इसको देखना चाहिए । क्या इलेक्शन कमीशन को यह पावर दी जानी चाहिए कि चुनाव हो जाने के बाद एक पार्टी 50 या 54 बूथ कौन्सिल की बात करती है, दूसरी डिलेड ही सही—

May be concocted, may be fabricated; I do not want to dispute that.

34 या 32 पोलिंग स्टेशन को कन्चर करने की बात कहती है ।

श्री हरिकेश बहादुर : 18-19 बूथ ।

श्री नवल किशोर शर्मा : मैं आंकड़ों की बात नहीं करता । मवाल दूसरा है । 700 के करीब पोलिंग स्टेशन हैं और लैस देन हंडरेड बूथ कौन्सिल की बात है, उसमें कोई फाइंडिंग इलेक्शन कमीशन नहीं देता कि बूथ कौन्सिल हुआ या नहीं हुआ, लेकिन एक दूसरा मुद्दा कि हरियाणा की पुलिस-फोर्स वहां चली गई थी, उनकी मौजूदगी थी, इसलिए यह एप्रोप्रेशन है, यह गलत हुआ है । बिना इलेक्शन कमीशन की इजाजत के वह चली गई, इसलिए सारा इलेक्शन नल एण्ड वाइड हो गया, सेट एसाइड हो गया । यह है मुद्दे का सवाल । और यह जो पावर है इलेक्शन कमीशन की, क्या यह वाजिब है, यह देखना है और इसके लिए क्या किया जाना चाहिए, यह एक बहुत बड़ा सवाल है । इसी तरह से इलेक्शन कमीशन की जब मर्जी आए, जब चाहे जैसे चाहे वह चुनाव पोस्टपोंड करता रहे । कोई कंस्टीट्यूएन्सी अनरेप्रसेंटेड रहे । कितने दिनों तक रहेगी, क्या यह ठीक ?

[श्री नवल किशोर शर्मा]

यह मुझे का सवाल है और इससे मैं सहमत हूँ कि इस पर विचार होना चाहिए। मैं इस बात से भी सहमत हूँ कि मनी-पावर और मतल पावर का उपयोग नहीं होना चाहिए, पर मैं यह बात भी कहना चाहता हूँ कि यह सही है कि वोटर-लिस्टों के बनाने में बड़ी गड़बड़ियाँ होती हैं। वोटर लिस्टों के बारे में आम शिकायतें हैं और कुछ राज्यों के बारे में यह शिकायतें बहुत हैं। दुर्भाग्य से वेस्ट बंगाल, हालांकि मेरे मित्र नाराज होंगे, लेकिन उसके बारे में शिकायतें हैं, उसकी जाँच होनी चाहिए। मैं तो यह भी कहना चाहता हूँ कि वोटर-लिस्ट ठीक रंग से बननी चाहिए, स्टेट-गवर्नमेंट और इलेक्शन कमीशन के सुपरवीजन में बननी चाहिए और चित्ता बसु साहब आप यह कहते हैं कि इलेक्शन कमीशन ने स्टेट गवर्नमेंट के कारण, यू०पी० गवर्नमेंट के कारण चुनाव पोस्टपोंड कर दिया, हालांकि इलेक्शन कमीशन ने साफ कहा है कि मैं ने यह चुनाव सेंट्रल गवर्नमेंट के प्रेशर से या स्टेट गवर्नमेंट के प्रेशर से पोस्टपोंड नहीं किया। उन्होंने फैक्ट्स एज इट इज हमारे सामने रखे और हमने उस पर विचार करके चुनाव पोस्टपोंड करने का निर्णय लिया, क्योंकि हालांति ऐसे थे।

मैं कहना चाहता हूँ उपाध्यक्ष महोदय, मंत्री महोदय से कि कुछ राज्यों के अंदर बूथ कौन्सिलिंग की घटनाएं बहुत होती हैं। कुछ राज्यों में लाठी दल बने हुए हैं। ये दल गरीब लोगों को वोट देने नहीं देते। खास तौर पर हरिजनों, आदिवासियों गिरिजनों को जो आम तौर पर कांग्रेस के समर्थक हैं और समर्थक रहते हैं, उनको वोट नहीं देने देते और बराबर इसकी साजिश होती है, कोशिश होती है। कुछ डामिनेंट कास्ट्स हैं जो लाठी में

विश्वास करती हैं। गांव-गांव के अन्दर ये लाठी दल लोगों को, गरीब लोगों को घरों से नहीं निकलने देते हैं और उनके नाम पर फर्जी वोट डाल दिए जाते हैं। ये सवाल हैं जिन को सरकार को देखना चाहिये। मनी पावर का भी जोर है। यह भी सुनने को मिलता है कि विदेशी स्रोतों से भी कुछ राजनीति दलों और राजनीतिक लोगों को धन मिलता है...

श्री सत्यसाधन चश्रवर्ती : आपको मिलता है ?

श्री नवल किशोर शर्मा : किस को मिलता है इसकी जाँच होनी चाहिये। माफ करें मुझे यह कहने के लिए कि एक कहावत है चोर की दाढ़ी में तिनका। इससे अधिक और मैं कुछ नहीं कह सकता हूँ आप जैसे सम्भ्रान्त व्यक्तियों के बारे में। मैं यह तो कहूंगा नहीं कि आपको या आपके दल को मिलता है क्योंकि यह गैर जिम्मेदारी की बात होगी। लेकिन मैं यह जरूर कहना चाहता हूँ कि कुछ राजनीतिक दलों और कुछ राजनीतिक व्यक्तियों को मिलता है, विदेशी सहायता मिलती है चुनाव के अवसर पर भी मिलती है, अलग-अलग तरीकों से मिलती है, कुछ को डायरेक्टली और कुछ को इंडायरेक्टली मिलती है। इसका भोका जाना चाहिये। इलेक्शन ला की रिफार्म का सवाल बहुत बड़ा सवाल है।

इलेक्शन कमीशन पर मेरे मित्र ने कीचड़ उछालने की कोशिश की है। यह ठीक नहीं है। हम अगर इलेक्शन कमीशन की आथोरिटी को डैनीश्रेट करते हैं तो यह इस बात का सबूत है कि हमारी आस्था डेमोक्रेसी में नहीं है क्योंकि इलेक्शन कमीशन और ज्यूडिशरी ऐसे दो आफिसर हैं जिन को डैनीश्रेट करने की कोशिश

नहीं होनी चाहिये । जिन का विश्वास डेमोक्रेसी में नहीं है, जिन की आइडिया-लोजी डेमोक्रेसी में नहीं है, जो डेमोक्रेसी को एक सादा मात्र मानते हैं शायद नहीं, जो पीपल्स रेवोल्यूशन में विश्वास करते हैं, वेल्स की पंक्ति को एक स्टेपिंग स्टोन मानते हैं मेरी समझ में नहीं आता है कि क्या डेमोक्रेसी ऐसे लोगों के हाथ में एक रहेगी । असल में अगर वह सेफ रह सकती है तो उसी पार्टी के हाथ में रह सकती है जिन ने इतने देश के लिए कुर्बानियां देने में हिस्सा लिया है, देश को ऊंचा उठाने में कुर्बानियां दी हैं और वह वही पार्टी है—नाफ करें मुझे यह कहने के लिए कुछ लोग इधर से उधर चले गए हैं—जो इधर है, वह पार्टी कांग्रेस ही है । 1942 की बात को मैं रिपोर्ट करना नहीं चाहता हूं । जब हम आजादी की लड़ाई लड़ रहे थे 1942 में तो दूसरे लोग का काम रहे थे यह मैं कहना नहीं चाहता हूं । इतनी बात को यह कम मैं घावों पर नमक छिड़कने का काम नहीं करूंगा ।

SHRI SATYASADHAN CHAKRABORTY: Discuss 1942. We are ready to discuss it. What did Pandit Nehru say then? You try to understand your own Party. We are not afraid of discussing anything.

श्री नवल किशोर शर्मा : हम इन्वेस्टिगेशन कमिशन के आफिस को डेनियेट न करें । उसने जो निर्णय दिया है उनको पोलिटिकलाइज करने की कोशिश न करें, उस से कैपिटल बनाने की कोशिश न करें । वह अच्छी कोशिश नहीं है । यू०पी० गवर्नमेंट को बहुत बार बात कही माननीय पित बसु ने कि यू०पी० गवर्नमेंट चुनाव पोस्ट-पोन करना चाहती थी । यू०पी० गवर्नमेंट का जो स्टेटमेंट प्रया है मुख्यमंत्री का उससे साफ है कि उन्होंने कुछ फैसले सामने रखे 2907 LS

They had already burnt their fingers.

14 जून के चुनाव में हनुयाणा की पुलिस मंगवा ली थी उसका परिणाम भुगतना पड़ा । अब दोबारा वह गलती नहीं कर सकते थे । ला. एंड आर्डर स्टेट सबजेक्ट है । इलेक्शन कमीशन की अपनी मुखियत है । ला. एंड आर्डर के मामले में सेंट्रल गवर्नमेंट देखल नहीं दे सकती । इन सारे हालात के अन्दर क्या हो ? इलेक्शन कमीशन की पंक्ति अपनी लिमिटेड । इसलिये यह सारी कानियां निकल कर के आयी हैं गढ़वाल पार्स-इलेक्शन की । और यह रिव्यू की बात है । सेंट्रल गवर्नमेंट को इस पर रिव्यू करना चाहिये । और मुझे खुशी है कि हमारे विधि मंत्री ने जो राज्य सभा में प्रस्ताव दिया उन्होंने कहा है कि इस विषय पर वह विचार कर रहे हैं, और उसके साथ ही साथ एक सप कमिटी बना दी गई है । मैं चाहूंगा विरोधी दल के लोग भी इसमें सहयोग करें क्योंकि चुनाव का मतलबा एक ऐसा मतलबा है, इलेक्टोरल रिफॉर्म का जो खाली सरकार तक ही सीमित नहीं है । उनमें सभी लोगों की अपनी राय होनी चाहिये । इसलिये मैं विधि मंत्री से चाहूंगा कि वह अपोजीशन के लोगों से मिल कर जानसरीहंसिप इलेक्टोरल रिफॉर्म की बात करें ।

अपनी बात समाप्त करते हुए उपाध्यक्ष महोदय मैं यह कहना चाहता हूं, मैं जानना चाहता हूं कि यह विरोधी दल के लोग इस गढ़वाल के बारे में बात-बात करते हैं कि स्टेट गवर्नमेंट और हम इस चुनाव को पोस्टपोन करने में इंटरस्टेड थे । क्या हो जायगा अगर जगुणा जी

[श्री नवल किशोर शर्मा]

आ जायेंगे ? कोई आसमान गिर जायगा ? बहुगुणा जो आ जायेंगे तो कोई मैजोरिटी बदल जाएगी ? आखिर दंडवते साहब क्या कम हैं ? यह क्या कम दिग्गज हैं ? माननीय जेठमलानी जी, जो आज कल नये नेता हुए हैं यह क्या कम विद्वान हैं ? और हरिकेश जी आपको कहां मीका रहेगा नेता बनने का, यह तो आपको सोचना चाहिये । आज तो आप नेता बने हुए हैं दो आदमियों के दल के । फिर आपको क्या स्थिति रहेगी ? इसलिये बहुगुणा जी के आने या न आने का प्रश्न नहीं है । उससे हमारे दल पर कोई असर नहीं पड़ता । तो मैं कहना चाहता हूं, विरोधी दल के लोगों को सलाह देना चाहता हूं कि इस पार्लियामेंट के फोरम को कंस्ट्रक्टिव बात काफोरम बनायें और निराशा को भावना को छोड़ें, और कुछ कंस्ट्रक्टिव बात करें । और रोज गाली निकालने का रवैया जो पकड़ रखा है इसको बन्द करें और देश के लोगों का मोरल ऊंचा करें, अपनी पार्टी के लोगों से यह कहें भाई देखो जनता ने उन्हें चुना है इसलिये कुछ दिनों चुप रहो । नेस्ट मीला आयेगा तब कोशिश करेंगे । झूठी बातों से मोरल बूस्टिंग न करो, इतना ही मुझे कहना है ।

SHRI SATYASADHAN CHAKRABORTY: Mr. Deputy Speaker, Sir, I shall take only a minute.

MR. DEPUTY-SPEAKER: I have not permitted.

SHRI SATYASADAN CHAKRABORTY: I seek only clarifications.

MR. DEPUTY-SPEAKER: You can ask the Government. You have already taken forty minutes. There are very many hon. Members who have not spoken at all. Mr. Jethmalani.

SHRI RAM JETHMALANI (Bombay North West): Mr. Deputy-Speaker, Sir, I do not believe that there is anybody in this House who will accuse me of being a great admirer of Mr. Bahunaga.

Sir, we are not discussing Bhuguna; we are not discussing Garhwal either. Garhwal, if all, is a symptom of a much more deep-seated disease and I think we on both sides of the House will put our heads together and grapple with the disease. If you do not see the disease, I am sorry that you do not see it. If you do not see in this House with our help we will go out and try and educate people to our viewpoint. If we do not succeed you will come back in the next elections. If we succeed perhaps you will be exposed to the same situation which we saw in 1977. History has a very uncanny habit of repeating itself.

19 hrs.

Sir, before I deal with what I think is wrong in Garhwal, let me also pay my compliments to great Mr. Lakkappa who put up a remarkable show of great powerful advocacy on behalf of his party. Sir, I am free to confess that any party which has powerful people like him needs no critics and needs no opponents. That party, however, numerically strong it be will soon enough disintegrate under the weight of its own irrelevance. Sir, that this great lawyer could see some connection between Morarji and his son on the one side and Garhwal on the other shows that he has completely forgotten all rules of relevance which we all learnt as students of law and the fact that he has lost all sense of relevance qualifies him to be a full-fledged Minister. I hope leaders of his party will take due notice of it and will duly reward him. Sir, a word about my distinguished friend, Mr. Nawal Kishore. When he spoke he reminded us that they are a party of 351. Nobody can dispute that arithmetic. But I might say to him a few sobering facts of history which he might well recall and remember. In the whole history of mankind, wisdom, character and the

impulse for forward movement has come from minorities and it has never resided in majorities. Let me remind him that one of the greatest men of history whom intellectuals the world-over will remember and revere at least during the next few centuries, that is, Socrates was condemned to death and had to drink a cup of poison because a majority of the elected representatives of Athens—like the gentlemen assembled here—ultimately sent him to death. They sent the greatest man of his time to death. I hope this will bring due sense of humility to them.

Sir, democracy is like a game of Cricket. Those who bat today will have to bowl tomorrow and it may happen after one innings or after more in this game of democracy—but it is bound to happen—and it will be good for them because they might otherwise perish from the arthritis of corruption which has already overtaken them during the last few months. If they challenge me to produce the statistics or evidence of corruption I can do it but I do not want to use this occasion to deal with that because I have to deal with the disease called Garhwal.

But let me divert my attention to this for a brief moment. Mahatma Gandhi taught us that after we get rid of the Britishers from this land the rivers of honey and milk will flow and poor people will become prosperous. Mahatma ji told us that the poor in this country are poor because the Britisher steals the property of the poor man and takes it to England and so the Englishman becomes more and more rich and our people become more and more poor. Why is it! Have these gentlemen ever reflected on this! Sir, except for a brief period of two years when Janata was in power they have been the uninterrupted successors of the British. In 1966 this country had 24 crores people living under the poverty line. And in 1977 that 24 crores expanded themselves and became 42 crores. I hope they will take account of these figures, not published by the

Bharatiya Janata Party or the Communist Party, but published by their own Government agencies. 24 crores in 11 years became 42 crores. Therefore, Sir, at least one truth is obvious. It requires no evidence. It requires no witnesses, that what the Britishers were doing before, their uninterrupted successors continued to do in this country. The Britisher robbed the poor people of their property and it is precisely that activity which is being carried on by these people. That is why the country is in such a bad shape.

So far as Garhwal is concerned, to-day we are debating whether the law requires any change, whether there are any deficiencies in the law and so on. I am one of those who believe that law in this respect is sound; and law is good, the law and the self-trouble in this country is that the politicians have fostered an illusion—and it is an illusion—that they have created a Government of laws and if a law is good, the law and the self-executing law will bring about good results. It is a sad fact of history; it is a sad fact of current contemporary events that every Government ultimately is a Government of men and is not a Government of laws. A Government of laws just does not exist. My charge is that the Representation of the People Act and the Constitution have been distorted out of shape not because the Constitution and the Representation of the People Act are wrong but because the people who are left in charge of the execution of these laws have not got the requisite character, have not got the requisite commitment to tradition and are not willing to enforce the laws honestly as they ought to be enforced. When the Constitution says that this House shall be composed of 500 and odd members—I believe the exact number is 544—it means that at all times, throughout the history of this House, while this House lives and functions, it shall consist of 543 or 544 members. One understands that you have to make concessions to pragmatic reali-

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ties. 'After all, if a vacancy takes place today and the House number reduces below the one which is designated by the Constitution, pragmatic necessities of the situation require that you cannot fill up the vacancy tomorrow to bring up the number. But, Sir, the very fact that the constitution of the House suffers from the deficiency of one makes it imperative that as far as is humanly possible we must restore back the House its appointed strength and therefore to its pristine Constitution, which is envisaged by the terms of the Fundamental document called the Noble Constitution of India. Therefore I compliment my hon. friend on the other side,—he was the only one to read Section 149 of the Representation of People Act, though he read it for his own distorted purpose, for propaganda, but the Section still requires to be read; and it says:

"When the seat of a Member elected to the House of the People become vacant, the Election Commission shall, by a Notification, call upon the Constituency concerned to elect a person for the purpose of filling the vacancy."

Every lawyer knows, even Mr. Lakkappa should know.... (*Interruption*). If he does not know, he should know it now. When the law creates an obligation to do a job.

SHRI K. LAKKAPPA: Don't bring in distortion in the Act by using muscle power and using every power and bringing in people from outside....

SHRI RAM JETHMALANI: I told you that the future of your party is bright. You are Lucky that you have only one Lakkappa; if you have 10, we would be very happy. When the law creates a duty, to do an act, it means, it must be done within a reasonable time. The law does not have to prescribe exact date because it is impossible for the Representation

of the People Act to fix a date. It has been suggested that you must hold elections within a particular date because you must have the power to deal with the exceptional situation but the exceptional nature of the situation would justify the continuance of House with less members than the Constitution envisages, it must be really exceptional. And to my mind, Mr. Deputy-Speaker, there are only two contingencies in which election can be postponed by a day longer than is necessary, rendered necessary by the sheer process and the procedural steps of the electoral process and these two situations are that if there is a physical upheaval such a state of physical disorder in the country that it is impossible for people to go to the polls or if there is a man-made state of such a tremendous disorder that once again the test is: is it impossible, is it impossible that you can arrange the people to get into the ballot box and cast their votes? Now, however carefully you might frame the law, however much you might introduce verbal formula which should try to encompass this exceptional situations the problem ultimately will remain the problem of human character because however good the laws, if you have a dishonest Election Commission or if you have a dishonest Government—I am not at the moment levelling any charge against anybody—but if you have a dishonest Election Commission and if you have a dishonest Government which is out to see that the Election Commission does not function with honesty, no amount of verbal formula is going to produce that result. (*Interruptions*).

SHRI K. LAKKAPPA: Now, you are attacking the Election Commission. They said that we were attacking the Election Commission. Now, he is denigrating the Election Commission. (*Interruptions*).

MR. DEPUTY-SPEAKER: He only said "if you have,"

(*Interruptions*)

SHRI. RAM JETHMALANI: Now, Sir, Specifically I wish to draw the attention of the Government to the fact that there is a power to frame rules under the Representation of the People Act, 1951. Nothing prevents the Government from having a set of rules in which you can create guidelines for the purpose of enabling the Election Commission to decide whether or not elections in a particular case require to be adjourned or do not require to be adjourned and I suggest that those guidelines either the Election Commission may be persuaded to evolve them as a matter of their own voluntary involvement of guidelines so that the public should know when they will act in a particular manner or the Government may do it by its rule making power, but in either event as far as human language can indicate to a law executing machinery that nothing short of impossibility will prevent an election being held for the purpose of filling the vacancy when and wherever it arises. Now, apply the principles. I am not talking about the facts of the Garhwal situation, because I want to apportion blame. It is a matter of no consequence whether a gentleman from Garhwal sits on this side of the House or that side of the House because those who sit on this side of the House require a lot of toughness of character to be here, and I have found some when they sit on this side a little while they become nostalgic because there are not those opportunities for profit. We cannot present them with those. Then they begin to think of home coming and ultimately they decide that their home is there and not on this side. So, this thing happened. But to me it makes no difference whether a gentleman from Garhwal is on this side because tomorrow nothing prevents him from deciding that his home is there, he might go.

Therefore, it is not Garhwal, but let us use facts of the Garhwal situation negatively for the purpose of

deciding that this is not enough to postpone an election. In Garhwal you postponed the election or the Election Commission postponed it. I am not trying to say who instigated whom. The Election Commission postponed it on the ground that adequate police supplies were not forthcoming from the State Government. I do not wish to pass a judgement upon the State Government that the State Government could not provide enough police force for a particular single constituency, when at the time of General Elections elections have to be held in all the constituencies of India and you have to provide requisite police force. It is a dishonest explanation, but dishonesty apart, let us make the principle clear. . . . Kindly see the facts. In June 1981 they say that they employed 2500 constables in the constituency. Why suddenly in the November 1981 election this number had to be raised from 2500 to 7500? Why did they need this three-fold increase in the police force? In the first election, police forces from the Centre and from the adjoining States got into the constituency without the knowledge of the Election Commission. At least in this election, if the U.P. Government said that they could not provide the forces, knowingly, consciously, the Election Commission, if it had known its constitutional obligation, and the Government had known that, they should have called for police assistance from other States or from the Centre. This could have been done this time knowingly under the wings of the Election Commission, so that it would not have been a lawless force which would intimidate electors, but would work as nominees of the Election Commission for purposes of creating peaceful conditions in which democracy can function.

I do not wish to apportion the blame, but the matter involved is a matter of the future of democracy and somebody must apply his mind. When democracy flourished two thousand years ago in Athens, they

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passed a law that whenever they have a controversy in the city or in the State, all citizens must take up their position on one side or the other side of the controversy, and those who did not take up their position and did tight-rope walking, as some politicians do today, were deprived of citizenship of Athens. They said that if too many people did not participate in the election, that was a danger to democracy. If one constituency of roughly one million people has remained unrepresented for months together, for that constituency there is no democracy in this country; for that constituency there is dictatorship in this country.

The ruling party must become sensitive to this issue and put its head together instead of calling us names merely exchanging these abuses and indulging in mud-slinging and saying: 'What did you do in 1977 or 1978?' The question is what we are doing for the future of democracy. We want that the future of democracy must be safeguarded.

आचार्य भगवान देव (अजमेर) :

उपाध्यक्ष जी, श्री चित्त बसु जी ने जो चर्चा यहां शुरू की और जो लम्बा-चोड़ा भाषण मैंने उनका सुना उससे मुझे ऐसा लगा कि चित्त बसु जी का चित्त बसा भंग नहीं रहा है। 193 के अधीन चर्चा शुरू हुई तो चुनाव विधि के अन्तर्गत जो कठिनाई हैं उनको दूर करने सम्बन्धी कोई बात न कहकर हमारे चक्रवर्ती भी चक्कर काटते रहे। मुझे ऐसा लगा कि उन्हें मंजिल नजर नहीं आई, ऐसे ही वे घूमते रहे। जेठमलानी जी ने कहा हमारा घर तो हूँ नहीं लेकिन आप जानते हैं अमरोका और कनाडा में घर हैं। एक विधि वक्ता

होने के नाते जो सुझाव उन्हें देने चाहिए थे वह सुझाव तो उन्होंने दिए नहीं। पहले मुझे ऐसा लगा कि वे वित्त मंत्रालय पर बोल रहे हैं। उन्होंने भ्रष्टाचार की बात कही लेकिन उनको भ्रष्टाचार के सम्बन्ध में कुछ कहने का हक ही क्या है—पहले आइने में अपना चेहरा भी थोड़ा सा देख लें। क्या दुनिया को पता नहीं है कि जय प्रकाश नारायण के टाइम में एक ही दिन में यह विरोधी पार्टियाँ का मेढ़की टोला मिला था। और तराजू की बात किसी मेम्बर ने यहां पर कही है तो बहुगुणा जी ने कई तराजू और कई निशान बदले हैं। तराजू का निशान उन्होंने लिया लेकिन जब तराजू की बात आई है तो मुझे गदगद आ रहा है कि एक बुद्धि के ब्रह्मचारी ने एक तराजू लेकर मेढ़कों को तोलने का प्रयास किया। चार मेढ़क लेकर और दो मेढ़क उठाकर जब उन्होंने चार मेढ़क तोलने का प्रयास किया तो तीन मेढ़क छाना मार कर नीचे कूद जाते थे, इस तरह से संसार में मेढ़कों को कोई नहीं तोल सका है। गढ़वाल उप-चुनाव के सम्बन्ध में चर्चा करके विरोधी पार्टियों के मेढ़की टोले को एक तराजू में डालने का प्रयास हो रहा है। हमारे श्री चित्त बसु ने एक बात कह दी कि हम घबरा रहे हैं, सत्ताधारी पार्टी बहुत परेशान है, परेशान हम नहीं हैं। आप गढ़वाल का जिसको हीरो मानते हैं, हार्ट-एटैक उसी को हुआ और हास्पिटल में दाखिल हुआ, लेकिन हम अभी तक नहीं हुए। हम डटे हुए हैं, लोकशाही धरकार है श्रीमती इंदिरा गांधी के नेतृत्व में और उन्होंने चुनाव कराए हैं और आज भी करा रही हैं। वे चाहती हैं कि चुनाव हों परन्तु यह सारा गुण्डागर्दी के कारण, शैतानीयत के कारण अराजकता को लाकर और कानून को भंग करके इस प्रकार की

स्थिति पैदा कर रहे हैं और दोषारोपण सत्ताधारी पार्टी को देना चाहते हैं।

उभाछ्छ महोदय, गढ़वाल के साथ मेरा संबंध रहा है। देहरादून क्षेत्र में मैंने कई सालों तक काम किया है, गरीबों और आदिवासियों का। मैं कई बार अपने जीवन में वहाँ पर गया हूँ। चुनाव के टाइम पर भी मैं वहाँ गया। वहाँ क्या दुनिया को यह पता नहीं है कि अल्पसंख्यक मुसलमान गुण्डों को दूकों में भर कर वहाँ ले जाया गया, क्या यह दुनिया को पता नहीं है कि अकाली दल के गुण्डों को वहाँ ले जाया गया, जो भाले और तलवार लेकर वहाँ पहुँचे थे, इसलिए सरकार का यह फर्ज हो जाता था कि कानून और व्यवस्था ठीक होने पर चुनाव कराए जायें। क्या दुनिया यह नहीं जानती कि बहुगुणा जातिवाद के आधार पर, उन्होंने शेतानीयन खड़ी कर दी, अराजकता पैदा कर दी और उम्मीदवार को तथा पत्नी को और मैम्बर आफ पार्लियामेंट, श्री रावत को और वहाँ के दिवायकों को चोटें पहुँचाई गई और वहाँ पर सभायें नहीं होने दी। मैंने अपनी आँखों से देखा है कि गुण्डों को प्रोत्साहन दिया गया, शराब पिलाई गई। कानून को तोड़ने के किसी भी गरीब हरिजन या आदिवासी या गाँव में रहने वाले व्यक्ति को या जो और जाति के माने जाते थे, उन को वोट देने से रोकने का प्रयास किया गया। यह जग प्रसिद्ध बात है और आज जिस व्यक्ति का बलब फूँज हो चुका हो आप उसके लिए, श्री दंडवते जी, चाहे जितने भी बटन दबाते रहे और हमारे श्री चित्त बसु चाहे जितना प्रयास करते रहे, पर उनके जीवन का बलब फूँज हो गया है। यहाँ से उनको निकाला नहीं गया था, वे तो अपने आप अपने हाथ से अपने जीवन में पिन मार कर पंचर हो

कर चले गए। उनकी पार्टी के लोग कहते हैं कि सिद्धान्तवादी थे, लेकिन वे चाहते थे जनता का अभिप्राय लेना। इनको चुल्लू भर पानी में डूब मरना चाहिए, जो बैठे हुए उनकी ओर के लोग। वे यहाँ पर क्यों बैठे हैं, उनको भी त्याग पत्र देना चाहिए। चले जाते ये लोग तब हम मानते इनको महानता कि इनकी पार्टी ईमानदारी से जनता का अभिप्राय लेना चाहती है। श्रीमती इंदिरा गांधी ने चुनाव कराया, इनको सत्ता सौंपी और उन्होंने चुनाव कराया, लोकशाही से चुनाव आए और यहाँ पर बैठ कर इस प्रकार की बातें करते हैं। आप जितना समय इनको यहाँ पर बोलने के लिए देते हैं, उससे कहीं अधिक समय वे लेते हैं और फिर भी कहते हैं कि डिक्टेटरशिप आ रही है, अराजकता आ रही है आंधी आ रही है—पता नहीं किस किस प्रकार की बातें ये लोग यहाँ पर करते हैं। जब पढ़े-लिखों से इस प्रकार की बातें सुनते हैं तो हमें उनकी बुद्धि पर तर्क आता है।

लोकशाही की स्थापना अभी हमारे राजस्थान में है। 14 तारीख को चुनाव हो रहे हैं चुनाव कराकर वहाँ पर जनता के हाथ में सत्ता सौंप दी जाए, ऐसा प्रयास किया जा रहा है। फिर भी कहते हैं कि डिक्टेटरशिप आ रही है। आप यहाँ जितना चाहें खड़े होकर बोलते हैं, दुनिया के अखबारों में छपता है, पेपरों में बातें आती हैं, फिर भी, मैं आक्षेप करता हूँ कहते हैं कि डिक्टेटरशिप आ रही है। आज सीमाओं पर हमले की बात आती है तो मैं कहना चाहता हूँ कि हमारे विरोधी पार्टी के लोग, ये नेता, बैठे हुए स्वामी जी जनरल जिया के साथ मिले हैं। जेठमलानी जी, जो अब बाहर चले गए हैं, मिले हैं, जार्ज

[आचार्य भगवान दव]

फर्नाण्डोज भी मिले हैं—मता नहीं इनका था इरादा है, कोई नहीं जानता।

श्री बहुगुणा के चुनाव से पूर्व, बहुगुणा के साथ यू.के.ए., यूरोप और मुस्लिम कंट्रोल में जाकर के वहाँ से गठबन्धन करके, मेरा आक्षेप है, वहाँ से पैसा लाए हैं और उसी पैसों के आधार पर अराजकता लाने का प्रयास किया गया। कोन नहीं जानता न्यूयॉर्क के अन्दर अमरीका में इन्टरनेशनल दोनटगान उपाध्याय केन्द्र खड़ा है, वहाँ से पैसा लेकर और वहाँ पर चुनाव के अन्दर अनेक प्रकार का गड़बड़ियाँ करने सत्ता में आने का प्रयास किया जा रहा है और आज बहुत बड़े देशमक्ता बनते हैं। आज विरोधी पार्टियों के जितने व्यक्ति हैं, जिनके अक्षान्तदोना, मास्को है, किसी का पोर्किन है, किसी का पाकिस्तान है और किसी का अमरीका है और यहाँ पर बड़े देशमक्ता हैं तथा लोकशाही को बात करते हैं, जिनका विश्वास नहीं है, लोकशाही में। चुनाव के बारे में कहते हैं कि संशोधन कर रहे हैं। संशोधन सम्बन्धी एक भी सुझाव इन में से किसी ने नहीं दिया। परिवर्तन की आवश्यकता है, हमारी सरकार जानता है और इसी लिये हमारी सरकार ने एक कमेटी बनाई है। लेकिन मुझे दुख इस बात का है कि किसी भी मੈम्बर ने कोई ठोस सुझाव नहीं दिया।

पुलिस को बात कही गई। मैं पूछना चाहता हूँ—क्या किसी मेम्बर ने गढ़वाल के चुनाव में पुलिस की जा वायस्था की गई थी उस के खिलाफ कोई आक्षेप लगाया? क्या किसी पुलिस मैन ने किसी पर कोई हमला किया, क्या कोई जबरदस्ती की गई—कोई

उत्ताहरण तो दिया होता। बिना किसी उत्ताहरण के इस प्रकार की बेहूदी बातें करना पुलिस पर आक्षेप करना, उत्तर प्रदेश की सरकार पर आक्षेप करना केन्द्रीय सरकार पर आक्षेप करना— इस तरह की बातें 'मुद्धि ब्रह्मचारी' की बातें बोली जा सकती हैं। चुनाव का जो कानून है उस को धारा 184 और 56 में स्पष्ट कहा गया है—यह सब चुनाव आयोग के अधिकार की बात है, सरकार इस में कुछ नहीं कर सकती है। उन्होंने अपनी सत्ता के आधार पर अपना निर्णय दिया है और वह निर्णय देने में पूर्ण स्वतंत्र हैं। यदि उस में आप कोई परिवर्तन चाहते हैं तो उसके सम्बन्ध में संसद में कोई कानून लाना पड़ेगा और सरकार ने उस कानून को लाने के लिए समिति नियुक्त की है। हम चाहते हैं कि विरोधी पार्टियों के समझदार व्यक्ति जा भी सुझाव देना चाहते हैं तो वे अपने सुझाव लिख कर भेज दें। लेकिन हाउस के अन्दर, जिसकी बात सारे देश में जाती है, गद्गं खड़े हो कर कोई ठोस प्रस्ताव पेश करने का प्रयास नहीं किया गया है।

हमारे मधु टण्डनसे साहब रेल मंत्री रहे हैं—उन के साथियों ने जो बातें कहीं हैं, मुझे ऐसा लगता जैसे उनकी गाड़ी पटरी से नीचे उतर गई है। विषय से सम्बन्धित उन्होंने कोई बात नहीं कही। मैं अपनी सरकार से यह प्रार्थना करूँगा कि उन्होंने जो समिति बनाई है उस के अन्दर इस प्रकार के नियम बनाएं जो इस तरह के दल-धन व्यक्त हैं उन पर नियन्त्रण हो। काला-धन का जो उपयोग किया जा रहा है उस पर नियन्त्रण हो। विदेशों से जो धन आता उस पर नियन्त्रण हो। चाहे विरोधी पार्टियों हो या सत्ताधारी पार्टी हो, उनके पैसे के उपयोग के सम्बन्ध में की

निर्णय लिया जाय कि किस प्रकार से निष्पन्न हो सकता है कि इस तरह से व्यवस्था अच्छी हो सकती है जिस से गरीब से गरीब व्यक्ति पिछड़ा व्यक्ति भी आराम से अपना वोट दे सके।

आप ने 193 के तहत इस विषय को यहां पर उठाया है, आप के ऊपर तो गढ़वाल का भूत सवार है लेकिन हमारे ऊपर इस का कोई प्रभाव नहीं है, हम मैदान में जाने को तैयार हैं। आप के नेता को हार्ट-एटैक हो गया है, वह बीमार हैं, अस्वस्थ हैं। उनके दिमाग पर इस का असर पड़ा है यह बात साफ है। आप मैदान में आइये और हमारे साथ जोर अजमाइये।

अन्त में, मैं विरोधी पार्टियों के सदस्यों से आग्रह करना चाहूंगा कि मूल विषय के अर्थात् यदि आप कोई सुझाव देना चाहते हैं तो सरकार के सामने ठीक सुझाव रखें जिस से आने वाले चुनावों में कोई अनिश्चितता न हो। कोई खगर्दी न हो सके। इन शब्दों के साथ जो यह प्रस्ताव रखा गया है और माननीय सदस्यों ने जो बातें कहीं उनका विरोध करता हूं। सरकार ने जो समिति बनाई है उसे को अपने सुझाव भेजें।

MR. DEPUTY-SPEAKER: There are three more hon. Members to speak. Some of the hon. Members of the ruling party are not speaking. The Minister should be able to reply at least by 7.45 p.m. So, other Members should be short in their speeches because many points have already been made.

SHRI RATANSINH RAJDA (Bombay South): Sir, I shall refrain from imitating the speaker preceding me, who made wild, reckless and baseless accusations, without understanding as to what he was speaking.

I must really express my sense of grief at the way in which this debate is taking place. This was a golden opportunity for the entire House to find out what the loopholes in our basic, democratic, strategic election process are. We have not dispassionately gone into it. Instead, this fretting and fuming that took place over here, especially from the Members from the Treasury benches just now, is proof positive that some of the hon. Members from the Treasury Benches are suffering from acute and chronic verbal diarrhoea.

Now, Sir, free and fair elections are the bed rock of any democracy. People can sustain the country's democratic system only by exercising their franchise with a sense of participation in the elections. The success of Parliamentary democracy depends mainly upon three ingredients. What are those ingredients? A Fearless Parliament elected through fair and free elections. Second is, an independent judiciary before which many election appeals lie; and thirdly a free and independent Election Commission which refuses to be intimidated.

Those who wish to subvert democracy want, as against these three points which I have enumerated, they want a captive Parliament that is elected through a captive electorate. Secondly, they want, a pliable judiciary that can be intimidated and threatened. Thirdly, they want a committed Election Commission that can be cajoled and bullied.

These are the basic points on which we should ponder over. As far as this aspect is concerned, there is enough material before us for introducing the electoral reforms we have the reports of the Committee on Defections presided over by Shri Y. B. Chavan.

Now, my hon. friend Shri Ram Jethmalani has already dwelt at length on this aspect. Mr. Y. B. Chavan presided over this Committee on Defections. He Coined the phrase

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'Aya Ram Gaya Ram'. It is a great paradox and irony of fate that he has himself defected and there has been what is described as "a home-coming" and when such things occur people get perturbed. Their attention has to be focussed on evils of defection and as to whether the people should have elected such representatives. What the people should do? The elected representatives say one thing, practise another thing. There is gulf between preaching and practice, and this wide gulf should be bridged.

I was talking about the material for electoral reform. There was this Committee on Defections presided over by Shri Y. B. Chavan. Then there was a report on the proposed amendments to Election Laws. Then there were the recommendations of the Tarkunde Committee set up by the late Jaya Prakash Narain. Tarkunde and his committee made cogent and constructive suggestions and recommendations for carrying out electoral reforms. Thereafter, we have got the recommendations by the Citizens for Democracy. That organisation also came out with certain recommendations. There are also suggestions made by the Chief Election Commissioner, Shri Shakdar. Thereafter, we have the Servants of the Peoples Society that appointed a Committee consisting of social workers, some very reputed persons and they have also come out with valuable suggestions to carry out the electoral reforms.

Now, what is needed today is not only a study of electoral malpractices in depth, but implementation of the steps recommended. I am sorry. What is needed is not a study of electoral malpractices. We know what sort of malpractices are going on day in and day out whether they may be elections to Parliament or to a legislature. So many malpractices are rampant. They are an unhealthy scar on our political life. What is required is, the implementation of the steps recommended. So much

material is already before us. If there is a political will if we want to completely do away with all these malpractices lock, stock and barrel, if we study all this material and recommendations made by several commissions and committees and if we implement them with political will, I think we shall be able to turn the corner and create a new history in this country.

There are four-fold threats to free and fair elections in this country. One is money power. Another is muscle power. The third is media power. Then there is machinery power which includes police and administrative machinery. There is misuse of that machinery on a wider scale.

श्री एम० राम गोपाल रेड्डी : हमारे
साउथ में तो यह किसी को मालूम
ही नहीं है कि यह क्या होता है ।

SHRI RATANSINH RAJDA: You can have a 'holier than thou' attitude; I do not mind.

The election in Garhwal parliamentary constituency was an experimenting laboratory of the exercise of all these four powers—money power, muscle power, media power and machinery power—police, administrative machinery etc. About Garhwal, hon. members from both sides have dwelt at length. I am not going to accuse merely for the sake of accusation. What happened in Garhwal is visible to the naked eye. Shri Ram Jethmalani has explained what is at stake and what issues are involved with regard to Garhwal elections. From that viewpoint, I would like to enumerate and elaborate the points that I have mentioned as far as money power, muscle power, media power and machinery power are concerned. (Interruptions). I am serious about it; I do not want to discuss it in a perfunctory manner.

MR. DEPUTY-SPEAKER: He has

not mentioned any party; it is applicable to all parties.

SHRI RATANSINH RAJDA: This is a national issue. If you want to ring the death-knell of democracy, you may behave in this way; I do not mind. We claim to be elected representatives and we must be serious, because it is a question of life and death for democracy in this country; if elections are not free and fair, there is no future for democracy. Mr. Ram Gopal Reddy is a very good friend of mine, but when he is interrupting me, I must tell him that he must address himself to this subject with all sincerity and seriousness.

Money power lies in huge funds collected by dubious means. It is known to everybody. We read it every day in the press, how the so-called souvenirs contain large advertisements. The irony of it is that the souvenirs never see the light of the day. Advertisements costing Rs. 10,000, 15,000, 50,000 or even 1,00,000 per page are collected. But those souvenirs are never published. This is the way in which funds are collected for the party. Secondly, huge contracts given by violating all norms are a source of money for elections. This is also very much known. Such incidents are coming in the press and the people also know. We know how commissions are collected, how booty is collected, when contracts are given to particular parties or contractors. Commodities which are scarce are sold with 'on money'. It is a well-known fact that a cement bag costing Rs. 28 per bag has to be associated with an additional lump sum of Rs. 50. All this tainted money gets directed to election channels. If we want to go to the root of the whole problem, we shall have to think about all these evil practices and mal-practices very seriously. We shall have to think how we can eradicate all these evils that have crept into our body politic.

Muscle power finds its expression in capture of election booths. On a wide

scale, this has taken place in Garhwal. When we talk about Garhwal, it has come to our notice that the ruling party has resorted to these tactics. Accusations have also been levelled against Mr. Bahuguna that he also did the same thing. I do not know anything. But the ruling party is there. They have got more opportunities, more powers in their hands to resort to such things. My impression is that Mr. Bahuguna is a red rag to the Congress (I) bulls at the Centre. As far as the Centre is concerned, I do not know why they are scared by Shri Bahuguna. I feel, they have made him a hero. When the ruling party came to know that if election had taken place there, Mr. Bahuguna was bound to win and that is why, they got it postponed. If they are working from that point of view, I think, they are setting a very dangerous precedent. I would request the hon. Minister and all the hon. Members on the treasury benches to see that they should not be scared of Shri Bahuguna. Let there be free and fair elections. If Mr. Bahuguna is popular in Garhwal, he will be elected. As one hon. Member has said just now, if Mr. Bahuguna comes, what difference does it make to them. So, why do you give so much importance to this election and get it postponed?

The media is also often misused during elections and is induced to give preferential treatment to Ministers. During elections, Ministers' tours are arranged. Ministers say that they are on duty but they go for the party work. So, the media is exploited fully during those days. If these are the tactics applied by the ruling party, then we have to clear this cobweb and only then we can have free and fair elections.

The administrative and police machinery is made subservient to the election interest of the ruling party. The Himachal, Haryana and Punjab Police were grossly misused for elections in Garhwal where they were deployed without any information to

[Shri Ratansinh Rajda]

the Election commission. Mr. Shakhder said that this police force was brought in Garhwal without his knowledge and without his permission. Now, if that was done, naturally it raises the doubt that the ruling party was bent upon misusing the police force and that is why, the police force was brought to Garhwal from Haryana and other States with ulterior motives.

Reforms at every stage of electoral processes right from preparation of electoral rolls to the process of counting, are urgently needed. There should be a proper machinery for the scrutiny of electoral rolls. Demarcation of constituencies must not serve the political interest. Several times constituencies are demarcated in such a way as to give advantage to the ruling party. It is from that point of view that the constituencies are often demarcated.

Police must not be allowed to intimidate voters and give protection to booth capturers. The agents must be allowed to accompany the boxes when they are taken to a central place and again brought back for counting.

The Election Commission should be a three-member body—I am making a very constructive suggestion—recommended by a Committee consisting of Prime Minister, the Leader of the Opposition or a Member of Parliament selected by Opposition in Lok Sabha and Chief Justice of India. If this is done, I do not see the reason why it will not be beyond suspicion. I think that when we accept this provision, it will go a long way in ensuring and creating people's confidence in the Election Commission.

The care-taker government must not be allowed to announce new policies, projects or grant allowances

or loans, salary increase etc. during this period. Whenever the election comes, a care-taker government will go on announcing that 'we shall contribute so much for the welfare of the people of this particular area, we shall bring this about, we are inaugurating this etc. We know those inaugural ceremonies take place during those days. Foundation stones are laid during those days by the Prime Minister and other leaders and also by other Ministers and then they declare the projects stating and promising to the gullible people that crores of rupees would be pumped in here for the welfare of the people. But this is politically motivated and is done with ulterior motives.

Court judgment regarding developmental activities on the eve of elections is a very important judgment to which I would like to draw the attention of our hon. Minister for Law. But I think he is busy discussing something.

MR. DEPUTY-SPEAKER: He is hearing.

SHRI RATANSINH RAJDA: There is a Judgement from Orissa which reads like this:

"Large scale developmental activities undertaken on the eve of election might not constitute a corrupt practice according to the existing electoral law. But it does constitute an evil practice. And there is only a thin line of demarcation between a corrupt practice and an evil practice.

This is very important.

There are certain suggestions which I would like to submit here.

There should be creation of election fund of Rs. 100 crores for a period of five years as recommended by the Election Commission. This is one of the suggestions or recommendations made by the Election Commission.

That will go a long way. In Germany also it is done. As Mr. Ramvilas Paswan said, poor people cannot contest these elections. That is why, if all the expenses are met by the Government, as done in Germany, that will go a long way in ensuring the right type of people for elections. By this the right type of people who sometimes cannot afford to contest elections would also come forward and contest elections.

Another suggestion besides State funding of elections is the use of various gadgets, identity cards etc.

There should also be removal of balance in votes and seats as well as improvement. I have got the percentages which show that the percentage of votes secured by the Congress Party in 1952 was 45, but the percentage in terms of seats was 74.4. In 1957, 47 per cent of votes was secured by the Ruling Party, but in terms of seats it was 75.1 per cent. In 1962, the number of votes secured by the Congress Party was 44.7 per cent, but in terms of seats it was 73 per cent. In 1967, the number of seats secured by that Party was 40.9 per cent, but in terms of seats it was 54.4 per cent. In 1971, the percentage of votes was 43.5 and the percentage in terms of seats was 67.9.

As against the above, the number of votes secured by the Opposition has always been beyond 50 per cent though in terms of seats it was less, and this creates an anomalous situation. This anomaly has got to be removed.

In 1952, the Opposition...

MR. DEPUTY-SPEAKER: Please conclude.

SHRI RATANSINH RAJDA: I am just concluding.

MR. DEPUTY-SPEAKER: You are going back to 1952 when you have already come to 1971, I think.

SHRI RATANSINH RAJDA: Sir, in 1952 the Opposition secured 55 per cent of votes. In terms of seats they secured 25.6 per cent. In 1957, they secured 52.3 per cent of votes and the percentage in terms of seats was 24.9. In 1962, they secured 55.3 per cent of votes. As against that, they secured only 27 per cent of seats. In 1967 the Opposition secured 59.1 per cent of votes, but in terms of seats they secured only 45.6 per cent.

In 1971, against 56.4 per cent votes, in terms of seats, it was only 32.1 per cent. This is the anomaly.

MR. DEPUTY-SPEAKER: Why are you leaving the year 1977?

SHRI RATANSINH RAJDA: 1977 is very clear Sir.

So, Anti-Defection Bill is needed urgently. The need of the hour is the Anti-Defection Bill. The wholesale defection—changing the character of the Government—is nothing but a mass conversion in politics. We know what happened in Haryana. The entire Party crossed the Floor the Chief Minister went with all the members of his Party to join another party by defection. This creates a very bad precedent. So, the Anti-Defection Bill is a must. This pollution in politics must be stopped. Let the electoral reforms be implemented expeditiously so that in this land of Mahatma Gandhi, not the struggle of bullet but that of ballot will ultimately succeed.

श्री भोगेन्द्र झा (मधुबनी) : उपाध्यक्ष महोदय, इस गढ़वाल के चुनाव ने हमें एक अवसर दिया है कि अपने चुनाव की प्रणाली में जो बीमारी है उस पर थोड़ा गौर करें। मूल बीमारी तो यह है कि जहाँ तक हमें राजनीतिक समानता है, सभी मतदाताओं को एक मत का अधिकार है वहीं प्राथिक विषमता है।

देश के अधिकांश धन पैदा करने वाले लोग निर्धन हैं और देश के थोड़े से मुफ्तखोर लोग धन के मालिक बने हुए हैं और वही उस धन के मालिक हैं। गाँव में ऊपरी तपकालाठी ले कर बूय पर कब्जा करने की कोशिश करता है और शहर में धनी आदमी तैसा देकर उम्मीदवार को भ्रष्ट करता है सत्ता को खरीदता है। इसलिए उपाध्याय महोदय, मेरे ऐसा आदमी इस व्यवस्था में पूर्णतः स्वतंत्र चुनाव हो जाय इसको केवल आशा कर सकता है, भरोसा करने में कठिनाई होगी। क्योंकि जब तक आर्थिक और सामाजिक विषमता है यह तथा है स्वतंत्र चुनाव नहीं हो सकते। इन विषमताओं को दूर कर के ही हम राजनीतिक समानता को परिधि में आर्थिक और सामाजिक समानता ला सकते हैं।

इस गढ़वाल के मामले में एक और भी पहलू सामने आया है और वह यह कि बहुगुणा जी ने वन बंदन के साथ साथ उस पद से भी इस्तीफा दिया इसलिए सारे देश का ध्यान उधर लगा हुआ है। वन बंदन के खिलाफ सब बोलते रहे हैं मगर कानून अभी तक पारित नहीं हो सका। दो सप्ताह तक मैं खुद उस प्रश्न समिति का संस्थ था मगर जो सरकार में आते हैं वह नहीं चाहते कि यह बिल पास हो। जनता पार्टी के रुत में जो सरकार बनी, माननीय शर्मा जी ने ठीक ही कहा उधर के लोग ईश्वर धते गए लेकिन कोई फर्क नहीं पड़ा। जब वह सत्ता में आये तो उन्होंने भी उसको पारित नहीं होने दिया। इसलिए बहुगुणा जी के उप-चुनाव पर सब की आँखें लगी हुई हैं वहाँ के लोक मत का क्या फैसला होता

है? क्या वह अपने फैसले पर लड़ते हैं या दलबदल की वजह से जो इस्तीफा दिया उस मापदण्ड के मूताबिक वह जीतते हैं। इसलिए नैतिक मूल्य और जनतांत्रिक मूल्य दोनों ही प्रश्न इस में निहित हैं। इसलिए इस सदन की कुछ जिम्मेदारी है सरकार की जिम्मेदारी कुछ ज्यादा है। जहाँ तक जिम्मेदारों का मामला है मेरा अपना अनुभव है। उपाध्याय महोदय, कि चुनाव आयुक्त को बहुत मामले में मजबूर किया जा रहा है उसकी बहुत मान में पंगू बनाया जा रहा है। उसके अपने अधिकारों नहीं हैं। आक्षेप वन नहीं हैं। वह मतदान के लिए अधिक से अधिक अपने पर्यवेक्षक भेज सकता है। उनके लिए हाँव पैर राज्य सरकार है और केन्द्र की सरकार है। मगर जहाँ पर गाँव का शासक बूय पर कब्जा करता है कुछ जगह पर मेहनतकश जगे हैं और वह अपने हक की रक्षा करते हैं। देश के अधिकांश हिस्से में यह बात अभी तक नहीं हुई है। खासकर उत्तर भारत में जहाँ बूय-कब्जे की प्रणाली आम हो गई है मगर बूय ही कब्जा नहीं कैंडो-डेट का कब्जा होता शुरू हुआ है। यह मैं इसलिए कहना चाह रहा हूँ कि इस लोक-सभा में पहला उप-चुनाव जून में हुआ था और मुझे 3 बजे भोर में गिरफ्तार किया गया और साढ़े बजे से उपचुनाव हो रहा था। यों मैं गिरफ्तार 1940 से हो रहा था लेकिन पहले मुझे थाने की हाजत में रखा गया और सुाने में आया कि हाजत की स्थिति में ही 12 बजे तक बी० बी० सी० से भीऐलान हो गया और देश भर की आकाशवाणी से तो हुआ ही लेकिन उसके बावजूद मतदाताओं ने अपना निर्णय जो समझा वह दिया यह भी आपको पता होगा।

इसलिए मैं आग्रह करूंगा कि हमारे विधि मंत्री मौजूद हैं, उन्होंने इस सदन में आश्वासन दिया था कि जो भी अधिकारी ऐसे पाये जायेंगे जिन्होंने स्वतंत्र चुनाव की प्रणाली में तबल दिया है उन पर कार्यवाही की जायेगी। मैं आपके जरिए से यह सूचना दे रहा हूँ कि कार्यवाही की गई, एक निर्वाचन अधिकारी, भवुवनी का एस० डी० ओ० जिस ने खुद व्यक्तिगत रूप से खूद बूथ पर कब्जा किया, यह नहीं कि करने दिया गया या कराया, बल्कि व्यक्तिगत रूप से शरीर से मारपीट में हिस्सा लिया, उसको सजा मिली है, प्रमोशन के जरिए यह ऊपर चला गया है। मैं विधि मंत्री से आग्रह करूंगा कि कम से कम अपने वजन का खाल करते हुए पूरे कागजात मंगा लें, वह क्रिमिनल केस में अभी मुदलैड है जिस ने पोलिंग एजेंट को मारा था और पूरे क्षेत्र में जीते हुए उम्मीदवार को एक बूथ से हराना है। यह सौचा था। जहाँ 4-4 पर्यवेक्षण चुनाव आयोग के गये हुए हैं सभी को परेनाइज करना है। विस्तार में मैं नहीं जाऊँगा, लेकिन चाहूँगा कि सारे कागजात की कम-से-कम जाँच करें या कम से कम सदन में यह बह दें कि मैं असमर्थ हूँ, वजन गलती से दे दिया था, मेरे समर्थ के बाहर की बात है। यह मैं इसलिए कहना चाह रहा हूँ कि कुछ अधिकारी अपनी प्रोब्रिटी के लिए कोई भी कर्म करने को तैयार हो जाते हैं। मेरी गिरफ्तारी के समय बिहार में राष्ट्रपति शासन था, इसलिए केन्द्रीय सरकार इन के लिए जिम्मेदार है। आप जाँच करें। सी० बी० आई० से जाँच करवायें और सर्वदलीय जाँच करवायें ताकि सफेद झूठे का पता लग सके। यह व्यक्तिगत मामला है इसलिए मैं विस्तार में नहीं जा रहा हूँ। गिनती के मामले में अराधार हुआ है। मेरे क्षेत्र में 1980

की जनवरी में गिनती हुई, उसकी वास्तविकता सही नहीं है, लेकिन चुनाव आयोग सिर्फ गिनती करा ले कि जिनके नाम का एलान हुआ है, वह जीते थे या हारे थे। भतपत्र अभी भी मौजूद हैं। मैं बाजारा सदन में कह रहा हूँ, चुनाव आयोग से भी आग्रह है कि जानने के लिए गिनती करा ले कि गिनती में क्या हुआ कैसे दूसरे पक्ष के गिनती करने वाले एजेंटों को पकड़-पकड़ कर बाहर निकाल दिया गया? यह कोई व्यक्तिगत द्वेष का मामला नहीं है, लेकिन सवाल यह है कि जहाँ शोषित तबका जाग्रत हुआ है, वहाँ शोषित तबका बर्दाश्त करने को तैयार नहीं है और जो करोड़पतियों के वकील बन जाते हैं, आदानी से चोरबाजारियों के अच्छे वकील ले लिए जाते हैं वह बर्दाश्त नहीं करेंगे कि अगर मेहनतकश चोट करे तो उसको चुपचाप चले जाने देंगे, जीत जाने देंगे।

इसी प्रसंग में प्रधान मंत्री ने जो बंगाल के बारे में कहा है, अगर एक पार्टी के नेता के रूप में बात देती तो एतराज को बात नहीं थी, लेकिन प्रधान मंत्री ने जो कहा कि सारे देश को गनदाता सूत्रों का मूलांगन कर लिया है और बंगाल के बारे में कहा, तो इस तरह से बोल कर चुनाव प्रणाली पर ही चोट की जा रही है और साथ ही साथ उस चोज पर भी चोट की जा रही है जिसके जरिए से वह सत्ता में आई है या उनका पूरा दल सत्ता में आया है।

जहाँ तक गढ़वाल का सवाल है, सारे देश के सामने यह बात साफ हो गई है कि उत्तर प्रदेश की सरकार ने अपनी हड़ताल कर दी, उसके सभी अधिकारियों ने पूरी हड़ताल कर दी कि

[श्री भोगेन्द्र झा]

हम आपको आज़ादी नहीं देंगे, शांति-वाक्यशा. का जिम्मा नहीं लेंगे, हम मतदान स्वतंत्र बनाने का जिम्मा नहीं लेंगे, तब चुनाव आयोग के सामने एक ही बात रह गई थी कि जिस हत्याणा से लेठें मंगाये थे, उसको अब भी मंगाया दोजिए, अब बूय-कबना आसानी से होना।

20.0 hrs.

ऐसी हालत में उत्तर प्रदेश की सरकार ने जुर्म किया है--भारत के जनतंत्र के साथ, चुनाव प्रणाली के साथ। एक बहुगुणा के साथ जुर्म का मामला नहीं है उन्ने जुर्म किया है हमारे संविधान के खिलाफ। अगर शासक दल का कोई सदस्य उधर मतदान करता है, तो वह बात समझ में आ सकती है, लेकिन अगर कोई इस बारे में बोलता भी नहीं है तो वह दुर्भाग्य की बात है और गहरी चिन्ता का विषय है। देश का सब से बड़ा राज, जिसे ने भारत को अब तक के सारे प्रधान मंत्री दिए हैं, एक को छोड़ कर, उसको सरकार कहती है कि वह एक क्षेत्र में उपचुनाव कराने में अनर्थ है, क्योंकि हमारे पास आरक्षी नहीं है। ऐसी हालत में वह सरकार अपने पद पर रहने के लायक नहीं है। मुखा मंत्री अच्छे हैं या बुरे हैं, मैं इस में नहीं जाऊंगा। कोई अधिकारी, अच्छे हैं या बुरे हैं, मैं उस में नहीं जाऊंगा। लेकिन उत्तर प्रदेश की सरकार इस बारे में मुजरिम है और उसने चुनाव आयोग को पंगु बना दिया है।

इस देश के करोड़ों गरीब लोग मेहनत कर के भी भूखे, अशिक्षित और बेघर हैं और दवा के बगैर मर रहे हैं। वे इस आशा पर टिके हुए हैं

कि हम चुनाव के तरीके से समाज को बदल सकते हैं। लेकिन अभीर लोग चाहते हैं कि स्वतंत्र चुनाव में शोषण के विरोधियों को विजयी नहीं होने देंगे। इस लिए यह मामला बहुत गंभीर हो गया है।

श्री बहुगुणा शासक दल से इस्तीफा देने के बाद चुनाव लड़ रहे हैं, इसलिए यह नैतिक मूल्य का मामला हो गया है। यह सारे सदन के लिए और पूरी सरकार के लिए एक ईमान का मामला बन गया है कि उस क्षेत्र में स्वतंत्र चुनाव होता है या नहीं। विचार-परिवर्तन विन्ती का भी हो सकता है। कोई भी दल-प्रदल कर सकता है। लेकिन वह इस्तीफा दे कर फिर चुनाव लड़ रहे हैं, ताकि जनता को नई परिस्थिति में फिर से अपनी राय देने का मौका मिले। गढ़वाल के लोगों को यही मौका देने का सवाल है।

मेरा आग्रह है कि इस कानून में कुछ परिवर्तन किए जाएं। चुनाव के दिनों में सारे भारत में सब आग्नेयास्त्रों और बंदूकों आदि के लाइसेंसों को रद्द कर के सरकार सब हथियारों पर कब्जा कर ले। यह बात मैं खासकर बिहार, उत्तर प्रदेश और हरियाणा के अनुभव के आधार पर कह रहा हूँ।

जहां तक चुनाव के खर्च का सवाल है, सरकार यह खर्चा तो दे ही, लेकिन वह बाकी खर्च को वैन कर दे। वह एक या दो जीप दे, लेकिन बाकी सभी जीपों को रेक्वीजीशन कर लें। अगर जीप खत्म हो जाएं, तो कानून और व्यवस्था की स्थिति पर नियंत्रण बनना भी आसान हो जाएगा, क्योंकि जीपों से ही हथियार-बंद लठैत एक क्षेत्र से दूसरे क्षेत्र में लाए जाते हैं। गुरलाबी में चार बजीपों और

कार में हथियारबंद लोग बाहर से, गया और मुजफ्फरपुर आदि से लाए गए थे। सरकार छलाई और दूसरी सुविधाएं निम्नतम स्तर पर सब को बराबर दे। यदि पैसल चुनाव लड़ेंगे, तो सब बराबर रहेंगे।

चुनाव कानून में कहा गया है कि अगर कोई दोस्त सहायता दे, तो वह खर्च में नहीं गिना जाएगा। कौन दोस्त सहायता देगा? -- जिसको ठेके और लाइसेंस दिलाएंगे, घुसखोरी में मदद दी जाएगी, वे दोस्त बन जाएंगे। इस कानून से भ्रष्टाचार और झूठा हिस्सा देने को प्रोत्साहन मिलता है। इसलिए जो इच्छा-दुःख लोग झूठ नहीं बोलना चाहते हैं, उनके लिए हिस्सा देना मुशकिल हो जाती है। इस लिए इस कानून में आमूल परिवर्तन की आवश्यकता है।

शायद रुपये की चोट श्री जेठमलानी के जीवन पर नहीं पड़ी है। उन्हें मालूम नहीं कि रुपये की मार कैसी होती है। इसीलिए वह कहते हैं कि कानून का कोई सवाल नहीं है। व्यक्ति अच्छा या बुरा होता है। व्यक्ति बही अच्छा होगा, जो करों को चोरी करता है, जो उसकी हिस्सा करता है। जो हिस्सा नहीं देता है, वह बड़ा मला अड़मो बना बैठा है। इसलिए धर्म शोषण और अत्याचार पर कुछ अंकुश लगाने की आवश्यकता है। यह ठीक है कि वह आज ही नहीं हो सकता है, लेकिन कम से कम इस दिशा में कोई कदम उठाना चाहिए।

चुनाव आयोग के अधिकारों में कमी करने का सुझाव भी दिया गया है। मैं समझता हूं कि यह एक भयंकर बात है। अपने अनुभव के आधार पर मैं कहूंगा कि चुनाव आयोग के अधिकार को

कुछ बढ़ाया जाए, ताकि वह अपनी जिम्मेदारी को निभा सकें। उसे अधिकारियों को दंडित करने का अधिकार होना चाहिए। आज स्थिति यह है कि जो व्यक्ति चुनाव आयोग का रिटर्निंग आफिसर है, उसकी नियुक्ति और प्रमोशन राज्य सरकार के द्वारा होती है। मैं समझता हूं कि यह एक खतरनाक रवैया होगा और शासक दल के लोग इस के सुझावों में जाने की कोशिश न करें।

MR. DEPUTY-SPEAKER: Mr. Hari-kesh Bahadur. He will take only five minutes.

श्री हरिकेश बहादुर (गोरखपुर) :
उपाध्यक्ष महोदय।

आचार्य भगवान देव : इन को तो दो मिनट में यह कहिए कि त्यागपत्र दे कर जायें और चुनाव लड़ें।

श्री हरिकेश बहादुर : उपाध्यक्ष महोदय, कुछ माननीय सदस्यों जैसे भगवान देव और श्री हरीशचन्द्र सिंह रावत के भ्रष्ट भाषणों को भी मैंने सुना। सत्ताधारी दल के अनेक सदस्यों ने भाषण किया है। मैं मुख्य रूप से यह कहना चाहता हूं कि देश के अन्दर कहीं भी जहां चुनाव हो रहे हैं, वहां वैसे हैं उन को रोने का काम सत्ताधारी दल न करे और निर्धारित अधिकांश अन्दर वे चुनाव अवश्य करा दिए जाएं, इस प्रकार कि कोई संशयन हमारे चुनाव कानून में होना चाहिए।

गढ़वाल का कोई प्रतिनिधि 18 महीने से इस लोक सभा में नहीं है। यह मौजूदा शासन के लिए शर्म की बात है। लेकिन अफसोस यह है कि यह सरकार शर्म को धोला कर पी चुकी है। अब इस ने शर्मि की तो आदत ही

[श्री हरिकेश बहादुर]

छोड़ दी है। हर किस्म के अपराध करने की आदत पड़ गई है, भ्रष्टाचार करने की आदत पड़ गई है। ऐसा लगता है कि भ्रष्टाचार और अपराध करने की जो प्रवृत्ति है यह सरकार उसे अपना चुकी है; उसे अपना मौलिक अधिकार समझती है।

आचार्य भगवान देव : दल बदल कर के आप ने भ्रष्टाचार नहीं किया ?

श्री हरीकेश बहादुर : मैंने वह दल अवश्य छोड़ा क्योंकि... (व्यवधान)... न्यूयार्क में जो माननीय सदस्य ने किया है उसे मैं कहना नहीं चाहता। कृपया वह शांत रहें।

दलबदल मैंने जरूर किया। उसका कारण यह था कि इतना कुकर्म, भ्रष्टाचार और पाप किया जा रहा था, अपराध किया जा रहा था इस शासन के द्वारा जिस का सहभागी मैं नहीं बनना चाहता था और चाहता था कि इस भ्रष्टाचार का परदाफाश कर सकूँ। आज मुझे मौका है इसलिए मैं कह रहा हूँ क्योंकि गुलामों की फौज का सिपाही मैं नहीं हूँ। मैं एक स्वतंत्र व्यक्ति हूँ, जो बात उचित समझता हूँ वह कहता हूँ। मैं जानता हूँ कि आज जो शासक दल के अन्दर बैठे हुए लोग हैं उनमें यह साहस नहीं है कि वह सत्य को सत्य कह सकें। उन का काम केवल मंजीरा बजाना है। और मंजीरा-वादन का जो कार्य ये सारे लोग कर रहे हैं उस में मैं सहभागी नहीं होना चाहता था इसलिए मैंने सोचा कि मैं उस जमात में नहीं रह सकता हूँ और इसलिए मैं अपने उचित स्थान पर आ गया हूँ।

मैं यह कहना चाहता हूँ कि चुनाव कराना सरकार का संवैधानिक दायित्व है। लेकिन इस दायित्व को न तो केन्द्र की सरकार ने पूरा किया और न राज्य सरकार ने किया। जब 4 जून को वहाँ चुनाव हुआ था उस समय

जिस तरह का कुकर्म शासक दल द्वारा किया गया उसे पूरा देश और पूरी दुनिया जानती है। आज उसे छिपाने और उस पर लीपा-पोती करने का जो काम आप कर रहे हैं उस से यह सत्य छिप जायेगा ऐसी बात संभव नहीं है। भ्रष्टाचार हुआ, बूथ कैम्पचरिंग हुआ, मतदान केन्द्रों पर कब्जा किया गया। वहाँ हर तरह के अपराध करने की कोशिश की गई। जिस बात को हरीश चन्द्र सिंह रावत जी छिपाना चाहते थे उस के विस्तार में मैं नहीं जाना चाहता लेकिन इतना जरूर कहना चाहता हूँ कि महिलाओं के साथ भी दुर्व्यवहार किया गया। माननीय रावत जी के बारे में कहा गया कि उन को चोट लग गई है। वह यहाँ पर बैठे हुए हैं। मैं इस बात को साफ तरीके से कहना चाहता हूँ, ये मुझे रास्ते में मिले, मैंने इन से पूछा कि मुझे बहुत अफसोस है, आप को कहां चोट लगी है? तो इन्होंने कहा कि मुझे खुद भी पता नहीं, मुझे तो सेन्ट्रल हाल में जब मैं गया तो वहाँ लोगों ने कहा कि अखबारों में ऐसा आया है कि आप को चोट लग गई है, तब मैंने समझा कि श्री रावत को अपने चोट की जानकारी भी अखबारों के माध्यम से मिली।

श्री हरीश चन्द्र सिंह रावत : बहुगुणा जी के आप पक्के शिष्य हो गए हैं।

श्री हरीकेश बहादुर : तो इस प्रकार का वक्तव्य वह देते हैं। इन को अपनी चोट की जानकारी अखबारों के माध्यम से हुई। यह इन का खुद का बयान है।

इस के बाद 22 नवम्बर को फिर चुनाव कराने की घोषणा हुई। सभी तैयारियाँ पूरी कर ली गई थीं। यहाँ तक कि मतदान केन्द्रों पर भोजन के लिए पुलिस और दूसरे तरह के सरकारी कर्मचारी जो आवश्यक होते हैं, सब को रवाना किया जा चुका था। गड़वाल में बहुत से लोग पहुंच चुके थे पौड़ी से लोग जाने की तैयारी कर रहे थे। उन सभी लोगों की

सारे तैयारियों के बावजूद 14 नवम्बर को, जिस दिन पंडित जवाहर लाल नेहरू का जन्म दिन था, उस दिन उस उपचुनाव को स्वर्गित कर दिया गया। जहां तक हम समझते हैं केन्द्रीय सरकार की सलाह पर प्रदेशीय सरकार ने ऐसा बताने की कोशिश की कि चुनाव कराने की परिस्थितियाँ वहाँ पर नहीं हैं। इस प्रकार की श्रद्धांजलि पं० जवाहर लाल नेहरू जी को, इन्होंने लोकतंत्र की हत्या का प्रयास कर के, अपित की।

MR. DEPUTY-SPEAKER: The Central Government cannot advise the Election Commission.

SHRI HARIKESH BAHADUR: It is the constitutional responsibility of the Central Government. If they cannot provide the police force...

MR. DEPUTY-SPEAKER: The Central Government cannot advise the Election Commission.

DR. SUBRAMANIAM SWAMY: The Central Government can advise the State Government.

SHRI HARIKESH BAHADUR: In that case the Central Government can take notice of that. It is the constitutional responsibility of the Central Government. That is what I am saying.

तो इस प्रकार के लोकतंत्र पर आक्रमण करके 14 नवम्बर को, पं० जवाहर लाल नेहरू को श्रद्धांजलि अपित की गई। हमारी प्रधान मंत्री जी कहती हैं कि हमें पं० जवाहर लाल नेहरू के मार्ग पर चलना चाहिए लेकिन मैं कहना चाहता हूँ कि जब पंडित जवाहर लाल जी के बनाए हुए मार्ग को इस प्रकार से तोड़ा जा रहा है तब उस रास्ते पर हम कैसे चलेंगे? पहले आप उस रास्ते को रहने दीजिये तभी उस पर चलने का सवाल आयेगा।

मुख्य मंत्री जी ने, उनकी सरकार ने कुछ बातें कही थीं। उन्होंने कहा कि

उत्तर प्रदेश में कानून और व्यवस्था की स्थिति ठीक नहीं है। जब इसी बात को हम यहाँ पर कहते हैं कि कानून और व्यवस्था की स्थिति ठीक नहीं है तो, उस दल के लोग सुनकर चौखने लगते हैं और कहते हैं कि कानून और व्यवस्था की स्थिति बिल्कुल ठीक है, हम लोग उसका गलत प्रचार कर रहे हैं। लेकिन जब चुनाव को टालना हुआ और लोकतंत्र की हत्या करनी हुई तो सरकार ने स्वयं कह दिया कि कानून और व्यवस्था की स्थिति ठीक नहीं है लेकिन अगर हम इसी बात को कहें कि कानून और व्यवस्था की स्थिति वहाँ पर ठीक नहीं, यहाँ से उस सरकार को भंग करने का निर्देश दे दिया जाए तब उस पर कोई भी कार्यवाही नहीं की जायेगी।

जहाँ तक जेल कर्मचारियों की हड़ताल का सम्बन्ध है, 16 नवम्बर को हड़ताल का नोटिस दिया गया था लेकिन इस सम्बन्ध में कर्मचारियों में तय हो चुका था कि हड़ताल दिसम्बर में होगी परन्तु कांग्रेस पार्टी से जिस यूनियन का सम्बन्ध था उनकी ओर से 16 नवम्बर को हड़ताल करने की नोटिस दी गई जिससे साफ जाहिर होता है कि सत्ताधारी दल ने हड़ताल कराने की साजिश की थी। इसके अधिक विस्तार में मैं नहीं जाना चाहता लेकिन इतना कहना चाहता हूँ कि बहुगुणा जी से ये डरते हैं। (व्यवधान) मुख्य मंत्री ने बाद में कहा कि उन्होंने यह नहीं कहा कि चुनाव को टाल दिया जाए। इस सम्बन्ध में मैं यहाँ पर एक बात कहना चाहता हूँ कि एक राजा था, उसने एक बीमार हाथी एक गाँव के लोगों को दिया और यह कहा कि जो कहेगा कि हाथी मर गया उसको मैं जान से मार दूंगा। एक दिन वह हाथी मर गया। संवाल आया कि कौन जाकर राजा को बतलाए? एक बुजुर्ग आदमी थे, उन्होंने कहा कि मैं जाकर बतलाऊंगा।

[Shri Harikesh Bahadur]

वे राजा के पास गए और कहा कि मेहराज, जो हाथी आपने दिया था वह न तो हिलता है, न डुलता है, न सांस ले रहा है, न खा रहा है, न पी रहा है, न देख रहा है और न सुन रहा है। राजा ने कहा इसका क्या मतलब है, क्या हाथी मर गया तो उसने कहा कि यह तो मैं नहीं कह सकता कि मर गया, यह तो आप ही कह सकते हैं। उसी प्रकार से मुख्य मंत्री ने सारी स्थिति बतला दी कि चुनाव नहीं करा सकते हैं लेकिन यह वाक्य उन्होंने नहीं लिखा कि चुनाव नहीं करवा सकते हैं इसलिए चुनाव न करवाए जायें। इसी बात को लेकर चुनाव आयोग के ऊपर आरोप कर रहे हैं और कहते हैं कि हम लोग आरोप कर रहे हैं। वास्तविकता यह है कि उन्होंने चुनाव टालने की भरसक कोशिश की और चुनाव टलवा दिया। वैसे चुनाव आयोग भी केन्द्रीय सरकार से कह सकता था लेकिन उन्होंने भी नहीं कहा सम्भवतः उन्होंने यह समझा हो कि उत्तर प्रदेश की सरकार अनियमिततायें कर सकती है, वह ठीक ढंग से चुनाव न होने दे या असामाजिक तत्व भेजकर अव्यवस्था पैदा करे क्योंकि इस दल में ऐसे लोगों की संख्या बहुत है।

मान्यवर, मैं आपको यहां पर बताना चाहता हूं दो दिसम्बर को इस सदन में श्री चित्त बंसु के पूरक प्रश्न के उत्तर में श्री योगेन्द्र मकवाना ने बताया है कि पहली नवम्बर को बार्डर सिक्मोरिटो फोर्स उत्तर प्रदेश सरकार को दी गई, क्यों कि उत्तर प्रदेश सरकार ने मांगी थी, लेकिन श्री मुशीर अहमद के प्रश्न के उत्तर में बाद में उन्होंने बताया कि वह पुलिस फोर्स वापिस कर दी गई। नवम्बर के ही महीने में 12 नवम्बर तक या उस के पहले वह फोर्स उत्तर प्रदेश सरकार ने वापिस कर दी। जब कानून और

व्यवस्था की स्थिति ठीक नहीं थी और गढ़वाल में चुनाव कराया था, तो बार्डर सिक्मोरिटो फोर्स जो उत्तर प्रदेश सरकार ने लिया था, उनको क्यों भेज दिया चुनाव के पहले। चुनाव तो 22 नवम्बर को होने वाला था, यह कहने के लिए कि हमारे पास कोई भी फोर्स नहीं है, कोई ऐसा दल नहीं है जिसके जरिए वहां पर स्थिति को नियंत्रित कर सकें। यह स्पष्ट बनावटी बात थी, जिसमें केन्द्र सरकार का स्पष्ट रूप से हाथ दिखाई दे रहा है। केन्द्र सरकार नहीं चाहती थी कि वहां पर चुनाव हों। मान्यवर, इस प्रकार यह गलत मिसाल कायम हुई है, अगर इस प्रकार चुनाव घोषित किए जायेंगे और हमेशा यह कह दिया जाएगा कि राज्य सरकार के कहने के ऊपर वहां की स्थिति ठीक नहीं है, इसलिए चुनाव नहीं हो सकते हैं। इस तरह से इस देश के अन्दर कभी भी चुनाव नहीं हो पाएगा, इससे देश का लोकतन्त्र हमेशा खतरे में पड़ जाएगा। इसलिए मैं कहना चाहता हूं कि इस बात पर केन्द्रीय सरकार विचार करे और एक निर्धारित अवधि के अन्दर उप चुनाव अवश्य करा लिया जाए—यह मेरा सुझाव है। साथ ही मैं यह कहना चाहता हूं कि अगर गढ़वाल निर्वाचन क्षेत्र का चुनाव आप शीघ्र नहीं कराते हैं तो खास तौर से इस सरकारी दल के लिए बहुत ही खतरनाक सिद्ध होगा और अगर सरकारी दल यह समझता है कि लोकतन्त्र की हत्या करके यहां पर बैठ रह सकता है, तो यह उसकी भूल है और इस गलतफहमी को उसको दूर कर लेना चाहिए।

श्री हरिश्चन्द्र सिंह रायत : मैं स्पष्टीकरण के तौर पर कहना चाहता हूँ कि जैसा कि श्री हरिकेश जी ने कहा कि मेरे साथ मारपीट हुई और उस घटना की प्रखबार उनको बाद में यहां लगी और मुझे को यह इम्प्रेशन देने की कोशिश की कि वह मेरे लिए न्यूज थी। हकीकत यह है कि मेरे साथ जब यह घटना मारपीट की हुई तो उसके दूसरे या तीसरे दिन ही रास्ते में आपके साथ मुलाकात हो गई और चूंकि संसद में मित है, नमस्कार हुआ। आपने मुझ से कहा कि आपके साथ मारपीट हुई। मैंने कहा—हां, कुछ पत्थर मार दिए और एक आध मुक्का मार दिया और जो मेरे साथ महिला थी, उसके साथ ही भ्रम्र आचरण किया। कम से कम महिला के साथ भ्रम्र आचरण नहीं करना चाहिए था। उन्होंने कहा कि यह तो पेपर्स के थू मालूम हुई। मैंने कहा—जस्सर, लेकिन मैंने पेपर्स में तो नहीं दिया और न मैंने रिपोर्ट की क्योंकि मैं इसकी पब्लिसिटी नहीं चाहता था और यह बुरी बात हो रही थी और इससे सारा पहाड़ बदनाम हो रहा था।

श्री हरिकेश बहादुर : मान्यवर, ये बड़ा लम्बा भ्रम्रण दे रहे हैं।

MR. DEPUTY-SPEAKER: Now, the hon. Minister.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Mr. Deputy-Speaker, Sir, I am aware that we overstepped the time and it may not be possible for me to express myself on the various aspects that were touched by the hon. Members.

I would like to be as brief as possible so that they may not curse me for delaying their dinner. The man-

ner in which the subject has been slated under Rule 193, it has given an opportunity for the hon. Members to address on two aspects specifically with reference to the bye-election in Garhwal; as a consequence of the expression used, namely, "not providing a specific period for bye-elections" and, generally, with reference to the electoral reforms.

While I thank the hon. Members for participating in the debate, I wish, however, they could have been a little more responsible in making the suggestions and raising the debate to a better level on a serious subject like this.

On the general question about the electoral reforms, I have said in this House some time back when the debate took place that the whole gamut of the Election Law is being re-considered. In fact, so far as my Ministry is concerned, we have come to certain provisional conclusions. The matter is now with the Cabinet Sub-Committee, and after the Cabinet Sub-Committee takes the provisional decisions, it has been decided by the Prime Minister that we should invite the Leaders of the Opposition for discussing diverse topics and then the matter could be finalised. My own feeling is that so far as the Cabinet Sub-Committee is concerned, this exercise might be over roughly in about three to four weeks' time but then, electoral reforms cannot be looked in isolation. Many of us, perhaps, think that as public representatives—which I feel is a wrong approach—we seem to be talking in terms as though there is some interest—nay, if I may correct myself to say—we have developed a little vested interest. We fail to consider the whole aspect of election from the point of view of the exercise of the power by the sovereign. The sovereign exercises the power for the purpose of choosing as to who should rule him. One has to approach the problem from that point of view and

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in exercise of the power by the sovereign is to be free, fair. He must be in a position to express his will in a manner that does not cause interference from any quarter or influence in any way whatsoever.

Sir, it is this sum and substance which has got to be grasped wholly from the point of view of sovereign so that at the edifice you could think of the electoral reforms. What, unfortunately, normally happens is that we who get ourselves elected at the instance of the sovereign who does not perhaps realise what power he exercises and what exactly is the power behind the exercise of his vote. We get into the saddle of power and we forget the concept and the ideology running as a thread throughout the entire concept of elections and we do not take care of his proper interest. I look at the problem of electoral reforms, as I said, from the gamut of the concept of sovereign and the exercise of his power and his will freely and fairly. Therefore, if we match this focal point the other aspects can be taken care of and, I feel, that from that point of view as many a member have also contributed to the debate, we all seem to agree that everything is not well with the kingdom of Denmark and it is in this background necessarily that the election law will have to be given a fresh look—fresh look from the point of view of those millions of dumb driven cattle who had been voting us to power without realising what power they are vesting in us. So, it is purely from that point of view I had been trying to have an exercise with the Representation of Peoples' Act and as I said some time back, with my capacity and in my wisdom, I arrived at the conclusion that there are roughly about 70 points, the pros and cons of which will have to be considered, for the purpose of going into the Electoral Reforms.

On the aspect of fixing the period for the bye election, divergent opini-

ones have been expressed, particularly from the other side. Some of the Members tried to fix the tenure for the purpose of completing a bye-election. One of the hon. Members took the view that it is not possible; it has got to be left to the realm of discretion and the power has to be exercised within a reasonable time. Speaking for myself, I also feel that in a matter like this, it is difficult to fix the time. The question is, assuming for a moment, that we fix a particular time and suppose the bye-election, for any valid reason, could not be held within that stipulated time, what would be the consequence? Would the consequence be that the election will not be held? Or would the consequence be that if the election is held at a later stage, then, that election will not be valid? Aspects of discretion have got to be necessarily left out to a high authority and in this case a very high Constitutional authority has been left with this discretion.

I agree with one of the hon. friends who made the suggestion that when the discretion has been vested, it has got to be exercised in a reasonable time, but then, it has not been exercised in the case of Garhwal which is a specific case, for one reason or the other, which has already come out. Then, it is a matter whether we should criticise the Election Commission or the Central Government for that without having the proper facts. Some of the hon. Members have gone to the extent of *sub-silentio* suggesting even motive to the Election Commission. That in my submission would be very unfair.

While this House and the hon. Members are perfectly entitled to discuss the order that has been passed to criticise that order, and say that this order is wrong, to suggest something to the person of the Election Commission would be unfair. (An hon. Member: Nobody said that). *Sub-silentio*, one of the Members has suggested. It is not for me to say who has done it. It is for the introspection of that single individual who has spoken. It is a matter for him to decide. I am not

her: for the purpose of advising him. I am only trying to say that this is unfair. Beyond that I would not like to go. But it is my duty to say something about Garhwal which became the fulcrum round which the entire debate of this evening has gone on. The position as it stands is that originally on the 14th June when the elections were held, those elections have been set aside by the Election Commission on the sole ground of the presence of Haryana Police in the Constituency of Garhwal.

SHRI SUNIL MAITRA: Being induced without his knowledge.

SHRI P. SHIV SHANKAR: Precisely so. Well, I go a little far with you because, I am putting here the sum and substance, in order to save time. He has said that this police has been inducted to use the language of my hon. friend without intimation or premission of the Election Commission or for the matter of that, even without the knowledge of the Returning officer of that place. Well, I have answered this issue much earlier. I would just take one minute to answer this issue again. The position is, as it has been explained, that the Election Commission does not come into the picture with reference to maintaining law and order. The wording in Article 324 "superintendence, direction or control" is confined to the electoral system itself. Many friends have also read the Article 324(6) in order to say "look the President and the Governor must aid". If you kindly read again Article 324(6) it is for the discharge of the functions enumerated in Article 324(1). (Interruptions) Sorry, you don't laugh at that. Will you please read it? If you have not read it, I would expect you to read it so that you will better appreciate what I am trying to say. The power is not wide. You will find a reference of Clause 1 of Article 324(1) in Article 324(6). Therefore, it is with reference to, say, preparation of the electoral rolls, the conduct of the election, namely, the personnel to be drafted as

Presiding Officers, Polling Officers, so on and so forth. To that extent, it is perfectly all right for the Election Commission to demand the personnel either from the Governor or from the President. But I will repeat what I have said earlier, the Election Commission does not have the jurisdiction to maintain law and order. In fact, (Interruptions) you might say so, you can nod, your head in any form, this way or that way, I cannot help it, but the position is that he has no control over the law and order maintaining machinery. It is a subject constitutionally left to the realm of the State and this has always happened. If you have not opened your eyes, I would like you to open your eyes now. This has been happening throughout right from 1952 onwards when the first Election started. At all times, the outside forces were provided in the States at their behest of the Central Government and on all the occasions, the position had been that at no point of time, either the Election Commission was informed or the permission of the Election Commission was ever sought.

AN HON. MEMBER: There was enough complaint.

SHRI P. SHIV SHANKAR: There was no complaint.

SHRI T. S. NEGI: (Tehri Garhwal) But the Returning Officer never demanded extra police that (Interruptions)

SHRI P. SHIV SHANKAR: The law does not change merely because of that. (Interruptions).

PROF. MADHU DANDAVATE (Rajapur): You have made a very categorical statement that right from 1952 onwards there was not even one occasion on which when the police were inducted, there were no consultations with the Election Commission. I want to go on record that during the recent Seminar on Parliamentary Affairs in which the Chief Election Co-

[Prof. Madhu Dandavate]

mmissioner was present, he himself told me that right from 1952 up to the present time on every occasion whenever Police from outside states were inducted, the Chief Election Commissioner was always consulted. I just want to go on record.

SHRI P. SHIV SHANKAR: Sorry, that is possible. In fact, I was very particular, not today, but at the time when the debate was initiated. I waded through the entire records of the Home Ministry and at no where the Home Ministry records show that they have either sought the premission of the Election Commission or they have ever intimidated. (*Interruptions*)

SHRI BHOGENDRA JHA: The State Government only brought the facts to the notice of the Election Commission.

SHRI P. SHIV SHANKAR: The Election Commission might say anything. I will go by the records.

SHRI BHOGENDRA JHA: What for?

SHRI P. SHIV SHANKAR: Well, I can also say many a things. I would not like to go into discussion because this would only mean that we are discussing about the conduct of an authority who is not present.

Therefore, I would not like to go into that issue. I am only saying that on the basis of the records which I had an opportunity to go through, the discussions that I had with the Home officials, I am putting it across to you—and I am firm on the question of law, whether you like it or not—that the Election Commission does not have the jurisdiction..... (*Interruptions*). I have said that on the facts. So far as the Election Commission is concerned, I did not enter into a dialogue with him. What I have said is based on certain aspects which I have made clear. In fact, as one of the hon. Members from this side had said even in 1977—I had particularly gone into that—the outside forces were deployed. There was neither any intimation nor any consent. A view has been taken

by the Election Commission. Unfortunately, the correctness of that view cannot be canvassed, unless the result of his poll is declared. We have got to bow down to the order of the Election Commission; we have no other option. I concede the point.

I come to the question of certain of the aspects which my friends have read from the report of the Citizens for Democracy Committee. By all accounts, the personnel consisting of this organisation belong to the other side, not our side.

DR. SUBRAMANIAM SWAMY: They are all for democracy, not for us.

SHRI P. SHIV SHANKAR: There political views are known; they have been in your bandwagon. Notwithstanding that, I would certainly like to refer to their two findings on the issue. I could have understood if the Election Commission had gone a little further and said: 'Look, my enquiries reveal that the Police has interfered in the fair and free elections.' If that were so, perhaps the argument would have been a little strong. The whole approach was 'mere presence'. Some of the hon. Members, particularly the Member from South Calcutta had an occasion to quote from the report of the Citizens for Democracy Committee. I will also invite the attention of the hon. Members to paragraph 88 end, of this report. This Committee has gone into the question and what have they said? It is not even in their report; they do not say that the police has...

SHRI SATYASADHAN CHAKRABORTY: You are talking about this report. I would like to quote here from Shri Shakhder's letter:

"Apart from the findings of the team regarding booth capturing, the report of the team also discloses that there was surcharged atmosphere in the constituency immediately before the date of poll, and on the day of poll by the presence of the Harayana police on a large scale...."

The hon. Minister was kind enough to say that there would have been justification if he would have said that the presence of police had interfered in fair and free elections, but here the Election Commission writes that on the day of poll, the atmosphere was surcharged because of the presence of the Haryana Police. Their lies the whole point.

SHRI P. SHIV SHANKAR: I cannot go on answering like this if my hon. friend from South Calcutta had seen it properly, it is not the letter, it is from the order that has been passed by the Election Commission on 20th June setting aside the election, that has been noted in that, not the letter. If you kindly go through the operative portion, where from he discusses then it is clear that he does not say that the police have interfered with the election process. I was only trying to say this. That is why I said the mere presence he has taken it as though it has vitiated the election. I am supporting myself from the Report of that Committee also. I think that Book is the Report of the Committee—The Citizens for Democracy Committee. And they themselves put it:

"We have no conclusive evidence to say that the Haryana and the other outside police were misused or misbehaved."

It is a group which is so close to you so thick and thin with you, trying to give a good compliment to us. So, I hope you will not have a dissent.

DR. SUBRAMANIAM SWAMY: I think you have a good opinion of them also.

SHRI P. SHIV SHANKAR: I never have it because what type of persons they have been. I have had experience of in other aspects with them.

But not withstanding that, for your satisfaction I am quoting your own persons so as to establish that the question that will have to be ultimately resolved is whether mere presence of the

police vitiates the elections. In the ultimate analysis it boils down to this, if I am allowed to argue further, whether it is outside or inside, it makes no difference. Does the presence vitiate the election? This a matter which has got to be thrashed out in a court of law at an appropriate stage.

The other aspect of it, which perhaps would also interest you, is that a request was made even by Mr. Bahuguna about the unfairness with reference to 56 booths out of 800 and odd. Nobody has gone into the details as to what exactly has happened. In fact, I find that this very Committee concluded at paragraph 82, saying:

"The number of polling centres/booths where this happened, however, did not appear to us to have been anywhere close to that mentioned in Shri Bahuguna's complaint to the Chief Election Commissioner."

They come to this conclusion. Assuming for a moment that some unfairness has taken place, it is nowhere near the figure that has been mentioned by Mr. Bahuguna. Why I am trying to say this is that it would perhaps have been much better for the Election Commission to have gone a little deeper and said all right, instead of setting at naught the will of the sovereign we will have the poll with respect to particular polling stations, if it is proved that the unfairness has taken place.

SHRI HARIKESH BAHADUR: He is making criticism.

SHRI P. SHIV SHANKAR: It is not the criticism of the person of the Chief Election Commission. It is certainly the criticism of the Order; and I am entitled to. Even the Supreme Court Judgments could also be criticised, but not the persons, otherwise no appeals could lie; we could say that the judgment is wrong. I am not criticising.

DR. SUBRAMANIAM SWAMY: It is a comment

SHRI P. SHIV SHANKAR: That is the position. I would not go further. But then once the elections were post-

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poned, they were fixed to 22nd November. Various factors cropped up. For brevity sake, I would like to be a little short. Various factors which the State Government thought they should bring to the notice of the Election Commission and they did.

SHRI BHOGENDRA JHA: What for?

SHRI P. SHIV SHANKAR: I would prefer to ignore you. The position is stated in the latest letters of the State Government of 9th and 10th November, 1981. These two letters were addressed, and both were addressed to the Chief Electoral Officer, only bringing the facts to his notice. And very correctly one of the hon. Members from the other side read the letter of the Chief Electoral Officer to the Election Commission, asking for the direction and guidance. The State Government never said: "You postpone the election." But the State Government certainly brought things to the notice of the Election Commission, so that they should not be found fault with at a later stage.

In fact, it would have been much better if the Election Commission were to say, 'Look; having regard to this situation, request the Central Government for further deployment of forces.' This was within the authority of the Election Commission, having regard to the earlier order passed. The legal position I am not prepared to accept. But in view of the order of the 20th June, the Election Commission should have directed the State Government. They did not do so. The Election Commission, in its wisdom, thought that the poll should be adjourned. That means the Election Commission gave credence to the grounds which have been assigned by the State Government. I am not going into the merits because of time; but the fact remains that when once the Election Commission says: "Having regard to this situation, I postpone the election", the net result is that the

arguments or the pleas that were advanced by the State Government were accepted by the Election Commission. The Election Commission is a quasi-judicial authority. It is an independent authority, by itself if it has taken a decision, I would not like, at this stage, to say that it is wholly wrong.

Somebody said it should be an objective consideration, which I am not able to appreciate. Subjective satisfaction has necessarily got to be there, after the consideration of objective facts. I do not see how a person objectively writes. The material can be objective, but the satisfaction has necessarily to be subjective. I do not understand what logic can there be in asking why has it to be a subjective satisfaction. It has necessarily to be so. Therefore, the position is: when it suits the other side, they will like to give a pat to the Chief Election Commissioner and when it does not suit them, they would say: "Look, the Election Commission has done this wrong." I would like a standard reaction from you, one of equi-distance. When, on the 20th June, 1981, the entire election was set aside, I would have expected hon. Members to rise in protest.

I may be a Minister, and if I have a discretion, I am expected to act, in the exercise of the discretion, in a responsible manner. The more the power is vested in an individual in a democracy, the more responsible must the person act. After all in elections lakhs of people express their will, and it is a matter for the House to consider, to analyze in the ultimate analysis. I would request hon. Members on the other side to consider—let them forget this particular Election Commission—would this House, and particularly the hon. Members on the other side, vouchsafe for this position, viz. if ten lakhs of people go and vote, in my own whim and fancy can I say: 'Set aside this poll?' I have my own strong views on this issue. Some of the hon. Members made the suggestion.—

though nobody suggested here that there should be three members to constitute Commission or that there should be some more checks and balances. These are the issues certainly engaging the attention of the Government. Otherwise, what exactly is to be done? Now, assuming for a moment, very rightly some of the Members were agitated and I am one with them, would a particular constituency go un-represented for a long time? After all, would you not like that the sovereign expresses the democratic will through its representative and its representative should participate in the proceedings of this House? But then, that is the law as it stands today, and it had been so. One of my friends has referred to the Sections of RP Act. This is a matter which is entirely within the realm of the Election Commission. Section 149 read with Section 30 has also been quoted, read with Article 324. The position as it stands is that it is within the realm of the Election Commission. It is rather unfortunate—in fact, I was expecting some of the hon. Members to raise this. But nobody had done it. Take for instance, Assam. Large numbers of constituencies have not been represented in this House for the last two years. It is rather agonising. We have got to be concerned for this. We have got to take it in the proper perspective. It is possible that in a given case, the representatives may not come. But that does not speak well of our democracy. If something is wrong the loophole has got to be necessarily plugged. Power may be vested in any authority, but this power will have to be reviewed with changing times having regard to the hopes and aspirations of the people at large. This is a matter we have got to take stock of the situation as realist, instead of merely leaving it there. So, therefore, if some suggestions have been made even with reference to the review of the power of the Election Commission, why should people be touchy? Supposing, tomorrow it is said that the Ministers' powers should be reviewed, I will be

the first person to give my own evidence either way, according to my light. That is how we should behave. That is the standard which has got to be necessarily expected of all of us. After all, we have come to represent the people and we have to serve them. May be, in the process of service we may not come up to their expectations and it is always possible that we will never come up to the expectations of the Opposition.

AN HON. MEMBER: Do not say that.

SHRI P. SHIV SHANKAR: But in the ultimate analysis, as a conscientious person that should be our attitude. It may not be to the liking of X, Y, Z. But the position as it stands today is if a particular institution is misused, then it is the authority of this House which has got to correct, as the representatives of the people. I am not saying with reference to the Election Commission. I am more concerned about the authority of this House; those who are the representatives of the people; those who have been charged with the duty of setting right certain things. If we do not do it, we will fail in our duty. I am not concerned whether it is the Election Commission, or the Executive or whether it is the Legislature—whatever it may be, any institution for the matter of that. Therefore, instead of merely being emotional and trying to sling mud on each other, this matter concerns all of us, and at least should evoke a real seriousness amongst us. (Interruptions).... Whether you like it or not, Indira Gandhi remains to be the leaders of the nation. You may not like it. It may be to your utter discomfiture. Nobody can help it. People want her. People have brought her back with vengeance. That is the working of democracy.

AN HON. MEMBER: These people are undemocratic!

SHRI P. SHIV SHANKAR: I would rather go to the extent of saying that if you would like to denounce her any further, on this issue, I would go to the extent of saying that you have no respect, no faith in the democratic principles. You do not have full faith in democracy. *(Interruptions)*

SHRI SATYASADHAN CHAKRABORTY: This is highly undemocratic. *(Interruptions)* Mrs. Gandhi does not represent democracy.

SHRI P. SHIV SHANKAR: You may protest. Whether you like it or not, Professor.... *(Interruptions)*.

MR. DEPUTY-SPEAKER: Please sit down.

SHRI SATYASADHAN CHAKRABORTY: In a democracy, the Opposition has a right to denounce the Prime Minister. *(Interruptions)*.

MR. DEPUTY-SPEAKER: Please sit down.

SHRI SATYASADHAN CHAKRABORTY: It is a dangerous suggestion coming from the Minister.

MR. DEPUTY-SPEAKER: Please hear him. They were hearing you when you criticised them.

SHRI SATYASADHAN CHAKRABORTY: I have a right to oppose Mrs. Gandhi and I shall be doing it. This is part of democracy. This type of statement is dangerous, coming from the Minister, that opposing Mrs. Gandhi is undemocratic. *(Interruptions)*

SHRI P. SHIV SHANKAR: I never said it. Don't tell untruth. *(Interruptions)*. I never said that opposing Mrs. Gandhi is undemocratic. I never said that. That only shows how far you can go. *(Interruptions)* I said it with reference to the people's powers. I was saying that Mrs. Gandhi has been returned by their verdict.

SHRI SATYASADHAN CHAKRABORTY: Agreed. *(Interruptions)*.

MR. DEPUTY-SPEAKER: What he said, he told you.

SHRI SATYASADHAN CHAKRABORTY: The Minister says that I am telling untruth. Please check the record as to what the Minister has said. He said I am telling untruth. Is it parliamentary?

AN HON. MEMBER: He said, it is untruth. Is it parliamentary?
(Interruptions)

SHRI SATYASADHAN CHAKRABORTY: I am on a point of order. The hon. Minister has said that I had told untruth. Is it parliamentary?

MR. DEPUTY-SPEAKER: I will go through the proceedings.

SHRI SATYASADHAN CHAKRABORTY: On the basis of what?

MR. DEPUTY-SPEAKER: That will be gone into. What can I tell you? I told you that it would be gone into.

SHRI SATYASADHAN CHAKRABORTY: I must defend myself and defend my honour as a member. I agree that Mrs. Gandhi has come due to the mandate of the people.

MR. DEPUTY-SPEAKER: This is your point of order? You have raised a point of order.

PROF. MADHU DANDAVATE: We have also come by the mandate of the people.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY: You check the record. The Minister said that when we oppose Mrs. Gandhi, we oppose democracy.

SHRI P. SHIV SHANKAR: I never said that.

SHRI SATYASADHAN CHAKRABORTY: You check the record. You

have said that opposing Mrs. Gandhi is opposing democracy.

SHRI P. SHIV SHANKAR: It is in this context that I said....

MR. DEPUTY-SPEAKER: We will go thorough the record.

SHRI P. SHIV SHANKAR: I may assure my hon. friend, as for his right to criticise us and criticise our leader, I will fight for it; he has that right. But he cannot labour under a misnomer and try to spin certain facts which I have not said. I was saying in the context....

(Interruptions)

MR. DEPUTY-SPEAKER: It is all right. Don't pass your own remarks and comments. You must allow him to reply.

(Interruptions)

SHRI P. SHIV SHANKAR: I cannot be provoked, because I can argue for hours and hours. I can pretend to be provoked; that is a different issue altogether.

DR. SUBRAMANIAM SWAMY: You said, Mrs. Gandhi is the leader of the nation. Mr. Sathe said, she is the leader of the world.

SHRI P. SHIV SHANKAR: I accept the amendment, as it comes from your mouth. She is undoubtedly. Perhaps, shall I say, if you could count the people of the world and their voting capacity, she is undoubtedly the leader of the world.

DR. SUBRAMANIAM SWAMY: What about the universe?

SHRI SATYASADHAN CHAKRABORTY: Including hell and heaven.

SHRI P. SHIV SHANKAR: The point. I was trying to say was with reference to the order of 20th Nevem-

ber and the approach that the Chief Election Commissioner has taken. He has decided in his wisdom and I close the chapter there, as I said. That is a matter which we have got to accept. After all, that is the position of law and I presume that the opposite side members do also realise that we are governed by the law. Now it is in 21 hrs.

this context that the whole election of Garhwal will have to be looked at. While I am one with the agony and anguish that has been expressed by the various Members of the House about the election not having taken place in that constituency, we have also to respect the democratic institution of the Chief Election Commissioner. Merely because the order is not palatable to me, I cannot say that he is bad; or merely because it is palatable to me I cannot go on praising him. It is in this context I was saying all that. I expected some norms from the other side. When 20th June order was there, it should have been looked at in that perspective. It is from that point of view we have got to see. It is by experience we gain notwithstanding 34 years of our freedom. If we come to realise that there are some defects in a particular institution, we have got to set them right. It would be in the larger interest of the nation itself.

I have taken practically about 40 minutes. It is not possible for me to meet small specific points that have been raised.

In the end, I would again thank the hon. Members on both sides, who have participated in this debate and have also given some suggestions which would certainly be taken note of at the time when this issue of electoral reforms is thrashed out.