

the present Middle-East situation, or the shortage of crude, had not cropped up. These problems were not there. But a solid case was made out by the organised workers in the oil industry. The Government at that time did not make up their mind. They only said that though we are not against nationalisation, we do not want to make up our mind about it.

On the floor of the House when a question was asked and also when a memorandum was submitted, Government said that there were three alternatives open to the Government on which Government would take a decision. One was termination of the refinery agreements; they were 25-year agreements and the scheduled dates of expiry were 1979 and 1980; whether they should be terminated in a premature stage, that was one point which, Government said, was also open for their consideration. The second alternative was whether to hold only a percentage of equity shares of these refineries. The third alternative was nationalisation. Government had no clear perspective even on that. Now, for the last about two years, especially, when the situation in the international level had changed completely, from glut of crude to shortage of crude, from the prices going down to a situation of prices rapidly rising, when a complete change in the situation had taken place, probably Government did not take any decision because they knew that the crux of the problem was availability of crude and Government must get the crude directly from government to government level in the international market. In the first 18 months Government did not get it. But now we have to compliment our petroleum Minister, Shri Borooah: he did succeed in coming out of this vicious circle and has entered into agreement with the Middle East countries for getting crude. Then he has tried to bargain and has taken a decision, and the Bill has come. The point is, what do we call it. The Minister is still not openly saying that this is nationalisation. How then do we characterise it? Do we call it a phased-out nationalisation, if not nationalisation by expropriation? It is not nationalisa-

tion by expropriation. We do not use the word 'compensation' because of the constitutional Amendment. But then the amount that has to be paid is phased out. I think, there was some procedure. The petroleum Ministry had appointed a Committee to consider the offer of the Esso Company itself. There was a surprise when this offer had come. This offer had come because the oil company knew that in India the Government's policy is moving towards take-over; at the same time it also knew the changing situation in the international level. We do not know; but somehow or other the General Manager all of a sudden gave two types of offer and asked the Government to take a decision, either to take-over completely or take-over a percentage of the shares. Now Government, in its negotiations, with the Esso, modified Esso's offer, and as we understand and whatever has come into the Press, some kind of a scheme has come out. I would not like to oppose the Bill or to make any suggestion to send this Bill to a joint Select Committee because it would again delay the take-over of Esso. The agreement has already been arrived at. Today the situation is so delicate that any delay in taking over of Esso would not help our country; inside our country Burmah-Shell and Caltex would be enjoying any delay in passing this Bill and in taking over this. So, I would like that there should not be any opposition to the Bill as such but it should be expedited as early as possible. Now how far the provisions of the Bill have been proper and fair, how Esso also agreed to this..

MR. DEPUTY-SPEAKER : Please continue on the next occasion.

15.30 hours

Committee on Private Members Bills and Resolutions

THIRTY-sixth Report—

MR. DEPUTY-SPEAKER : Now, we take up the Private Members' Business.

SHRI AMAR NATH CHAWALA (Delhi Sadar) : I move :

"That this House do agree with the Thirty-sixth Report of the Committee

[Shri Amar Nath Chawala]

on Private Members' Bills and Resolutions presented to the House on the 28th February, 1974."

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Thirty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 28th February, 1974."

The motion was adopted.

15.31 hrs.

RESOLUTION RE FREE AND FAIR ELECTIONS—Contd.

MR. DEPUTY-SPEAKER : Now we take up the further discussion of the Resolution moved by Shri Atal Bihari Vajpayee. Shri Atal Bihari Vajpayee to continue his speech.

श्री अटल बिहारी वाजपेयी (बालियर) : उपाध्यक्ष महादेव, स्वतंत्र और निष्पक्ष चुनाव लोकतंत्र के आधार है कि किन्तु यह खेद का विषय है कि भारत में चुनाव अधिकाधिक भ्रष्ट होते जा रहे हैं। प्रथम, भारत में चुनावों पर पूँजी का प्रभाव बढ़ रहा है। दूसरे, चुनावों में शासन तत्त्व का खुला दुरुपयोग होते लगा है। कानून के मन्तर्गत उम्मीदवारों के चुनाव व्यव पर रोक लगाइ गई है, एक सीमा निर्धारित की गई है—यह सीमा लोक सभा के लिए 35 हजार रुपये तथा विधान सभा के लिए, कुछ अन्यर के साथ, 12 हजार रुपये है किन्तु सभी जानते हैं कि इस सीमा का पालन उल्लंघन में ही अधिक होता है। चुनावों में राजनीतिक दल जितना धन व्यय करना चाहे कर सकते हैं। मेरी पार्टी को छोड़ कर शायद ही कोई राजनीतिक दल ऐसा हो जो जनता के पास जाकर थोड़ा बहुत धन इकट्ठा करने का प्रयास करता है। किन्तु केवल उसके बलबूते नहीं चुनाव लड़ा जा सकता है। सभी दलों के अधिकांश उम्मीदवारों को चुनाव के लिए धन कुबेरों के दरवाजे बढ़खटाने पड़ते हैं। कम्पनियां कानून से राजनीतिक दलों को चन्दा नहीं दे सकती हैं लेकिन राजनीतिक दल धन एकत्र करते हैं। स्पष्ट है कि धन नं० 2 का होता है। इस धन का कोई हिसाब नहीं होता है।

डाक्टर सेठी की गणना के अनुसार राष्ट्रपति, लोकसभा, विधान सभाओं आदि के चुनावों पर भारत में लगभग 100 करोड़ रुपया खर्च होता है। उनका कथन है कि अमरीका में होने वाले चुनाव व्यय की तुलना में यह खर्च ज्यादा है। आप यह स्वीकार करेंगे कि जो तब 100 करोड़ रुपया काला धन चुनाव लड़ने के लिए राजनीतिक दलों को देते हैं वे उसके बदले में स्वयं कितना काला धन बनाते होंगे, इसकी महज ही कल्पना की जा सकती है।

शासन तत्त्व के दुरुपयोग की घटनायें न केवल बढ़ती जा रही हैं, उसके स्वरूप में भी परिवर्तन हो रहा है। पिछले चुनावों के पश्चात् कई ऐसी चुनाव याचिकायें आईं जिनमें दिव्यूनल को, हाई कोर्ट को यह निर्णय देना पड़ा कि रिटार्निंग आफिसर उम्मीदवारों को अनुगृहीत करने के लिए मन-पत्रों में हेरा फेरी करते हैं, गवर्नर तौर पर नामजदारी पर्चे रद्द कर देते हैं। श्री एस० पी० सेनवर्मा ने, जब वे मुख्य चुनाव आयुक्त थे, ऊटी में यह बात कही थी कि अगर रिटार्निंग आफिसर निष्पक्षता से अपना कर्तव्य पालन नहीं करेंगे तो चुनावों से स्वतन्त्र नहीं रखा जा सकता है लेकिन आश्चर्य की बात यह है कि कानून में सरकारी कर्मचारियों के विरुद्ध केवल व्यक्तिशः स्वप से कायंवाही हो सकती है। अगर कोई उम्मीदवार किसी सरकारी कर्मचारी के प्रभाव का या उसके अधिकार का उपयोग अपने पक्ष में करें तो उसका चुनाव अवैध हो सकता है, सम्भवतः वह कर्मचारी भी दण्ड का अधिकारी बन सकता है लेकिन जहां संगठित रूप से सत्ताः स्वद दल मतदाताओं को अपनी ओर आकृष्ट करने के लिए या उन्हें भ्रष्ट करने के लिए शासन तत्त्व का दुरुपयोग करता है उसके विरुद्ध कानून में कोई प्रावधान नहीं है। इस दृष्टि से कानून बहुत ही सीमित है। मैं एक अंश उद्भूत करना चाहता हूँ :

'The conditions obtaining procurement or abetting or attempting to obtain or procure any assistance for the furtherance of a candidate's election from any Government servant.'

लेकिन जहां सरकार का सारा दांचा सत्ताःस्वद दल