

months. I do not know what explanation he has given. If you are convinced with the explanation, it is all right; if you are not convinced, you may kindly reserve your direction....

MR. SPEAKER: I will see to it. But I was looking for something else—for somebody to occupy the Chair.

SHRI S. M. BANERJEE: I can occupy it, Sir.

MR. SPEAKER: You are welcome to do it, but I tell you it is a very difficult job. You will be very much tamed.

श्री एम० एम० बनर्जी : अध्यक्ष महोदय, यहाँ तो खड़ा रह कर भी राज्य चला है ।

अध्यक्ष महोदय : अगर कोई खयाल हो तो घा जाइये । दोबारा नाम नहीं लेगे ।

श्री एम० एम० बनर्जी : नाम का का मथान नहीं है । वह तो करेक्शन कर दिया जायगा ।

आप मंत्री जी का जबाब देख लीजियेगा अगर आप कन्विन्स हो तब तो ठीक है, नहीं तो डाट दीजियेगा ।

अध्यक्ष महोदय जबाब तो बही देंगे ।

SHRI C. SUBRAMANIAM: I could not follow what the hon. Member was saying. In March 1973 there was an interim report. The final report was submitted in April 1974, and we have come here a few days later; I should have submitted it by 28th July, 1974; there was a delay of three or four days.

MR. SPEAKER: I remember; you had written to me about it.

13.37 hrs.

BUSINESS ADVISORY COMMITTEE

FORTYFIFTH REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I beg to move:

"That this House do agree with the Forty-fifth Report of the Business Advisory Committee presented to the House on the 30th July, 1974.

MR. SPEAKER: The question is:

"That this House do agree with the Forty-fifth Report of the Business Advisory Committee presented to the House on the 30th July, 1974.

The motion was adopted.

SHRI S. M. BANERJEE (Kanpur): I want to raise a matter under rule 377. I have given you notice ..

MR. SPEAKER: When I allow you, you are welcome to rise it. But today somebody else has to raise a matter. Prof. Madhu Dandavate.

13.38 hrs

MATTER UNDER RULE 377

VIOLATION OF SECRECY OF THE PRESIDENTIAL ELECTION

PROF. MADHU DANDAVATE (Rajapur): Mr. Speaker, Sir,.....

MR. SPEAKER: Is it not too late now?

PROF. MADHU DANDAVATE: Though I would make a reference to the past, it is for the future, Sir.

With your permission, I am raising an issue regarding violation of the secrecy of Presidential and Vice-Presidential elections. I have with me just now the report on the mid-term General Elections in India 1968-69

[Prof. Madhu Dandavate]

publishing by the Election Commission of India. I will only read one relevant portion of this Report published by the Election Commission. On page 34, this report says:

"An innovation was introduced this time to ensure strict secrecy of the poll. The serial numbers on the back of the ballot papers were covered with coloured slips of paper pasted at the four corners. This however, could not be done in the case of the elected members of the U.P. Legislative Assembly as the delivery of the telegram containing the directions of the Election Commission was unduly delayed and was not received in time."

Just now I have heard from the Office of the Election Commission an order that was telegraphically sent to all the Returning Officers including those in U.P., Order No. 481 69. I will read only one sentence from the said order:

"In order to ensure secrecy of voting at Presidential Election as required by clause 3 of Article 55 of the Constitution, please conceal serial number of ballot papers as given on its back before issue to elector by pasting over it a strip of black paper gummed only at the four corners and not at any other place."

This was a categorical order that was sent to all the Returning Officers. It was sent on 14th August 1969. It was sent rather very late and the Election Commission report itself admits that since this telegram had not been received in the UP Assembly elections in time, as far as the UP electors are concerned, this particular provision of the Constitution which was in conformity with the order that was sent by the Election Commission, was violated. To that extent, really speaking even the elections could have been declared null and void. Of course, it is true that to get the election declared null and void, one has to go to the Supreme

Court. Here I may read the relevant Section, Section 18 of the Presidential and Vice-Presidential Election Act. Now the title of this section 18 is: 'Grounds for declaring the election of a returned candidate to be void'. It reads:

"(i) If the Supreme Court is of opinion—

(b) that the result of the election has been materially affected—

(ii) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or order made under this Act."

The order of the Election Commission which I have just now read out was the order that has been issued under the Presidential and Vice-Presidential Election Act. Therefore, this particular provision has been clearly violated. Therefore, on that ground also if one were to approach the Supreme Court, since the declaration of the mid-term results was only by a marginal result, it could have been possible to get the entire election invalidated and get them declared null and void. It is a different matter that nobody went to the Supreme Court on the basis of the violation of the secrecy of the Presidential election.

13.43 hrs.

[SHRI NAWAL KISHORE SINHA in the Chair.]

I am only raising this issue not to point out what happened in the past, but what is likely to happen in future also. We are very much concerned about the prospective elections which are to take place soon and if this particular lapse which took place in the last mid-term Presidential poll occurs again and if the Election Commission and the officers concerned show the same lack of responsibility, and, as a result of that, if the secrecy of the election is violated, in that case, it is possible that the election is likely to

be declared null and void and, in order to avoid this, I am sure all sections of this House will agree that we must take proper precaution. In fact, I would like the Chair to give a clear direction that in the light of the serious lapse regarding the secrecy of the election in the mid-term presidential poll, in the coming elections these orders and instructions must be sent by the Election Commission sufficiently in advance so that all the Returning Officers are fully equipped with all the information and proper precaution taken and there is no violation of the secrecy of the presidential election. From that perspective I have raised this particular issue with the permission of the Speaker.

SHRI B. V. NAIK (Kanara): Is it not a mistake of the Telegraphs Department?

PROF. MADHU DANDAVATE: No, no. It was also sent late. Even the Election Commission office had sent the orders very late.

SHRI P. G. MAVALANKAR (Ahmedabad): The Election Commission must send it immediately. There is only a fortnight left.

PROF. MADHU DANDAVATE: Sir I request you to kindly direct the Minister who is present here to make a categorical statement in this case so that the House is assured that the secrecy of the Presidential Election will not be violated. This is my respectful submission.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY): No statement is needed. I will get a copy of the statement and send it to the Election Commission.

SHRI P. G. MAVALANKAR: They should be told.

SHRI NITIRAJ SINGH CHAUDHARY: They will certainly be told. We are not only a post-office.

श्री मधु सिमये (बांका): मतदान की गुप्तता रखी जाय तो आपका उम्मीदवार हार सकता है।

श्री नीतिराज सिंह चौधरी: अपने मन को सतोष देने के लिए आप ऐसी भावना अपने घनदर जकड़ रख सकते हैं लेकिन ऐसा काम नहीं होने वाला है।

PROF. MADHU DANDAVATE: I am not raising this as a partisan issue. Why is he making such a cursory statement? It is a failure and it is a lapse. Already the Election Commission in its Mid-term Election Poll report has admitted that this is a violation of the provisions of the Election Act. Is this not violation of the secrecy? Will the hon. Minister kindly give an assurance that this point will be communicated to the Election Commission and that necessary precaution will be taken.

SHRI VIKRAM MAHAJAN (Kanara): The Minister has already said. No point in this.

श्री मधु सिमये: गुना का सवाल है और आप कहते हैं कोई मुद्दा ही नहीं है।

SHRI VIKRAM MAHAJAN: There is no point of order. The Minister has already said about this.

PROF. MADHU DANDAVATE: Even the hon. Speaker has felt that it is a serious matter. He said: "In view of the coming election I am permitting you". It is not a mere point of order and my hon. friend Mr. Mahajan need not intervene.

MR. CHAIRMAN: I want to know from the Minister about this. I want to know whether he considers it necessary to inform the office of the Election Commission with regard to the observations made by the hon. Member. That is all I want to know.

SHRI B. V. NAIK: We are not sure whether the hon. Member wants it to be given retrospective effect.

PROF. MADHU DANDAVATE: I do not want him to take a cursory attitude.

MR. CHAIRMAN: I have already put the question to the Minister. The Hon. Member should listen to the answer.

SHRI VIKRAM MAHAJAN: He wants to give gratuitous advice to the Election Commission and the Law Minister; kindly take that advice.

PROF. MADHU DANDAVATE: I seriously object to this remark. How can he say gratuitous remark? It is the business and it is left to the vigilance of the Members of this House to see that all the provisions of the Act passed by Members are scrupulously complied with, scrupulously adhered to by the Election Commission.

SHRI NITIRAJ SINGH CHAUDHARY: As the hon. Member himself preceded his statement by saying he is referring to the past for future action, for guidance for the future. I can assure him, no such mistakes would be committed in the future.

SHRI S. M. BANERJEE (Kanpur): I want to raise one point I was permitted.....

MR. CHAIRMAN: No. No other Member is permitted, please

SHRI S. M. BANERJEE: It is a very important matter, Sir.

MR. CHAIRMAN: What is it? Be brief.

SHRI S. M. BANERJEE: The newspapers have come out with the news item how people are dying because of spurious glucose, and this matter was discussed in the Uttar Pradesh Council. My point is this. When this matter was raised in this House, the hon. Minister, Dr. Karan Singh, made a statement saying that this matter will be properly investigated.

Now what happened was this. This question was raised by almost all the Members of various political parties in the Vidhan Sabha of U.P. There, the Council Chairman, Shri Virendra Swarup has some connections with B. Jay Pharma, manufacturers of the 'killer' glucose. The Chairman of the Council, in a paper published, wrote a letter to Dr. Chakravarti who is the Additional Director of Health as follows:

"With reference to my phonic conversation with you this morning. I am asking, as desired, Sri B. K. Seth, a senior lecturer in the D.A.V. College, Kanpur, with which I am associated as the Head of its Management, to see you personally. Kindly help and oblige."

It has been said that B. Jay Pharma has been manufacturing spurious drugs. I would only request through you, that the hon. Minister of Health may make a statement. He cannot experiment with human lives. He should resign immediately.

MR. CHAIRMAN: Shall we adjourn for lunch?

श्री मधु लिमये : मन्त्रापति महोदय दवाघात का उत्पादन और वितरण केन्द्र का विषय है ।

MR. CHAIRMAN: Order, order. This was not admitted under any of the rules of the House

श्री मधु लिमये : अब यह था ही गया है, तो आप बयान दिलवाइये ।

MR. CHAIRMAN: We now adjourn for lunch.

13.52 hrs.

The Lok Sabha then adjourned for Lunch till Fifteen of the Clock.