

(b) the number and names of the roads which are likely to be converted into National Highways in the current year?

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI M. B. RANA):

(a) No decision about the roads to

be taken over as new National Highways in the 5th Plan in any State, including Bihar, has been taken so far as the 5th Plan is still in the formulation stage. The Govt. of Bihar have, however, proposed the following State highways/District roads for being declared as National Highways during the Fifth Plan period.

S. No.	Route proposed	Approx. length in Kms.
1.	Patna-Muzaffarpur-Sitamarhi-Sonbarsa road	138
2.	Mokameh-Farakka	251
3.	Ranchi-Chaibasa-Orissa border	165
4.	Ranchi-Gumla-Raidih upto M.P. border	128
5.	Belhr-Sultanganj-Maheshkhunt- Pipra-Motipur-Pratapganj Road	190
	Pansalwa-Sobnarsaganj-	
	TOTAL	872

Out of these the roads mentioned at S. No. 1 and S. No. 3 are existing State Highways. The remaining roads are partly State Highways, partly Major District Roads and partly other District Roads. All these proposals will be considered along with similar proposals received from other States while finalising proposals for the Fifth Plan keeping in view the funds available for the purpose, the inter se priorities of these proposals on an all India basis, and the criteria laid down for declaration of roads as National Highways.

(b) There is no proposal for declaring any road as a National Highway in 1973-74 either in Bihar or in any other State

12.49 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE
UNUSUAL DELAY IN HOLDING BYE-ELECTIONS TO 10 LOK SABHA AND 27
ASSEMBLY SEATS

‘श्री मधु लिखये (बाँका) : अध्यक्ष महोदय’
मैं बिलम्बनीय लोक सदन के निम्न विषय की ओर ध्यान देने की ता ध्यान दिलाना हूँ और प्रार्थना करना हूँ कि वह इस बारे में एक बकना दें।

“लोक सभा के दस स्थानों और विधान सभाओं के स्थानों के लिये उपा चुनाव कराने में असाधारण बिलम्ब”

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY): Mr. Speaker, Sir.

At present there are 10 casual vacancies in the Lok Sabha and 29 casual vacancies in the Legislative Assemblies of the various States. A statement containing the particulars regarding the constituencies in which vacancies have occurred, the cause of each vacancy and the date on which each vacancy occurred is laid on the Table of the House. The steps taken by the Election Commission for holding the bye-elections for filling the casual vacancies are as under:—

LOK SABHA

Out of the 10 casual vacancies in the Lok Sabha, five are less than 4 months old and one less than 6 months old. The oldest of these six vacancies occurred in February, 1973 and the latest on 8th June, 1973.

There is an appeal pending in the Supreme Court regarding the election from 12—Sangrur Parliamentary Constituency in Punjab in which there is a casual vacancy and the bye-election cannot be held to fill this vacancy till the appeal is disposed of by the Court.

Section 21(2)(a)(ii) of the Representation of the People Act, 1950, requires that the electoral roll shall be revised in the prescribed manner by reference to the qualifying date for each bye-election to fill a casual vacancy in the House of the People or the Legislative Assembly of a State. The Election Commission has already taken action for the revision of the electoral rolls of all the constituencies in which casual vacancies have occurred. A period of 4 to 6 months is required for the purpose, depending upon whether the revision is summary or intensive. It is expected that it would be possible to revise the electoral rolls of all the parliamentary constituencies in which casual vacancies have occurred, before the end of November 1973. It is the experience of the Commission in the past that elections could not be held during the monsoon season when large parts of the country would be affected by floods. The Commission hopes to be able to hold the pending bye-elections after the monsoon is over, either towards the end of 1973, or the beginning of 1974.

In regard to the remaining 4 vacancies, the Commission had proposed to hold the bye-elections in 12—Janjgir Parliamentary Constituency in Madhya Pradesh, 14—Sabarkantha Parliamentary Constituency in Gujarat and 20—Ramtek Parliamentary Constituency in Maharashtra early in 1973, but they could not be held on account of acute and widespread famine conditions in the constituencies, as a result of which large numbers of electors had migrated to other places, e.g., Relief Work Centres, in search of work. The Commission considers that in the absence of a

large number of electors, it would not be possible to conduct fully representative free and fair elections and that they should, therefore, be postponed till the famine situation has abated and conditions have returned to normal. In regard to the vacancy in 5—Bijnor (SC) Parliamentary Constituency in Uttar Pradesh, it may be stated that the electoral rolls of its 5 constituent assembly constituencies had been under intensive revision with reference to 1st January, 1973 as the qualifying date. As soon as the climatic and other conditions become favourable, the Commission would make arrangements for holding the bye-election in this constituency.

STATE LEGISLATIVE ASSEMBLIES

Out of the 29 casual vacancies in various State Legislative Assemblies, it may be mentioned that 16 vacancies occurred in 1973 and some of them are quite recent. There are 6 vacancies in the Legislative Assembly of Uttar Pradesh to which a General Election is due to be held early in 1974, and it would be hardly worthwhile to hold bye-elections to fill these casual vacancies for the brief remaining period. There are 7 vacancies in the Legislative Assembly of Andhra Pradesh which is under suspension under article 356 of the Constitution, the State being under President's rule. These casual vacancies will be filled by holding bye-elections when there is an indication that President's rule in the State is about to be lifted. An election petition is pending regarding the election from 145—Asind Assembly Constituency in Rajasthan in which there is a casual vacancy and the bye-election could be held only after the election petition is disposed of. In regard to the bye-election in 105—Coimbatore West Assembly Constituency in Tamil Nadu, on account of severe power cut in the industrial establishments in the constituency, large numbers of workers were laid off and have returned to their homes outside the constituency and so the bye-election

[Nitiraj Singh Chaudhary].

of administrative convenience, economy in expenditure etc.

had to be postponed in order that it could be held at a time when workers returned to their place of ordinary residence. In the meantime, a casual vacancy has also occurred in 18—Coimbatore Parliamentary Constituency of which 105—Coimbatore West is a part and a proposal has been received by the Commission for holding the bye-elections in both the Parliamentary and assembly constituencies simultaneously as a measure

The Election Commission has already taken action to revise the electoral rolls in respect of all the assembly constituencies in which bye-elections could be held and the Commission would make arrangements for holding the bye-elections as soon as the climatic, economic and other conditions become favourable for holding the elections in a fully representative free and fair manner.

STATEMENT CONTAINING PARTICULARS REGARDING CASUAL VACANCIES IN THE LOK SABHA AND LEGISLATIVE ASSEMBLIES OF STATES.

State/Union Territory	No. of seats vacant	No. & Name of constituency	Cause of vacancy	Date on which vacancy occurred	Remarks if any
1	2	3	4	5	6
HOUSE OF THE PEOPLE (LOK SABHA)					
1. Gujarat	1	14—Sabarkantha	Death	22-9-72	
2. Madhya Pradesh	1	12—Janjgir	Death	12-8-72	
3. Maharashtra	3	22—Rāmték	Death	19-8-72	
		6—Bombay Central	Resgn.	4-2-73	
		42—Kārad	Death	8-7-73	
4. Tamil Nadu	1	18—Coimbatore	Death	31-5-73	
5. Uttar Pradesh	1	5—Bijnor (SC)	Death	26-9-72	
6. Punjab	1	12—Sangrur	Death	12-4-73	Appeal pending in Supreme Court
7. Bihar	1	51—Khunti (ST)	Void	26-4-73	
8. Pondicherry	1	Pondicherry	Death	31-5-73	
LEGISLATIVE ASSEMBLIES					
1. Andhra Pradesh		75—Jaggayyapet	Death	28-8-72	
		241—Luxettipet	Death	3-9-72	
		140—Chittoor	Death	13-10-72	
		84—Vuyyuru (SC)	Death	25-12-72	
		135—Kalahasti	Death	13-1-73	
		151—Rajampet	Resgn.	11-4-73	
		170—Gooty	Void	20-4-73	

1	2	3	4	5	6	
2. Assam	1	18—Haflong	Death	18-7-73		
3. Bihar	1	80—Madhubani	Death	21-4-73		
4. Gujarat	1	13—Mandvi	Death	7-12-72		
5. Madhya Pradesh	4	250—Mhow 96—Jharsaon 133—Konta 78—Lakhanpur	Resgn. Death Void Death	22-3-72 10-6-72 22-12-72 18-4-73		
6. Maharashtra	2	1—Sawantwadi 210—Sangola	Death Death	11-10-72 28-3-73		
7. Rajasthan	2	64—Bharatpur 145—Asind	Resgn. Resgn.	6-11-72 2-1-73	Election petition pending.	
8. Uttar Pradesh	6	26—Amroha 153—Charda (SC) 369—Gokul 86—Hardoi 355—Firozabad 56—Baheri	Death Death Death Death Death Death	16-4-72 10-5-72 26-1-73 18-3-73 20-5-73 13-7-73		
9. West Bengal	2	3	75—Chinsurah 150—Belgachia 80—Gaighata	Death Death Death	27-3-73 29-5-73 2-6-73	
10. Tamil Nadu	2	1	105—Coimbatore Wset	Death	28-12-72	
11. Mysore	2	1	195—Sankeshwar	Death	3-4-73	

बी वधु लिखते : अध्यक्ष महोदय, मैंने मंत्री महोदय से ध्यान देने के लिए इश्वरिए प्रार्थना की थी कि ब्रह्म सदन को इस बात में जानकारी दें। लेकिन यह पूरा ध्यान सदन को सुमराह करने के लिए दिया गया है और उस में इतनी ज्यादा गलतबयानी और भ्रम-गतिया हैं कि उन का पर्दाफाश करना बहुत जरूरी हो जाता है।

मंत्री महोदय ने उप-चुनाव कराने में विलम्ब होने के तीन बार कारण बताये हैं। उन्होंने एक कारण यह बताया है कि मतदाता सूची को तैयार करने में बार-बार, छ महीने का समय लगेगा। दूसरा कारण उन्होंने मौसम की कठिनाइयां बताया है। तीसरा कारण उन्होंने यह बताया है कि सरकार पैसा बचाना चाहती थी। उन का कहना है कि जहाँ लोक सभा और उस के तहत विधान सभा की सीट खाली होती

है, तो पैसा बचाने के लिए सरकार इन्तजार करती है, ताकि दोनों चुनाव एक-साथ हों। मंत्री महोदय ने चौथा कारण यह बताया है कि अकाल और बाढ़ के कारण जो आर्थिक संकट बगैरह घाते हैं, उन में विलम्ब हुआ है। मैं यह साबित करना चाहता हूँ कि उन का एक एक वक्तव्य गलत है।

जहां तक पैसा बचाने की बात है, मैं यह जानना चाहता हूँ कि क्या बजट है कि जब बिहार विधान सभा का चुनाव मार्च में होने आ रहा था, तब दरभंगा का लोक सभा का चुनाव निर्णय डेढ़ महीने पहले कराया गया। क्या उस समय बिरोधी बलों के द्वारा यह सुझाव नहीं दिया गया था कि पैसा बचाने के लिए दोनो चुनाव एक-साथ कराये जायें? लेकिन वही प्रधान मंत्री के एक लाइवले ब्रादमी को खिताम था, इसलिए इन्तजार कमिश्नर पर बचाव डाल कर दरभंगा का लोक सभा

[श्री मधु लिंगये]

का चुनाव पहले कराया गया, जब कि डेढ़ महीने में विधान सभा का चुनाव भी होने वाला था।

इन्दौर सीट से श्री प्रकाश चन्द्र सेठी जीते थे। उन को यहाँ से मध्य प्रदेश निर्यात किया गया, क्योंकि पूरे मध्य प्रदेश में इन्हें कोई योग्य व्यक्ति नहीं मिला, जो मुख्य मंत्री बन सकता। नतीजा यह हुआ कि इन्दौर की सीट खाली करबानी पड़ी और उसके साथ साथ मझ में भी चुनाव कराना जरूरी हो गया। विरोधी दलों ने यह सुझाव दिया था कि इन्दौर का लोक सभा का चुनाव और मझ का विधान सभा का चुनाव दोनों एक-साथ किये जायें। लेकिन यह सुझाव नहीं माना गया। नतीजा यह है कि अभी तक विधान सभा का चुनाव नहीं हो पाया है, इससे बड़ा विलम्ब हो गया है, जब कि लोक सभा का चुनाव हो गया है। इस से यह साबित हो जाता है कि यह दलील कितनी झूठी है कि पैसा बचाने के लिए कोई चुनाव टाला गया।

जहाँ तक आर्थिक संकट का मवाल है, यह कहा गया है कि चूक महाराष्ट्र में प्रकाल की परिस्थिति है, इसलिए रामटेक और बम्बई सैन्ट्रल नार्थ (शिवाजी पार्क) के चुनाव नहीं हो सकते। इस के अतिरिक्त श्री आनन्दराव चव्हाण की सीट भी खाली हो गई है। बिना मार्च में जब बम्बई म्युनिसिपैलिटी के चुनाव हुए, तो विरोधी दलों द्वारा यह दलील दी गई थी कि चूक महाराष्ट्र में प्रकाल का संकट है और बम्बई में भी सब लोग चन्दा बरगह इकट्ठा करने और रिलोक के काम में लगे हुए हैं, इसलिए महापालिका का चुनाव कुछ समय के लिए नवम्बर तक के लिए—टाला जाये।

उस समय कहा गया—चूक विरोधियों का हारने का खतरा है इसलिए प्रकाल को आड़ में छिपकर ये लोग म्युनिसिपैलिटी के चुनाव को टालना चाहते हैं। उस समय इन्दिरा जी के बहाने जो बिरोध प्रानतिधि थे—श्री रजनी पटेल—उन को घमण्ड था।

श्री लक्ष्मण बकाल सिंह (चतरा) :
प्लाइन्ट फ्रॉम आर्डर। माननीय बक्ता को बेयर को एड्रेस कर के बोलना चाहिये, हम लोगों को नहीं... (अव्यवधान).....

श्री मधु लिंगये : मैं बेयर को ही एड्रेस कर रहा हूँ। वे लोग मुझे कानून सिखाना चाहते हैं।

अध्यक्ष महोदय : वह बेयर को ही एड्रेस कर रहे हैं।

श्री मधु लिंगये : अध्यक्ष महोदय, श्री रजनी पटेल को यह घमण्ड था कि हम को मुनिसिपैलिटी में भी दो-तिहाई बहुमत मिल जायेगा। इसलिये विरोधियों की बात को न मानने हुए चुनाव कराये गये। जब बम्बई में महापालिका का चुनाव जॉरोंपर हो रहा था और प्रकाल बीच में नहीं आया, तो लोक सभा का चुनाव टालने का क्या कारण था? उसी समय या मार्च के अन्त में या अप्रैल के प्रारम्भ में क्यों लोकसभा का चुनाव नहीं हो सका था? फरवरी महीने में भण्डारे साहब को सीट खाली पड़ी हुई थी।

मैं आज ही इन्वेक्शन कमीशनर में मिल कर आया हूँ और सारी जानकारी लेकर आया हूँ। चुनाव के बारे में उन्होंने बताया कि ऐसा कोई नियम नहीं है। पियुपिन्ड रिप्रेजेंटेशन एक्ट की धारा 149 और 150 के तहत वार्ड-इन्वेक्शन होत है, लेकिन ऐसा कोई नियम नहीं है कि अवधि निर्धारित हो। इनने साल हो गये, लेकिन इसका कोई नियम नहीं बनाया गया। नतीजा क्या होता है, सरकार का दबाव इन्वेक्शन कमीशन पर पड़ता है और उनकी मारफत चुनाव को टालने का प्रयत्न किया जाता है।

अध्यक्ष महोदय, सविधान ने यह चाहा था कि इन्वेक्शन कमीशन एक इन्डिपेन्डेंट अथॉरिटी हो, इसीलिए संविधान में ऐसा प्रावधान है, कि जिस तरह सुप्रीम कोर्ट

के जबीब को निकाल सकते हैं, उसी तरह से ही इलैक्शन कमिश्नर निकाला जा सकता है, यह सबन सिर्फ अपने प्रस्ताव से नहीं निकाल सकता है। इसीलिए अनुचित ढंग में इलैक्शन कमिश्नर पर दबाव डाला जा रहा है। इसलिए आर्थिक सफाई का कारण भी बिल्कुल बेबुनियाद है, जिसे मैंने यहाँ मिट्ट किया है।

एक कारण इन्होंने बतलाया कि इलैक्टोरल रोल, मतदाता सचिवा, रिवाइज करने पड़ने है—इसलिए चार-छ महाने नग जान है। ने इन इन्दौर में तो लोक-सभा का चुनाव डार्ड महीने में हो गया, कृष्णगिरी तामिलनाडु में 50 दिन के अन्दर हुआ अमतसर में 45 दिन में हुआ, राजकोट का चुनाव 45 दिन में हुआ तो 45 दिन में भी चुनाव हो सकते हैं, 50 दिन में भी हो सकते हैं फिर क्या बजह है कि बहुत सारे चुनाव 10-12 महीने में और कुछ तो 17 महीने में भी नहीं हुए हैं।

एक कारण यह भी दिया गया है—जैसे उत्तर प्रदेश के लिए कहा गया कि वहाँ पर राष्ट्रपति का शासन है। लेकिन राष्ट्रपति का शासन कब हुआ, अभी हाल में हुआ है, पिछले दो सालों से उत्तर प्रदेश में चुनावों को क्या टाला जा रहा है क्योंकि प्रधान मन्त्री जी का डर है कि उत्तर प्रदेश में वे हार जायेंगी।

असली विलम्ब का कारण मैं बतलाना हूँ—बम्बई महापालिका के चुनाव में इनका 28 प्रतिशत मत मिला है इतना कम मत कांग्रेस पार्टी को बभी नहीं मिला है, संयुक्त महाराष्ट्र समिति का जमान में भी इतना कम मत बम्बई शहर में नहीं मिला था। 1971 के चुनाव में इनको 61 प्रतिशत मत मिला था, लेकिन अब उससे गिरकर 28 प्रतिशत पर आ गये हैं। यही हाल जबलपुर म्युनिसिपैलिटी में हुआ। बाँका में तो आप जानते ही हैं, इनकी जमानत जस्ट हो गई।

डिडिगुल में तो विरोधियों ने एक विक्रम कर दिया, केवल दो प्रतिशत मत सत्ता कायेम को मिले।

श्री शंकर दयाल सिंह अध्यक्ष महोदय, जो चुनाव हो चुके हैं, उनकी चर्चा क्यों हो रही है। जो चुनाव अभी बाकी हैं, उनके बारे में इस समय चर्चा हो रही है (ध्यवधान) जो चुनाव अभी होने को हैं, उसकी चर्चा हो सकती है, ये बाका की बातें क्यों कर रहे हैं?

MR SPEAKER No points of order during Call Attention Motion.

श्री मधु लिम्बे अध्यक्ष महोदय इन्होंने अपने जवाब में मौम की बात की है। बाँका का चुनाव अप्रैल में हुआ था। यह मोट अक्नुबर महीने में खाली हुई थी—और राजमहल की मोट अगस्त में खाली हुई थी—दोनों चुनाव पन्द्रह अप्रैल को किये गये, जबकि भयकर लू उन दिनों में चल रही थी। क्या ये चुनाव मार्च फरवरी में नहीं हो सकते थे (ध्यवधान)

13 05 hrs

[SHRI SEZHIYAN in the Chair]

अगर लू होती, ना इतने भारी बहुमत में जीतना कि डिडिगुल की पुनरावृत्ति हो जाती (ध्यवधान)

मभापति महोदय, ये लोग बारबार टोक रहे हैं, मेरा समय ले रहे हैं, या तो इन्हें व्यवस्था का मवाल उठाने का मौका दीजिए या मुझे बोलने दिया जाय।

MR CHAIRMAN No point of order should be raised now

श्री मधु लिम्बे मभापति महोदय मैं यह कह रहा था— इनकी मौनम जारी दलील बेबुनियाद थी, इकानमी, पैसा बचाने की दलील बेबुनियाद थी, इसी तरह इलैक्टोरल रोल रिवाइज करने में 4-6 महीने लगते

को बाधित चुनावों या विधानों को इसलिए नहीं चुनाव नहीं हुआ। और दूसरी ओर के बारे में कुछ नहीं था इसलिए चुनाव हो गया।

बीजिंग संसद के बारे में कहा गया था उसकी परिस्थिति यह थी कि वहाँ पर श्री प्रधान के हस्तिका देने के बाद जो जनह वाली हुई वहाँ पर 4-9-1972 का उसके बाद

Before the revision of electoral roll was commenced, the last results were due for final publication when the report was received from the Chief Electoral Officer stating that there are drought conditions and the officers are busy in managing the drought. Therefore, it would not be possible to hold the election.

When this suggestion was made, a reference was made to Section 149 that a time-limit should be fixed for the election during which bye-elections must be held. For this purpose, I would suggest to the Member to move an amendment to this particular section if he desires.

SHRI JYOTIRMOY BOSU (Diamond Harbour) Sir I rise on a point of order.

MR CHAIRMAN There is no point of order.

श्री मधु सिन्घे मैंने यह कहा था बाई-इलेक्शन के बारे में क्या कोई नियम बनेंगे या कानून में परिवर्तन होगा? और सदन को जो भावना है कि जल्दी से जल्दी चुनाव कराया जाय वह उनके पास पहुँच जायगी। तो कानून के बारे में बातें हैं।

श्री नीतिरत्न सिंह चौबरी मैंने आपसे कहा कि आप मशौखन मच कर दीजिए।

The Representation of the Peoples Act amendments are before the Joint Committee. They were considered. But, there nothing was said about making amendments to Section 149.

SHRI JYOTIRMOY BOSU Sir, I rise on a point of order.

MR CHAIRMAN No comments from any other member. You will please sit down. You cannot comment on the Minister's reply. It is for the hon. Member whose name is here, who can only raise a point. You please sit down. Mr Mishra, please be brief.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) If I may be permitted let me tell you that my colleague has dealt with this question which was raised by the hon. Member specifically whether at the end the Government would be willing to sponsor an amendment fixing a time-limit during which the bye-election should be held. Only for the purpose of my colleague I say that this question had been examined by the Joint Committee. It has submitted its report. That does not mean that we cannot consider it. I am not making any suggestion (Interruptions). If you want an answer let me answer it. The Joint Committee has made recommendations. Its report is there. It is likely to come before the House in the current session. It is very difficult to fix a time-limit since we have to take into account many other things. We cannot anticipate in which period and in which regions there would be drought or there would be water or power shortage or there would be floods etc. Therefore if the conditions are beyond the control of the Government the Election Commission has to take its own decision whether the election may be held or not and whether time-limit may be fixed or not.

SHRI SHYAMNANDAN MISHRA (Begusarai) If you go into the relevant details about the elections held not held, you will find that a very painful picture is emerging. It is a distressing story and it is definitely censorious of the Election Commission.

At this moment, probably 3 per cent of the population of India stands unrepresented. We want to know whe-

[Shri Shyamnandan Mishra]

ther we have an Election Commission in this country or if there is any need or justification for this type of Election Commission. We wonder also whether the Election Commission is an instrument to weaken democracy or to strengthen democracy and whether we have an Election Commission of India or an Election Commission of the ruling party. I am constrained to make these remarks, because I find that the Election Commission has fallen short of the standards which we had expected of it. More will in future if the manner in which it has been behaving all the time.

There has been an unusual accumulation of these bye-elections. As I said earlier, about 3 per cent of the population of India is unrepresented. But the strange thing is that even in the areas where there had been no floods, drought or famine, elections have not been held. For what reasons, one may ask election had not been held in certain areas of UP or in certain areas of Madhya Pradesh? The explanations that have been given are not convincing. Again, why had they not been held in certain areas of Bihar also?

The Election Commission did not hesitate to hold the bye-election to the Lok Sabha on the death anniversary of Mahatma Gandhi, that is, 30th January, in the Darbhanga constituency, in spite of vehement protests from all the Opposition parties and when the elections to the Assembly were also in the offing. The hon. Minister has not given us any convincing reply why this election was not delayed till the mid-term elections to the Assembly were held.

At that time, Mr. Sen Verma, the Chief Election Commissioner, turned down all the protests that had been lodged by us. May I say with all sense of responsibility that Mr. Sen Verma held this bye-election in spite of the suggestion made by the Chief Electoral Officer of the State, that

is, the election office of Bihar? So, it is no wonder that Mr. Sen Verma now finds himself as a member of the Law Commission. We are definitely against any member of the Election Commission, including the Chief Election Commissioner, looking forward to some patronage at the hands of the ruling party. That is bound to corrupt the very fount of election.

Here are some of the very painful aspects of the bye-elections which have not been held in the usual manner in which they ought to have been held.

In respect of the Lok Sabha, there had been unusual interests in holding elections to the seats in which important persons had been interested; that is, where Shri C. Subramaniam and Shri L. N. Mishra had been interested, the Election Commission acted with great alacrity and elections were held in record time. Similarly, in the seats which had been vacated by important persons, the elections were held in record time. It is not explicable why seats like Bombay Central are remaining vacant. The hon. Minister says that the officers were not available for conducting the elections. But it had been rightly pointed out that those very officers were available for the municipal corporation elections and yet it is said that they were not available for the Bombay Central elections. Eight months have passed, and the election is still due. In UP, Bijpur has been lying vacant since 26th September, 1972, that is for nearly a year.

It has been pointed out that in many of these areas, the electoral rolls require to be revised. I ask the hon. Minister to tell us whether in all the cases in which the elections were held, the electoral rolls were revised, whether that was done in Dindigul, in Banka and other places. One uniform rule must apply to every case. The Chief Election Commissioner cannot be allowed to get away with this kind of plea in regard to revision of electoral rolls. For this Elec-

tion Commission, there would always be some plea because this is a subservient Election Commission.

In Madhya Pradesh the seat vacated by the late Shrimati Minimata, Jhanjgir, is lying vacant.

These are conspicuous instances of inordinate delay in holding bye-elections to the Lok Sabha.

But a more distressing picture comes when we come to the Rajya Sabha. In respect of Rajya Sabha, I must say that ordinarily elections have been held in good time, without any loss of time, because it all depend upon the convening of the Assemblies and only to that extent there was delay.

MR. CHAIRMAN: The question relates to bye-elections to the Lok Sabha and the Assemblies.

SHRI SHYAMNANDAN MISHRA: My motion was differently worded: I have written to the Speaker on Saturday. Therefore, I am referring to it.

I have said that normally elections have been held in good time so far as the Rajya Sabha is concerned but the picture is bedevilled by not holding election to the seat which fell vacant as a result of the death of Shri V. R. Mohan in January. This seat remains unfilled till now. You will recall that the notification for the election to this seat had already been issued. Who is going to answer to this House on this? The notification was issued on 12th April. It said that nominations would be filed by the 28th April and the election would be held on 11th May. Mysteriously, the election was cancelled. The Assembly has not twice probably—that is my recollection; but at least once it has already met after the death of Shri V. R. Mohan. But the election has not been held to this seat. What is the explanation for this? Can any plea hold water in this case?

May I remind this House that other bye-elections which had become necessary after the death of Shri V. R.

Mohan, have been held? That is, in the case of Chaudhury Mohammed who died a month later. The election was held with great promptness in Bihar. Chaudhury Mohammed died probably in the month of February and the election to his seat was held.

13.23 hrs.

[MR. SPEAKER in the Chair]

In the case of Chaudhury Mohammed the election was held with such promptness but in the case of the seat vacated by Shri V. R. Mohan the election has not been held till now. It is because of the slackness of the Election Commission that this seat remains unfilled because of the imposition of President's rule for an indefinite period in the State.

Coming to the Legislative Assemblies and Legislative Councils we find that UP again tops the list. It has got an unbeaten record. Let me first get out of the way the bye-elections to the Legislative Council. In UP 13 seats remain unfilled, which were to be filled in the biennial elections in 1972. These seats were to be filled by the local authorities in UP. So since 1972, elections to the Legislative Council have not been held in 13 seats and there is no explanation for this. Even when you ask the Election Commission, they withhold this information. They would not give you this information. Is that the way of functioning with objectivity? Therefore, this is a serious matter with which the House has to grapple.

Hon. members have pointed out to the delay to the extent of only one year. May I tell you that the Rajkot Election was held after a period of 2 years and 28 days. On this basis the Election Commission can also come forward with a plea that the election cannot be held till the next election! 2 years and 28 days. In the case of Nagina the election was held after 1 year and 24 days. In half a dozen other constituencies Mankapur, Pithoragarh and so on they were held after 11-1/2 months; in these two cases, the elections had been held only after 8 or 9 months. In the same U.P., Sareni

[Shri Shyamnandan Mishra] seat was filled in a record time two months because it was in Rae Bareilly Parliamentary Constituency. The reason is obvious to everybody, because that was of some concern and interest to the Prime Minister of India in whose parliamentary constituency Sareni assembly constituency lies.

In U.P. before the imposition of the President's rule Amroha and Charda constituencies were vacant for more than a year. Now comes President's rule which would indefinitely keep the elections in abeyance. Who is responsible for this? Does this House not require a satisfactory explanation in this respect? If bye-elections are not held and people go unrepresented, should not this House take this matter up for a serious discussion? Why in the case of V. R. Mohan, as I told the House, election was not held?

We want a probe into the functioning of the Election Commission. I would not use any hard words now. We should like a probe to be instituted into the functioning of the Election Commission which had been responsible for the inordinate delay in this matter. It is the Election Commission which is charged with the responsibility of conducting and organising elections. Would the Government agree?

SHRI H. R. GOKHALE: Certainly not.

SHRI SHYAMNANDAN MISHRA: Because it is a subservient Election Commission.

SHRI H. R. GOKHALE: I repudiate any allegation against the Election Commission.

SHRI SHYAMNANDAN MISHRA: Why not? This House is responsible to the country. We have been paying for the salaries of the members of the Election Commission. It should function in a way that democracy is

strengthened and not weakened. If, the hon. Minister says that the Government is not agreeable to this suggestion, I should say that there is a skeleton of their cupboard.

AN HON. MEMBER: Election Commission is an independent body.

SHRI SHYAMNANDAN MISHRA: Independence does not mean irresponsibility. We shall come out under the necessary provisions of the Constitution and demand the ouster of the Chief Election Commissioner; that is within the authority and competence of this House. We know that many times titles are conferred with the appointments to the Election Commission. Is that the way to go about this? We should like a satisfactory and convincing reply for all the points that we have raised.

SHRI NITIRAJ SINGH CHAUDHARY: It has been said that some elections were held and others not held. Law requires that the voters list should be revised annually, either intensively or summarily. We hold the view that when bye-elections are due, elections should be held at an early date, where no revision is necessary, but when the entire revision is to take place, time elapses and hence the difference why some elections were held early and some late.

SHRI SHYAMNANDAN MISHRA: In all these cases, was a total revision involved?

SHRI NITIRAJ SINGH CHAUDHARY: I shall come to that. My friend referred to the Rajya Sabha elections. He alleged that to fill the Rajya Sabha seat which became vacant consequent on the demise of V. R. Mohan, a notification was issued and elections were not held. He is absolutely wrong, when he says that a notification was issued. No notification was issued. A programme was drawn up and sent by the Election Commission.

The Chief Electoral Officer of U.P. contacted the Opposition parties in U.P. The programme was not only with respect to Rajya Sabha seat but with respect to Council seats also.

There the Jan Sangh party leader, Shri Madhav Prasad Tripathi sent a letter saying:

“क्रे दल की वार्षिक प्रतियोगिता प्रतिनिधि सभा का अधिवेशन दिनांक 11, 12 और 13 मई सन् 73 को आयोजित होना निश्चित हुआ है।”

He desired that these elections should be postponed. Therefore, on the request of an opposition party, which is the main party there, that election was postponed.

It has been said that 13 seats of the UP Legislative Council are lying vacant. They are with respect to local bodies and all the local bodies in UP have not yet been constituted. As soon as they are constituted and start functioning these elections will be held.

A reference was made to the election in Krishnagiri parliamentary constituency and it was said that it was held within 50 days. Yes, it could be held because the electoral rolls had been completely revised before the seat fell vacant.

A reference was made to MP and Bihar. In MP one Lok Sabha seat and 4 Vidhan Sabha seats have to be filled. The Lok Sabha seat is Janjgir and the Vidhan Sabha seats are Mhow Jarhagaon Konta and Lakhanpur. The Lakhanpur seat fell vacant on 18-4-73. Programme for the revision of electoral roll for this constituency has been drawn up and it is going on.

The vacancy in Konta Assembly constituency occurred on 22nd December, 1972 by reason of the election of the returned candidate being declared void by the High Court. The Commission received intimation from the Supreme Court on 27th April, 1973 that no election appeal had been filed before that court. The Chief Electoral Officer was thereupon directed

to take up the revision of the electoral rolls. The CEO reported on 11th May, 1973 that this constituency is in a far-flung area in Bastar district routes to which will open only after the onset of winter. The revision of the electoral rolls could therefore start only in September 1973 and be finally published on 30th December, 1973.

About Jarhagaon, the vacancy occurred on 10th June, 1972. The electoral rolls were revised and finally published on 20th January, 1973. But it was thereafter reported by the State Government that the elections could not be held because scarcity conditions were prevailing there and the entire administrative staff were fully occupied with the scarcity work. So, the Election Commission was requested to postpone the bye-election.

A reference was made to Bihar. In Bihar there is the Khunti parliamentary constituency and Madhubani Legislative Assembly constituency vacant. The vacancy in Khunti occurred on 26th April, 1973. The revision of the electoral rolls could not be taken up immediately on account of the drought conditions in the State. The electoral rolls will be published in draft on 1st September, 1973 and finally published on 31st October, 1973. In Madhubani, the vacancy occurred on 21st April, 1973. Programme for revision of the electoral rolls is the same as for Khunti parliamentary constituency.

It was said that the Election Commission is subservient and Chief Electoral Officers seek favours etc.

SHRI SHYAMNANDAN MISHRA: They should not be given any job after retirement.

SHRI NITIRAJ SINGH CHAUDHARY: Where is the harm if a person like Mr. K. V. K. Sundaram who was Law Secretary and then Chief Election Commissioner becomes a member of the Law Commission?

SHRI SHYAMNANDAN MISHRA: Why is it that in the case of, Sarani bye-election was held in the record time of 2 months in UP while in other cases, the delay was more than a year?

SHRI NITIRAJ SINGH CHAUDHARY: I have already replied that it was done wherever the rolls were ready.

SHRI SHYAMNANDAN MISHRA: The UP election office had circulated a notification on the 12th of April that nominations would be received on the 28th of April and the election would be held on the 11th of May. Does the hon. Minister say that it was only in the nature of a suggestion and it was not a notification circulated?

SHRI NITIRAJ SINGH CHAUDHARY: It was not a notification; it was a suggestion by the Election Commissioner to the Chief Electoral Officer, then he circulated it and objections came.

SHRI SHYAMNANDAN MISHRA: It was not a suggestion; that is completely wrong.

PROF. MADHU DANDAVATE (Rajapur): Mr. Speaker, the entire approach towards bye-elections and the statement made by the hon. Minister seem to demonstrate the attitude of the Government which can best be described as running with the hare and hunting with the hound. I would like to make a specific reference to what happened immediately after the Pakistani war as that parallel will actually reveal how the mind of the Government and the Election Commission works. After the close of the war with Pakistan, there was a meeting between the Prime Minister and the leaders of all political parties, barring the CPI; that, of course, is not an opposition party; it is a part and parcel of the establishment. . . . (Interruptions).

I did not know that your attitude is changing. I welcome that change.

After the war with Pakistan, the leaders of the opposition parties met the Prime Minister and suggested that though we have won the war and Bangladesh has been liberated, a number of problems have been created like the rehabilitation of the refugees and development of the border areas which have been destroyed and, therefore, in view of all these problems you should not rush through the elections. Since politically it was advantageous to hold the elections, therefore, setting aside all considerations which were genuine considerations, elections were timed in such a manner that they could capitalise on the political situation that has been created by India's victory in the war and the emergence of free Bangladesh. Permit me to say that whenever a similar situation exists, they take advantage of it and whenever the situation is unfavourable they try to postpone the elections.

Here in the statement the hon. Minister refers to the bye-elections to the seven vacancies in the Legislative Assembly of Andhra Pradesh, which is under suspension under article 356 of the Constitution. As this State is under President's Rule, it is stated that these casual vacancies will be filled by holding bye-elections when there is an indication that President's Rule in the State is about to be lifted. I do not know how they will get the indication that President's Rule is going to be lifted. But let me say that even when President's Rule operates in Andhra Pradesh, the Assembly in Andhra Pradesh has not been dissolved; it is only in a state of suspended animation. And there is absolutely no obligation under the Constitution and the electoral law that when the Assembly is in a state of suspended animation you should not hold the bye-elections at all. On the contrary, many of the

parties made the constructive suggestion that if you want a *modus operandi* of having an opinion poll in Andhra Pradesh, here is an opportunity provided by the seven bye-elections, especially when you have been shouting from the house-tops that the people of Andhra Pradesh are in favour of an integrated Andhra Pradesh. Let us not go into the merits of the case, let us ascertain the wishes of the people and here was an opportunity provided to the Government to organise and hold the seven bye-elections and get verdict of the people which would have helped you in solving the problem. Of course, you are capable of side-tracking even the people's verdict but at least people would have been convinced of what the public opinion in Andhra Pradesh is. But you are not prepared to face the reality of the situation.

There was a reference to pending bye-elections to the Lok Sabha in Bombay and in Ramtek. I come from the city of Bombay. I want to tell you with full sense of responsibility that when the Bombay Corporation election was held, because there was famine in parts of Maharashtra, we appealed to the Government that a large number of people from the famine-stricken areas were coming to Bombay—we had organised and participated, not having any party considerations, in all-Party relief committees on relief and rehabilitation measures—and, therefore, we suggested that the Corporation election should be postponed. But their assessment was that it was a time when the Indira wave was still continuing. Because they were weak in physics, they did not know that the wave had a crest and a trough, that the crest was already over and they were at the bottom of the trough. They did not anticipate that. They were at the lowest trough but they felt that they were at the highest crest. So, they rushed with the elections. After the elections were over, the internal discussions inside the Congress clearly revealed—they have

been published in the press—that many Congressmen had told them that they were wrong in timing the Bombay Corporation election.

It is my contention that they have been postponing the elections to Lok Sabha and State Assemblies because of the growing political climate against the ruling party: the rise in prices; the dwindling living standard of the people; the militant workers' demand for bonus and the implementation of some of the good recommendations of the Pay Commission and rejection of bad recommendations of the Pay Commission. As a result of the hostile atmosphere to the ruling party, they want to postpone the elections.

As far as the famine situation is concerned, let me say that under those difficult conditions, they held the Bombay Corporation election. But now they have realised that they are heavily lost in Bombay Corporation election; they are heavily lost in the Banka constituency election, they lost Banka seat. Mr. Madhu Limaye did not merely win that seat but he trounced them and they lost their deposit. Our friends in Andhra and our friends in Tamil Nadu gave a crushing defeat to the Congress party. In Dindigul also, they lost their deposit. Because they feel that the wave is against them, they are trying to oppose the holding of the elections.

The hon. Minister has stated in his statement that they have taken note of seasonal fluctuations, that they have taken note of scarcity conditions and that they have taken note of a fact that in some places of Maharashtra, the power crisis has taken place. I do not know whether they are referring to the political power crisis or they are referring to the power crisis because of generation of electricity and its failure. Such power crisis has existed in a number of places and even there bye-elections have been held. I must say these are frivolous excuses that they are putting forward.

MR. SPEAKER: The hon. Member may try to conclude now.

PROF. MADHU DANDAVATE: I am making pointed questions. I am not going beyond the scope of the Calling Attention notice.

MR. SPEAKER: We are going very much behind the schedule. So much business is already pending. We have taken a lot of time on other matters.

PROF. MADHU DANDAVATE: Only 2-3 minutes more.

I want to point out to the hon. Minister that sometime back on the floor of the House he had made a reference to Mahua and Ujjain elections. Mr. Sethi had got elected from both these constituencies. Once it was said on the floor of the House that because an election petition was pending there, these difficulties had arisen. Though the election petition is pending, as far as Mahua constituency is concerned, Mr. Sethi has resigned from that constituency. So, that question does not arise at all.

Wrong types of arguments have been put forward. Ultimately, my single pin-pointed question to the ruling party or the Minister is: would he try to give up this approach of political expediency? In United Kingdom, even when the situation is adverse to them, they take advantage of the bye-election. Even the ruling party goes out of the way to tell the people, "Even though there are difficult economic conditions as stated by the Opposition parties, the conditions are not favourable to us, even then, according to the democratic norms, we will not postpone the elections. We will try to utilise bye-elections to find out which way the trend of the mind of the electorate works." Therefore, I feel that you should adopt such a democratic path, and flimsy excuses like revision of rolls should not be given. Now I will repeat the question of Mr. Madhu

Limaye which has remained unanswered. There are a number of elections, to which he made a reference, where even when revision of rolls had not taken place, you rushed with the elections. So, the question is, why in certain cases elections were held and in respect of certain others you are giving the flimsy excuse of revision of rolls.

I hope, to all the points that I have made, the hon. Minister will give proper replies.

SHRI NITIRAJ SINGH CHAUDHARY: Before I reply to the questions, I repudiate the suggestion and charges my hon. friend has made against the Government.

He referred to Andhra Pradesh elections. In Andhra Pradesh, the vacancy in Jaggayapet occurred on 28th August 1972; in Luxethipet, it occurred on 3rd September 1972; in Chittoor it occurred on 13th October 1972; in Vuyyur it occurred on 25th December 1972; in Kalahasti it occurred on 13th January 1973; in Rajampet it occurred on 11th April 1973; and in Gootv it occurred on 20th April 1973. Revision of electoral rolls was commenced—this is obligatory; this has to be done under the law—but on account of NGOs strike in Andhra Pradesh, that had to be suspended. The revision is being revived now.

It was said, when the Assembly is only suspended, why elections are not held. If elections are held and somebody is elected, then what will happen to him? He cannot be sworn in and he cannot become an MLA. Then what is the fun in having the elections? (Interruptions).

MR. SPEAKER: He can become an MLA, but there is no House to sit for him. You can say like that.

SHRI NITIRAJ SINGH CHAUDHARY: Sir, while referring to Madhya Pradesh, the hon. Member mentioned the name of the constituency as Mahuwa. The correct name of the constituency is Mhow and not Mahuwa. Mahuwa is a flower which is used for distilling wine....

PROF. MADHU DANDAVATE: I am sorry for the error. Because of my love for aesthetics, I have committed that beautiful error.

SHRI NITIRAJ SINGH CHAUDHARY: Probably you have love for the thing produced from Mahuwa.

The Mhow election could not be held because of an election petition which was pending. In an election petition if the petitioner claims that somebody who has been elected should be unseated and another person should be declared elected, then election cannot be held. So unless the prayer in the election petition is known, the Election Commission cannot go ahead. The Election Commission get a copy of the election petition from the High Court of Madhya Pradesh at Jabalpur on 18th July 1972, by which date the Indore elections had been completed. Thereafter, the Madhya Pradesh Government, as I said earlier, sent a communication that the State was affected by drought and, therefore, everybody was busy and they could not arrange for elections. Therefore, the Election Commission could not hold the elections.

Referring to the power-cut in Tamil Nadu, the hon. Member asked whether it was political power or the power generated for lighting and other purpose. I will only refer him to the letter of Tamil Nadu Government and would request him to interpret it as best as he can:

"In regard to the programme of dates for the various stages of bye-election to be held from 105

Coimbatore West Assembly constituency to fill the vacancy caused by the death of Tiru P. Gopal, the Government feel that some changes would be called for, for the following reasons:

"On account of the severe power cut which has been imposed from February of this year, a very large number of factory establishments and industrial units have had to close down or lay off their workers. The prospects of the situation improving during the next two months are not very hopeful. Last week the weather indications were that we might have an early monsoon, but the reports received in the last two or three days indicate that the monsoon has moved off the coast and has become weak. For it to set in again may take several weeks. Hence, our fear is that we would not be able to restore normalcy till about August."

PROF. MADHU DANDAVATE: I want only one clarification from the hon. Minister if you permit. The question is: are you prepared to amend the law suitably so that a definite limit can be prescribed? To that question you have given an inadequate answer. You said that there are so many factors like floods and others. But we always say that we want the prescription of a definite limit. We also want that exceptions should be there provided proper reasoning is offered, but, as far as the general case is concerned, the prescription of a definite limit should be there. With this understanding are you prepared to amend the law suitably?

SHRI H. R. GOKHALE: I have answered it.

SHRI SHYAMNANDAN MISHRA: We have not got an answer in spite of our repeated requests. Why the Parliamentary bye-election in Darbhanga be not clubbed with the Assembly Elections?

SHRI VIKRAM MAHAJAN (Kanpur): It has been answered.

SHRI H R. GOKHALA: When you were not here, I have answered this precise question.

SHRI SHYAMNANDAN MISHRA: What is the answer to our question as to why the bye-election to Darbhanga parliamentary seat be not clubbed with the Assembly bye-elections which are in the offing only 1 1/2 months later? Why has he not come forward with a straight reply?

MR SPEAKER He has already answered it

SHRI SHYAMNANDAN MISHRA He has not replied to that question. You know that in the House of Commons the Speaker is consulted with regard to the bye-elections. Therefore we are perfectly in order in laying a great deal of stress on it.

SHRI NITIRAJ SINGH CHAUDHARY The voters list had been revised with regard to Darbhanga election and therefore, it was held. The Assembly elections could not be held earlier than they became due. (Interruptions)

MR SPEAKER. Shri Vajpayee—not here

Shri P K Deo—also not here

12.52 hrs.

RE CURRENT STRIKE SITUATION IN RAILWAY

SHRI S M BANERJEE (Kanpur) You have not admitted the adjournment motion. You know yesterday we have spent about 5 hours. The Minister was very good to admit something and it was announced in the All India Radio. In response to that we have received certain telegrams from those leaders. (Interruptions).

MR. SPEAKER: But I can allow if you like the call attention motion.

SHRI S M BANERJEE: Kindly hear me for a minute. I would request the hon. Minister to make one question clear.

MR SPEAKER I am not allowing anything on this. I will allow the call attention motion.

SHRI S M BANERJEE The discussion on call attention will come up tomorrow. I am trying to help the situation.

MR SPEAKER Tomorrow everything will come before the House.

SHRI S M BANERJEE Some efforts should be made to-day. The leaders of the All India Loco running staff who are under a threat of warrant of arrest under DIR and men like Shri H V Choudhary have been arrested. (Interruptions) I do not mind the call attention notice.

प्रश्नकर्ता को यह भी उम्मीद थी कि आज ही जवाब दिया जायेगा। लेकिन ऐसा नहीं हुआ।

श्री एस. एम. बनर्जी: मैं तो चाहते हैं कि इन समस्याओं का जल्द समाधान हो। मैंने यही कहा है कि सरकार को चाहिए कि वे गिरफ्तार किए गए लोगों को जल्द रिहा कर दें।

प्रश्नकर्ता को यह भी उम्मीद थी कि आज ही जवाब दिया जायेगा।

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