

SHRI Y. B. CHAVAN: I can very well understand the concern of the hon. Member of the fact that when the House was sitting it was prorogued. It is very difficult for me to express a view on the merits of the matter. As I have said, I would have liked to wait sometime before making a statement. Now, naturally I could make a statement on the facts available to me and for that I can only depend upon the Press note issued by the Kashmir Government... (*Interruptions*)

SHRI KANWAR LAL GUPTA: The Prime Minister had talked to the Chief Minister.

SHRI JYOTIRMOY BASU: Has not the Governor made a full report?

SHRI Y. B. CHAVAN: In these matters the Governor acts as head of the State; he does not report to the Central Government.

SHRI JYOTIRMOY BASU: I find it difficult to accept.

SHRI Y. B. CHAVAN: You do not accept it even when we say good things (*Interruptions*). My point is this. I am not really justifying the Chief Minister's advice to the Governor. Whether he should have given that advice or should not have given that advice is a different matter. I am not expressing any views. But the fact is that the Governor was given that advice and the Governor has accepted it and the Government had explained why it was necessary... (*Interruptions*) I wish the House will be called again. As I see the situation, the House will have to be called this month because the budget has to be passed.

I would like to say one more thing. One hon. Member mentioned about it is a fact that the Chief Minister did telephone to the Prime Minister to inform her that the House is prorogued. He has not given any more information.

18.41 hrs.

BOMBAY ATOMIC AUTHORITY BILL*

SHRI GEORGE FERNANDES rose—

MR. DEPUTY-SPEAKER: Is it for the introduction of the Bill?

As a special case, I am allowing it.

श्री जार्ज फर्नेन्डिस (बम्बई-दक्षिण) : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि बम्बई में अथवा उस के निकट एक आणविक संयंत्र स्थापित करने के प्रयोजन से एक प्राधिकरण के गठन और तत्संबंधी विषयों की व्यवस्था करने वाले विधेयक को पेश करने की अनुमति दी जाय।

MR. DEPUTY-SPEAKER : The question is;

"That leave be granted to introduce a Bill to provide for the formation of an Authority for the purpose of setting up an atomic plant in or near Bombay and for matters connected therewith."

The motion was adopted.

श्री जार्ज फर्नेन्डिस : मैं विधेयक को पेश करता हूँ।

18.42 hrs.

HALF-AN-HOUR DISCUSSION

APPOINTMENT OF PARLIAMENTARY COMMISSION TO EXAMINE ELECTION EXPENCES

SHRI VIKRAM CHAND MAHAJAN (Chamba): Sir, the experience of the past 20 years has shown that the election law in India needs reconsideration and it also needs reconsideration to the extent of the limit which we have provided for the election expenses. The initial charge was that if we do not put a limit on the election expenses, then probably the weaker sections of society will not be able to fight the election. But experience has shown that whether there is a limit or not, the election expenses would be the same.

I would give a few examples to show that in fact the system of providing a limit

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works against the interests of the weaker sections rather the wealthier sections of society.

For example, if a jeep is purchased before the date of notification and then used in the election, it need not be included in the election expenses. But if a person cannot buy a jeep but hires a jeep after the date of notification for the purpose of election, he has to include the hire expenses in the election returns. It is only a poor man, a man who cannot afford to buy a jeep, would hire a jeep, because if a person can afford to buy a jeep, he would buy the jeep before the date of notification and go through the election. It is only the weaker sections of society who have to hire jeeps and suffer mainly from the limits provided by the election law.

There are some limits which have been provided in the 1967 election, and I would like to show how they are extremely arbitrary and meaningless. For example, in Mysore, the limit was Rs. 6,000 in 1967, whereas in Bihar, it was Rs. 8,000. In Uttar Pradesh it was Rs. 9,000; in Kerala it was Rs. 7,000 and in the Union territories like Delhi and Himachal Pradesh, it was Rs. 2,000. The parliamentary election expenses in the States were Rs. 25,000 and the Union territories, Rs. 10,000. Now, may I ask a few questions ?

Would an election in Delhi be cheaper than an election in Kanpur ? Delhi is a Union territory and the limit is Rs. 10,000 Kanpur itself is in a State: the amount is Rs. 25,000. What is the explanation about the fixation of a limit so far as Delhi is concerned, which is Rs. 10,000 ? Can anyone say in Delhi that the election here would be cheaper than in Bombay ? In Mysore, the limit was Rs. 6,000. But in Bihar it is Rs. 8,000. Can anyone say that it will be cheaper to have an election in Mysore than in Bihar ? In Uttar Pradesh, it is Rs. 9,000. What is the explanation ? It strikes a Government officer to fix a limit. He just takes a pencil and writes down the figure and we have the limits provided in the election law. It is not Parliament that decides that these are the limits. It is done by rules that they provide; the rules are drafted by the officers and they are then laid on the Table of the House, and that becomes the law.

This law is again meant for those who do not need the election law. For example if a man has a talented lawyer to advise him, it would be easily known to him, and if you spend money through a friend of yours, it is not included in the election expenses. If you again spend money through a party, it cannot be included in the election. If you put in the money through your own pocket it will be included. Is it difficult for a person to pass the money either to the party or a friend and thus escape the law ? The legislators who have to make the laws for the country who should look after the interests of the country; before they take the oath in the Assembly or Parliament, start fabricating their election accounts. This is the class which is supposed to govern the country. How long are supposed to continue this fraud on the people and ourselves ? It is all right if you fore somebody else. But once you start deceiving yourself, it results in a great tragedy to the nation. Recently I came across many cases in the High Courts and the Supreme Court- I conducted a few of them-where the basic observation made by the judges is that election cases stink. This was the normal expression used. They also said, "If this is the class of people who govern our country, God, save the country"

In my Union Territory, there is an Assembly Constituency called Lahaul-Spiti in which there is the Rohtang Pass, 12,000 feet high. If a person wants to go from one corner of that constituency to the other corner which is 100 miles away, it takes ten days by jeep, because the whole terrain is hilly the height ranging between 8000 to 12000 feet. If a jeep is hired at Rs. 100 a day, it comes to Rs. 1,000 plus Rs. 500 petrol charge. So, on one round, he spends Rs. 1500. If he makes a second round, he exceeds the limit prescribed by the statute, which is Rs. 2000, a ridiculous sum. How will he fight the election ? The only course open to him is to file an incorrect return of election expenses. By our own legislation, we have made most of us either dishonest or forgers. We forge accounts. In three cases, the entire accounts of the people who rented the jeeps or from whom petrol was purchased were forged for the benefit of the candidates. This is the extent to which legislators have to go. We shout from house-tops that the officers and businessmen should be honest. But if

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we are dishonest, who will follow the precepts we lay down? Whenever we point a finger at somebody saying that he is dishonest, there are three fingers which point back to us saying, "You are also dishonest". Therefore the time has come to get rid of this system of hypocrisy. Let us review it and see whether it is necessary to have a limit and if so, what should be the limit.

Normally we say it is the weaker sections who will suffer if we remove the limit. I have given the example of the jeep. I can give a hundred examples. There can be an illiterate Harijan candidate who has no legal advice, who will go through the election and later on will not know that it is necessary to file a return. When the time expires, the other party takes advantage of it and the illiterate person is penalised. Many candidates who lost the elections did not file election expense returns and suffered penalties of disqualification for six years. What is the justification of disqualifying a candidate who is ignorant and illiterate? So far as I know, in no other country this fraud is perpetuated to such an extent. There they know that expenses are incurred while fighting elections. People who have the money to fight elections, who know that a particular amount of expenditure is necessary to fight elections, will not be deterred from spending the amount only because there is a law, which says that you will not incur any expenditure beyond a particular limit. Has the Law Minister come across a single instance where the candidate says that he had the necessary money to spend, he was rich enough or he could collect and spend that money but only because he feared that it would cross the expense limit, he did not do so. Has he come across one such instance?

The second question I shall pose is this. Why are they not willing to review the entire election law? Why do they not remove the limit? In any case what is the harm in appointing a parliamentary commission to decide? The Election Commission will find it difficult because they have no practical experience. It is the experience of the legislators who had gone through election which will decide the basis of the limit besides the question whether there should be

a limit. It will be more beneficial to the weaker sections of society if we review the entire law and do away with it.

SHRI A SREEDHARAN (Bodagara) : As one who comes from a State which has had the largest number of election, have noticed three things which corrupt an election. One is payment of cash to the voters; the second is the large number of vehicles used by the candidate and thirdly vehicles used by the candidates to bring voters to the booths.

Merely passing a limiting the expenses of the law candidate or of the party on behalf of a candidate, we are not going to defeat this type of corruption. Very stringent measures will have to be taken. At present the punishment imposed is very light. If a candidate does not submit his election accounts, he is disqualified for six years. When a candidate pays money it is very difficult to detect. The Law should provide that not only the candidate who pays the money but also those who receive money should be punished. There should also be a restriction on the number of vehicles used by every candidate. A rich candidate or a person who has connections with big business houses can flood the constituency with vehicles while a poor candidate or a person supported by a party which has not got affluent means will be handicapped. Even though there is a rule that vehicles should not be used to bring voters to the polling booths, that is being defeated everywhere in every election. That has got to be enforced.

In view of these facts I should like to ask the Minister whether the Government will conduct a sample survey when elections are actually taking place so that they may understand the problems and before considering the recommendations of the Election Commission or coming to its own findings or conclusions, will they direct the Election Commission to conduct a sample survey to find out the practical problem of legislators?

श्री शिव चन्द्र झा : (मधुबनी) सीलिंग जो कुछ भी कागजों पर है, उस पर आप फिर से क्या बिचार करेंगे और इसको देखेंगे कि कोई उससे ज्यादा किसी भी अवस्था में खर्च न कर सके?

यह तो इडिबिजुअल के खर्च पर रोक लगाने की बात है। लेकिन जो मंत्री लोग हैं, वे सरकारी मशीनरी का इस्तेमाल करते हैं। चुनाव के दौरान जब ऐसा किया जाता है तो उसका दूसरा ही मतलब हो जाता है। इस वास्ते मैं जानना चाहता हूँ कि एक्सपेंसिस पर सीलिंग लगाने से साथ-साथ इस तरह की व्यवस्था करने की बात भी क्या आप सोच रहे हैं कि नामिनेशन फाइल करने के बाद जितने मंत्री हैं, चीफ मिनिस्टर हैं या प्रधान मंत्री हैं, सरकारी मशीनरी का इस्तेमाल करना छोड़ दें। क्या कोई कोड इसके बारे में आप बनायेंगे या कानून बनायेंगे ?

पैसे से बहुत भ्रष्टाचार राजनीति में लाया जाता है और इस्टैब्लिटी का वातावरण भी पैदा किया जाता है। इससे प्रजातंत्र को घबका लगता है या लगन की सम्भावना भी रहती है। आयाराम और गयाराम की मिसालें हमारे सामने हैं। इस को देखते हुए क्या सरकार संविधान की धारा 329 में संशोधन करेगी ? इसके अन्तर्गत इलैक्शन पैटर्निंग फाइल की जाती है और इलैक्शन वायड भी हो जाती है कोर्ट में जा कर। लेकिन मैं जानना चाहता हूँ कि क्या पावर आफ रिकाल वह इलैक्टोरेट को देंगे ? अगर लिख कर वे रिटर्निंग आफिसर को दे देते हैं कि फलां फलां को वे रिकाल करना चाहते हैं, तो क्या इसका अधिकार भी उनको दिया जाएगा ? क्या इस तरह का संशोधन धारा 329 में लाया जाएगा ?

SHRI SHRI CHAND GOYAL (Chandigarh) : Sir, I will request you to be a little indulgent. I have done a lot of a work on this subject.

MR. DEPUTY-SPEAKER : I am indulgent but the time is not.

SHRI SHRI CHAND GOYAL : I will request the Minister to pay a little more heed.

I will pose three problems to the Minister. Firstly, the Election Commission after every election, in its report has been making certain recommendations. For instance, it has recommended to place a

limit on the use of vehicles, banning of processions and demonstration for election purposes and also the use of loudspeaker and paid canvassing. Has Government considered those recommendations of the Election Commission ?

Secondly, I have studied the practice in a number of countries and I find that in a number of countries it the Government's duty to provide free radio and television facilities to candidates, free voters' lists, and postage so that the candidates and send their own manifesto or communciation to each voter at State expense and the poll slip. Is the Government considering this practice which is existing in most countries at the moment ?

Thirdly, in 1967 the total expenses which the Government incurred on conducting elections and preparation of rolls was Rs. 22,38,00,000. I have calculated that if you give the minimum which is prescribed according to the law to candidates who have been able to save their security deposit you will have to pay Rs. 5,34,00,000 to 7,625 Assembly candidates and Rs. 7,66,00,000 to 1,660 Parliamentary candidates who managed to save their security deposit in 1967. When you are already incurring an expenditure of Rs. 22 crores, would you not think it desirable to incur an expenditure of another Rs. 7 crores or Rs. 8 crores so that the common man can also participate in elections and the evil influence of vested interests or of foreign countries does not work against the working of our democratic institutions ?

I will send him a note and will request him to consider my suggestions with a cool mind.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI M. YUNUS SALEEM) : Mr. Deputy-Speaker, Sir, the Election Commission has been receiving different proposals to amend the election law including the amendment of rule 90 of the Conduct of Election Rules, 1961, which prescribes certain limits on incurring expenditure during an election. Proposals regarding the amendment of rule 90 received by the Election Commission were subsequently circulated to different political parties for their comments and opinion. Some political parties and groups have submitted their

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comments and opinion which should receive serious consideration of the Commission. I may inform the House that in view of the recommendations submitted on behalf of the Election Commission, Government is considering to introduce a comprehensive Amendment Bill to amend the election law. It would also include amendment of Rule 90 of the Election Commission Rules. This will satisfy the requirements of the time because it is no doubt that the election expenses prescribed 15 years ago do require reconsideration in view of the present economic conditions of the country.

19 hrs

I also assure the House that when a comprehensive Bill is brought before the House, I will make a request to refer the Bill to the Select Committee and the hon. Members belonging to various parties will be able to express their views and they will have an opportunity of full debate available to them and it will be finalised

after ascertaining their views. After saying this, I do not think there is any other point which is to be dealt with at this stage.

As regards the policy for the Election Commission, I submit, it is the Government, the Ministry of Law, which lays down the policy. The Election Commission is only responsible for supervising the elections. The policy is laid down by the Government, the Ministry of Law.

MR. DEPUTY-SPEAKER : The House stands adjourned to meet again on Monday at 11 A.M.

19.02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 16, 1970/ Phalguna 25, 1891 (Saka)