

Constitution read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President, discharging the functions of the President in relation to the State of Kerala. [Placed in Library. See No. LT-7264/66].

(3) A copy of the second Annual Report of the Central Vigilance Commission for the year 1965-66 together with a Memorandum explaining the reasons for non-acceptance by the Government of Commission's advice. [Placed in Library. See No. LT-7265-66].

(4) A copy each of two 'Declarations of Exemption' dated the 15th September, 1966, under section 6 of the Registration of Foreigners Act, 1939. [Placed in Library. See No. LT-7266/66].

Shri Hari Vishnu Kamath (Hoshangabad): Sir, on a point of clarification and information. In item 6, under sub-item (3), a copy of the second Annual Report of the Central Vigilance Commission has been laid on the Table today. You are well aware, and the House is also well aware that discussion on the first annual report of the Vigilance Commission which was taken up last November is still hanging fire. Now, the second report has come. The first one has not been fully discussed so far. What is the Government's plan? Let us know what they plan to do. The Minister is here.

Mr. Speaker: Order, order. That does not arise here now. Let us wait.

13.07 hrs.

PUBLIC ACCOUNTS COMMITTEE FIFTY-NINTH REPORT

Shri Morarka (Jhunjhunu): I beg to present the Fifty-ninth Report of the Public Accounts Committee on Appropriation Accounts (Civil), 1964-65 and Audit Report (Civil), 1966 relating to the Ministries of Education,

Food, Agriculture, Community Development and Co-operation, Industry and Department of Social Welfare (Formerly Department of Social Security).

13.08 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL AND CONSTITUTION (TWENTY-FIRST AMENDMENT) BILL—Contd.

Mr. speaker: The House will now take up further consideration of the following motions moved by Shri G. S. Pathak on the 8th November, 1966, namely:—

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, as reported by the Joint Committee, be taken into consideration."

and

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao): On the Constitution (Amendment) Bill, I would like to know when the voting will take place.

Mr. Speaker: We had five hours for both these Bills; they have been moved separately, but they are being discussed together. First, we shall have to take a decision on the Representation of the People (Amendment) Bill, and then, if it is passed, afterwards, we will have the vote on that. There are four hours and 50 minutes left. Only 10 minutes had been taken.

Shri Hari Vishnu Kamath (Hoshangabad): You will have to extend the time.

Mr. Speaker: I was going to enquire how much time they would like to have for general discussion

Shri Hari Vishnu Kamath: We have got so many amendments. We want

[Shri Hari Vishnu Kamath.]

at least two hours more for the general discussion of the Bill.

Mr. Speaker: 4 hours and 50 minutes are left. If we have three hours for general discussion, after that,—

Shri Daji (Indore): Four hours.

Mr. Speaker: Three hours will be enough.

Shri Daji: All the Members of the Opposition would like to speak.

Mr. Speaker: There are amendments also.

Shri Daji: Extend the time by one hour.

Shri Sezhiyan (Perambalur): Four hours for general discussion and one hour for the clauses and the amendments.

Mr. Speaker: I have no objection. There ought to be some decision. (*Interruption*).

An hon. Member: Four hours.

Mr. Speaker: Well; four hours for general discussion; we finish it at 5 O'Clock; and just have the vote on the Representation of the People (Amendment) Act at that moment. Then we will take up the clauses of the Bill. After that, after it is passed, I do not think it would be possible to have the voting on the Constitution (Amendment) Bill today.

Shri Ranga (Chittoor): You have agreed, I suppose, for an extension of time by one hour at least.

Mr. Speaker: The extension of the time could be seen when the clauses are taken up.

Shri Ranga: Four hours for general discussion. That means, what would happen is, somebody else will sit in the Chair and then all sorts of difficulties would be created about the time. So, let us be very clear. We want one hour more. As it is, there

are 4 hours 50 minutes left, according to the Business Advisory Committee's recommendation. We want one hour more. That means, 5 hours 50 minutes, out of which three hours will be for general discussion and 2 hours 50 minutes will be for clause-by-clause consideration.

Mr. Speaker: If that has to be decided in advance, then the Members shall have to bear in mind that there may be a question of closure also. If it comes to closure, we have no other authority on that.

Shri Hari Vishnu Kamath: You are the judge; you can refuse to admit the motion for closure. (*Interruption*).

Shri Daji: Then it would be difficult.

Mr. Speaker: So, at this time, it may not be asked.

Shri Ranga: At least it must be extended by one hour.

Shri Hari Vishnu Kamath: Sir, I rise on a point of order. If I heard you aright, you said that both the Bills—the Constitution (Amendment) Bill and the Representation of the People (Amendment) Bill—are being discussed together, but it would be voted upon after this Bill is passed entirely, completely and fully adopted by the House. Now, if I understand it aright, there is one difficulty. That is, in the Bill, there is a provision seeking to abolish election tribunals.

Shri Jaganatha Rao: It was decided yesterday.

Shri Hari Vishnu Kamath: The rule was suspended. Some rule has been suspended, in our absence, of course, but that does not matter. There is a provision in the Bill which seeks to replace election tribunals by High Courts. Article 324 however, of the Constitution provides for the constitution of election tribunals.

Article 324 says:

"(1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals...." etc.

Mr. Speaker: His point is that the Constitution should be amended first?

Shri Hari Vishnu Kamath: Yes, Sir.

Mr. Speaker: I think that is correct. I will have to agree with that.

The Minister of Law (Shri G. S. Pathak): Ordinarily the Bill on which another Bill is dependent is taken up for consideration first. But the proviso to rule 69 has been suspended. Here the position is, it is not a case of one Bill being dependent upon another; it is a case of each Bill being dependent on the other; it is a case of inter-dependence. This point has been discussed yesterday.

Mr. Speaker: That is right. That rule was suspended. But when we have discussed both the Bills and when we come to voting, unless we have taken a decision so far as the Constitution Amendment Bill is concerned, how can there be a vote on the Representation of the People (Amendment) Bill giving this authority to the High Courts?

Shri G. S. Pathak: It can be done for the reason that mere voting cannot make the Bill an Act, because it will be the first stage, namely, that the Bill be taken into consideration.

Mr. Speaker: Does he mean to say that we will only take a decision that it be taken into consideration and then we will take up the Constitution (Amendment) Bill?

Shri G. S. Pathak: After that the amendments to each of the Bills will be taken into consideration and votes

will be taken on each of the amendments and the clauses separately. When that is done, the motion will be made that each of the Bills be passed. Bills do not become Acts after voting, because they will have to be assented to by the President.

Shri N. C. Chatterjee (Burdwan): I would draw attention to the mandatory provision in article 324:

"...the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the legislatures of states shall be vested in the Election Commission."

So long as that provision is there, how can you discuss and pass a Bill conferring this power on the High Courts? It is clearly against the mandatory provisions of the Constitution. It will be unconstitutional. So, it will be proper that we should first amend the Constitution.

Dr. L. M. Singhvi (Jodhpur): The question before the House is one of sequence in the business of this House. So far as the sequence is concerned, even for the time being to consider and pass a piece of legislation which is contrary on the face of it to the Constitution would be wrong. To pass the Representation of the People (Amendment) Bill before we have passed the Constitution (Amendment) Bill would be wrong in principle, because we would then be countenancing a piece of legislation which we know to be contrary to the Constitution. Therefore, the sequence has to be changed. The Constitution (Amendment) Bill has to be passed first and then alone the other Bill can be passed.

Shri Radhelal Vyas (Ujjain): I am glad. I raised this very point yesterday and pleaded vehemently with the Law Minister not to proceed with this Bill unless the Constitution (Amendment) Bill was passed. I cited article 324. I am glad I am being supported by very eminent lawyers. I do not think I shall be disclosing a secret

[Shri Radhela Vyas].

if I submit that I raised this point in the Joint Select Committee as well and the minister was kind enough to assure us that when the stage of passing the Bill comes, the Constitution (Amendment) Bill will be passed first.

Shri G. S. Pathak: I do not know that, but I have no objection to changing the order.

Mr. Speaker: He may kindly reconsider it because I do apprehend a difficulty in that. We may discuss both the Bills and afterwards, we may pass the Constitution (Amendment) Bill first and then pass the other Bill.

Shri G. S. Pathak: I have no objection to any order which the Chair may prescribe, but I may point out that supposing the Constitution (Amendment) Bill is passed, then there will be no power left in the Election Commission to appoint a tribunal. Later if that part of the Representation of the People (Amendment) Bill which confers this jurisdiction on the High Courts is not passed, the result will be that there will be power neither in the Election Commission to appoint a tribunal nor in the High Court. As I submitted, I have no objection to any order you may prescribe.

Shri Radhela Vyas: I have not yet concluded. Yesterday I had to discharge that unpleasant duty of calling for quorum because this Bill was being proceeded with.

Mr. Speaker: Is Mr. Ismail moving his amendment?

Shri Muhammad Ismail (Manjeri): Yes, Sir. I beg to move:

"That the Bill be recommitted to the same Joint Committee for incorporating in the Bill, the principle of multi-member constituencies with cumulative voting in the place of single-member constituencies."

श्री मधु लिमये (मुंगेर) : इस का क्या फैसला हुआ ।

अध्यक्ष महोदय : इस का फैसला यह हुआ कि डिस्कशन इकट्ठा चलेगा । उस वक्त तक ला मिनिस्टर साहब हमें क्लिअरली गाइडेंस दे देंगे । मेरी समझ में तो यह थाता है कि बेहतर यह होगा कि हम पहले कॉन्स्टिट्यूशन अमेंडमेंट को पास कर दें उस के बाद दूसरा मोशन लिया जाये ।

श्री गोपाल स्वर्ण पाठक : उस के लिये खास मैजोरिटी की जरूरत होगी ।

श्री मधु लिमये : उस दो तिहाई बहुमत को यहां रखना प्राप का काम है । यह कांग्रेस पार्टी के चीफ व्हिप का काम है ।

Mr. Speaker: At that time I did not realise that difficulty. I have already said that 4 hours would be spent on general discussion. Now we can continue it upto 5.30 when the Home Minister is going to make a statement. Tomorrow morning there will be voting.

Shri Hari Vishnu Kamath: We are beholden to you for your ruling....

Mr. Speaker: I have only said that he might reconsider it.

Shri Hari Vishnu Kamath: One point of order has been disposed of and I am beholden to you for upholding the point of order. The second objection is this. The first one we have won, namely the Constitution (Amendment) Bill will be taken up first. On that, we have won.

Mr. Speaker: How many times would he like to repeat that he has won?

Shri Hari Vishnu Kamath: Not me, but the House has won. It is a good point that the House has won in spite of the Law Minister's resistance.

The second point of order is under rule 66. The House has come to this decision that the Constitution

(Amendment) Bill will be passed first and then the other Bill will be taken up. The proviso to rule 66 says:

"Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Now, Sir, unless this Constitution (Amendment) Bill is assented to by the President.....

Mr. Speaker: That rule has been suspended.

Shri Hari Vishnu Kamath: With regard to this matter or some other matter?

Shri G. S. Pathak: It has been suspended in regard to both.

Mr. Speaker: Now, does Shri Ismail want to say anything?

Shri Muhammad Ismail: Yes, Sir. In moving my amendment I want to say a few words on the necessity to make a fundamental change in the provisions of the Bill. That change cannot be made in the House by amending one or two clauses. The change I am proposing would need very extensive and radical changes in the provisions of the Bill. That is why I propose that the Bill be re-committed to the same Joint Committee with the recommendation that another system of election might be incorporated in the Bill.

Sir, as it stands, we have got the system of single-member constituencies in the country. It has been in practice for the last three general elections. We know and the world knows the effect of it and the results it has produced. By this system very grave injustice is being done in the matter of representation of people's views and rights in the Parliament and in the legislatures. Now, for example, everything depends upon the vote of the people obtained by the Members who speak for the nation in the Parliament and also in

the various legislatures of the country.

If you see the total number of votes obtained by the Ruling Party upon which they base their authority for ruling the country, you will find that election after election they have consistently been getting only a minority number of votes. Firstly, they are in a minority even when we take into consideration the number of votes actually polled at the time of elections. The number which they obtained in the first general elections was, it is said, 45 per cent, but my own calculation was considerably less than that. In the second general elections also, it is said, they got something around that figure. In the third general elections they have obtained about 43 per cent of the total polled votes. This shows that the party in power has got the authority only from 43 per cent of the voters who actually took part in these general elections. But when we take the total number of electors in the country, in all the States, we find that not more than 70 per cent of the total voters of the country have taken part in any of these general elections. Therefore, their number, 45 per cent, becomes even much less when we take the total number of voters in the country. Then they get the authority, the active authority, the deliberate authority of only 30 per cent of the people to represent them in the Parliament as well as in the State legislatures. This is the position. And, with this authority they have been ruling this country for the last more than twenty years, an unusually long time in the history of democracy, as I had occasion to point out earlier.

Mr. Speaker: He should make out a case for recommitment to the Joint Committee and not discuss only the merits of the case. They have given one opinion. They have arrived at a decision. Only because the hon.

[Mr. Speaker]

Member differs from that, that is not a case for recommitment. What are the grounds on which he wants the Bill to be recommitment to the Joint Committee? He may say whether they have to examine any additional material, whether there are any other witnesses that they have to examine, whether he has some other material in his possession now which he would like to place now and which he was not able to place at that moment and so on. There must be some justification for recommitment.

Shri Muhammad Ismail: First of all I am stating the position as it is now so that I may propose a remedy for rectifying that position if that position is found radically defective. That is what I am doing. There can be no doubt about the position that I have stated. Do you want me to produce evidence to show that they have obtained only a minority number of votes?

Mr. Speaker: I do not want.

Shri Muhammad Ismail: That is known throughout the country. We have got documents published by the Election Commission themselves. Therefore, I did not think it necessary to produce any document or to place it on the Table of the House to show that the Congress had obtained only a minority number of votes in these elections. If it can be proved otherwise by the other party, then I am prepared to accept it. But they cannot prove it because I am speaking of very hard facts.

This is all being effected by the single-member constituency system. Because of that system, they get only 45 per cent of the votes whereas, on the other hand, they get 75 per cent of the seats in Parliament and in the State legislatures. That is unfair. Only 45 per cent of the people who voted, which works out to only 30 per cent of the whole number of voters, have voted for the Congress

and yet they appropriate 75 per cent of the seats allotted by the Constitution for this Parliament as well as the various State legislatures in the country. That is very unfair and that does not require any argument.

Now, under the single-member constituency system, supposing one candidate for the Parliament gets 2,00,000 votes and another candidate gets 2,00,001 then the candidate who gets one vote more has got the right to come and sit in this House. The result is, all the 2,00,000 votes cast in favour of the other candidate lose their value. Under this single-member constituency system there is no device for reflecting the views of those 2,00,000 voters whose votes have been obtained by the other candidate and which by virtue of the other candidate getting one more vote have become useless.

Therefore, what I say is, the number of votes cast in the elections must be able to reflect its strength in the Parliament as well as in the State legislatures. That is why I am suggesting this change. This system of single-member constituency has been tested. We have carried on the experiment in the last three general elections. We have found it defective. Therefore, what I propose is that if we adopt some other device, some other system of election, which would be able to represent the real strength of the votes cast.

श्री हुसैन सन्त कछवायः अध्यक्ष महोदय,
मैं आपकी व्यवस्था चाहता हूँ। सदन में
गणपति नहीं है।

Mr. Speaker: The hon. Member may resume his seat. The quorum is being challenged. The bell is being rung....Now there is quorum.

13.30 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Shri G. S. Pathak: Sir, I rise on a point of order.

Mr. Deputy-Speaker: Under what rule?

Shri G. S. Pathak: Under rules 77 and 78. Rule 77(1) says:

"After the presentation of the final report of a Select Committee of the House or a Joint Committee of the Houses, as the case may be, on a Bill, the member in charge may move—

(a) that the Bill as reported by the Select Committee of the House or the Joint Committee of the Houses, as the case may be, be taken into consideration:"

The proviso is not relevant here.

Then, (b) says:

"that the Bill, as reported by the Select Committee of the House or the Joint Committee of the Houses, as the case may be, be re-committed to the same Select Committee or to a new Select Committee, or to the same Joint Committee or to a new Joint Committee with the concurrence of the Council..."

Now the question is this. This point was never raised before the Joint Committee. So, this does not arise out of the report of the Joint Committee. You can ask the recommitment of the Report to the Joint Committee only where you have raised the point there and the point emerges from the report of the Joint Committee. It is not as if on every possible point you can ask for re-commitment of the report to the Joint Committee. It is only the Representation of the People Amendment Bill which was sent to Joint Committee. You cannot have an amendment of the Parent Act...

Shri Seshiyar: The Rules of Procedure do not say that.

Shri G. S. Pathak: You cannot have an amendment which does not concern with any part of the Bill, an amendment which is foreign to the Bill, an amendment which is absolutely foreign to the Report of the Joint Committee. How can any member ask for the re-commitment of the Report of the Joint Committee on a point which is absolutely irrelevant to the Report? That is the point.

Mr. Deputy-Speaker: Please read sub-rule (2) which says:

"If the member in charge moves that the Bill as reported by the Select Committee of the House or the Joint Committee of the Houses as the case may be, be taken into consideration, any member may move as an amendment that the Bill be re-committed or be circulated or re-circulated for the purpose of eliciting opinion or further opinion thereon."

Shri G. S. Pathak: I am not saying that a member cannot move an amendment asking for re-commitment. That is not my point or objection. My point is that there cannot be re-commitment based upon some matter which is foreign to the Bill, or foreign to the Report itself. That is my point.

Mr. Deputy-Speaker: The House may vote it down, but there is no point of order.

Shri Hari Vishnu Kamath: His point is pointless absolutely.

Mr. Deputy-Speaker: I have ruled it out. Shri Ismail may continue his speech.

Shri Muhammad Ismail: The question of the system of elections has been raised in the Joint Committee and there is dissenting note given by a very prominent Member.

Mr. Deputy-Speaker: Please make out your point and be brief.

Shri Muhammad Ismail: Though it is not necessary for a member to raise it in the Committee first to move for re-committal of the report to the same Joint Committee, the objection of the hon. Law Minister is met by the fact that it has been raised in the Committee by one of the members of the Committee.

As I was pointing out, the system of single-member constituencies is not able to reflect the real opinion, the real position of the people in the legislatures of the country. So, we must have a different system. For devising such a system, the Joint Committee might take the assistance of eminent jurists, lawyers and legal experts in the country, and even from outside, because various systems of elections have been tried in various democratic countries of the world, and we may be able to get effective help from such an inquiry and from such examination of the experts not only from within the country but even from without. For all these purposes, it has to be re-committed; it cannot be thrashed out on the floor of the House.

For example, one of the systems they may consider is multiple-member constituencies with cumulative voting. This is a system which will give more or less equitable representation in the legislatures, in the Parliament, in accordance with the number of votes obtained by the candidates of each party in the country. Now there is absolutely no relationship at all between the votes cast and the number of seats obtained by the various parties. By this system of multiple member constituencies with cumulative voting, the radical and fundamental defects of the single-member constituencies may be remedied to a very large extent.

It may be said that the multiple-member constituency system will involve greater hardships, because the constituency has to be made a much larger one than it is at present. But now things are being done by parties,

not by individuals; even in our country the position is now coming to that. Everyone has now come to think that he must work on party lines, not on independent individual lines. Since it is the concern of the parties, it would not be so difficult for the candidates. It would not be difficult for the voters because they will continue to vote for the same candidates whom they want to support in the same polling booth as now. Therefore, the objections that may be raised by some friends will not be valid so far as the hardships and difficulties to the voters and candidates are concerned.

Mr. Deputy-Speaker: He should conclude now.

Shri Muhammad Ismail: Can I speak on the other provisions later?

Mr. Deputy-Speaker: No, he cannot have another chance. There are several parties, bigger parties, to whom I have to give time and the time available is limited. So, there has to be a limit on time.

Shri Muhammad Ismail: The electoral roll which I am proposing will be able to make Parliament more representative of the views of the people. Now a party which has secured only 30 per cent of the total votes—by another calculation 45 per cent—is ruling the country continuously. This does not at all allow the actual position existing in the country being reflected in the legislatures.

Apart from this, there are other points which have also to be served by recommitting the Bill to the Joint Committee. Coming to expenses, the part that money plays in the elections is a very crucial one. Nobody can say, particularly members of the ruling party cannot place their hands on their hearts and say, that money does not play any part in the election of candidates.

They cannot say that no malpractices are deliberately employed by them in the matter of elections. If they consider anything sacred—I do

not know what is it that they consider sacred—they may swear by that sacred thing and say that they do not know of such corruption in their party. By the money, which they are able to attract by virtue of their being in power, they are influencing the elections. Therefore some radical provisions must be there to eliminate the part which money plays in the elections and sufficient provisions have not been made in the Bill as it has emerged from the Joint Committee.

Then, again consider another influence which the ruling party has got on the course of elections. We, who go and speak to people and know many voters who vote in the elections, know how they are being threatened and how they are being influenced by Government officers not only of the lower type but of even high standing. Even threats are being used at the voters. Apart from whether threat is being used or not, it is very evident that when the ruling party does its election campaigning, ministers and leaders of the ruling party are accompanied invariably by Governments servants—not at the cost of the ruling party but at the cost of the people's money, the tax-payers' money, that is, on public cost. This fact cannot be hidden. What is it that the Bill has done to provide against such a contingency?

These are the crying defects of the electoral system as it is obtaining in the country now and for this and several other matters concerned, it is very very right and proper that the Bill must be recommitted to the Joint Committee for the purpose of making proper provisions for the removal of these serious defects.

Mr. Deputy-Speaker: The Amendment of Shri Ismail is also before the House.

Shri N. C. Chatterjee: Mr. Deputy-Speaker, Sir, I want to point out that there have been some distinct improvements made in the Bill in the Joint Committee. One of them is the provision for High Court Judges to try election disputes. This is very

important and, I think, even if we have got to amend the Constitution, we should do so in order to ensure speedy justice and also justice which should be accepted by the country and the nation.

As a matter of fact, I know that in different High Courts there is large accumulation of arrears. When I left the Calcutta High Court, the Chief justice told me that 11,000 commercial and other suits were pending in the High Court for years together. When I went to argue a big case in the Allahabad High Court, after I came to Delhi, the Chief Justice of India told me that about 55,000 appeals were pending for years in the Allahabad High Court. That High Court had beaten all records. I hope, the Law Minister and the Home Minister—I do not know who is the Home Minister of India or whether we have got a Home Minister; whoever it is—with whom we have been pleading that the High Courts should be placed under the Law Minister, will consider this. What is the good of having a Law Minister and placing the High Courts under the Home Minister? This was the old British bureaucratic method because they did not want the High Courts to be placed under the Law Minister who was usually an Indian.

Shri Warrier (Trichur): Under the thumb of the executive.

Shri N. C. Chatterjee: But I do not think that we should pursue the old method. The Law Minister should be in charge.

I would appeal to the Law Minister or, if it is not accepted, to the Home Minister to see that these election disputes are finalised within six months at the latest and proper provision for High Court Judges should be made.

I am very happy that one suggestion, which we put forward has also been accepted, namely, that the High Court Judges may sit not only in the capitals of the States but can move about from place to place. That is very essential specially for instance

[Shri N. C. Chatterjee]

for Darjeeling and Kalimpong in my State where there may be cases, and it will be very very difficult for them all to come down to Calcutta with a large number of witnesses.

Shri G. S. Pathak: I have to say something about it. I have not yet accepted it.

Shri N. C. Chatterjee: I thought, it was accepted. The Joint Committee has recommended it.

Shri G. S. Pathak: Yes. The Joint Committee has recommended it.

Shri N. C. Chatterjee: I think it is a distinct improvement.

But what is most depressing today is that big money is still playing a conspicuous part in the elections and is contaminating democracy in this country. That is the main thing which we should try to weed out. I refer to a judgement of Chief Justice Chagla, who was then the Chief Justice of Bombay High Court—it is quoted in one of the minutes of dissent—who, in *J. R. Koticha vs. Tata Iron & Steel Co. Ltd.*, gave a forceful warning to the whole country and said:—

"any attempt on the part of anyone to finance a political party is likely to contaminate the very springs of democracy."

Until the contaminating influence of big money and black money is eliminated the springs of democracy will be turned into poisonous pools of corruption and that is the great danger. I do not like the idea of completely abrogating the Constitution so as to make all democratic governments ineffective for some time, but it is our unfortunate experience—and what is my experience, I am quite sure, is the experience of many of my friends here—that when the election starts, ministers go about touring and making large promises. The rural areas, particularly, are very vulnerable and susceptible to ministerial promises and pressures. So, something should be done to have some

kind of caretaker government just two months before the elections, so that ministerial pressure and promises, specially in the rural areas, can be eliminated; otherwise, democracy will be a farce.

We have not been able, I am sorry to say, to put effective curbs on election expenses. It is no use putting up maxima. We know, the maxima are merely on paper. Actually, these maxima are mocked at and people spend any amount of money. Unless and until you make it effective that transports are not available, particularly to the ruling party who rule by permits and licences and all kinds of favours, these elections will be farcical to a large extent. The Parliament should pay its attention to that. Some of us have drawn attention to that aspect of the matter.

Then, of course, my friends have raised the point. I do not think we can do anything now—that in 1952, 45 per cent of the votes were polled by the ruling party but they get 75 per cent of the seats; next time it was 48 per cent but they again got 75 per cent of the seats and the same paradox continues.

Shri K. C. Sharma (Sardhana): We have got the wiser elements of the voters.

Shri Sezhiyan: You have got the minority of votes and the majority of seats.

Shri N. C. Chatterjee: That means, actually for 50 per cent or a little more the Opposition is getting only 29 per cent of the seats in the House. It is a very peculiar thing.

Then, we have made some provisions for District Election Officers. That also is good and I welcome it. But the greatest impediment is the undesirable practice, particularly, of State ministers going about and canvassing, moving about from place to

place, making cheap promises, large promises and distributing favours just before the elections. That is a thing which should be put down with an iron hand. Unless you can make some law which will make it impossible for them to function as ministers, you will never be able to have fair, free and honest elections in this country. The Constitution should be suitably amended, if necessary, in order to achieve this object though I am not in favour of changing the Constitution.

The other day Shri S. K. Patil asked, "Where in the world is there such a Constitution?" "Where in the world, may I ask Shri Patil and those who support him, is there a country where ministers go about like that? Last time when I stood from Burdwan parliamentary constituency, at least 12 ministers were going about from door to door and village to village. The Chief Minister of West Bengal was in Arambagh, his own constituency, going from door to door and all sorts of promises were made. You know what kind of fair and free election is there. Therefore, it is very important that some suitable action should be taken.

I am not in favour of tampering with the Constitution which is organic law and which we should hold in respect, but you must mould it. We have moulded it 19 or 20 times; we have amended it. If you want democracy to thrive and to succeed, the best and the finest mechanism is fair and free elections whereby you keep the national legislature full of men who can command confidence and you really enjoy the verdict of the nation. If you cannot do that, there is an end of democracy in the country. I am, therefore, appealing that something should be done to make it impossible for political parties to get these big election funds in this way from big concerns. That should be put a stop to. You can say, other parties can also approach. That is unfair. You must mould the system

according to the conditions prevailing. You must be realistic and you must root out all kinds of corruption so as to make free and fair elections in the country.

There are other things which have been envisaged in some of the dissenting minutes. But, on the whole, we have tried to improve on this Bill. We have succeeded to some extent. We have failed on three or four things. We have not been able to weed out ministerial pressure. We have not been able to put a curb on the election expenses. We have not been able to ban the contributions to party funds. You know that party gets the money which delivers the permits and licences and patronage and so on. Therefore, it is not fair and free election but it is an election which is always overloaded in favour of the ruling Party; particularly Ministers going about like this with all sorts of promises. Those ministerial pressures should be eliminated effectively and for that reason even if the rules relating to corrupt practices are to be amended, that should be welcome by the Parliament so as to make it impossible for them to throw out promises and to make the elections a mockery to a large extent, specially in rural areas where, as you know, there are a large number of illiterate people.

Shri Daji: Mr. Deputy-Speaker, Sir, after much ado, this Bill to amend the Representation of the People Act has been brought before the House but virtually it has come to a very minor amendment or a few minor amendments without dealing with the important points raised in the Report of the Election Commission reviewing the last elections.

At the very outset, I would like to submit that our nascent democracy is in a great danger of being corrupted and corroded by the influence of big money and unless we are able to protect our democracy from the influence and pulls of big money, we shall very soon have a House, not a democratically-elected House, but almost an oligarchy of the nominees of the rich.

[Shri Daji]

I would recall, a few years back, when this House referred a measure to the Select Committee, a measure to acquire shares of companies who have defalcated and have not paid back the loan taken from the Government, in that Committee we saw the sorry spectacle of twelve Congress Members belonging to the majority Party, voting against the Bill of the Government, defeating that Bill, and only two Members, Mr. Krishnamachari, the then Finance Minister and Mr. Indrajit Gupta, a Communist Member, were left to support the Bill. The entire Committee voted the measure out sponsored by the Government itself. It was then at the intervention of the then Prime Minister that the Report of the Select Committee was quashed by a direct motion of the House and the Bill had to be passed. It was then that the realisation dawned on the ruling Party as to how far the influence of big money corrupted their own Party and their own Members of Parliament, that twelve elected Members of the Select Committee voted against the Government and the Minister and the Communist Member were left to append the minutes of dissent. That is the limit to which the influence of the big money can reach.

What happened to the Bill that was passed? The Bill has been enacted into law. But the law is a dead letter because for more than 3 years, Rs. 30 crores taken on loan from the Government by the Tatas and the Birlas and by the Indian Iron Co. have not been recovered and the Act which has been enacted by both Houses of Parliament and assented to by the President is allowed to remain a dead letter. Rs. 30 crores have gone down the drain; not even interest is being realised by the Government. All this is happening despite a clear mandate from the Parliament. This is the extent of the danger of influence of the big money corrupting the very foundations of democracy, the very springs of democracy and reducing democracy to an oligarchy of the rich.

The Election Commission itself had occasion to review one aspect of it, namely, the aspect of electoral expenses and they passed certain remarks, and the remarks are:

"After the experience of General Elections of 1962, the Commission reiterates its view that the legal provisions relating to electoral expenses, as they stand at present, are of no use and call for drastic amendments or total repeal."

But I regret to say that the Select Committee could not address itself to this task because the Government is not prepared either to amend that provision or to repeal it. What is the law? The law prescribes certain maximum limits of expenses for an Assembly constituency and for a Parliamentary constituency. Sophistry and casuistry apart, most of the Members present in this House know that more expenses than the prescribed limit are incurred. We have to beg, borrow or steal the money during the tempo of elections and it has got to be brought and poured in. Now, the question is how it is to be adjusted. The law is brushed aside because the law provides a limit only to the expenses by the candidate but does not provide any limit to expenses by friends and political parties. I know from my own experience of my own constituency that each mill supplied an Ambassador car to the Congress candidate—that is a friend's car—and there were six mills and so six cars were running. Now, the election expenses do not cover that because the law does not provide for that. Therefore, what is the use of having such meaningless provisions in the election law which are honoured more in their breach? Either make this election-expenses limit applicable to all the moneys spent by friends and parties or do away with that. Why have this farce of maintaining something which you cannot really maintain? I really feel that if we want to make democracy meaningful and if

we want to make the highest echelons of office accessible to the poorest man in the country, something radical and serious must be done by the Government. Therefore, the Members suggested a few steps in this direction.

The democratic process has gone very far. In Sweden, recently, the Government has passed a law whereby political parties are given grants to run daily paper proportionate to the votes polled. Each political party, even of the Opposition, is paid from the treasury a certain amount of money proportionate to the votes polled, so that daily paper can be run by a political party. We have not suggested anything so drastic as that.

Shri Warior: That is also done here through advertisements to the papers which support them.

Shri Daji: That is only for one party.

Why should ballot papers be distributed by the Government? Why should vehicles be permitted? Provide a total ban on the use of vehicles except by the agents. No one should be allowed to use even a friend's vehicle. That is an euphemism.

An hon. Member: This is at the time of election propaganda.

Shri Daji: On the day of the election, Friend's car becomes an euphemism. Who is to find out whether it is the candidate's car or his friend's car or what is what? There should be a total ban on it. We have suggested four or five such steps which could be followed so that at least some sort of curb on election expenses can be put.

Again and again, in this House, an assurance was given by the then Law Minister, Mr. Ashok Sen, that the Government was serious and considering it. But I regret to say that the attitude of the Government in this regard is absolutely parochial. It is very advantageous to the Government today. But let me warn the Govern-

ment that the time may come and the time has already come because the representatives of big business have now openly said that they are not going to give money directly to the Congress Party but only to such of the nominees of the Congress Party as are amenable to the influence of big business—that it will become a real danger to them. Today, it only affects the Opposition parties but tomorrow it may affect the Congress Party in favour of the more rightist element in the big business so desires.

The question is basic. It should not be viewed from the political point of view but from the national point of view. We must all jointly see that the corrupting power of money is done away with in the democratic process.

14.00 hrs.

Shri Narendra Singh Mahida (Anand): What about the Swatantra Party?

Shri Daji: This time they may get more.

Shri Warior: Both are the same.

Shri Daji: We have a certain provision under which an office of profit debars a candidate from standing for elections. But I do not know on what ground we have exempted the princes. The princes also draw privy purses which in many cases are something more than office of profit. It is so ridiculous. A canteen contractor in the secretariat cannot stand for election because he holds an office of profit. But a prince who draws Rs. 4 crore can certainly stand for elections, because that is not considered to be holding of an office of profit. In the case of the princes, it is not only a question of office of profit, but the Constitution and the Instrument of Accession have clothed the prince with so many privileges, social privileges, privileges of power and privileges of social order and so on, that it is unfair to expect a commoner to contest against the princes.

[Shri Daji]

A few days back, on the 6th, the President of India visited my constituency Indore, and I was faced with the most debasing spectacle about which I want to speak to this House, and I am going to make an issue of it in my election campaign also. I was present there as a representative of the people of Indore to welcome and garland the President. So was the Mayor of the City present there, and so was the Planning Minister sent as the representative of the elected government from Bhopal. But who was the first person who could garland the President? It was not I who had been elected by 8 lakhs of voters of the constituency, not the Mayor of Indore, not the Minister who was representing the State Government but Usha Raje, ex-ruler of Indore, who lives in Bombay, indulges in horse-racing and drinking and who comes to Indore only once in a while, who could garland the President. This is the respect that democracy is showing to the elected representatives of the people compared to that shown to the tiny decadent princely order. That right is given to them under the Instrument of Accession. I had a mind to walk out, but I wanted to show some respect to the President, and, therefore, I did not do so. But this is the system under which we have made the princes so big and placed them in such a high political and social order compared to the government representatives and the elected representatives of the people.

With this background, if you allow the princes to contest elections, it is very unfair. The Congress has learnt it. The Congress used the princes to win certain seats. But when the princes come over to the Swatantra Party and they are standing against the Congress, even the Congressmen are swept away as happened in the case of the hon. Member from Jaipur.

Shri Joachim Alva: I do not want to interrupt the hon. Member but I would only seek one information from him. He made some allegation about

some princess. I have nothing to say about her being given a higher place or not. That may be the hon. Member's point. But was it the same lady who married a commoner?

Shri Daji: Yes.

Shri Joachim Alva (Kanara): Then, it is not fair to make those allegations about her character and refer to drinking etc.

Shri Daji: I am not saying anything against her at all personally. My only point was this. She is not even resident in Indore, but she resides at Bombay. I am only dealing with the power and privilege of these princes. If they enter the election fray with all these privileges, then it is very unfair to the others. Whether they stand from the Congress Party or from the Opposition, the office of princes should be held to be a kind of office of profit and they should be debarred from contesting the elections in fairness to the commoner who has to contest from that constituency where the princes had been rulers before.

Shri M. L. Dwivedi (Hamirpur). Unless they give up their privy purses.

Shri Daji: Yes, unless they give up the rights and privileges given to them under the Instrument of Accession.

Then, Chapter III provides for disqualification. The whole concept of disqualification as at present existing in our law is against democratic principles. What is the basis adopted? It is the length of the sentence. The criminal law of a land reflects the social relationship and the class relationship obtaining in the particular country. You will be surprised to see that one who adulterates food or milk can be let off with a sentence of a fine, but one who leads an illegal strike may be sentenced to imprisonment. The sentence for adulteration of medicine is much lower than the sentence for theft. Personally, I would regard the man who adulterates medicine as a worse offender than one who

has picked a pocket. That is my attitude to property relationship. How a society looks at property relationship is reflected in the criminal law of that society. Therefore, to say that anyone convicted of an offence and sentenced to two years or more of imprisonment should be disqualified does not take us any further. A man who had adulterated milk and supplied it to the hospital was sentenced to pay a fine of Rs. 5000 by the Indore Bench of the High Court, thereby reducing the sentence of imprisonment for one year.

Shrimati Renuka Ray (Malda): After the amending Act was passed?

Shri Daji: Yes. He was sentenced to pay a fine of Rs. 5000. So, he could stand for elections. But my friend Shri Kedar Nath from Jamshedpur, a sitting MLA, who is a better Gandhian than many other people and who is a man with simple living has been sentenced for two years for having led an illegal strike in 1954, and he cannot stand for election for five years after the sentence has been completed.

Therefore, I submit that this is a very arbitrary criterion of disqualification. The length of a sentence has nothing to do with the gravity of the offence. I would submit that all persons who are guilty of anti-social offences like adulteration, blackmarketing, hoarding, whatever be the nature of the sentence, whether it be a fine or imprisonment for one month or two months, should be disqualified from contesting elections either to the Assembly or to Parliament, and at the same time, persons who are convicted in cases which do not impute any moral degradation or moral turpitude should not be debarred from contesting the elections.

We are afraid that in the days to come, with the harsh measures that the majority party is again and again resorting to, many of the Opposition Members may be disqualified on this ground, because we may be technically guilty of an offence and we may be

convicted on that ground; for instance, we may be in a crowd which riots, and all of us may be considered to be guilty and we may be punished for two years and as a result of that we may be disqualified for six years from contesting the elections, whereas a hoarder or a person who has been guilty of adulteration may be able to come to Parliament by contesting the elections. What is this standard of social and political morality that we are having? Under section 149, the constructive liability always fastens a person. I would, therefore, submit that this particular provision requires to be completely redrafted.

I welcome the provision that election petitions should be expeditiously tried.

Shri Narendra Singh Mahida: The clause is that if a person goes to jail for two years then he is disqualified.

Shri Daji: That is what I am saying. Supposing a person is guilty of adulteration and he is sentenced for six months he can stand, whereas if I lead an illegal strike and I am imprisoned for two years I cannot stand. Leading an illegal strike appears to be a worse social offence than adulteration of medicine. That is the class concept that the criminal law itself embodies; it embodies the class concept of the society and of the party in power, and our present criminal law unfortunately enshrines the capitalist class concept and the British imperialist class concept which has been going on for the last hundred years.

I am happy that election petitions are required to be expeditiously dealt with, and a High Court judge has been entrusted with the job. We all saw how Shri Pratap Singh Kairon's petition was not disposed of till the next elections. And may I, through you, report to the House that the election petition of the great and glorious Chief Minister of my State, namely Madhya Pradesh, has still not been disposed of and in three months we

[Shri Daji]

are going to have the next general elections? This is the plight of election petitions now.

Shri Radhelal Vyas: It is going to the High Court now.

Shri Daji: Again, it will go to the High Court. So, what can be done? I do not want to open up the story of how it has been hustled during the last few months.

I would submit therefore, that a time-limit should be fixed in regard to the disposal of the election petitions. There is no point in allowing the election petitions to drag on from one election to the next. If any relief comes at the fag end, then what is the use of such relief?

Therefore, it is a good thing that a High Court judge is going to be entrusted with this. Further, appeal is also going to be restricted. That is also a good thing. But at the same time, I would submit that justice should be done, and for this purpose, I would suggest that the venue of hearing of the election petition by the High Court judge should be the district headquarters of the constituency concerned. Do you expect an Adibasi from Bastar to go to Jabalpur which is 845 miles from Bastar, in order to file an election petition and take also his witnesses there? I submit that that is unjust. Therefore you may give the powers to the High Court judge to try election petitions, but the High Court judge should be asked to go to the district headquarters of the constituency for that purpose.

Lastly, one more point and I have done. This concerns the use of government machinery. This also is a serious matter. I know my voice will be wasted today, but a day will come when we will realise the seriousness of what is being done today. Till the date of filing of a nomination Ministers are not supposed to go and do election propaganda. But what is happening? The candidature has been announced of a Deputy Minister

here. He has suddenly developed a love for a particular constituency and has started touring it. It is my own constituency. He is the prospective candidate for that constituency of the Congress Party. He goes with the Collector and a host of other officials, the agriculture inspector, the extension inspector, the co-operation inspector and other staff and makes enquiries what are the difficulties of the people. He tries to find out what are the difficulties. He holds bogus darbar and asks 'What is the difficulty?' If there is no shop, he says, 'open a shop'; if there is a request for a society, 'register a society' and so on. He goes on doing these things. Is this fair! I say this is not fair. My election propaganda will start only after my nomination.

Therefore, this demand is justified in India. In other countries, there are well-established democratic practices. Unfortunately, in our country, the ruling party likes to violate democratic principles, precedents and practices rather than follow them. So I say there should be a ban that for six months preceding election, no Minister should go round with government machinery, with the State flag flying on his car, with the Collector and a host of other officials, touring his constituency. If he does so, it is most unfair to the other candidates, the Opposition candidates. Let us be fair in this whole democratic process. It is a different matter that despite all these efforts, he may get defeated.

Shri Radhelal Vyas: Does he mean to say that even if there is a drought condition prevailing there, the Minister should not go there?

Shri Daji: No. In that case, another Minister can go, not the Minister who proposes to contest from there. If the same Minister goes there with a host of officers and does certain things, is it fair to the other candidates?

Therefore, this provision requires to be amended. These are some of the

suggestions we want to make to improve this legislation. We cherish democracy and the democratic process. We want it to succeed and prosper. But it will not succeed and prosper if it is curtailed clandestinely or if it is clipped by the power of money or corrupted by the lure of money or government machinery. Democracy in this country shall succeed only if the democratic process guarantees a true reflection of the opinions and aspirations of the people. If the fountain of that opinions is sullied or choked, I am afraid democracy itself shall be discredited and subverted.

Shrimati Renuka Ray: Mr. Deputy-Speaker, one of the finest institutions this country has produced since independence is the Election Commission of which we can be justly proud, which has enhanced our prestige in the world, the assistance of which has been sought by newly emerging countries who wanted to have a democratic framework to set up Election commissions of a similar kind so that free and fair elections could take place. Therefore, what ever may be said to decry other institutions of various kinds that have been set up in the country since independence, in the context of the atmosphere now prevailing in which everything is decried and nothing is considered good, I do not think even those who decry everything can say a word against the Election Commission as such or that this machinery does not work in the best possible manner and in the cause of justice.

There are, no doubt, malpractices during elections; there is no doubt that many things are done which should not be done. But everyone can take it for granted that whatever comes to the notice of the Election Commission, it has given proper and due hearing and has taken steps, where unfair tactics have been employed, to see that persons who indulged in them are disqualified. The Gonda election in U.P. is a case in point which upholds the fine traditions that the Election Commission has set up in the

country, which are, as I have said, being followed in other countries too.

Now in regard to the Report of the Joint Committee, the main point which had been referred to the Committee was the recommendation of the Election Commission in its Report on the Third General Elections about the abolition of election tribunals and trial of election petitions by High Courts. This was included in the Bill as referred to the Committee.

14.16 hrs.

श्री तुकमचन्द कछवाय (देवास) : मे ।
एक व्यवस्था का प्रश्न है । सदन में गण पूर्ति
नहीं है ।

Mr. Deputy-Speaker: The bell is being rung—Now there is quorum. She may continue.

Shrimati Renuka Ray: I am very glad that the Joint Committee has included therein a provision that the High Court can try a petition at a place other than the place of seat of the Court. I hope that this provision will actually be carried out in most cases and than the High Court Judge will sit in the headquarters of the constituency concerned in respect of which appeal has been made. It will not only help speedier trial but will also bring about less costly trials which would be of help to all sides.

Another good thing the Committee has done is to introduce in cl. 20 a proviso to the effect that before it issues a certificate to the effect that a person has been dismissed for corruption or disloyalty, he shall be given an opportunity of being heard in person. This is a wholesome provision.

Another change which I welcome is the omission of the word 'director' from sec. 10 of the 1951 Act, because otherwise many suitable persons employed in the public sector will be

[Shrimati Renuka Ray]

come ineligible or will have to resign their posts as directors in the undertakings. The services of such persons are required to see that public sector enterprises are run well.

Regarding the calibre of district election officers mentioned in the proviso, I think some detailed qualifications should be laid down. There is every likelihood, and danger, that if district election officers are introduced and there is no proper method by which their appointments are made, such appointments may not keep up the great prestige that has been established by the Election Commission.

There are one or two points on which I would like to make suggestion. Mr. Daji has said some things and he has pointed his finger at the Congress party for them, but I personally feel that whichever be the party concerned, there are many eligible persons who are unable to stand for elections these days because of high election expenses. I know that there is a limit set; I know also that this proviso is honoured more in the breach than in its observance. Nevertheless, I would say that if something can be added to make it more effective, it would help good candidates, no matter what political party they come from. It is not a question of any particular political party; political parties are often forced to raise funds from every possible source if they want to put up good candidates who are unable to pay the high expenses themselves. They can only be put up if the political party can raise the money, and many undesirable tactics are resorted to and money earned from tainted sources by all parties.

I do not want to say anything about any party, but the whisper has gone round that a certain country which dabbles in the politics of other countries is helping them. This sort of thing goes on and these parties also go in for all types of methods to get

money if they even want to put up good candidates. Therefore, before the Bill is finally passed, I would appeal to the Law Minister to see whether, according to the recommendation of the Election Commission itself, some other provisions cannot be added by which this clause would become more operative with regard to the limit on election expenses, and if it is flouted there should be some means by which this practice can be stopped.

Mr. Daji has spoken a good deal about Ministers going round constituencies and all the rest of it. I was a Minister in West Bengal, and I can assure you Sir, that once nominations were announced, if Ministers do go round with the paraphernalia of their office, they are likely to lose more votes than they will get. Certainly we did not, and I am certain that nobody does it now either once their nomination has been declared. In fact, they are careful to avoid it because after three elections the people are very conscious today, and the elector does not tolerate these things so easily. I know for certain that it will go against the Minister. Therefore, I think that this kind of suggestion made by Mr. Daji is not only unjustifiable but is wholly wrong because it will not pay the Minister to go round in this manner. Therefore, I hope he will not continue to make such allegations which are so completely out of place.

Just before an election many things are said by various people, and may be Mr. Daji has resorted to these things because of that, but I would ask him to look at the thing as we on this side of the House would like to look at it, to have a proviso which will improve upon the Select Committee's report, so that all loopholes can be plugged, and the prestige that the Election Commission has won in the world for conducting free and fair elections in our country and for dealing effectively with unfair tactics, may go up further.

I support the Select Committee Report and also the Bill that will follow, but I would request the law Minister to find out whether it is not necessary to have the Constitution Amendment Bill enacted first, and whether, when this Bill goes through first, assent has to be taken before the next Bill is moved or not. He should be careful about this legal point; otherwise the whole thing may fall through.

Shri K. N. Pandey (Hata): I do not want to cover a large area and I shall not try to reply to all the points raised by the opposition; I shall confine myself to only one point.

A provision has now been introduced that election petitions will be tried by the High Court. In my opinion it is an impractical suggestion. It is the wearer who knows where the shoe pinches. I have fought election petition, and I know the difficulties that one has to face while fighting an election petition.

A person becomes a High Court Judge after long experience, after having passed several stages, from the civil court to the sessions court and then to the High Court. He does not want to come at the lower level after reaching the High Court stage:

What will happen if the election petition is to be tried by the High Court? There will be taking of evidence which means a lot of time and a lot of botheration for the High Court Judge. I think no High Court Judge would like this thing. Moreover, it is going to take more time also. I think the Law Minister has brought this amendment with a view to curtail litigation, but I think that purpose is not going to be served, because the Select Committee has recommended that after the High Court decides, there can be an appeal to the Supreme Court also. Previously, a poor person could fight an election petition in the lower court with a very small pleader, but now he has to engage a lawyer of prominence in the High Court in order

to win his case, and that will involve more money. After that if he has to appeal to the Supreme Court, he has to spend further more money in order to defend himself. For all these reasons in my view this proposal is impracticable, and I hope the Law Minister will consider that. Time will not be saved and litigation will also not be curtailed, and it will not be an easy task for a person to fight an election petition. Further, there are some States where there is only one High Court Judge for this purpose and if there are several election petitions before the High Court Judge for consideration, because he has to look after other cases also pending before him, how much time will he be able to devote to the elections petitions? You cannot force a High Court Judge to give his judgment within such and such a time limit. Therefore, due to all these reasons, as a lay man I do not think this proposal is a sound one, and I think the Law Minister should consider whether to press this amendment or not in this House.

Mr. Daji and also Mr. Chatterjee remarked that fighting of elections is becoming more expensive, and it will not be possible for a poor person. It is not the sermon which has any effect on the people but it is the practice. Gandhiji was the leader of the whole country because he practised, he showed the country that he could remain with a small *angucha* and loin cloth. But we use warm clothes and talk so much to the poor people, this will not serve any purpose. May I ask if there is any member of the opposition who has not engaged cars or jeeps, and wherever they did so, did they engage it from their own pocket? If that is true, they are rich enough.

Shri Umanath (Pudukkottai): Collections from the ordinary people; I collect from the workers.

Shri K. N. Pande: That is correct you must be collecting from somebody else also.

Shri Umanath: No, I collect from the workers and peasants.

Shri K. N. Pande: There are no accounts, we have not seen the balance-sheet of anybody.

Shri Umanath: I am prepared to show the balance-sheet of my account.

Shri K. N. Pande: We are also collecting funds from workers and peasants; it is not the monopoly of some people alone. It is the right of everybody to fight elections. There is none here except a few who is rich enough to fight elections from his own pockets; he has to collect money from other people also from some big people also. But have we on that account mortgaged our conscience? Are we going to sell ourselves? That is not true. Let the day come when the voters are educated enough that they do not require any propaganda and we are not required to go to the remotest corner for canvassing votes and people will vote for fit candidates. Bill that date comes, you should have patience so many things go on in the House and they do not require a reply at every stage. A reference was made to this point and I thought that I should reply to this point. My main point is about the election petition to the High Court and I hope the Law Minister will consider it.

Shri Umanath: Mr. Deputy-Speaker this Bill as it has emerged from the Select Committee is conclusive proof that the Congress Party is against further democratisation of the election procedures. The more they are isolated from the people and the vaster and vaster the section of people joining the struggle for higher standard of living the more is their fear of losing the coming elections.

Shri M. L. Dwivedi: They do not fear. You are quite wrong.

Shri Umanath: I shall give examples. In the original Act the use of conveyance by candidates or their agents for carrying the voters during the polling day has been prohibited.

It has been declared to be a corrupt practice. The implementation of this provision was examined by the Election Commission and it came to the conclusion that this provision was not sufficient. Notwithstanding the penalties involved in the violation of this law, this practice was resorted to on a large scale throughout the country during the elections. Now, they have made three recommendations to make this provision effective. Firstly, they say the fine for violation of this rule should be raised to Rs. 1,000 from Rs. 250. Secondly, the breach of that provision should be made cognizable, and thirdly, on the polling day conveyances other than the routes buses and those used by the candidates and their agents must be prohibited. All these were like a package deal to prevent this corrupt practice. The Government says that this Bill is to implement the recommendations of the Election Commission and gave them a legal basis but even before referring the Bill to the Joint Committee they dropped the third recommendation about the prohibition of plying of vehicles on the polling day. Then, what happened in the Select Committee? The original Bill itself is watered down, as I explained. The second proposal is watered down in the Joint Committee. The committee says:

"Clause 57—The committee feel that an offence under section 133 of the 1951—Act for illegal hiring or procuring of conveyances at elections should not be made a cognizable offence as it might result in unnecessary harassment of candidates."

What is the use of hon. Members opposite getting angry when I make a truthful statement? Government itself cuts down one important recommendation and accepts two recommendations. When it goes to the Joint Committee, the Congress Party there turns down the second suggestion. Ultimately, the only one of the three recommendations now implemented is the raising of the fine from Rs. 250

to 1000. Is this not watering down? If there is provision like that, and irrespective of party affiliations, if a conveyance is used for carrying voters, and if we point this out and bring it to the notice of the police officer, he says: it is a non-cognisable offence I cannot come into the picture. We all know that this practice is indulged in and that is why the Election Commission made this recommendation. If the Congress Party in the Joint Committee turns down this suggestion, what does it mean? That means that in the coming elections also, we cannot seek the intervention of the police officer if this corrupt practice goes on.

Shri Shree Narayan Das (Dharbhanga): Is there any note of dissent by any Member of the Select Committee to this effect? Any Member from any other Party?

Shri Umanath: But you do not care for minutes of dissent. If you were reasonable, if you had generosity and nobility enough, if you had the interest of the people at heart, if there was some hope among the Members of the other Party that you would give reasonable attention to the minutes of dissent, they would have given. But it is not so. That recommendation of the Election Commission is turned down on the ground that it will result in harassment to the candidates. In fact it is the Opposition parties who are out of power who are more likely to be under harassment at the official hands and not the Congress Party is in power. But even we say, that it will not be an harassment to us, to the candidates belonging to our parties. You are in a more advantageous position because you have power. But why do you object? There is a secret for this. The real secret is that there is no question of harassment at all. If this provision is adopted, there will be some restriction on the Congress Party using those corrupt practices. That is the secret behind their opposition. They are not, therefore, prepared to countenance even this small

restriction and these recommendations of the Election Commission are just converted into a farce. Still, they say that it is intended for the implementation of those recommendations? When I say that the ruling party makes use of the Government machinery for elections, my friends take objection. Shri S. K. Patil was so vehement and asked why the ruling party should resign before the elections. This demand is there precisely because the Congress Party being the ruling party is using governmental power to advance its party candidates. It is because of that that this demand has come. I can give you instances during the previous elections when the governmental power was used; I can give you the latest instance also. Now, what has happened? The extent of the isolation of the Congress party from the masses is such that they have started using the machinery of the governmental power even to this. I will give you a latest example from my own constituency, Pudukkottai, from where I come. Mr. Kamaraj, as the AICC President, visited Ponnamaravathy in Pudukkottai division on the 1st and 2nd October. I assert this and I shall place the full facts, and I am prepared to accept the challenge from any hon. Member on that side. In Ponnamaravathy, in that town, the Panchayat Union Commissioner was given the charge of constructing the dais and decorating the dais for the Kamaraj reception. It was a Congress party reception. I am making and asserting this statement here. So many people saw it in open daylight. The commissioner of the Panchayat Union commandeered the services of the clerks to do the construction work. The truck of the Panchayat Union was used to carry materials for the construction work and for the erection of the flag-poles for the purpose of the Congress party—the steel tubes were being used as poles—and all this work was done in Broad day light.

Shri M. L. Dwivedi: Was it in connection with the election?

Shri Umanath: It was for the election fund collection. The hand-bill was the Congress hand-bill. Then, at Annavasal, do you know what happened? Do you know what happened? When Mr. Kamaraj visited that place? The Annavassal Union commissioner was given charge of constructing the dais, and he commandeered the services of the elementary school doing the job, and the elementary teachers were given the Congress election fund ticket books by Panchayat Union commissioner, who was asking them to sell the tickets. You may ask one question: "What about the schools? If they were so busy with these things, were the schools going on?" I will give you the list of villages: Vettukkadu, Irumbali, Pudur, Anaippatti and Tirunallur—in these five villages the schools were closed down and the registers were brought to the headquarters of the Union where the reception to Mr. Kamaraj was given. They brought these registers to the headquarters, from the schools, and they were keeping the registers at the headquarters, and they kept the register books there and they did all these things.

I will give you another horrible instance. They were using the generator, for the Congress party's Kamaraj reception, for the electric lights and other things. The current failed, and do you know what happened? The Congress party commandeered the services of the Assistant Engineer and the Divisional Engineer of the Electricity Board, who were staying eight miles away. They were brought there and they directed the supervisor to get up the post and take current directly from the main and give the connection immediately. For this purpose, two engineers were stationed there. No meter was used and one does not know how much current was consumed. I will say that it was literally areas of stealing current, public current, by the Congress party. Do you justify these methods? I am asserting this statement. If there is any hon. Member who wishes to

challenge my statement, I am prepared to prove that: Let them come forward to deny it. (*Interruption*). I have all sympathy for the Congress party, because they have no cadres even to build a dais for the Kamaraj reception when he goes to Pudukkottai. Is it fair for you to use the Government officers, paid by the Government, just to do away with your weaknesses which are political and organisational? That is unfair.

Then, the Chief Minister of Madras State—

Shri A. S. Saigal (Janjgir): Sir on a point of order. My hon. friend is using the name of Mr. Kamaraj when Mr. Kamaraj is not here. It is not correct to mention his name and quote his name. If he has got any allegations against him, he can write to him, but when he is not here to put forward or defend his case, the hon. Member cannot raise the point here. He should not say anything about him.

Shri Umanath: This is a question of a political party using governmental power. That is the only point.

Mr. Deputy-Speaker: He has not made any allegation against Mr. Kamaraj. What he is saying is that the Panchayat Union officials are being utilised.

Shri Umanath: I will give you another instance.

Mr. Deputy-Speaker: That is enough. You are bringing in the names of persons in the House.

Shri Umanath: The subject under discussion is such—

Mr. Deputy-Speaker: Please come to your next point.

Shri Umanath: When may leader, Shri A. K. Gopalan was under detention, Shri V. C. Shukla named him in

his absence and charged him as having done all sorts of dirty things and it was allowed by the Speaker. (Interruption). One must be equal. You must be equal to both the parties.

Mr. Deputy-Speaker: Order, order. Please come to the next point.

Shri A. S. Saigal: Shri Shukla is present in the House.

Shri Umanath: Shri Gopalan was not here. It was made when he was under detention. The hon. Member has no right to say like that. (Interruption). Do not be afraid to get exposed.

Mr. Deputy-Speaker: Order, order.

Shri Umanath: There was an official function at Perungalur, where a high school was opened. It was an official function. The collector of the district was present. The Chief Minister was present, because it was an official function. At the time of the official function, a prospective candidate from that constituency, in another function there in the presence of the Chief Minister and the Collector, was honoured; to say it in Tamil, he was honoured with *Ponnadai Porthuthal*. (Interruption). There is no use getting angry. If the Congress party wants to stick to position and power, official powers should not be used for party purposes. Let them clean their stables first.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Umanath: I will finish soon. Then there is the question of company donation, and the question of election expenses. The biggest resistance on the part of the Congress party is to ban the company donations to the various political parties. They say that they have brought legislation in 1960 that it should be limited to Rs. 25,000. Does it do away with the harm about which so much of discussion had been taking place here? I

would request you to hear the observation made by the Santhanam Committee on this question. The Santhanam Committee on Prevention of Corruption had recommended that:

"...in Indian conditions, companies should not be allowed to participate in politics through their donations. It is true that this matter was debated at length during the discussion on the Companies (Amendment) Act of 1960 and it was decided to permit such donations subject to restrictions of amount and condition of publication. We do not think that this is sufficient and feel that nothing but a total ban on all donations by incorporated bodies to political parties and purposes will clear the atmosphere."

That is the recommendation of the Santhanam Committee, but the Congress party still refuses to accept this.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Umanath: I will conclude now. I am now quoting from *Commerce* of the 15th October, 1966; it is a big business paper from Delhi. Their special correspondent writes in this big business paper thus:

"Thus, looked at from many points view—loss of revenue to the State, need to conserve resources for development, reducing election expenditure, protecting the interests of small companies and reducing sources of corruption and wielding of political influence—there seems to be a *prima facie* case to consider a ban on political contributions by companies."

He is a correspondent of a big business, paper, and even he writes that there is a *prima facie* case. As far as the Congress party is concerned, they are not prepared to accept this perhaps because as Mr. Charat Ram says in another issue of *Commerce*

[Shri Umanath]

dated 22nd October, 1966—he says how big business is being run—

"Innumerable businessman rapidly moving up the financial ladder have unequivocally stated in private conversation: 'It is impossible to conduct business in India today without breaking the law'."

That is an admission by a big businessman; without breaking the law, business cannot be conducted. They are conducting their business successfully. What does it mean? They are daily breaking the law and conducting the business of the companies. The donations are not being opposed by the Congress Party, because they have to reward the big businessmen for the violation of the law so that they may make profits. This unlawful practice and these corrupt practices should be stopped. As long as these practices are there the Congress party has no business to claim that it stands for a democratic election.

Shrimati Yashoda Reddy (Kurnool): Mr. Deputy-Speaker, Sir I can not speak with that much eloquence, as Shri Umanath. In many things I do agree with him, but some of the things which he has said, I would like to answer. The first thing is about the vehicles. You Sir, were the Chairman of that Committee, and his own party Members including his leader, Shri Goplan, were there. There were so many other Opposition Members also when the matter was discussed. Shri Daji was also there. Not one Member said, "Please do not make it a non-cognizable offence". (Interruption).

Shri Umanath: He has given an amendment.

Shrimati Yashoda Reddy: We also have brought several amendments. But we sit there not as Congress party members; we sit there as representatives of this House, and not by the House, and not by the dictates of the party. In spite of some of the things

which our Minister suggested, we did not accept them. Were we being dictated to by the party? Certainly not. On many of the amendments moved by the Opposition and not accepted by the Minister, we made the Minister agree. But even Mr. Goplan and Mr. Daji felt that it would be inconvenient if we make it cognizable. So, it is very unfair on the part of Mr. Umanath to say like this. (Interruptions).

Coming to election expenses, everyone of us is agreed that election expenses are beyond the capacity of many people. There are some who are fortunately rich. There are some fortunate people like Mr. Umanath who can get collections from workers. But some people like me are neither rich nor can they get donations from the people. I have to borrow. That is neither here nor there. Everybody collects money. I am not against the suggestion that public companies should not give donations to political parties. But every time a movement is organised by the opposition parties, in one day they spend Rs. 1 crore, and for what purpose? To break and destroy property and kill people. Where do they get the money from? They send a communist delegation of 2 lakhs of people and spend Rs. 2 crores. Where do they get the money from? At least we get money from Indian people. We do not get it from outside to be dictated and made slaves of outside people, whether east or west. (Interruptions).

श्री मधु लिमये : आप को बिड़ला से मिलता है ।

श्री म० ला० द्विवेदी : बिड़ला से आप को भी मिलता है ।

श्री मधु लिमये : हमें कहाँ मिलता है ।

Shrimati Yashoda Reddy: Even if we accept money from Birlas, they

are Indians first and last. I did not interrupt the opposition members when they spoke. Let them not interrupt me also. If they had confined themselves to the amendments sought to be made, I would not have got up here to speak. But they have brought in so many irrelevant things about Mr. Kamaraj and so on. With due respect to Mr. Umanath, I would not like to say anything about that. I would remind him that even when the communist party was in power in Kerala, the communist party members had utilised Government machinery for party purposes. If at all there is any party boss in India who is simple, who is honored for his integrity and character and simple living that is Mr. Kamaraj. Perhaps he was innocent of it. If it had been done, it would have been done by the people who wanted to please him. May be they are wrong. But let us not bring in personalities who are not here to defend themselves.

Mr. Daji said that anti-social elements like adulterators and black-marketeers get away with a small punishment or even only with fine and they are not disqualified, whereas people arrested on political grounds are sentenced to long years of imprisonment and are disqualified from standing for elections. They want that even if a man has committed treason and is arrested, the moment he is released he must be given permission to stand for election and there should be no disqualification attached to him. Mr. Umanath in his eloquence said that the Congress Party is frightened and that is why they do not want to do this or that. Let me remind him that it is this Congress Party which has passed this law giving this status to the Election Commission. It is this Parliament where the Congress Party has got a majority which has created the Election Commission and Election Tribunals. Mr. Umanath must agree that if there are some bodies which command the greatest respect of the people of India and even outside, it is our Election Commission. Of course, there was one in-

stance Mr. Dandekar's case—of which as Panditji said we are shamed. It was the same Election Tribunal which sent back Mr. Dandekar to this House because it did not have anything to do with the party or the Government. So, just because we are in power, we cannot do anything we want. If we could do that, we would not be here in power for the last 15 years in spite of the fact that there is no other opposition party which is capable of taking up the responsibility of running the Government.

Mr. Daji said that Ministers go about using all the ministerial paraphernalia. In my own constituency last time I had one or two ministers contesting with me. First of all, they did not use their ministerial paraphernalia. Secondly, the people did not vote for them, but instead they chose to vote for a mere somebody like me who just appealed to them. So, people are not so credulous, they are far more intelligent. They have approved us once, twice and thrice; I am sure they will approve us again.

I welcome the Government's acceptance of election petitions being decided by High Courts. I do not agree with my hon. friend who said that election petitions should not go to High Court I think psychologically it will give greater confidence to the people if election petitions go to High Courts. I am also glad there is provision for appeal to the Supreme Court also.

Mr. Vyas moved an amendment about the High Court going to different places, apart from its main seat. I cannot say I do not agree with it. India is a poor country and all people cannot afford to go to the seat of the High Court. But many persons who stand for elections do have money. Nobody can deny that. Either they have the money or somebody supplies them with money, whether it is the party or somebody else. May be they take loans also sometimes. I somehow personally do not approve of the suggestion that for hearing election

petitions, the High Court should go from place to place. I oppose that amendment.

I have nothing more to add. I think more or less the committee has done a good job in trying to do away with many loopholes which were there. I am sure the House will approve of this Bill.

15.00 hrs.

श्री मधु लिमये : उपाध्यक्ष महोदय, हमारे सामने जो विधेयक है, उस का सब से महत्वपूर्ण पहलू यह है कि चुनावों को किस तरह सस्ता बनाया जाये और इस बात की निष्पक्ष जांच की जाये कि राजनीतिक दलों और उम्मीदवारों को कितना खर्च से मिलता है। इस सम्बन्ध में मैं जो संशोधन रखे हैं, उन में से एक यह है कि चुनाव के दिन सभी विरम के यातायात के साधनों पर रोक लगाई जाये और केवल उम्मीदवार और उस के इलैक्शन एजेंट के पास एक एक मोटर-गाड़ी रहे।

इस सम्बन्ध में मैं आप को अपना निजी अनुभव बता रहा हूँ। मुंबई के उप-निर्वाचन में मैं ने अपनी आंखों से देखा कि कांग्रेस का उम्मीदवार ट्रकों पर बोटों को लाद कर पोलिंग स्टेशन पर ला रहा है। मैं ने इस को रोकने की कोशिश की और पोलिंग आफिसर का ध्यान उस तरफ खींचा, लेकिन जब मुझे सफलता नहीं मिली, तो मैं ने अपने स्वयंसेवकों से यह निवेदन किया कि अगर इन ट्रकों का चलना बन्द नहीं होता है, तो आप बेटों में पड़े डेलों का अशुभ प्रयोग कीजिए।

श्री म० सा० द्विवेदी : वाह ! माननीय सदस्य बड़े भाव प्रिय हैं !

श्री मधु लिमये : जान-बूझ कर यह कह रहा हूँ। उस के बाद ट्रकों का चलना बन्द हुआ। लेकिन यह केवल एक पोलिंग स्टेशन की बात हुई, जहाँ पर मैं ने अपनी आंखों से यह देखा, लेकिन बाकी पोलिंग स्टेशन पर क्या हो रहा था ? कांग्रेस का उम्मीदवार सारे ट्रकों और मोटर-गाड़ियों को ले कर बोटों को डोने का काम कर रहा था। मेरे जैसे गरीब उम्मीदवार, जो कानून की मर्यादा में रह कर काम करना चाहते हैं, कहां से इस के लिए पैसे लायेंगे ? इसी लिए मैंने यह संशोधन रखा है कि चुनाव को सस्ता बनाने के लिए चुनाव के दिन यातायात के साधनों पर रोक लगाई जाये।

आज कांड लिखने के काम पर राजनीतिक दल खाह-मखवाह पैसा बर्बाद करते हैं। मैं चाहता हूँ कि सरकार स्वयं यह काम अपने हाथ में ले और यह व्यवस्था की जाये कि कोई भी राजनीतिक दल बोटों का नाम, नम्बर और पोलिंग स्टेशन का नाम या नमूने के तौर पर कोई बैलट पेपर आदि परिचालित न करे। सरकार स्वयं यह काम करे और हर एक बोट के पास वह कांड जाये। इस से चुनाव काफी सस्ता हो सकता है। लेकिन इस सम्बन्ध में आवश्यकता इस बात की है कि दृष्टिकोण सही हो।

इलैक्शन कमीशन ने अपनी रपट में कहा है कि पालियामेंट के उम्मीदवार के डिपॉजिट की रकम को बढ़ा कर 1500 रुपये कर दिया जाये। इस सम्बन्ध में उस ने इंग्लैंड का उदाहरण देते हुए कहा है कि वहां पर करीब 2000 रुपये का डिपॉजिट रखा गया है। मेरी समझ में नहीं आता कि इलैक्शन कमीशन की खोपड़ी ऐसे क्यों चलती है। उस को पता रहना चाहिए था कि इंग्लैंड की तुलना हिन्दुस्तान की स्थिति क्या है। सरकार की स्टैटिस्टिकल बुक के अनुसार 1963 में हिन्दुस्तान में फी-फार्मरी वार्षिक आय की केवल 78 डालर है, जब कि इंग्लैंड में 1260

बालर है। इस लिए इलैक्शन कमीशन को ऐसा सुझाव देना चाहिए, जो हमारी स्थिति को मद्दे-नजर रखते हुए दिया गया हो, उस के अनुकूल, और अनुरूप हो। लेकिन पता नहीं, क्यों ऐसे सब अधिकारियों का दिमाग भ्रष्ट हो गया है और वे हिन्दुस्तान की सही स्थिति को समझ नहीं रहे हैं।

चन्दे के बारे में विभिन्न दलों में आरोप-प्रत्यारोप किये जाते हैं। जहाँ तक कांग्रेस पार्टी का सम्बन्ध है, उस के लिए तो सुबूत है। कम्पनी कानून में जो चन्दा दिया जाता है, उस के बारे में झांकें यहाँ पर आ चुके हैं। पिछले तीन चार साल में जो रँसा दिया गया था, उस में सब से ज्यादा कांग्रेस पार्टी को मिला है। यह तो कम्पनी कानून के अन्दर, उस के चौबट्टे के अन्दर की बात है। कम्पनी कानून के बाहर कांग्रेस पार्टी को कितने करोड़ रुपया मिलता है, उस का कोई भी हिसाब-किताब जनता को नहीं दिया जाता है।

आज हमारे देश में एक तिकोन कायम हो गया है, जिस को भ्रष्टाचार की आधारशिला कहता हूँ। एक और नौकरशाही है, दूसरी और भ्रष्ट पूंजीशाही है और तीसरी और मंत्रीशाही है और इस तिकोन ने हमारे देश को एक-दम खत्म कर दिया है।

दो दिन पहले मैंने व्यापार मंत्री, व्यापार सचिव, टेक्स्टाइल कमिशनर और इम्पोर्ट कंट्रोलर के कार्यालय का मामला छोड़ा था। यह तिकोन कैसे चलता है, उस के सुबूत के तौर पर मेरे पास मधुसूदन गोवर्द्धनदास कम्पनी का एक पत्र है, जिस का कुछ हिस्सा मैं पढ़ता हूँ। उस पत्र से चुनाव-चन्दे के मामले पर रोशनी पड़ती है। जनवरी, 1966 की बात है कि कस्टम के द्वारा स्टैपल फाइबर, पालिस्टर यार्न, को बरामद किया गया था। उस को छुड़वाने के लिए क्या क्या साजिशें रची गई थीं, उस का सुबूत इस पत्र से मिलता है।

चूँकि भाच में मैंने इस रुदन में हल्ला बिया था और बाद में पब्लिक एक्जेंट्स कमेटी ने इस बारे में जांच की, इस लिए यह भाला भ्रष्ट नहीं बढ़ा। लेकिन बरा बरा शराबें और क्या क्या साजिशें होती हैं, इस का मैं सुबूत पेश करता हूँ। इस पत्र में कम्पनी वाले एक मिल वालों को लिखते हैं :

"Since then as the matter has now been amicably settled with various Government Departments like Textile Commissioner, Joint Chief Controller of Imports, Special Investigation Branch of Police, Bank of Tokyo, Customs and other Central and State Authorities, it has been agreed to release the frozen goods imported on our behalf against the above mentioned licence."

यह सब कुछ तय हो गया था, लेकिन चूँकि मैंने भंडा-कांड बिया, इस लिए मामला अभी तक सुलटाया नहीं गया है और अभी तक भाल कस्टम के हाथ में है। लेकिन मैं चेतावना देना चाहता हूँ कि जब इस लोक सभा का सत्र खत्म होगा, तो इस के बारे में बदमाशी की जायेगी। मैं आप को एक और सुबूत देता हूँ कि उन्होंने मिल वालों को धाश-वासन दिया है कि अगर आप के खिलाफ कोई नकली केस वगैरह चल पड़ा, उस में आप को कोई बाटा हुआ, जुर्माना प्रादि हुआ तो हम उस का मुआवजा चुकाने के लिये तैयार हैं। वह कहते हैं :

"We hereby covenant and undertake that we will indemnify you and keep you indemnified from and against all claims and demands which may be made against your company, its successors and assigns whether by way of principal, interest charges, costs or otherwise howsoever arising out of the sale of the above staple fibre quota which may be made against you by Government or by any governmental authority or by any person, firm or company and we undertake to pay you on demand any sum or sums of money which

[श्री मधु लिमये]

from time to time may be paid or required to be paid by your company to government or any such authority or any other person, firm or company concerned in the sale of the said staple fibre quota."

आज खबरे में ने खबर सुनी थी कि व्यापार मंत्रों को धक्का मार कर विक्रीला जा रहा है, लेकिन अभी अभी खबर मिली है कि प्रधान मंत्री ने अपना दिमाग फिर बदल लिया है। क्या सच रहा है? कहा जाता है कि अगर इन व्यापारी मंत्रियों को निकाला जायेगा, तो फिर चुनाव के समय को हम को पैसा देगा। मैं नहीं जाना। सुनने के साथ कह रहा हूँ। मैं नहीं जाना कोई सहिष्णुता बात नहीं कहता हूँ। मैं हमेशा सुनने के साथ बोलता हूँ।

मैं जानना मंत्री से यह जानना चाहता हूँ कि राजनीति दलों को, नीकरशाही को और इन मंत्रियों को कहां से चन्दा मिलता है, कहां से पैसा मिलता है, क्या इस की जांच करो के लिए वह कोई निष्पक्ष आयोग बिठाने के लिए तैयार हैं। सरकार की ओर से कहा जाता है कि कुछ दलों को चीन से पैसा मिलता है, कुछ दलों को रूस से मिलता है, कुछ दलों को अमेरिका से मिलता है। हम जानना चाहते हैं कि जहां तक सत्तारूढ़ दल का सम्बन्ध है, उनको अमेरिका से भी पैसा मिलता होगा और रूस से भी मिलता होगा, लेकिन हम यह निश्चित करना चाहते हैं कि हिन्दुस्तान के जो राजनीति हैं और जो भ्रष्ट व्यापारी हैं, वे सरकारी दायरे को चुनौती-कोष के लिए भेद रहे हैं, राजनीतिक कामों के लिए भी दे रहे हैं और मंत्रियों तथा नीकरशाहों की जेबों में पैसा के लिए दे रहे हैं। क्या कानून मंत्री इसकी जांच करने के लिए एक निष्पक्ष आयोग बिठाने के लिए तैयार हैं?

इस के प्रतिरोध में यह भी जानना चाहता हूँ कि—यह मेरी दूसरी मांग है—स्वतंत्रता के बाद जो जो बड़े नीकरशाह इस

सरकार में रहे हैं, जितने मंत्री रहे हैं, पार्लियामेंट और विधान सभाओं के जितने सदस्य रहे हैं—मैं विरोधी दल वालों को भी इस में शामिल करता हूँ—, क्या सरकार उन की जायदाद के बारे में जांच करने के लिए निष्पक्ष आयोग बिठाने के लिए तैयार है।

श्री म० ला० द्विवेदी : रिप्रेजेंटेशन आफ दि पीपल (एमेंडमेंट) बिल से इस का क्या सम्बन्ध है?

श्री मधु लिमये : यह तो उसी को ले कर है। मैं बता रहा हूँ कि इस तिकोन के कारण हमारे देश में निष्पक्ष चुनाव नहीं हो पा रहे हैं। यह डिक्लेरेशन है?

श्री म० ला० द्विवेदी : मैं पूछना चाहता हूँ अध्यक्ष महोदय, कि पीपुल्स रिप्रेजेंटेशन बिल से इस का क्या सम्बन्ध है?

श्री मधु लिमये : मेरा समय इस प्रकार ले रहे हैं। मुझे ज्यादा समय लेना पड़ेगा। अध्यक्ष महोदय, मैं निवेदन कर रहा था कि यह जो तिकोन है भ्रष्टाचार का उसमें एक श्रृंखला है, एक कड़ी है चुनाव...

Mr. Deputy-Speaker: We are not concerned with *Brashtachar*.

श्री मधु लिमये : मैं चुनाव को लेकर बोल रहा हूँ। इसलिए मैं जानना चाहूंगा कि नीकरशाही—(घंटी बजने पर) बस, खत्म हो गया? और केवल मैं भ्रष्टाचार पर बोलने लगा इसलिए खत्म हो गया? अध्यक्ष महोदय, इस तरह तो नहीं चलेगा। दस मिनट मुझे और दे दीजिए।

Mr. Deputy-Speaker: He should not take more than ten to fifteen minutes.

श्री मधु लिमये : मैं अध्यक्ष महोदय, यह कह रहा था कि जिस तरह राजनीतिक दलों को चन्दा आता है उस की निष्पक्ष

जांच करनी चाहिए। उसी तरह से स्वतंत्रता के बाद मंत्रियों, नीकरगृहाहों, विधान सभा और संसद सदस्यों की जायदाद की जांच होनी चाहिए, स्वतंत्रता के पहले क्या थी और आज क्या है, उस की जांच की जाए और उन के रिश्तेदारों की भी जांच की जाय। जो हिंसाब किताब नहीं बताते उसकी जायदाद की बरामद किया जाय।

Mr. Deputy-Speaker: We are not concerned with that.

श्री मधु लिमये : तो अध्यक्ष महोदय, बताव इस तरह से करने के बारे में मेरा यह सुझाव था। अब मैं हमारे संशोधनों की और ज्ञान खींचना चाहूंगा। एक तो संशोधन है...

उपाध्यक्ष महोदय : संशोधन बाद में के लेंगे।

श्री मधु लिमये : अच्छा, अगर आप सिद्धान्त पर ही बलवाना चाहते हैं तो छोड़ देता हूँ संशोधनों को।

यहां पर हम लोगों की ओर से यह मांग की गई है कि जो राजा लोग हैं, राजवाड़े लोग हैं, जिनको सरकारी खजाने से प्रिवी पर्स दिया जाता है, उनके बारे में हमारा सुझाव है और हमारे स्वतंत्र पार्टी के मित्र नाराज न हों क्योंकि मैं उनको बताना चाहता हूँ कि हमेशा स्वतंत्र पार्टी की बदनामी की जाती है कि वह राजा राजवाड़ों की पार्टी है। लेकिन मैं बता सकता हूँ और साबित कर सकता हूँ कि कांग्रेस में जितने राजे और राजवाड़े हैं उसमें तो स्वतंत्र पार्टी में कम है। स्वतंत्र पार्टी को पूंजीवादियों का जितना समर्थन है, उससे कई गुना ज्यादा समर्थन कांग्रेस पार्टी को है। बल्कि आज जो मंत्रिमंडल में परिवर्तन किया जा रहा है, वह भी मैं जानता हूँ कि धनश्याम दास बिरला और कितने बड़े बड़े भ्रादमी हैं जिनको खुश करने

के आधार पर किया जा रहा है। आज इस सरकार को चलाने का काम कौन कर रहा है? आज इस सरकार को चलाने का काम कांग्रेस पार्टी के आम कार्यकर्ता नहीं कर रहे हैं। यह जो बड़े बड़े पूंजीपति हैं बिरला जैसे वह यह काम करते हैं। इसलिए मेरी मांग है कि जो राजे लोग सरकार से प्रिवी पर्स लेते हैं उनको चुनाव के लिए खड़े होने की इजाजत नहीं देनी चाहिए। लेकिन जिस तरह से इंग्लैंड में कानून बनता है कि जो हाउस आफ लार्ड्स का सदस्य कहता है कि मैं "कामनर" बनना चाहता हूँ, तो वह इस्तीफा दे सकता है, उसी तरह हमारे यहां भी कोई इन्तजाम होना चाहिए कि जो राजा कहेंगे कि मैं सरकार से कोई प्रिवी पर्स प्राप्त नहीं करना चाहता, साधारण भ्रादमी की तरह चुनाव लड़ना चाहता हूँ, तो उसको इस बात के लिये इजाजत देनी चाहिए।

अब भ्रष्ट में, जहां तक कोई कोर्ट बगैरह का मामला है, हम यह चाहते हैं कि इस तरह के सुझाव को हम बिल्कुल साफ तौर से मानें कि हर जिले की जो राजधानी होती है वहां पर अगर जरूरत पड़े तो यह जो हाई कोर्ट है जिसके भामने चुनाव प्रदासलत का काम अब सुपुर्व किया जा रहा है, वह जिले की राजधानी में जाकर इन केसेज की सुनवाई करने का काम भी करे।

साथ साथ अध्यक्ष महोदय, यह जो राजनीतिक दलों को चुनाव चिह्न दिया जाता है उसके बारे में भी मुझे कुछ निवेदन करना है। इधर तीन आम चुनावों में हम ने देखा कि एलेक्शन कमीशन का जो काम चल रहा है उसमें काफी मनमानी हो रही है। चुनाव चिह्न राजनीतिक दलों को देने के बारे में कोई नियम नहीं है, कोई सिद्धान्त नहीं है, कोई कानून नहीं है। हम लोगों के खिलाफ जब कानून हो तो कानून का आधार लिया जाता है। जब कानून हमारे हक में जाता है तो एलेक्शन कमीशन विवेकपूर्ण

[श्री मधु लिमये]

अधिकारों, डिस्क्रिशनरी पावर्स की बात करता है और हर हालत में हमारा जो दल है जो एक तकड़ा विरोधी दल है, कांग्रेस की गलत नीतियों का विरोध करता है, उस दल को दबाने के लिए एलेक्शन कमीशन चुनाव चिह्न वाली बात का इस्तेमाल करता है। इसलिए मेरा सुझाव है कि चुनाव चिह्न का मामला हो, रेडियो पर राजनीतिक दलों को समय देने का मामला हो, इन सारी समस्याओं को सुलझाने के लिए सरकार एक उच्च शिखरीय सम्मेलन बुलावे और लोकतांत्रिक सिद्धान्तों के आधार पर इन सभी सवालों का फैसला करे।

अन्त में मैं यह कहना चाहता हूँ कि अगर चुनाव को आप सस्ता नहीं बनायेंगे तो तीन ग्राम चुनावों में अभी जितना पैसा खर्च किया गया है, उससे ज्यादा पैसा दाम बृद्धि के कारण इस पर खर्च किया जायगा। मेरे चुनाव क्षेत्र में पिछली बार 1 लाख 25 हजार रुपया खर्च किया गया और कृष्ण बल्लभ सहाय ने यह कहा है कि 40 हजार रुपया उनको उस उम्मीदवार से प्राप्त हुआ तभी जाकर टिकट दिया गया। यह बात उन्होंने खुद स्वीकारी है और अब की बार भी मुझे पता चला है बर्ड कम्पनी का जुर्माना घटाने की साजिश की जा रही है और रेवेन्यू बोर्ड के चेयरमैन को आपने ऐंडीशनल कामर्स सेक्रेटरी बना दिया . . . (अवधान) . . . यह जुर्माना घटाया जायगा . . .

Shri K. C. Sharma: They are valid allegations without any relevance. They should not go on record.

श्री मधु लिमये : यह इसी से संबंधित है। एक करोड़ रुपया जुर्माना घटाया जायगा और उस एक करोड़ रुपये का बटवारा कैसे होगा? पचास लाख मिलेगा अनुत्पन्न बोध और बीजू पटनायक को, 30 लाख मिलेगा कृष्ण बल्लभ सहाय को और जो मेरे खिलाफ चुनाव

में खड़ा होने वाला है वह 20 लाख खर्च करेगा। . . . (अवधान) . . . मुझे इस बात की जानकारी है। आप देखेंगे, यह बातें सब होने वाली हैं। क्या वजह है रेवेन्यू बोर्ड के चेयरमैन को ऐंडीशनल सेक्रेटरी, कामर्स विभाग का बनाया गया . . . (अवधान) . . . यह सारे भ्रष्टाचार के मामले हैं। आप मुझे मौका दीजिये। एक एक की पोल मैं खोज दूंगा। यह बैठे हैं माथूर साहब, उनका लोकपाल कभी आयेगा, आयेगा या नहीं आयेगा . . . (अवधान) . . . आप आने नहीं देंगे। लोकपाल आ जायगा तो एक-एक बात मैं खोलकर रखूंगा।

श्री गोपीनाथ दीक्षित (इटावा) : डिप्टी स्पीकर महोदय, पहले इसके बिना मैं और बातों पर निवेदन करूँ श्री मधु लिमये ने जो एक सवाल उठाया है, उस पर मैं कुछ रोशनी डाल दूँ। मधु लिमये ने कहा है कि यह जांच करनी चाहिए कि राजनीतिक दलों के पास पैसा कहां से आता है। पिछले मार्च में जब विवियन बोस कमीशन की रिपोर्ट पर बहस हुई थी, तो डाक्टर राम मनोहर लोहिया साहब, फर्रुखाबाद से चुनाव लड़ रहे थे, उस समय श्री उटिया जो जाने माने सदस्य संयुक्त सोशलिस्ट पार्टी के हैं, उन्होंने डालभिया जैन की एक अर्जी इस सदन में पेश की थी। कुछ बाकी सदस्य राम सेवक यादव वगैरह लोहिया जी के चुनाव में उस समय जा रहे थे। तो तीन चार लाख रुपया लोहिया जी के चुनाव पर खर्च हुआ, वह कहां से आया?

. . . (अवधान) . . . श्री मधु लिमये बड़े ही आत्मा के मानने वाले व्यक्ति हैं, कृपा करके इस बात की जांच पड़ताल करें कि यह दो-तीन लाख रुपया कहां से आया? . . . (अवधान)

श्री मधु लिमये : जांच आयोग कायम किया जाय। सारी बातें सामने आयें, सभी दलों की आयें . . . (अवधान)

Mr. Deputy-Speaker: Shri Limaye should please sit down. Making allegations cannot be a one-way traffic. He must be prepared to hear them when they are made by others. He cannot make allegations and then expect others to keep quiet.

श्री मधु लिमये : अध्यक्ष महोदय, मैंने तो स्वयं कहा है कि सभी दलों के मामले आयें। अगर उटिया साहब ने कोई ऐसा काम किया है तो वह भी आयें। किसी भी चीज से घबड़ाता नहीं हूँ।

श्री गोपीनाथ बोसित : जब आप की बात कही जाय तो आप को दुख लगता है और आप को गाली देने का अधिकार है। कांग्रेस दल पर, रंगा जी पर, बिरला पर, दुनिया भर को गाली देने का फ्री लाइसेंस आप को है और अगर हम कोई रेकॉर्ड की बात कहते हैं जो हमारे लोक सभा के रेकॉर्ड में लिखी हुई है तो आप को आपत्ति है ? मैं निवेदन करना चाहता हूँ (ध्वनयमान)

श्री हुकम चन्द कछवाय : उस अर्जी में क्या था ?

Mr. Deputy-Speaker: Order, order. Shri Kachavaiayya cannot go on talking like this when he is not identified.

श्री गोपीनाथ बोसित : अब आप माने लगाइये कि अर्जी दी चुनाव के पहले तो क्या माजरा था। क्यों वकालत करने को उनकी तैयार थे ? यह आप माने लगाइये।

जहां तक रिप्रेजेंटेशन आफ पीपुल्स ऐक्ट का ताल्लुक है मुझे एक बात का उवाइंट सेलेक्ट कमेटी से दुख है और वह यह कि इस सदन में एक बात मैंने पहले उठायी थी अपने भाषण में और वह यह थी, आज देश को सबसे बड़ी जरूरत उसी चीज की है जिसकी तरफ हमारी माननीया प्रधान मंत्री ने हमारा ध्यान आकर्षित किया कि इस देश में कल-आफ-ला हमें कायम करना चाहिये।

कोई प्रजातन्त्र बगैर कल-आफ-ला के नहीं चल सकता और यह सदन, जो कि कानून को बनाने वाला है, अगर इस सदन में कोई बात कानून के खिलाफ चलती है, तो यह हाउस एक शीशा है, भिन्न है, वे बातें अखबारों में छपती हैं, सारे देश में अराजकता की भावना फैलती है। अगर कोई माननीय सदस्य इस सदन में ला-मेकर होते हुए, कानून बनाने वाले होते हुए, कानून की खिलाफत अर्जी इस सदन में करें, तो उनको घोर से घोर दण्ड दिया जाना चाहिये। यह सदन कभी ठीक नहीं चल सकता, देश में कल-आफ-ला नहीं हो सकता, जब तक इस सदन में कल-आफ-ला स्थापित नहीं होता। इसलिये इस बात की जरूरत है कि अगर कोई जैसे इसमें आप ने रखा है कि जिसको दो साल की सजा हो, वह खड़ा नहीं हो सकता, चुनाव में करप्ट प्रेक्टिस करे, वह खड़ा नहीं हो सकता 6 साल तक, लेकिन हमारे माननीय सदस्य, मैं उनका नाम क्या लूं, बार-बार कानून को तोड़ें, बार-बार चुनौती दें कानून की धज्जी-धज्जी उड़ाने की, जो डिप्टी स्पीकर की अवहेलना करें, जिनको स्पीकर बार-बार सदन से निकालें, उनको कोई सजा न हो, उस आदमी का कोई अधिकार नहीं होना चाहिये कि वह चुनाव में खड़ा हो सके। इसलिये मैं आप से निवेदन करना चाहता हूँ कि ला मिनिस्टर इस पर विचार करें। यह इस हाउस की तजवीज है, इच्छा है—हमारे प्रपोजीशन के मेम्बर साहब नागज न हों जायं . . .

श्री मधु लिमये : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। जब मैं अप्टाचार की चर्चा कर रहा था, तो आप ने कहा कि इसका इस बिल से क्या सम्बन्ध है, जब कि उसका सम्बन्ध था और जब कि ये सदन के अन्दर क्या कायदे कानून चलते हैं, इसकी चर्चा करते हैं तो आपको कोई आपत्ति नहीं है, ऐसा क्यों करने दिया जा रहा है ?

Mr. Deputy-Speaker: You have said so many irrelevant things. I tolerated them. So, you must now take something from others. It cannot be a one-way traffic. Mr. Dixit, you may please confine yourself to the Bill.

श्री मधु लिमये : मैंने एक भी बात ऐसी नहीं कही जो चुनाव से सम्बन्धित नहीं थी ।

Shri Alvares (Panjim): No issue raised by a Member in the House can attract the provisions of any law; certainly not the Representation of the People Act.

Shri Harish Chandra Mathur (Jalore): He is saying that the Members should be disqualified.

Shri G. N. Dixit: Among the disqualifications, the Law Minister should include that if a Member continuously defies the Chair, it shall be a disqualification and he cannot be allowed to seek election.

Shri Madhu Limaye: Unconstitutional.

Shri G. N. Dixit: Expediency and appeasement can never establish the rule of law. It is only strong rule of law that can establish the rule of law.

श्री मधु लिमये : इतना डरते क्यों हो ?

श्री घोषीनाथ बोशित : अगर डरते तो इतना घड़के से मधु लिमये और डा० लोहिया से न कहते । इसी लिये मैं कहता हूँ कि तीन महीने बाद चुनाव में मौका होगा देखने का कि हम सही हैं, जनता हमारे साथ है या मुम्हारे साथ है ।

एक माननीय सदस्य : कई बार हार चुके हो ।

श्री घोषीनाथ बोशित : यह मुनासिब नहीं है कि आप चुनौती दें । मेरा बहसियत

लोक सभा के सदस्य के बोलने का अधिकार है, उसको रोकने की कोशिश न करें ।

मैं निवेदन कर रहा था कि आप ने जो प्रपोजल रखी है कि हाई कोर्ट को इन्क्वेशन पेटिशन सुननी चाहिये, मैं इसकी नाईद करता हूँ । यह आपने प्रच्छा किया है । बहुत से चुनाव पेटिशनर लड़ने का मौका मुझे मिला है और आज भी बहुत से चुनाव लड़ने वाले मलाह लेने आते हैं, ट्रिब्युनल में महीनों, सालों पेटिशन लड़ते हो जाते हैं, उसके बाद हाई कोर्ट गमें जाइये, फिर सुप्रीम कोर्ट में जाइये, मुझे ऐसा मुकदमा मालूम है, जिसमें पूरा टाइम निकल गया, लेकिन इन्क्वेशन पेटिशन खत्म नहीं हुई । मेम्बर साहब का दिमाग सदन में रहे या मेम्बर साहब का दिमाग घदालत में रहे, बड़ी दिक्कत होती थी, इसलिये यह आपने प्रच्छा काम किया है ।

रंगा साहब बहुत खुश हो रहे हैं, क्योंकि यह उनके फायदे की बात है, अब उनको हाई कोर्ट में जाना होगा

Shri Ranga: I am not following you.

Shri G. N. Dixit: You are not following me? I think, you are listening to the simultaneous translation.

तो मैं यह निवेदन कर रहा था कि पहले जो व्यवस्था थी कि लैटर्स आफ् पेटेन्ट के मुताबिक पहले सिंगल जज का फैसला हो, फिर अपील हो, डिर्व्जन बेन्च में मामला जाय, इसको आपने हटा दिया है, यह बहुत प्रच्छा किया है । अब जो कुछ होना है, कौन असली मेम्बर है, जो सदन में बैठे, इसका फैसला जल्दी हो जायगा ।

लेकिन एक चीज इस सिलसिले में अच्छी नहीं लगी । आप ने इसमें यह रखा है कि हाई कोर्ट के जज यहां से वहां सब जगह जायेंगे और उन्हें जाने का अधिकार होगा । मैं सदन का ध्यान उस असली सवाल की तरफ

लाना चाहता हूँ, जिस पर इस सदन ने अपने को मजबूती से आज तक कायम रखा है। आप को क्याल होगा कि जब आप ने राजस्थान का हाई कोर्ट जोधपुर में बनाया था, उस वक़्त से कितनी कोशिशें हुई कि जयपुर में सर्कट बँच होना चाहिये, लेकिन हमारी सरकार और सदन इस बात पर मजबूत रहे कि न्याय की अच्छाई के लिये जरूरत इस बात की है कि जो सीट आफ हाई कोर्ट हो, वही पर जस्टिस की मुनवाई होनी चाहिये।

मैं इस सिलसिले में आप ने कहा कि चाहता हूँ कि बावजूद इसके कि इतने आन्दोलन हुए, कितने आदमी जेल गये जयपुर में, लेकिन आप ने परिवर्तन नहीं किया। आज भी आन्दोलन हो रहा है, आज भी आप परिवर्तन नहीं कर रहे हैं, लेकिन अगर आप ने इस बिल में इस बात को रखा कि जजों को सब जगह जाने का अधिकार है, हाई कोर्ट की बँच जगह-जगह पर जाय, तो सेवा नतीजा यह होगा, यह कहा जायगा कि आप ने यह इन्तज़ाम अपने लिये कर लिया है, मेरा खेत का मुकद्दमा है, मेरे लिये बँच क्यों न जाय। उस तरह से ट्रिब्यूनल बँच जगह जगह पर रखने में आपको काफी मुश्किल प जायगी। इसके अलावा अगर आप अच्छा न्याय चाहते हैं, मैं एक वकील हूँ, अगर मेरे चेम्बर में राय लेने आयेंगे तो मैं आप को पक्की राय दूँगा, लेकिन अगर यहाँ बैठ कर राय लेंगे तो मैं टरकाऊँगा। जहाँ पर हाई कोर्ट की सीट है, अगर इसको वही पर रखा जायगा, तो वहाँ पर कम्पलीट लाइब्रेरी है, वहाँ पर यू० एन० ए० की सुप्रीम कोर्ट, इंग्लैंड के तमाम कानून, ऑस्ट्रेलिया के, हिन्दुस्तान के सब कानून मौजूद हैं, वहाँ पर सही न्याय किया जा सकता है।

एक चीज़ और है, जिस पर मैंने अप्रैण्डमेंट दी हुई है, जब क्लाजेज पर डिस्कशन होगा, तब उसको अर्ज कर दूँगा। इन शब्दों के साथ मैं इस बिल की तारीफ़ करता हूँ।

Shri Sezhiyan: Mr. Deputy-Speaker, Sir, this Bill has been brought before the House very late in the very last session just before the elections. From the Report I find that it had been submitted as early as on 2nd December, 1965. More than a year has elapsed. The Ministry should have brought this Bill in the last Budget session and should have given us sufficient time to go through this Bill because it is a very important Bill. The functioning of democracy depends on the way in which we conduct our elections and how far our elections are accurate and reliable, it is only to that extent that democracy will function and prosper in this country. Though I welcome some of the amendments given in this Bill—some of them are in the right direction—much more should have been done and I feel it touches only the fringe of the problem whereas the malady is very much deeper.

I find from the experience of the last three elections, so many malpractices have been found. It has been exposed to the country that the law has been breached on more than one occasion. But the Bill under consideration has not touched many of the problems that have been exposed. Even in the Report of the Election Commission, some of the things have been suggested, specially regarding the limits of expenses and other things. Regarding the limits of expenses, so many Members have spoken. No one can plead ignorance how this limit of expenses is being transgressed by so many persons because if I remember aright, even openly we find many Members belonging to the ruling Party who occupy the highest position in the Ministry themselves confess how the limit of election expenses has been infringed. If I remember aright, Shri C. Subramaniam who is a Minister in the Central Cabinet now, while speaking in the Madras Assembly in 1957 just after the 1957 elections openly confessed that when he was asked by Acharya Vinoba Bhave he had to reply that not a single Member from

[Shri Sezhiyan]

his party had abided by this provision. That was what he said, if my memory serves me aright.

I may also point out that in 1960, Shri S. K. Patil was reported to have said as follows at Bombay: I am quoting from a report in *The Hindu* dated the 18th August, 1960. The report says:

"Bombay, August 18, 1960: Shri S. K. Patil, the Union Minister of Food and Agriculture said here today that it was becoming more and more difficult to collect funds for fighting elections. During the last general elections . . .".

—he was referring to the 1957 elections—

". . . Mr. Patil pointed out, the Congress spent about Rs. 5 crores."

That means that Shri S. K. Patil who was then the treasurer of the Congress Party had openly confessed that the Congress Party had spent Rs. 5 crores on the general elections; that means that on an average, in a parliamentary constituency, about Rs. 1 lakh had been spent. That is a clear case of infringement of the election law which has thus become unreal and meaningless, even according to the Report of the Election Commission itself. It passes my comprehension why the form of a statute which has become meaningless should still be retained. The Election Commission has stated, exactly the same thing in its report. The report says:

"After the experience of the general elections of 1962, the commission reiterates its view that the legal position relating to election expenses as they stand at present are of no use and calls for drastic amendment or total repeal."

That report has further pointed out that the prescribed maxima have become quite unreal and meaningless. It passes my comprehension why such

a provision which has become unreal and meaningless should be amended in this manner; either the law should be totally repealed, or else Government should seek some other way out.

When Shri Umanath and Shri Madhu Limaye were pointing out certain things, there were so many protestations from the other side. I would like to point out that big companies and industrial houses are contributing fabulous sums to the political parties, especially to the ruling party. I may quote here the judgment of no less a person than Shri M. C. Chagla who was the Chief Justice of Bombay in 1958. When he was delivering his learned judgment on the case *Jaini Lal vs. Tata Iron and Steel Co.*, he had this to say: as to the reasons why the companies were contributing to the Congress funds. He said:

"When one analyses these reasons for this alteration, it is clear that what the company feels is that the safety, security, future expansion and the profits are all linked up with a continuation of the Congress Government at the helm of affairs in India and in order to ensure the stability and security and expansion and the making of profits, it is desirable that the company should see to it that the Congress Government continues in power and that Government can only continue in power provided the Congress Party is returned by the electorate; thus arises the necessity for the company to contribute to political funds of the Congress Party in order to ensure its success at the polls."

Therefore, it is clear that the big companies and big money are contributing to the coffers of the Congress Party, just to make profits and just to ensure their expansion in the future.

While concluding his judgment, this is what Shri M. C. Chagla had to say:

"Before parting with this case, we think that it is our duty to draw

the attention of the Parliament to the great danger inherent in permitting companies to make contributions to the funds of political parties. It is a danger which may grow apace and which may ultimately overwhelm and even throttle democracy in this country."

This was the clear warning which he had given.

Shri Alvares: Was it the same Education Minister who is here now?

Shri Sezhayan: Yes, when he was the Chief Justice of Bombay, this was what he had pointed out.

Shri Hari Vishnu Kamath: Has he changed his mind now?

Shri Sezhayan: It is yet to be seen. He occupies a seat next to the Law Minister here, and, therefore, the Law Minister should be in a better position to understand the implications of the judgment given by Shri M. C. Chagla when he was presiding over the high judiciary in the Bombay High Court.

My point is that the election expenses are growing. Often, there is an inducement to the voters in many forms, and we have heard that in many places rupees are being freely distributed. This technique has been extended to this extent now that in certain constituencies, instead of inducing voters to vote in a particular way, inducements are offered to the contesting candidates themselves, with the result that in the process the person who has been put up by the ruling party is returned uncontested. This technique appears to have been perfected.

Here, I would also like to point out that Ministers are using the governmental machinery for the party. Shrimati Yashoda Reddy was pointing out very vehemently what Government were doing and would do. If they are so pure and they have a clean conscience, why do they not accept the plea that the Government should resign before the elections? Or

else, why should they make any official tours just before the elections? What happens now is that just before the election time, especially at the time of the bye-elections, you can see all the Ministers parading the constituencies with all the high officials flanking them; and when the Ministers make any promises or give any assurances, these are fully and readily supported by the officers.

I would also support the amendment which has been tabled by Shri Muhammad Ismail that this Bill should be recommitted to the Joint Committee for the consideration of the system of proportional representation. As I have pointed out in my minute of dissent, during the last three general elections we have seen that the Congress which has secured only 45 to 46 per cent of the votes has actually secured about 75 per cent of the seats, which is completely out of proportion to the votes polled by them, and consequently, the other parties which have secured a sizeable majority of votes have not been able to get the majority of the seats in proportion to the votes polled by them. From this, you can also visualise the possibility of a party which may get about 49 per cent of the votes not getting even a single seat throughout the country. That possibility is also there under the present system of elections.

Therefore, I would suggest that instead of the present system of single-member constituencies returning a single-member, there should be multi-member constituencies with proportional representation system of voting and counting of votes. Then only the composition of the legislature can reflect the true opinion throughout the country.

These are maladies which are of a deeper nature and these should be attended to immediately. Government should have come forward not with a smattering of the amendment of this Act only but they should have come forward with a comprehensive

[Shri Sezhiyan]

amendment of several enactments, including the Constitution, the Companies Act and so on. If they want to have free and fair elections which can ensure the free and smooth functioning of democracy, they should come forward with such amendments. They are coming forward with amendments day in and day out; we are now having the 21st amendment to the Constitution, and if one more amendment is made to the Constitution it will not do any harm to the Constitution, but it would do much more credit to our country and to democracy.

Coming to the clauses of the Bill, I would like to submit that some of the clauses are draconian in nature. For instance, there is a clause under which a blanket disqualification can be imposed on a person if he has been convicted by a court in India or any offence and sentenced to imprisonment for not less than two years. This is a very wide and sweeping thing. There are ordinances which are being promulgated by the State Governments under which any Member of the Opposition could be imprisoned for three years. The other day Shri Daji was pointing out that there was an ordinance in Madhya Pradesh under which anybody who criticised the formation of a commission there could be sentenced to imprisonment for three years. If such ordinances are being promulgated by the State Governments, then anybody from a political party, if he just criticises the formation of a commission with respect to which he may not be satisfied, and which he may feel should be enlarged, or should include a High Court judge or a Supreme Court judge and so on, could be charged with the offence and be sentenced for three years. But some other person who may have committed some heinous crime involving moral turpitude, just because he gets a punishment of less than two years would be free to stand for elections. I am not here to defend heinous crimes or those who do violent deeds or those who are doing things

which are anti-national; I accept that such things should not be done. But why should we not provide that any person who has committed a heinous crime, even if he has been punished with imprisonment for six months should be completely disqualified from standing for elections? It is not the period for which a person is convicted that should count, but rather it should be the degree, nature and quality of the crime that has been committed. If it is a heinous crime, which is anti-social or anti-national, whether the punishment is for one month or two months or one year or two years should not matter, and the person convicted should be completely disqualified. But what do we find? Here we have got a draconian piece of legislation with a provision to the effect that any person convicted by any court in India of any offence for more than two years is disqualified; only the period is specified but not the nature of the crime.

Therefore, I would request the Law Minister even at this stage to go into the question very deeply, because nowadays with State Governments functioning as they are—somebody in office takes it into his head to see that the opposition candidates are disqualified; on some ground or other, they are caught within the clutches of law and convicted for more than two years; in that way they will become disqualified—there is this danger of the Opposition candidates being disqualified by the length of the conviction stipulated here. So instead of putting a limit of duration, they can specify the crimes which are considered heinous and condemnable, offences involving moral turpitude and so on and the disqualification may extend to imprisonment for one month or even one day. It should be on the basis of the nature of the crime committed, irrespective of the period of conviction.

Regarding other matters, at the clause-by-clause consideration stage,

I think I can profitably take the time of the House to explain my viewpoint.

Mr. Deputy-Speaker: Shri Tyagi.

श्री मधु लिमये : उपाध्यक्ष महोदय, मेरा पायंट ग्राफ़ आर्डर है। इस पत्र से मैंने दो अनुच्छेद पढ़े हैं। मैं नियम संख्या 369 के मातहत इस पत्र को ग्रायेंटीकेट करके सदन-पटल पर रखना चाहता हूँ। नियम 369 इस प्रकार है...

Mr. Deputy-Speaker: There is no point of order.

श्री मधु लिमये : मैं सदन-पटल पर यह पेपर रखना चाहता हूँ। आप कैसे कहते हैं कि पायंट ग्राफ़ आर्डर नहीं है ? मैं इस कागज़ को सदन-पटल पर रखना चाहता हूँ, जो कि इसी कार्यवाही से सम्बन्धित है। आप नियम 369 को देखिए, जो कि इस प्रकार है...

Mr. Deputy-Speaker: Order, order. When one member has spoken and another has been called, I am not allowing any point of order.

श्री मधु लिमये : मैंने जिस पत्र के दो अनुच्छेद पढ़े हैं और जिनका आधार लिया है, मैं उसको सदन-पटल पर रखना चाहता हूँ। आप मुझे क्लर्क को तो पढ़ने दीजिए।

Mr. Deputy-Speaker: I am not hearing any point of order now. Shri Tyagi.

Shri Madhu Limaye:

क्लर्क 369 इस प्रकार है :

"A paper or document to be laid on the Table shall be duly authenticated by the member presenting it....."

Mr. Deputy-Speaker: I am not allowing it.

Shri A. S. Saigal: There should be some rule on this. Can any member say anything at any time?

श्री मधु लिमये : यह "एनी टाइम" नहीं है। जो कार्यवाही इस वक्त चल रही है और

अपने भाषण में मैंने जो कुछ कहा है, मैं उस सम्बन्धित कागज़ को सदन-पटल पर रखना चाहता हूँ।

Mr. Deputy-Speaker: Shri Tyagi.

श्री त्यागी (देहरादून) : उपाध्यक्ष महोदय, मैं इस बिल की तारीफ़ करता हूँ, समर्थन करता हूँ। ला मिनिस्टर से मेरी प्रार्थना है कि जहाँ तक इस बिल का ताल्लुक है, वह इस बात का ध्यान रखें कि विरोधी दल के नेताओं और सदस्यों की तजवीजों को बड़ी इज्जत के साथ देखा जाये और जहाँ तक हो सके, उन को स्वीकार करने की कोशिश करनी चाहिए। कि यह बिल चुनाव से सम्बन्ध रखता है, इसलिए विरोधी दलों को यह शिकायत न हो कि चुनाव के मामले में उनकी बात नहीं सुनी गई। इसलिए मेरी अपील है कि विरोधी दल की तरफ़ से जो भी सुझाव आयें, उन पर बहुत डिसपैशनेटली और शान्ति से विचार किया जाये और इस बात की कोशिश की जाये कि जहाँ तक हो सके, उनके सुझावों को स्वीकार किया जाये। मैं समझता हूँ कि चुनाव के सिलसिले में हमेशा यही नियम होना चाहिए, क्योंकि चुनाव से सम्बन्ध रखने वाला यह बिल गवर्नमेंट या पार्टी की नीति नहीं बताता है, बल्कि यह कांस्टीट्यूशन का एक हिस्सा है। इसलिए इस सम्बन्ध में पार्टी के विचार से नहीं सोचना चाहिए और विरोधी दलों की राय को सहानुभूति से सुनना चाहिए।

मैं मन्त्री महोदय का एक साथी होने के नाते एक बात कहना चाहता हूँ। उन्होंने इस बिल में अपीलें सुनने के लिए हाईकोर्ट को रखा है, यह बात अच्छी है। वह इस बारे में ज्यादा जानते हैं। लेकिन हाईकोर्ट में दीवानी के और दूसरे मुकदमों में से बाज़ बारह, पन्द्रह बरसों से अटक रहे हैं। मन्त्री महोदय जरा यह हिसाब मंगायें कि कौन से हाईकोर्ट में कितने पुराने मुकदमे पड़े हुए हैं। यह काम हाईकोर्ट को देना तो ठीक है, लेकिन सरकार वहाँ पर काम की जल्दी कराने के लिए दखल-

[श्री त्यागी]

घंदाजी नहीं कर पायेगी, क्योंकि इसमें कई कानूनी पेचीदगियां होंगी।

मेरा अनुभव है कि अब प्रैक्टिस करने वाले वकील लोग हाईकोर्ट के बेंच पर आने लगे हैं, जो कि सर्विस की डिसिप्लिन से बंधे नहीं होते हैं और जो आम तौर पर चीफ मिनिस्टर्स और दूसरे मिनिस्टर्स की सिफारिश पर मुकर्रर किये जाते हैं। मेरा ख्याल है कि हाई कोर्ट्स की इम्पार्शलिटी अब उतनी अच्छी नहीं रही है, जितनी कि डिस्ट्रिक्ट जजिज की है, क्योंकि डिस्ट्रिक्ट जजिज सर्विस में होते हैं और उन के प्रास्पेक्ट्स उन के काम पर निर्भर करते हैं, वे जितनी इमानदारी से काम करेंगे, उतना ही उनका प्रेस्टीज बढ़ेगा और उतनी ही उनकी तरक्की होगी। इस लिए वे इन्साफ़ का ज्यादा खयाल रखते हैं बनिस्वत उन लोगों के, जो वैसे ही मुंह देखे तरीके से, वजहों की तरफ से अदालतों में आए हैं। मैं समझता हूँ कि इस वजह से हिन्दुस्तान में हाई कोर्ट का पुराना प्रेस्टीज आहिस्ता आहिस्ता कम हो चला है। इस पहलू से भी इस प्राविजन पर विचार कर लिया जाये। यह बात दूसरी है कि वकील लोग हाई कोर्ट के जजिज को ब्राह्मण समझ कर उन के चरण छूते हैं। हम देखते हैं कि जब भी कोई मौका आता है, तो कहा जाता है कि फालां काम के लिए हाई कोर्ट का जज मुकर्रर किया जाये, जैसे हिन्दुस्तान में अगर कोई फ़रिश्ते हैं, तो वे हाई कोर्ट के जज ही हैं। मैं समझता हूँ कि जैसी कमजोरियां हम लोगों में हैं, वैसे उन में भी हैं, क्योंकि आखिर वे हमारे भाई बन्द हैं।

यह भी देखना होगा कि एसम्बलीज और पार्लियामेंट के इलैक्शनज की हज़ारों प्रपीलें हाई कोर्ट में जायेंगी। अगर यह सारा काम हाई कोर्ट को सौंप दिया गया, तो थोड़े से जजिज की ये हाईकोर्ट्स इस को पूरा नहीं कर पायेंगी। इसलिए मेरा सुझाव है कि इस बिल में इस बात की गुंजायश रखी जाये कि हाई कोर्ट की इजाजत से उस के अलावा और जज

भी मुकदमे जा सकें, प्रपीलें की जा सकें, ताकि उन का फ़ैसला जल्दी ही सके।

मंत्री महोदय ने यह बहुत अच्छा बिल रखा है लेकिन मैं इस की आखिरी क्लॉज की तरफ़ उन का ध्यान दिलाना चाहता हूँ, जो इस तरह है :

"If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both."

मैं यह कहना चाहता हूँ कि कोई कैंडीडेट इतना बेवकूफ़ नहीं है, जो सरकारी अफसरों की लिखित रूप में इलैक्शन एजेंट वगैरह के तौर पर रख कर डिस्वालिफ़ाइड होना चाहेगा। अगर कोई कैंडीडेट गांव के पंच को भी लिखित रूप में अपना एजेंट बनाता है, तो वह डिस्वालिफ़ाइड हो जाता है और उस का इलैक्शन रद्द हो जाता है। इसलिए इस बिल में जो सजा रखी गई है, वह बेकार है, क्या मंत्री महोदय को कोई ऐसा सरकारी अफसर मिला है, जो लिखित रूप में किसी कैंडीडेट का इलैक्शन एजेंट या पोलिंग एजेंट बना तो ? अन्त में सरकारी अफसर अन्दरखाने मदद करते हैं और अन्दरखाने की उस बेईमानी रोकने का इन्तजाम इस बिल में नहीं किया गया है। इस क्लॉज का तो मतलब यही है कि जो सरकारी अफसर लिखित रूप में, दस्तखती तरीके से, कानून को तोड़ेगा, उसको सजा होगी। यह तो ऐसा है कि अगर कोई चोरी करने वाला रजिस्टर्ड नोटिस दे देगा कि मैं चोरी करने जा रहा हूँ, तो उसको चोरी की सजा हो जायेगी और जो बिना नोटिस दिये हुए, अन्दरखाने चोरी करेगा, उसको सजा नहीं होगी।

मैं उस पार्टी का सदस्य हूँ, जो पावर में है, लेकिन हम को सोचना चाहिए कि हमारी

कमियां गौर कमजोरियां क्या हैं। विरोधी दलों को इस लिए शुबहा करने का मौका मिलता है, क्योंकि हमने उन को गुंजाइश दी है। क्या ऐसी अपीलें नहीं हुईं, जिन में अदालतों ने फैसला दिया कि बैलट पेपर्स पर दूसरी मुहर लगा कर उन को इनवैलिड किया गया ? क्या उन मामलों की तहकीकात कर के मुताल्लिका सरकारी अफसरों को सजा दी गई ? क्या कोई सरकारी अफसर डिमिस्स किया गया ? हम सब जानते हैं कि ताले तोड़ कर खजाने में से बैलट वाक्स खोले गए हैं, दूसरी मुहर लगा कर बैलट पेपर्स को इनवैलिड किया गया है। जिन केसिज में अदालतों अपना फैसला दे चुकी हैं कि ये कार्यवाहियां की गई हैं, सरकार ने मुताल्लिका सरकारी अफसरों को सजा नहीं दी। क्या यह सच है ? मेरा कहना यह है कि अगर कोई सरकारी अफसर बेईमानी का काम करते हैं या इलैक्शन मशीनरी में कोई अफसर, पोलिंग आफिसर वगैरह, किसी किस्म की इम्पाशॅलिटी करते हैं, तो उनको सजा दी जाये, ताकि विरोधी दलों पर यह पूरी तरह से साबित हो जाये कि जो पार्टी पावर में है, वह इलैक्शन के मामले में जरा भी बेईमानी नहीं करेगी और निहायत न्याय से काम किया जायेगा। चूंकि इसमें यदि हम नाकामयाब रहे तो एंडमिनिस्ट्रेशन की नाकामयाबी उनकी इतनी खराब नहीं है जितनी चुनाव में निष्पक्ष न होने की खराबी है। इसलिए मैं गवर्नमेंट पर यह घबरा आना पसन्द नहीं करूंगा कि चुनाव के मामले में गवर्नमेंट ने किसी तरह से भी पक्षपात से काम लिया। इस को आप मेहरबानी करके बदल दीजिए और उन सरकारी अफसरों को सजा देने को रखिए जो अन्दरखाने में किसी उम्मीदवार को मदद करते हैं।

Shri Hari Vishnu Kamath: When I agreed to serve on the Joint Committee last session I had fondly hoped that there would be many salutary changes in the measure before it came before the House. I freely

admit and condone that there have been some changes, and the Minister showed in the Committee better receptivity to new ideas, to new suggestions, than he normally does in the House.

Shri Alvares: That is the habit of a Chamber Judge.

Shri Hari Vishnu Kamath: That is an additional reason why I have been pleading, and you have agreed so often, that unless a Bill is of a minor or routine character, it should go before a Select Committee. That happened in the Judges (Inquiry) Bill, and I am glad to say he was receptive there also, but here the juniors are so jaded, they display such asinine stupidity that I am sorry for it; but I am glad that in this Bill at least there have been some changes made by the Joint Committee.

I would certainly have been happy, after the labours that have gone into the Bill and the strenuous efforts that the Minister himself made, if he had made up his mind to become a Member of this House rather than of the other House. Reports have it that he and another colleague of his have been exempted from contesting elections to the Lok Sabha. I do not know whether it is a fact. If it is a fact, I am sorry for it. I do hope he will change his mind and contest elections to the Lok Sabha in the coming elections, and so also his colleague, unless, of course, medical grounds come in the way, that is another matter, but I do hope there are no other grounds coming in the way.

Some of the provisions which could have been modified further, amended further, I would briefly refer to. The Acts sought to be amended are two, one is the 1950 Act and the other is the 1951 Act. You, Sir, were an active Member of the House at that time, and I believe you have taken active part in the debates that took place on both these Bills before they

[Shri Hari Vishnu Kamath]

became law. There is one matter which I had brought before the House in the form of a question in last session, and I repeated that question in this session. That refers to the happy development that has taken place with regard to the State of Jammu and Kashmir. We are having direct elections to the Lok Sabha from that State. Representation in the Lok Sabha will be direct now. But, it is not possible, is it completely beyond the wit of man and of the luminaries that adorn the Treasury Benches in this House, just as the Jammu and Kashmir Legislative Assembly was allotted 25 seats to the Pakistan-occupied territory of Kashmir in the Assembly and decided to keep them vacant till the happy consummation when they will be liberated from Pakistani occupation, to allot say two seats to that territory of Jammu and Kashmir in the Lok Sabha and keep those seats vacant till that glorious day, happy event, when we the people of India will be able to liberate that part of the territory under the unlawful occupation of Pakistan? At least now, Government should wake up and provide for them. I had some talks with the ministers of Jammu and Kashmir as well as other leaders, non-ministers but leaders of public opinion in Jammu and Kashmir. They were happy when I raised the question and they look forward to an amendment so that provision will be made in the law to that effect. I tried to move an amendment in the Committee and he gave a sort of an excuse. I was not convinced; so were the other Members of the Committee. We tried to convince him and I am moving an amendment. Let him answer the point again when it comes before the House.

The other point which has been stressed by many of my colleagues is the donation of companies to political parties. The socialist, Labour Government in Great Britain has already set an example as they have set an example in respect of the Parliamentary Commissioner for Administration. The Labour Government headed by Mr.

Harold Wilson has already appointed a Parliamentary Commissioner for Administration on the lines of the Ombudsman in Scandinavian countries even before the Bill was passed by Parliament; they recognised the importance of that office.

With regard to donations to political parties, a Bill was published two or three days ago in Great Britain and it is being brought before the House of Commons very soon as a comprehensive measure seeking to compel all companies to disclose donations made to political parties exceeding pound 25. There is already a flutter among the doves of the Conservative Party there.

Shri Tyagi: Do they supply electoral rolls to the local areas? What facilities do they give? Will you please throw some light on the supply of electoral roll to the local areas?

Shri Hari Vishnu Kamath: I have not got a team of secretaries with me; yet I shall try to throw as much light as I can. The Labour Party has brought this Bill. It appears that during the last elections the Labour Party told the people that they would introduce a measure which would compel the companies to disclose donations made to political parties and that fact was enough to restrain many companies from giving donations to the Conservative Party, the Tory Party. Now, here is the 'Tory Party', 'Conservative Party' sitting on those Benches and we are the socialist party. They have said £25 which, after devaluation, would be more or less Rs. 500. Here, I think we should provide for a similar disclosure. I think the Companies Amendment Bill is coming up next week and I hope the Government will seek to provide that any donation given to a political party by a company above Rs. 100 must be published.

Shri Tyagi: It should apply to all parties.

Shri Hari Vishnu Kamath: Yes, absolutely, all parties. Yours, mine and that of everybody else. I am game for it.

Shri Tyagi: I think it is a good idea.

Shri Hari Vishnu Kamath: I am glad there are some reasonable and sensible Members in the Congress Party. I can see many Members on the Congress Party agreeing with me.

Shri Tyagi: Then reasonable Members should not be opposed.

Shri Hari Vishnu Kamath: Last year, some figures were laid on the Table of the House I think it was in the Budget session. It was disclosed that the Congress Party got as much as Rs. 99 lakhs. That was disclosed money; I do not know about undisclosed money.

Shri Tyagi: Who disclosed?

Shri Hari Vishnu Kamath: It was laid on the Table of the House. Has the Minister made a false statement? The Minister made a false statement then, if it was so. It was Rs. 99 lakhs for the Congress party, some Rs. 15 lakhs to the Swatantra party and to the poor PSP, only Rs. 50,000; less than Rs. 50,000. Now, we are not afraid. That is why we are not afraid. (Interruption): It is you who are afraid: not you personally, but all those who are sitting there.

16 hrs.

Shri M. L. Dwivedi: Not at all.

Shri Hari Vishnu Kamath: The Minister is afraid, and he resisted this in the Committee. He resisted the proposal everytime it came before the House.

Shri M. L. Dwivedi: He is not contesting.

Shri Hari Vishnu Kamath: I do hope that they will take a leaf from

the Socialist, Labour Government in Great Britain and bring forward a Bill—the Companies (Amendment) Bill—if not tomorrow, at least sometime next week, on Monday. Let them bring forward a Bill, another Bill, to ensure that this proposal is given effect to, in legal form, and is passed by the House in this very session so that it will come into force before the next election.

Then I come to another point. It is about disqualification. Some amendments, changes, have been made. I am glad, with regard to the provisions on disqualification. I have sought, however, to move an amendment, because it is not specifically provided here: a person convicted of hoarding, profiteering, blackmarketing or adulteration, must be drastically punished. Because, unfortunately, now the sentence sometimes is only a fine. Here, there is a provision whereby a conviction and sentence of two years or more entails disqualification. But we have often found—the Government has refused to provide for a drastic penalty for these offences—that the persons are sometimes let off with a fine and with a conviction of one month, two months or three or four months, so that he does not come within the clutches of this law. I have, therefore, sought to move that any person convicted of anti-social crimes—today, when starvation is stalking the land—these merchants of death, greedy merchants, these hoarders, profiteers, blackmarketers and adulterators should be disqualified whatever the sentence may be. I do hope that my hon. friends **Shri Tyagi**, and **Shri M. L. Dwivedi** will accept this amendment if not today, tomorrow. (Interruption).

An hon. Member: Why only those persons?

Shri Hari Vishnu Kamath: All of you. But do not blame me tomorrow. I am moving an amendment for a drastic punishment. You say "Yes"

[Shri Hari Vishnu Kamath]

today. But when it comes to voting,—no whip, do not obey the whip. (Interruption).

Mr. Deputy-Speaker: Please look at me.

Shri Hari Vishnu Kamath: I am looking at you. Now, there is another provision about corrupt practices. These corrupt practices have bedevilled our elections here. Company donation is one; and corrupt practice to which reference has been made—lakhs and lakhs of rupees being spent and not accounted for in the returns—is another. These practices have made the election anything but free and fair: misuse of Government vehicles, misuse of the State apparatus, misuse of All India Radio, the Government's megaphone in this country—

Shri Tyagi: It is not used.

Shri Hari Vishnu Kamath: We know how much time you take and how much others get, and how you refuse to give.

An hon. Member: Nobody should be given.

Shri Hari Vishnu Kamath: Of course, in that case I agree. Not even the Prime Minister; not even Mr. Kamraj. Nobody should be given.

Shri Tyagi: For election only. There are other matters.

Shri Hari Vishnu Kamath: Yes, only for election. I do hope that anyone convicted of corrupt practices should be disqualified for a far longer period than is provided for in this Bill. May be 10 to 12 years.

An hon. Member: Six years.

Shri Hari Vishnu Kamath: That is provided for in the Bill. It must be for a longer period. Further, where a Commission of Inquiry instituted under the Commissions of Inquiry Act,

1952 has also adjudged a person to be guilty of corrupt practices as happened in the case of Sardar Pratap Singh Kairon, Shri Biju Patnaik and Shri Biren Mitra, in this case also, where an offence has been committed and a finding has been given by the Commission of Inquiry and the Government has refused to follow it up, to take follow-up action by prosecution in a court of law—it is guilty conscience; why is not the Santhanam Committee's recommendation being adopted—those persons also must be disqualified. The Government have refused to institute a case against them in a court of law. I therefore request that this aspect also must be considered.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Hari Vishnu Kamath: Two minutes more and I have done. The Election Commission is invested with power to remove or reduce the period of disqualification. By and large I must say the Election Commission has behaved properly. But there is a suspicion which attaches to the Election Commission because of an instance which happened two or three years ago. A member of this House, who was elected in the general election, as a result of an election petition filed against him was unseated and disqualified for corrupt practices in the course of the election. But that member was enabled to fight a bye-election within four months and was later promoted as Deputy Minister in the Ministry of Home Affairs. It is a public matter; it is no secret. The tribunal disqualified him; the M.P. High Court upheld it and passed severe strictures on his actions. But when the bye-election was ordered four months later,—I do not know whether the Election Commission was pressurised or persuaded or forced, but,—the Election Commission reduced the period of disqualification

and enabled him to fight the bye-election within four months. He was elected and made a Deputy Minister later on. That is why I have sought to provide that the Election Commission should be divested of this power.

Shri Tyagi: Did he not appeal?

Shri Hari Vishnu Kamath: No.

Shri Jaganatha Rao: The High Court held that he was not guilty of corrupt practice.

Mr. Deputy-Speaker: He may conclude now.

Shri Hari Vishnu Kamath: It is an important measure, Sir; it will affect me and you. I hope you are contesting the general elections.

Mr. Deputy-Speaker: If I am given a seat.

Shri Hari Vishnu Kamath: I think you are sure of that.

16.05 hrs.

[SHRI SHAM LAL SARAF in the Chair]

Another matter which has exercised the minds of most of us here is the constant misuse of power and authority by Ministers and officers of Government. In my own constituency it has happened. That is why I know. On the eve of the general election, the villagers were given free permits galore to carry timber from the forest. Some were caught because election petitions were filed and the tehsildar who issued free permits was transferred and demoted. All this came to light because an election petition was filed. Otherwise I do not know what would have happened.

Shri Tyagi: Suppose there are peasants in my constituency demanding a tube-well. I try for a tube-well and permission is given. Will it be a corrupt practice?

Shri Hari Vishnu Kamath: Do not do it during the period from the first day of nomination to the day of polling. That is all. Lastly, Sir, you are aware that under rule 28 of the 1950 Act and rule 169 of the 1951 Act, the Central Government is empowered to make rules in consultation with the Election Commission to carry out the purposes of either Act. Under the provisions of those two Acts all rules made by Government must be laid before each House of Parliament for such modification as either House may deem necessary. Every rule made by the Government under those Acts should be laid before the House. Now, they are amending these two Acts, the 1950 Act and the 1951 Act. We seek an assurance from the Government, a promise from the Government—of course, they break promises all right very often, even then let them promise today or tomorrow that under these amendments which are being sought to be made now—of course, with their majority they will bulldoze all our amendments, negate our amendments and then get the Bill passed; that is all right, I have no quarrel with that—the rules made by them to carry out the new provisions will be brought before this House in this very very session, so that behind the back of Parliament they will not pass some rules which may not be in conformity with the provisions of the Act and which we may not be able to scrutinise. During the interregnum between now and the elections they may pass such rules which may militate against fair and free elections, militate against the very purpose of the Bill before the House. I do hope the Minister will give an assurance, a promise, tomorrow, that the rules to be made to carry out the purpose of this Bill will be brought before this House in this very session so that Parliament may modify them if need be, and I hope that the new law will be such that at least the ensuing fourth general elections will be fair and free in our country.

श्री श्री० सि० सहगल : सभापति महोदय, रिप्रेजेंटेशन ऑफ दि पीपल्स (अमेंडमेंट) बिल, 1966 जो कि ज्वॉयेंट कमेटी से आया है, मैं उस पर अपने विचार प्रकट करना चाहता हूं। मैं आपका ध्यान डिजलिमिटेड ऑफ गालियामेन्टरी एंड असेम्बली कांस्टिट्यून्सीज़ ऑर्डर और कंसलिटेशन ऑफ दि डिजलिमिटेड ऑर्डर की तरफ दिलाना चाहता हूं। यदि आप इनके सम्बन्ध में देखेंगे तो यह लिखा है कि :

"...and thereupon that Order shall supersede all the orders referred to in sub-section (5) of section 4 or in sub-section (3) of section 7 and shall have the force of law and shall not be called in question in any court."

मैं कहना चाहता हूं कि अगर कमीशन कांस्टिट्यूशन के खिलाफ काम करता है तो हम को यह हक होना चाहिये कि हम उसको अदालत में ले जायें। यहां तक होता है कि डिजलिमिटेड ऐक्ट के खिलाफ भी यदि काम किया जाता है तो जिस वक्त यह मामला हाई कोर्ट में जाता है तो हाई कोर्ट यह कहता है कि आप के कांस्टिट्यूशन के मुताबिक, आप ने जो कानून बनाया है उसके मुताबिक हम इस पर कोई कार्रवाई नहीं कर सकते। सुप्रीम कोर्ट में जब यह मामला गया और मेरे मित्र श्री दीक्षित जब आर्गुमेंट्स कर रहे थे तब यह सवाल आया कि यह केन अन्वया है लेकिन जो कायदा बना है उसके खिलाफ नहीं किया जा सकता। मैं कहना चाहूंगा कि डिजलिमिटेड ऐक्ट के खिलाफ जो भी डाइरेक्शन दिये गये हैं, जो भी इन ऐक्ट के खिलाफ काम करता है, उसके लिये यदि कोई अदालत में जाना चाहे तो उसको यह हक होना चाहिये। हमारे यहां मध्य प्रदेश में बहुत से मामले उठे थे। उनमें जो फैसले हुए हैं उनमें यह चीज थी। इसलिये मैं कहूंगा कि आप ने डिजलिमिटेड की जो पावर्स दी हैं

वह इतनी ज्यादा हैं कि शायद गवर्नर को भी उतनी पावर्स नहीं हैं। वह राष्ट्रपति की पावर्स से भी ज्यादा हैं। इसलिये डिजलिमिटेड की जो पावर है, खासकर जब कांस्टिट्यून्सी का बटवारा होता है, कांस्टिट्यून्सीज़ फिर से बनती हैं, उनके सम्बन्ध में अपीलों में जाने का अधिकार होना चाहिये और इसके लिये जो कानून है उसमें रटो बदल करना चाहिये। इसमें जो सहकारी मेम्बर्स होते हैं जो कि बाहर से रखे जाते हैं, उन मेम्बरों को बिना बुलाये हुए यदि काम किया जाता है तो वह किस तरह से जायज़ हो सकता है। लेकिन जिस वक्त हम अदालत में जाते हैं, हाई कोर्ट या सुप्रीम कोर्ट में, तो वहां पर मामले खारिज हो जाते हैं क्योंकि इसके लिये कोई प्राविजन नहीं है। हम को यहां पर इस बात पर गौर करना चाहिये और इस को दुरुस्त करना चाहिये।

इसके साथ ही साथ मैं आपका ध्यान सेक्शन 9 की तरफ दिलाना चाहता हूं।

"9. In section 21 of the 1950 Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The said electoral roll—

(a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—"

ठीक है, मैं इसको मना नहीं करता। हम इसको मान्यता देने के लिये तैयार हैं लेकिन

"(i) before each general election to the House of the People or to the Legislative Assembly of a State:"

इन चीजों के लिए हम को कम से कम ग्रह गुंजाइश होनी चाहिये कि हम जो कानून

बनाते हैं यदि उसकी अवहेलना की जाये डिमिशन में तो हम उसको दूर करा सकें। हमें इस चीज को देखना चाहिये और इसलिये मैं आप से प्रार्थना करता हूँ कि इस पर गौर किया जाये।

आप ने हाई कोर्ट का जा जूरिजिडिक्शन रक्खा है वह बहुत ठीक रक्खा है और जहाँ पर हाई कोर्ट हो वहाँ उस का जूरिजिडिक्शन होना चाहिये। लेकिन जहाँ पर बेंच कोर्ट हो, वहाँ पर भी उस को ले जा कर मामले को सुनाने का अवसर हम को मिलना चाहिये।

इस के साथ ही मैं आप का ध्यान दिलाना चाहूँगा कि :

"No person shall convene, hold or attend any public meeting in any polling area during the period of forty-two hours ending with the hour fixed for the conclusion of the poll...."

आप ने यह जो 42 घंटे रक्खे हैं मैं उस का स्वागत करता हूँ क्योंकि जितना ज्यादा टाइम रक्खा जाता था उस का ठीक तरह से पालन नहीं होता था और लोग किसी न किसी तरह से उस को काम में लाते थे।

मैं आप से कहना चाहूँगा कि यदि यह मान लिया जाये कि हम सरकारी आदमी हैं तो जब तक नामिनेशन नहीं हो जाता है और नामिनेशन के बाद भी जो सरकारी वेहिकल्स हैं या और चीजें हैं उन का इस्तेमाल नहीं होना चाहिये। इस चीज से मैं बिल्कुल सहमत हूँ कि जो लोग भी काम करते हैं वह एलेक्शन के पहले बराबर कर सकते हैं। लेकिन इस में होता क्या है कि जो हमारे भाई विरोध में हैं वह कहते हैं कि यह काम करता है, लेकिन दरअसल में काम किया नहीं जाता। उन का मन बन गया है कि 1949 (A) LSD—10.

जो मिनिस्टर्स हैं वह इस तरह से काम करते हैं मैं बड़ी नम्रता से कहना चाहूँगा कि यह चीज ठीक नहीं है। एक ग्राध मिनिस्टर ने कहीं किया होगा, लेकिन जेनरली मिनिस्टर्स इस तरह नहीं करते हैं।

अंत में मैं यह कहना चाहता हूँ कि जिन के खिलाफ मारल टरापिट्च के आरोप हैं, ब्लैक मार्केटिंग है या दूसरी चीजें हैं, इस तरह के लोगों पर डिस्क्वालिफिकेशन होना चाहिये और उन को कभी भी चुनाव में खड़े होने की इजाजत नहीं दी जानी चाहिये।

इन शब्दों के साथ जो मेम्बर कमेटी की रिपोर्ट है मैं उन का समर्थन करता हूँ।

Shri Ranga: Mr. Chairman, the earlier Act and this Bill....

Shri K. C. Sharma: Sir, there is no quorum in the House.

Shri Ranga: This Bill and the mother Act are intended to enable us to have fair and free elections.

Mr. Chairman: The hon. Member may resume his seat. The quorum is being challenged. The bell is being rung....Now, there is quorum. He might continue his speech.

Shri Ranga: The object of this Bill and the earlier Act is that we should have fair and free elections. But I am afraid there have been neither free elections nor fair elections. If some of us in the Opposition have managed to come here, it is in spite of all that the ruling Party has done and could do at the time of the elections.

My hon. friend representing the D.M.K. has put in a plea in favour of proportional representation and multiple constituencies. I am in favour of them. I do not know when this

[Shri Ranga]

Government would be willing, if at all, to make up its mind to accept that proposition. Since the present British system of single member constituency has helped the Congress Party so much during the last three elections, I do not think there is any chance of the Congress Party agreeing to it. But, without it, my fear is that for a very long time to come, until almost all the Opposition parties agree to merge themselves into one or two Opposition parties, it would not be possible for the ruling Party to be prevented from getting all these unearned benefits that they have been enjoying as a result of the present system of elections.

Secondly, the Government should be prevented from using its authority, its power, its patronage, its coercive powers and its prestige for the benefit of the ruling Party. It is for that reason that so many of us on the Opposition side had suggested that the Government of the day should go out of office three months before the general elections and let the President's rule come in so that all political parties, whether they are on the ruling side or on the Opposition side, would be on the same footing and there would be better and easier competition between them all. But one of the Ministers on that side, the other day, raised the point whether there is any such thing at all in any other country. I would like to challenge my friends to prove whether there is any democracy of this magnitude anywhere in the West where more than 70 per cent of the electorate continue to be illiterate; and this unfortunate phenomenon continues to be here 19 years after we have passed the Constitution. In the Constitution, in one of those Directive Principles we have given ourselves the pledge that within 10 years after the passage of the Constitution, we will be able to provide universal free and compulsory elementary education. Our aspiration at that time was to be able to remove illiteracy in this

country within those 10 years, and we have not been able to do it even now after 10 more years thereafter.

Then, what is more is this. Our people for a very long time have been used to authoritarianism in this country and they have not yet got into the habit of feeling free of all the influences of those who are in power and authority. For very many reasons we want the Ministries to go out of power three months before the elections. That, of course, does not appeal to the ruling party. Now, I wish to make one other appeal and it is this. Whenever they may think of declaring the date of the elections, one month before the nomination date and one month after the election is over, that is to say, for three months in all, let not the Government, either here or at the State level try to pass any orders on matters where there are disputes between the Government and the people or between one section of people and another, which would benefit the one side as against the other. Let them also not transfer officers during those three months. Let them not hold any threats to any section of the people. Let them also not make all sorts of offers and new promises of new favours for the people. Such a thing actually happened in one case. There was a bye-election in Dharamapuri in Salem district, and while the electioneering was going on, a promise was held out that Dharamapuri would be made the headquarters of a new district that was going to be established, and they were able to do the trick in that manner. Similar things are being done everywhere. New schools are being opened. Schools are upgraded from middle to high schools. Electricity is being supplied out of turn in various places....

Shri M. R. Krishna (Peddapalli):
These are good deeds.

Shri Ranga: ..on the condition that the people there would give their

votes to the ruling party. House-sites were being distributed, and in one case, the matter was placed before the High Court, and it was proved to the hilt that lakhs of rupees were distributed among the Harijans in the name of the formation of co-operative housing colonies.

Shri Joachim Alva: What about the Swatantra Party? They also put in large amounts into their campaign.

Shri Ranga: Lakhs of rupees were distributed among them on the plea that house-sites were being distributed among them. So many other things of this nature are being done. Therefore, I want the Government, if they are really sincere about their professions of democracy and equality of opportunity to one and all, and equality between all political parties at the time of the elections, to put this unktion to themselves and say that such orders would not be passed. What I am suggesting is nothing new, in this sense that whenever any Minister is asked by the Chief Minister to resign, even today, there is a rule that the secretaries are not expected to implement the orders that are passed by that Minister three days before he resigns, or three days after he has been given the notice of dismissal. I speak subject to correction when I say that there is some such order. Why do they not have a similar order at the time of the elections also? For some reasons or the other, at the last moment orders might be passed by a Minister in order to favour so many people whom he had not been able to favour till that time; such orders might be passed in an irregular manner and in an unworthy fashion. What I am suggesting is that the Ministries as a whole should abstain from this kind of improper conduct.

Corruption is of different types. One type has been referred to already by several friends including my hon. friend Shri Kamath. My hon. friend Shri M. R. Masani had moved an amendment when the Companies

Amendment Bill was on the anvil in the Joint Committee, suggesting that donations from any joint-stock company to any political party should be banned. And who defeated it? It was the ruling party with their majority which defeated it. We stand by it and even today we would like it to be done, and let them do it.

I would like to bring to the notice of some of our Members, if they do not know it already that some of the State Ministries have quietly sent word to some businessmen 'If you do not want to give money to us, you may not do so, and we know that some of you are in favour of us now for various reasons. At least, please do not give any donations to such-and-such political parties.' Why are they doing it? There are some other businessmen who have begun to curse some of our friends, and they say 'Why are we giving any money at all? Why should we give any money at all to your party? What do we gain by giving to your party if you come into power and you are true enough to your professions not to show any favour to us? Today, we are getting everything that we want by paying for it. This is the best dispensation that we could have. We know the price for everything; we know the price of every favour that we want from Government; we know also the price of such and such officers and such and such Ministers and so on.'

'Therefore, we now what to pay, how to pay and we get our things done'. This is the best of all worlds that we can possibly have. Therefore, why should we support any opposition party at all. This is the atmosphere in which we are living and that is why all this corruption.

Then the question of election expenses. They are going higher and higher, mounting so high that it is becoming suffocating for many people like us to fight all these elections, re-elections and bye-elections. It is becoming a very big hurdle. In fact, I

[Shri Ranga]

am not revealing any secret when I tell you that the opposition parties are finding it difficult to get candidates to come forward because they have got to spend much money that they do not know wherefrom to get it. Quite a large number of them—we are ourselves one of them—have put in an appeal for candidates who would be self-financing candidates. We are unable to get money from donations, not enough, not commensurate with the way the election expenses are going up. We are not able to get the big business bosses to come and join....

Shrimati Yashoda Reddy: In Andhra we could not get a man with enough funds to contest the seat held by the hon. Member from our party.

Shri Ranga: I do not know what my hon. friend is saying. She also had her hand in trying to see that I was defeated in the bye-election. But unfortunately for them and fortunately for the people, I have been able to come over here. Therefore, let her be patient. She can lend her hand again next time to defeat us, if she can. I am sure she would do it because she is a gallant lady and is out for fighting on anything at any moment anywhere and against anybody. So she does not stop; she must fight.

Shrimati Yashoda Reddy: I have got it from the leader.

Shri Ranga: As I was saying, we are finding it very difficult to get candidates with funds to fight the election because it has become very costly.

Shri Joachim Alva: The Swatantra Party is not hard up for funds.

Shri Ranga: I think in 1957 Shri S. K. Patil was saying that Rs. 5 crores would be necessary to fight the election. If that was necessary at that time, I can assure that three times as much money would be necessary to fight elections this time, when money has become so much cheaper.

Shri J. B. Kripalani (Amroha): All the Ministers collect money.

Shri Ranga: On top of it, jeeps of the panchayat samitis are being utilised. This is a new phenomenon. All our friends opposite get them, but we would not be able to get them. Then they would get vehicles from Mahindra and Mahindra also, as they did last time in Orissa. In addition, there are the co-operative banks, cooperative stores and the new super bazaars which are opened . . .

Mr. Chairman: Use of such vehicles is banned under the law.

Shri Ranga: What is it that is banned which is not being done? Our friends have just now said that the limit of election expenses is not being observed by anybody. The Ministers themselves have confessed and admitted it. We have prohibition; yet there is plenty available to drink. Then take the ban in regard to the use of vehicles. Use of vehicles for transport of voters alone is prohibited. But what about the canvassing part? They set the tempo. We are obliged to follow. They go to a village 10 times; we are obliged to go there at least 5 times. All this means more money and still more money.

Then they control the petrol bunks. I have had the miserable experience of finding it not possible to get petrol for our cars in various places in my constituency, because the petrol bunks belong to the Congress leaders and they prevented us from purchasing petrol.

All these impediments will come in our way. Therefore, how can you think of having of free, fair democratic and equal elections in this country? In actual practice, what is happening? There is no democracy (*Interruption*). My hon. friend need not be in a hurry because I am in no hurry to conclude. There is no democracy now, it is only a namesake democracy we are having. They pride themselves on

having the biggest democracy in the world; yes, the biggest democracy with the largest number of ignorant voters who are dependent on the symbols only.

I am glad that you are going to have these District Election Officers. Let them be recruited from the ranks of the District Judges, and not executive officers. My hon. friend Shri Kamath had something to say about the Election Commission. I cannot say that I am satisfied, and I am not prepared to say that I am very much dissatisfied, but at the same time it would be a good thing if the Election Commission comes to be recruited from amongst the Supreme Court Judges instead of from amongst these retired officers or the topmost officers of the Government. Many things they are obliged to decide against the Government, and it becomes very difficult indeed for a retired officer or a high officer when appointed as Election Commissioner to take the right decision. Therefore, I would like that change to be made.

These District Judges when they are appointed as District Election Officers should not be those belonging to the same districts, they should be brought from other districts, so that they would not have as much of local interest as a local officer would have.

So far as the State Election Officer also is concerned, I would like him to be brought from other States, not a local officer however great he may be; even if he is a High Court Judge, he should not be appointed the Chief Electoral Officer in his own State.

Teachers and all other employees of the panchayati raj and co-operative movement should not be transferred one month before the elections or during the election or within one month thereafter. In my own constituency it has happened that more than 400 elementary school teachers were threatened with transfer soon after my election was over, and during the election also scores of village

officers were more or less imprisoned by the Revenue Minister and his minions. Such things have got to be prevented. Government has been misusing its power in that direction and Government will have to take sufficient steps to prevent his kind of thing.

So far as District Election Officers are concerned, I would suggest that for one year after the election there should be no possibility of their being transferred or punished or demoted, because there is the danger that these people also would come to be first of all threatened and afterwards punished if they do not toe the line which the ruling party and its leaders in the State or in the district concerned want.

In regard to disqualification, this two years is much too short a period. First of all, it ought not to be there; if it is there, it should be only for moral turpitude, and then it should be for three, four or five years, not for two years, because it is quite possible that this also may come to be abused by the Government concerned.

As regards the dismissal of nominations for printer's devil and so on, they have provided that it should not be misused; rather, it should not be made a disqualification, and the nomination should not be dismissed. Supposing a nomination is dismissed, there must be sufficient interval between the nomination day and the final day on which they give orders for printing the papers, during which they should provide necessary avenues for appeal, so that they can get over arbitrary decisions taken by the District Election Officer. It is wrong to think that the District Election Officers are not likely to make arbitrary decisions, because as you have known from the case of Mr Dandekar, there are officers and officers, and they can behave very badly. They say that within six months the High Court should dispose of the election petition. It is only an advice to the High

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Court. I do not know how they are going to enforce it. I know one case where there was an election suit between the chief Minister of a State and the vice-President of my party in my State and it took them more than four years before the suit could be disposed of. This is a machinery that we provide in order to avoid that kind of delay. There would still be many cases where it would not be possible. There is the question of writ also.

Shri G. S. Pathak: There is no question of a writ from the High Court to itself.

Shri Ranga: They can go to the Supreme Court. That is also likely to take a lot of time and money. Two things have to be done: to devise ways and means which I do not find here sufficiently delineated, by which time can be shortened at least to the extent of six months. They must make sure of it. Second thing is the cost of litigation. Election suits are so costly that few people can fight them out. A few of them who fought it out, whether they succeeded or failed, have burnt their fingers and a number of them complained to me. So, this Bill even if passed with some amendments that are suggested, will not cure the disease. This Bill only indicates that there is a serious disease in our body politic and that can be mended only by more important and more radical reorganisation of our electoral system and also by a greater display of responsibility. Gandhian conscience on the part of the ruling party and a more sportsmanlike attitude towards the Opposition parties.

श्री म० सा० द्विवेदी: समापति महोदय, मुझे आश्चर्य न कि भुज से पूर्व बोलने वाले साम्यवादी सदस्य ने अपने बयान में यह कहा कि कांग्रेस दल अभी अधिक प्रजातन्त्र की ओर जाना नहीं चाहता। मुझे आश्चर्य हुआ कि जिस

दल ने देश की स्वतन्त्रता प्राप्त करने में पूरा काय किया, जिस दल ने एक संविधान देश को दिया और जिस दल ने अपने शासन काल में यह कार्य कर के दिखलाया कि आज वह चुन कर यहां आ रहे हैं, उस दल के विरुद्ध यह कहा जाता है कि वह प्रजातन्त्रीकरण नहीं चाहता है। यह बिल्कुल मिथ्या बात है। हम लोग तो प्रजातन्त्र चाहते हैं लेकिन वह अपनी बात कहें जो अपने देवताओं के चित्र दफ्तरों में लगा कर उन की पूजा करते हैं और कहते हैं कि “हे मायो त्से तुंग महोदय हम आप के चरण सेवक हैं और हमारे लिये आप वरदान दीजिये। यदि हम किसी प्रकार से देश की सत्ता हाथिया पायेंगे तो आप के चरणों में शासन नतमस्तक हो जायेगा।” जो दल विदेशी सत्ता में विदास रखता हो, जो विदेशी ताकतों को भज्जत बनाने में विश्वास रखता हो, उस की हिम्मत नहीं पड़ती कि माओ त्से तुंग से कहे कि आप के यहां प्रजातन्त्र नहीं है, लेकिन उस की हिम्मत तो देखिये कि दूसरे दलों या कांग्रेस पार्टी के ऊपर लांछन लगाते हैं, जिस ने प्रजातन्त्रीकरण की दिशा में अपना सर्वस्व निठाकर कर दिया।

Shri Nambiar (Tiruchirapalli): What is the comparison of Mao Tse Tung here?

Shri M. L. Dwivedi: Because your Members allege that the Congress Party does not want democracy any longer. Is there democracy in a country ruled by the Communist Party? Do you believe in democracy?

Shri Nambiar: We are not ruling now.

श्री म० सा० द्विवेदी: कहने का मतलब यह है कि जिस दल के पास...

सभापति महोदय : माननीय सदस्य,
भाषण में बात न करें।

श्री म० ला० द्विवेदी : जिस दल
के पास दलील नहीं है वह दूसरों पर
लांछन लगाता है। कानी अपनी टेंट नहीं
देखती, दूसरों की जेब लूट कर देखना
चाहती है। यही बात हमारे दूसरे दलों
में है। अभी श्री मधु लिमये भाषण दे रहे
थे तो उन्होंने कहा कि टूकों का इस्तेमाल
किया जाता है। मैं याद दिलाऊँ कि समाज
समाजवादी दल की ओर से और प्रजा-
समाजवादी दल की ओर से जो चुनाव
मेरी कांस्टिट्यून्सी में मेरे विरुद्ध लड़ा
गया उस में वे टूकों में वोटर्स को ले
जा रहे थे और सकड़ों की तादाद में उन
को ले जाने का काम हुआ। हम ने
ढेले नहीं बरसाये उन्होंने ढेले बरसाने
की मिसाल वायम की। मैं जनना चाहता
कि क्या यह न्यायप्रियता होगी कि यदि
वोटर कोई अपने पैसे से या किराये पर
गाड़ी ले जाये तो उस पर ढेले बरसाये
जायें।

श्री स्यासी : वह उन के लिये वोट
नहीं करेंगे।

श्री म० ला० द्विवेदी : वह वोट नहीं
करेंगे, लेकिन क्या यह अच्छी प्रथा है कि
ढेले बरसाये जायें।

वह कहते हैं कि कांग्रेस पार्टी रुपये
खर्च करती है। हो सकता है करती हो,
लेकिन वे दल की बात भी तो पूछें।
यह कहा गया कि डा० राम मनोहर लोहिया
के चुनाव पर 4 लाख रु० खर्च हुये।
मैं नहीं जनता कि डा० राम मनोहर
लोहिया कहां से पैसे लाते हैं। लेकिन
मैं यह जरूर कहूंगा कि उन की कपनी
कुछ और है और करनी कुछ और है।
इस प्रकार की बातों से मैं नहीं समझता
कि क्या लाभ हो सकता है।

एक माननीय सदस्य : बतलाइये कहां
से रुपया प्राप्त करते हैं।

श्री म० ला० द्विवेदी : मैं बतलाना
चाहता हूँ कि इसी चुनाव में जो प्रजा-
समाजवादी समाजवाद में विश्वास रखते
हैं, वह वोटर्स के पास जा कर उन के
हाथ में गंगाजल की बोतल रख कर
कहते थे कि हमें वोट करो। क्या इस
तरह की बातों से बढ़ कर खराब बात
कोई और हो सकती है। मैं नहीं कहता
कि ऐसा सब जगह हुआ लेकिन कई
जगहों पर हुआ और मैं ने इस को अपनी
आंखों से देखा है। मेरा कहना यह है कि
अगर आप किसी पर नुक्ता चीनी करें
तो सब बातों को देख कर कुछ कहें।
हम अपनी वृत्तियां मानने के लिये तैयार
हैं, क्योंकि हम चाहते हैं कि हम अपनी
वृत्तियां दुरुस्त करें। जो भी वृत्तियां करता
है वह गलती करता है। हम उन समर्थन
नहीं करते।

आचार्य कृपालानी से पिछले दिन
कहा कि आचार्य जी आप ठीक कहते हैं
कि कांग्रेस में भ्रष्टाचार है। लेकिन अगर
वहां आा जैसे पुराने लोग होते तो क्या
वे भी भ्रष्ट हो जाते। वहां पर आप जैसे
पुराने लोग जो हैं वह ईमानदार हैं। केवल
कुछ अवसरवादी उसमें घुस आये हैं जिनको
हम पसन्द नहीं करते। उनकी वजह से
संस्था बदनाम होती है। अगर उनको निकाल
दिया जाये तो यह संस्था दुरुस्त हो सकती है।

सभापति महोदय : माननीय सदस्य इस
बिल पर बोलें।

श्री म० ला० द्विवेदी : मैं सदन का ध्यान
इस बिल की कुछ धाराओं की ओर ले जाना
चाहता हूँ। अभी हाई कोर्ट के सम्बन्ध में
एक बात कही गई कि जज जो हैं वह हर जिले
के स्थान पर जा कर एलेक्शन पिटिशन सुर्गे।
मैं समझता हूँ कि यह सुझाव व्यावहारिक

[श्री म० ला० द्विवेदी]

नहीं है। इसलिये नहीं है कि हाई कोर्ट जज के पास पुस्तकें अपने कार्यालय में ही होती हैं जिनको रिफरेंस बुक्स कहा जाता है। तमाम सहायता वहीं पर होती है। अगर वह जिले जिले में जायेंगे तो उनका काम नहीं चल सकता और सब हाई कोर्ट का काम एक जायेगा। इसलिये मेरा सुझाव है कि जहां पर भी गवाही सुनने का काम हो वहां के लिये हाई कोर्ट कमीशन नियुक्त करे या कोई दूसरी एजेंसी नियुक्त करे जो कि वहां पर जा कर गवाही सुन ले और इतनी दूर तक लोगों को न जाना पड़े। बाकी काम हाई कोर्ट के कार्यालय में हो। इस सम्बन्ध में श्री दीक्षित ने जो संशोधन प्रस्तुत किया है मैं उसका समर्थन करता हूं।

इसी प्रकार से इसमें आ रहा है कि जो गवर्नमेंट सर्वेन्ट्स मारल टरगिट्यूड या डिसलायल्टी के लिये सजा पायें, डिसमिस कर दिये जायें तो छूटने पर उनको डिसलायल्टी से बरी कर दिया जाये। मेरा कहना यह है कि उनके नाम के आगे से डिसलायल्टी को क्यों निकाल दिया जाये। अगर कोई व्यक्ति देश के प्रति वफादार नहीं है तो उसको जरूर सजा मिलनी चाहिये। इसलिये मैं इस सुझाव के पक्ष में नहीं हूं और जो डिसलायल्टी हो, जिसके विरुद्ध करप्शन या मारल टरगिट्यूड का अपराध हो उसको पूरा दंड मिलना चाहिये।

इसके अलावा मुझ को जो कुछ कहना है वह यह है कि हमारे सरकारी कर्मचारियों और अधिकारी वर्ग के बारे में शिकायत की जाती है कि वह पक्षपात करते हैं और ज्यादातर रूलिंग पार्टी का पक्ष लेते हैं। हां सकता है कि कहीं कहीं ऐसा हुआ हो, मैं नहीं कहता कि कहीं भी ऐसा नहीं हुआ, लेकिन मैं कहता हूं कि जहां कहीं दूसरे दल अधिकार में आये, उन्होंने भी उसका दुरुपयोग किया है। उदाहरण के लिये मेरी कांस्टिट्यूंसी में

प्रजा सोशलिस्ट पार्टी के जिला परिषद् के सदस्य ने सारे स्कूलों के अध्यापकों को मतपत्र बांट दिये जो कि पोलिंग एजेंट का काम करते थे। मैं कहूंगा कि अगर कोई ऐसा करता है तो वह गलत है। मैं इसके विरुद्ध हूं। चाहे रूलिंग पार्टी हो या दूसरे दल के लोग हों इस तरह से नहीं करना चाहिये और ईमानदारी से काम करना चाहिये।

साथ ही साथ मैं इस बात पर जोर देना चाहता हूं कि जहां पर आदमी न्यायप्रियता से काम करते हैं, उसकी तारीफ विरोधी दल नहीं करते हैं। जो भी न्यायप्रिय हो, जो भी ईमानदारी से काम करता हो, जो कि अधिकांशतः हैं, उनकी तारीफ भी की जानी चाहिये। उन्होंने अच्छा काम किया है। उदाहरण के लिये चुनाव आयोग है। चुनाव आयोग ने कोई पक्षपात नहीं दिखाया, निष्पक्षता से सब काम हो गया। तो ऐसी हालत में चुनाव आयोग की भी हमें तारीफ करनी चाहिए।

इसी प्रकार से एक बात कही गई कि एलेक्शन कमीशन ने एक रिपोर्ट दी जिसमें यह तीन बातें मंजूर होनी चाहिये, यह कहा। सरकार उसको स्वीकार करने के लिए तैयार थी। सेलेक्ट कमेटी के सामने पेश हुआ। सेलेक्ट कमेटी ने जो सुझाव दिया वह माना गया क्योंकि लोक सभा की सत्ता सर्वोपरि है। कमीशन की बहुत सी रिपोर्टें आती हैं। अब सेलेक्ट कमेटी का भी हम विश्वास नहीं करते, उसमें कांग्रेस दल का बहुतमत है इसलिए गलत निर्णय लिये जाते हैं, तो मेरा कहना है कि बहुतमत तो रहेगा ही। जब आप की सरकार बनेगी, आप का बहुतमत बनेगा तो आपका बहुतमत उसमें रहेगा

एक माननीय सदस्य: ऐसी गलत आवाज मत दिलाओ। उनका बहुतमत नहीं बनेगा।

श्री म० ला० द्विवेदी : अगर बने कभी तो ।

तो इस किस्म की अनर्गल बात करने से कोई फायदा नहीं । इसलिए मैं इस विधेयक के पक्ष में हूँ और यह चाहता हूँ कि विरोधी दल हर जगह जहाँ कहीं भी हों, केवल लांछन की बात न करे, स्वामन्वय किस्ती पर लांछन न लगाये । अभी मधु लिमये साहब ने करोड़ों रुपये की बात कही और किसी का नाम लिया (व्यवधान) मैं उन से कहता हूँ कि वह इस बात को बाहर पब्लिक में जाकर कहें जिससे कि मुकदमा चलाया जा सके । उसमें अगर वह पकड़े जाय तो उनको सजा हो और जो न पकड़े जाय तो जिसने लांछन लगाया है उसको सजा हो । इस तरह की बातें यहाँ कहना बिल्कुल निरर्थक है, अनर्गल है । पीपल्स रेप्रेजेंटेशन बिल से इनका कोई ताल्लुक नहीं है । मैं चाहता हूँ कि यह बिल सर्वसम्मति से सलेक्ट कमेटी से पास हुआ है, इसको सदन स्वीकार करे, इसका मैं समर्थन करता हूँ लेकिन साथ साथ जिन बातों पर मैंने संशोधन की बात रखी है उनका पाठक जो मानेंगे तो मैं उनका अनुगृहीत होऊँगा ।

Dr. L. M. Singhvi: Sir, only the other day our veteran elder statesman, Acharya Kripalani, reminded us that eternal vigilance is the price of liberty. I think it is a salutary reminder to this House on the eve of the coming elections that a fair and free election is indeed the first and primary assurance of democracy in which liberty can be safeguarded by constant vigilance. With a mammoth electorate of about 250 million, with an estimated expenditure of about Rs. 8 crores in the coming elections, and with one democratic faith, the stake of the Indian people in the coming elections is indeed immeasurable. The stability of the country will be judged abroad and here by the manner in which we are able to hold the coming elections. There is no escaping the fact that in recent months, the image of India and our own sense of

self-confidence about stability in the country has been somewhat shaken. It would be necessary, therefore, for all the political parties, indeed for all the citizens of this country, to do everything possible to reinforce the edifice of our electoral democracy.

It is gratifying that in spite of an atmosphere of nihilistic iconoclasm which permeates every quarter and every section of our populace, in spite of the frustration and disillusionment, in spite of the fact that we have lost the sense of sturdy self-confidence, there is a certain broad respect and confidence for the Election Commission in this country, a machinery given to us by the Constitution-makers, by the founding fathers, an invaluable safeguard against executive incursions. It is true many allegations are made about election malpractices or transgressions of what should be considered a basic code of election ethics. Nevertheless, broadly it is conceded by every one in the country that the election commission is an independent machinery and it is in the independence of the election commission that there is assurance of fair and free elections.

It seems to me that there are certain birth pangs of conflict between traditional politics as against the emerging outlines of democratic politics. To the extent that they are only the birth pangs of a new and perhaps more progressive and more constructive order, they are to be welcomed. But, along with it we find symptoms of a mentality which seeks to overpower democracy itself, of a mentality which rejects, on the one hand, the entire apparatus and the spirit of democracy and, on the other hand, applauds and places its belief and faith in an alternative system of Government by violent means. If this is any symptom of the coming events, it is a symptom of which we have to be wary.

Doubts have been expressed about whether or not the coming elections would be peaceful. Doubts have been expressed by very sober citizens in the country including the Election

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Commission, that there may be violence attending the elections. If this happens, I think, the image of the country will go down very considerably. If this happens, our own self-confidence would be eroded very substantially. If this happens, democracy might indeed suffer one of the greatest onslaughts, one of the great setbacks in the history of our country. It, therefore, appears appropriate that the electoral process is kept undiluted and unsullied. It is, therefore, important that the mainsprings of democracy and democratic functioning are kept un-polluted and are protected from the influences which seek to curb them or corrupt them.

In this respect, therefore, the Bill and the effort to carve out a new electoral law is to be welcomed. What is, however, to be regretted is that this law also does not go far enough. Perhaps, a day will come when we will make a deeper, a more thorough, a more searching far-reaching study of the election ethics and its transgressions, what happens actually in the electoral process, and we will seek to build a law which will take care of the lapses and shortcomings which are only human and which every healthy and robust legislation must seek to curb and eradicate.

It seems to me that the election ethics and the code of conduct which was evolved somewhere in 1960 before the elections in Kerala was a very good beginning and I think that an effort should be made for a code of conduct such as that, which is described in the report on the third general elections in India in 1962 by the Election Commission, to be adopted for the coming elections also, that a wholesome support is elicited from political parties as well as from all those who participate in the electoral process for ensuring that we have a free and fair election, that we have the decencies and simple courtesies, about which Shri Ranga spoke the

other day, preserved and not allow character assassination or tirades to be launched in the garb of election campaign. It is necessary, therefore, that the various aspects of electioneering should be examined in close detail, in what way meeting should be held, in what way placards should be exhibited, in what way processions should be taken, what kind of speeches can be made, what kind of publications can be launched by both political parties as well as those who participate in the electoral process either for or against someone. I hope that an effort would be made either to put on the statute-book, or, if it is not possible now, if it is too late now, to put on the statute-book such a code of conduct, at least to gain general acceptance from all those who participate in the electoral process for such a code of conduct which goes somewhat farther than the provisions of this statute even as amended.

I think it is necessary to remember that some of the measures are punitive only whereas what we require in the electoral process is a set of preventive measures on the spot because when the mischief is done it is always difficult to go back to the events of the elections to prove that every election was materially affected or to show that such and such events did actually or did not actually take place for, you would realise, Mr. Chairman, perjury is not unknown in our country. We know that politics has somehow, in some places at least, had a corroding influence in terms of even the truthfulness of witnesses who would be prepared to appear before the tribunals and courts. There are countless cases, and I have experienced several of them myself, where it was crystal clear that witnesses came forth only to oblige one or the other party, that witnesses were put forth only to put up trumped up evidence, or evidence which was a make-belief or figment of imagination of the contesting candidate.

17.00 hrs.

Mr. Chairman: Even in the election tribunal?

Dr. L. M. Singhvi: Evidence which come before the election tribunals is in many cases of such a nature and election tribunals and courts have had occasions to comment on such perjury by witnesses before the election tribunals. As I said, after all, the election controversy or election litigation would only reflect the general state of morals in the society and, therefore, what you find is that, in many cases, in an electoral controversy the evidence is not of the most truthful or the most straight-forward character.

One thing that has been pointed out by most observers, and by almost everyone who spoke before me here, is the fact that the magnitude of election expenses is such that it inhibits the working of a free democracy, a free democracy based on merit rather than on money, a free democracy based on aptitude and performance rather than on the capacity to incur expenditure on elections. In this field, I think it is necessary either to see that the limits on election expenditure are observed strictly and scrupulously, or if they cannot be observed, then let us not make this farce of prescribing the limit of ceiling on election expenses. It is necessary, for example, to limit the number of vehicles which a candidate can be permitted to use, rather than allow him to use any number of vehicles which he can afford. It should not be on the basis of what he can afford but what would be permissible for any candidate under the law, and this should be not only punishable but also preventable on the spot when it is done at the time of the election itself.

Of considerable importance in this Bill before the House is the fact that we are now seeking to change the forum of election disputes from the election tribunals to High Courts. It

is, at the very best, an experimental measure. It might very well be that this would obviate some of the problems that we have been facing, but I am sure it would also generate some new problems which we have not faced so far. For one thing, the difficulty would be of obtaining evidence, of bringing witnesses from far and wide, in any given part of the country, to the seat of the High Court, wherever it is, and it would be difficult for us, those who are involved in election litigation to ensure that all the witnesses that are needed are forthcoming. This, I hope, would be solved either by providing that, in appropriate cases at least, there would be the possibility of the High Court, or the particular bench of the High Court dealing with the case, going nearer to the locale of the controversy.

I also feel that it would be necessary, and this provision should definitely be made well in advance, to increase the number of judges of various High Courts, if this new jurisdiction is going to be invested in them. After all, the trial of an election dispute is a long-drawn affair, and with the best of intentions very often one finds that an election dispute goes on and on, almost interminably and perennially. I know of cases which, I am told, are even now pending decisions. There are cases which are even now pending, and perhaps would remain pending, where *ex post facto* decisions have to be given. I know in the last elections there were cases in which the decisions were given only on the eve of the elections, or after the general elections. Now, if that is the situation in which we find ourselves, it is necessary that the High Court Benches are suitably enlarged well in advance. Otherwise, with the present arrears with which they are embattled, High Courts will find it impossible to deal with the increased quantum of work. I hope that some kind of assurance would be forthcoming on this score. I do not want to com-

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ment on the evil of frivolous and harassing litigation which would come forward. That would happen under the best—regulated circumstances. It cannot always be prevented by mere legislation. I would, therefore, not be so naive as to hope that we can legislate election disputes out of existence merely because we wish such frivolous and harassing election disputes not to be in existence. I would support the demand being made that there should be uniform criteria for removing disqualifications. I think there is reason for some heart-burning if there are no uniform criteria for removing disqualifications. Either the power to remove such disqualifications should be vested in the High Courts concerned or suitable and more precise criteria should be prescribed.

In this connection, I would like to emphasize the need for more intensive training of returning officers. It seems that in many cases sometimes it is because of the omissions and commissions on the part of the returning officers and their assistants that problems of all sorts arise.

I feel very strongly that if we have to reduce expenditure and if we have to make it possible for a candidate to come to his constituency fairly and frankly for being voted in on his merits, the Government must make arrangements to distribute voters' slips to the voters rather than calling upon the candidates to perform this task. It is very necessary that the Government should accept this not only in principle but in practice in the forthcoming elections.

I also feel that a provision must be made either for mobile election booths or for an election booth for a community of 500 persons not separated by more than one mile's distance. It seems many of the corrupt practices arise particularly in respect of conveying voters because of the difficulties experienced by voters and their indifference if such transport is not provided. It is necessary, there-

fore, to bring democracy to the homes of the people, to the homes of the electorate, to the door-steps of the electorates. In doing so, we have to provide for either mobile election booths or an election booth for a community of 500 persons not separated by more than a distance of one mile.

In this connection, I would like to make two more observations about the revision of electoral rolls and the delimitation of constituencies. I know several Members would like to speak and, therefore, I would take the shortest possible time in doing so. I think, the revision of electoral rolls is not carried out properly and diligently. At present, I think, the precious, the sacred, right of the voters to vote is denied to many such voters because the electoral rolls are not properly and diligently revised. An effort should be made to see that these electoral rolls are really complete and that they should be revised properly and diligently.

Then there is the question of delimitation of constituencies about which some friends have already spoken. It seems that constituencies undergo changes from one election to another and very often without any visible reason at all. Now, there is naturally a suspicion that this kind of gerrymandering of constituencies might be motivated by some political motive. It is not always so. I know the Delimitation Commission of this country was presided over by a very distinguished jurist whom I hold in great respect and esteem. But if one looks at the delimitation that has been done actually in respect of many constituencies, either because of lack of knowledge of the terrain and the area and the conditions there or because of any other reason, it causes considerable misgivings in the hearts of those who are concerned. One thing has to be realised that a constituency has an identity of its own and that identity should not be destroyed from election to election. These

constituencies should be retained in the same form as far as possible unless it becomes absolutely unavoidable.

Shri C. K. Bhattacharyya (Rai-ganj): It has got to be done after each census. If the population changes, the constituency has to be changed.

Dr. L. M. Singhvi: I know delimitation has to be resorted to. But, as I said, delimitation has been resorted to in many cases for no reason at all. One constituency is taken out and another constituency is put in even without the reason of geographical contiguity or road connections. I can cite many such instances if my hon. friend is interested in that.

One thing more that I want to say is in respect of symbols. I feel that the same symbols should be allotted for Independents who have been returned on a particular symbol. The parties have the advantage of having the same symbols election after election. After all, a returned Independent candidate is in no worse position than a person who happens to be sponsored by a party and who has been losing election after election. After all, a person who has been returned may be an Independent, and he is in no worse position, and, therefore, every effort should be made to see that his election symbol is allotted to him if he so chooses. I think that that would be only in consonance with the dictates of equity and fairplay.

Shri Joachim Alva: The people of India and the Government of India deserve to be congratulated for having accomplished three unparalleled elections in history during the last three general elections in our land. That is no mean achievement specially in a land where more than 75 per cent of the people are illiterate, but they were villagers who knew how to vote, who knew the way to go to vote and for whom to vote. That is not an easy feat. I have witnessed President Kennedy's election in 1960 in America. That was also a very

great feat of democracy. That was finely and ultimately decided by television. Television decided the election of President Kennedy. Just as television decided President Kennedy's election in America, I hope a day will come when the television programme may decide our elections also. For, after all is said and done, the people in the far off villages may not, cannot get periodicals and papers and cannot get the benefit of public meetings and so on, but they can just see a discussion between the candidates on the television and then make up their minds. I wish that our elections are also finally decided in that manner. If not the immediate general elections, I hope that at least the next general elections may be decided by television programmes.

Shri Rajaram (Krishnagiri): After another devaluation.

Shri Joachim Alva: I had also a piece of luck to see slices of British election. Mrs. Anevar Bevan, Mrs. Jennie Lea, now Minister in the Labour Government, had sent me to her husband's constituency in Wales during the British elections. I am mentioning all this because the British general elections and the American general elections and also the Federal German elections which I saw in 1957 at the time of Dr. Adenauer's re-election are not by any stretch of imagination ordinary ones. I would submit that our elections have been dynamic and historic, vigorous and really public-spirited ones. I shall not say much about the German elections, because they have a smaller population. The Americans are nearly 200 million, and the British are over 100 million, whereas we have about 300 million people going to the polls. So, let us pat ourselves on the back and say that we have indeed done a very good job. But what of the future? What about the conduct of my friends on the other side, at least of some of them?

Mr. Chairman: The hon. Member may address the Chair.

Shri Joachim Alva: A always address the chair. That kind of conduct has gone into the streets of Delhi and it has gone into the streets of our countryside. Therefore, there is a real positive danger facing our next general elections. Whilst it may not be the fault of the Congress Party or of many parties forming the Opposition, I would, however, like to point out that if only some of the Members of the Opposition had been even to an ordinary school or had participated in an ordinary debating society, such boisterous scenes would not have occurred in Parliament, and they would not have indulged in violence and in such rowdy conduct. People lack in even the ordinary rules of decorum and they behave in a most boisterous fashion with the result that I am constrained to say that our Parliament has been reduced to bazar-street scenes, and the next Parliament is in great danger if some of these elements which want to resort to rowdyism and which resort to violence and which want to burn down property and which want to kill people should happen to fight the elections and come here; if such elements come in, then there is great danger to our Parliament and to our democracy.

Shri Manoharan (Madras South): May I make one submission?

Shri Joachim Alva: I am not yielding. Let my hon. friend quote the rule and then I shall yield.

Mr. Chairman: If the hon. Member who is speaking does not yield, then the other hon. Member should sit down.

Shri Joachim Alva: I have great regard for my hon. friend, and, therefore, I shall yield.

Shri Manoharan: During the time of elections and before elections, rowdyism is being played up and goondas are engineered . . .

Mr. Chairman: Can the hon. Member not speak when his turn comes?

Shri Mohammed Koya (Kozhikode): When the Member yields, then one can interrupt. That is the parliamentary procedure.

Mr. Chairman: The hon. Member may resume his seat. Order, order. Let him resume his seat. While the Chair is on its legs, the hon. Member has to listen to what the Chair says.

Shri Mohammed Koya: He has yielded, and, therefore, Shri Manoharan can say what he wants.

Shri Manoharan: He has yielded.

Shri Mohammed Koya: This is allowed in all parliaments.

Shri Manoharan: Three days ago, the leader of my party, Shri Anna-thurai, had gone to Coimbatore district. There was an attempt on his life by certain rowdies engineered. I can say without any sense of reservation, by Congress people in Coimbatore district.

Shri Tyagi: No, no.

Shri Manoharan: I am sorry he does not believe me. I can prove it. This is a serious matter. It has happened. I entirely agree that there should be no rowdyism. But this is what happened.

Shri Joachim Alva: I am sorry I was interrupted. We have seen a pattern of goondaism in this very House. Women, young boys and girls from schools and colleges and foreigners come and watch our proceedings. I am sure they do not go away inspired from the proceedings of our House. Some of us ought to put our heads down in shame at this state of affairs.

Shri Mohammed Koya: What happened to Shri Frank Anthony

Shri Joachim Alva: We should be ashamed to behave in this manner when there are foreigners watching our proceedings, when there are wo-

men, mothers of childrn, who see what we do.

Mr. Chairman: I would request the hon. Member to speak on the Bill.

Shri Joachim Alva: Yes. I am speaking on the Bill. I am speaking on the kind of representatives we have. As a result of the Representation of the People Act, we should not have representatives who will behave in such a manner, whose conduct and speeches are of such a character, that the women of our country who watch the proceedings from the gallery will go away uninspired and even put down their heads bowed in shame.

Mr. Chairman: Is the law enacted that way?

Shri Joachim Alva: I am speaking on that.

We want our women to go back inspired by our proceedings. We want our young boys and girls who watch our proceedings to think that here are MPs elected by the people who can deliver the goods politically, morally and decently.

It is true that moneybags play a great part in the elections in our country. Here I would like to suggest that we should follow the pattern of the British workers. Here is a book, *The Use and Abuse of Trade Unions* by Arthur Bottomley, at present a British Cabinet Minister. He was good enough to send me a copy. Here is a very important paragraph from that book which I would like to quote, because we must collect money ourselves. We must not depend upon the rich people for our election funds. I hope this will be the last election where the rich people contribute to election chests. This is what he says:

"The TUC is also active internationally"—

this is the British Trade Union Congress—

"For example, by helping to organise and finance study tours and courses for trade unions in developing areas. The TUC's three-year target for its contribution to the International Confederation of Free Trade Unions (ICFTU) Solidarity Fund was set in 1960 at £ 500,000. By September of that year, £ 201,000 had already been handed over."

Now, if the British Trade Union Congress could collect this much within that period in that way, it is time that the Indian National Congress which claims to speak on behalf of the peasants and workers of India raised the amount it required to fight the elections itself so that at least the next election—not the coming one—shall be conducted in such a manner that we do not depend on the rich people for election funds.

Shri Rajaram: Is he advising Mr. Kamaraj?

Shri Joachim Alva: This is a very important point. We have copied many things from the British. It is but right and proper that we go to the source and springs of British democracy and copy some of their great practices. I had said somewhere else that there shall be no demonstration within a radius of one mile from Parliament House..

An hon. Member: Two miles.

Shri Joachim Alva: Two miles, and only 10 people shall be permitted to present a petition.

Mr. Chairman: Is that included in the Bill?

Shri Joachim Alva: No. This is a very important matter concerning the

[Shri Joachim Alva]

conduct of our proceedings. We do not want that this House should be set a fire by those people.

This is very important.

As regards Judges, I have great admiration for my hon friend, Shri N. C. Chatterjee. He is a man of patriotism, calibre and independence. We do really want independent men to be in this House. We do not want to make it our own parade. We want independent members, good, honest and straightford independent members as members of other parties who will discharge their work in a parliamentary, non-violent and constitutional manner in this House.

When we talk of High Court Judges, their calibre has also to be of a high order but we should not have High Court Judges whose conduct is sometimes challenged in this House as some of us have done. I am sure the intrepid new Law Minister will see to it that the Home Minister is not burdened with too many burdens, that on the question of the appointment of Judges, looking into their character etc., is looked after by the Law Minister in future.

My hon. friends have quoted the British example. The Labour Party has just now got a Bill on the envil of the House of Commons by which they will compel directors and firms who contribute more than £25 to any political party to state what amount they have contributed and why they have contributed. So, even in England they have taken a long time to find out that the Tories used money for their elections that came from the capitalists, the money that they earned in the colonies, in the election campaign, and hence Labour did not win. That Bill has now really brought havoc in the ranks of the Tory Party, because, as I quoted from the book, the Labour Party collects

money from its workers unlike the Tory Party.

Great are the hardships which the candidates have to face in the elections, and I am frank enough to say that I have still to repay Rs. 1500 in respect of the second election. I do not mind using a vulgar phrase and saying that when we stand for elections we beg, borrow or steal. It is all right for a rich man, but we want that honest, simple, public workers should stand for elections and get elected without the aid of big money. The Swatantra Party has come into some of our constituencies and thrown about money like anything and disturbed the balance there. The Communist Party also has a large invisible funds perhaps and all this disturbs the political balance. What are we to do?

Shri Rajaram: The Congress is the only poor party

Shri Joachim Alva: If some one throws one lak of rupees in a constituency in which I wanted to spend only Rs. 7,000 what are we to do? Our own party people demand money, the entire balance is disturbed. We have to fight against these money bags, against people who pressurise elections, against people who pressurise the Ministers, against people who pressurise the conduct of the whole Parliament. These are important things, and our hardships should be lessened.

What chance has a poor public worker, an honest, straight-forward man, against a feudal prince, when the prince has a privy purse of Rs. 10 lakhs, Rs. 15 lakhs or Rs. 20 lakhs? Some of these princes are not happy unless they mix among themselves only, they do not mix with others. However. There are princes like the Maharaja of Bikaner, whose father has been commended by Alen Johnsson, Press Attache of Lord Mountbatten in his book. Partition of India

for having opened the gate for the federation of India, but they are exceptions; certainly there are such good princes and we want them, but if there are others who use all the benefits of their privy purse to fight elections not only for themselves but to destroy the constituencies of other poor people, it is time that this Parliament seriously considered the danger unto us. There are princes' lobbies, there are other lobbies, and there are some princes who even want to be Chief Ministers of States; they are not merely satisfied with small pockets of land, they want big chunks of territory to rule over.

Shri Narendra Singh Mahida: All of us here have plenty of experience of elections and we are aware of the normal election laws. Speaking here about them is like carrying coal to New Castle. No one on this side claims that the election system or election laws are perfect. But it has been our endeavour to improve or present system. The last three elections have shown us our faults and drawbacks in the election mechanism in our country.

17.25 hrs.

[MR. SPEAKER in the Chair]

We must play the democratic game and it must be played fairly. I may tell those who aspire to throw the Congress out of power; that if you work double than the Congress works, you can oust it out in no time. Most of our Opposition Members talk a lot here and outside but do little work. So, it is not the fault of the Congress if it comes back to power.

The Joint Committee has made certain recommendations and I refer to clause 20 which says:

"The Committee consider that an opportunity of being heard should be given to the person before the Election Commission issues a certificate to the effect that the said

person has been dismissed for corruption or disloyalty to the State for the purposes of sub-section (1) of the proposed section 9 of the 1951 Act....The Committee are also of the opinion that a person should incur disqualification when a contract with the appropriate Government etc. though entered in the name of other persons is actually for his benefit."

This section is very clear.

Now clause 38 mentions the High Court. It says: "The Court having jurisdiction to try an election petition shall be the High Court." I have had the experience of fighting election petitions and I am of the opinion that tribunals serve the purpose of going into details of the election petition and the High Court heard the appeals. I request that proper authorities may be appointed, so that they may go into the details of the evidence and see that litigants do not incur heavy expenses.

The reason for the removal of tribunals is, I think, to reduce the expenditure. An election petition has to be fought in a tribunal, then in a High Court and finally in the Supreme Court. Now, the tribunal is being removed. The High Court should be careful in seeing that the expenses of the litigants are not increased. With regard to clauses 41-43 the Committee on page 42 of the Report recommended that there should also be provision in the Bill for an appeal to the Supreme Court both on facts and on law from the High Court's order on an election petition and the Minister was authorised to come forward with a provision to that effect after consulting such authorities as may be considered necessary. I am happy that the Minister has given an amendment that there would be appeals to the Supreme Court.

Clause 59 mentions that if any person in the service of the Government acts as an election agent or a polling

[Shri Narendra Singh Mahida]

agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or both. There have been instances where Government servants had been instigating various candidates, may be, privately. If they do so and are caught, they should be severely punished. I would draw the attention of the House to the Minutes of dissent which the hon. Members have given. Many hon. Members say that Congress is not giving due attention to the minutes of dissent. Shri Chitta Basu in his minute of dissent says:

"The Bill does not seek to put adequate curbs on the ever-increasing expenses for the election which preclude any scope of free and fair election. . . . The Bill on the other hand seeks to disqualify any person who has been sentenced to two years of imprisonment by any court of Law in India, for contesting in any election."

I may bring to his notice that the expenses are increasing, but I may cite my own example: I have won the last election in 1962 at probably the lowest cost in India. I have spent only Rs. 1,700, and that has been, I presume, a record in the Election Commission. So, to say that a Member cannot come in, unless he spends Rs. 50,000 is not proper.

The hon. Member says that to disqualify any person who has been imprisoned for two years is to debar many political leaders and such trivial sentence is not enough for disqualification. I will cite now Shri Kamath who says that a person found guilty of a corrupt practice should incur disqualification for a larger period than six years.

Shri Sezhiyan quoted the Chief Justice of Bombay—Shri M. C. Chagla—who delivered a learned judgment in the famous case *J. R. Koticha vs. Tata Iron and Steel Co. Ltd.*, wherein

he gave a forceful warning that any attempt on the part of anyone to finance a political party is likely to contaminate the very springs of democracy. We are not living in Heaven. We are on this earth, and all political parties need money; some limit may be fixed by this House, that the companies cannot grant more money than certain sum to be prescribed; I would welcome such a measure. But as long as political parties are allowed to take money from Companies—

Mr. Speaker: Is he concluding within a minute or two?

Shri Narendra Singh Mahida: I shall continue tomorrow. I must have my full ten minutes. I have been waiting for five hours, right from 12 o'clock. I have not moved from this seat.

Mr. Speaker: Would he take five minutes more?

Shri Narendra Singh Mahida: I will take the full time.

Mr. Speaker: All right. I will now call the hon. Home Minister.

डा० राम मनोहर लोहिया (फर्रुखाबाद):
अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है।
मैं नियम के अनुसार उठाना चाहता हूँ . . .
(व्यवधान)

अध्यक्ष महोदय : अभी तो स्टेटमेंट शुरू नहीं हुआ।

डा० राम मनोहर लोहिया : नियम सं० 355 के अन्तर्गत मैं व्यवस्था का प्रश्न उठाना चाहता हूँ।

अध्यक्ष महोदय : पहले व्यवस्था कैसे था मइ ?

डा० राम मनोहर लोहिया : जब ये बयान दे देंगे, उसके बाद आप सवाल पूछने देंगे या नहीं, यह बिल्कुल अनिश्चित है।

अध्यक्ष महोदय : यह मैं देखे लेता हूँ, पहले इनको बयान देने दीजिये ।

डा० राम मनोहर लोहिया : मैं 355 में सवाल पूछना चाहता हूँ, अगर आप सवाल पूछने देंगे, तो मैं बैठ जाऊंगा ।

अध्यक्ष महोदय : अभी आप बैठ जाइये ।

श्री हाथी ।

17.32 hrs.

STATEMENT RE. INCIDENTS IN DELHI

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): Sir, the demand for a total ban on cow slaughter in the country has been voiced for several years in one form or the other and from different platforms Government have already made statements in Parliament explaining the steps taken to bring about a measure of uniformity in the State laws on the subject.

However, an agitational approach to the problem continued and assumed the shape of a movement and there was widespread propaganda to organize a big demonstration near Parliament House on the 7th of November, 1966. Government were fully aware of the emotional and inflammatory speeches that were delivered in different parts of the country to enthruse volunteers to join the demonstration.

The Delhi Administration authorities were in constant touch with the organisers of the demonstration and were assured by the latter that the procession would remain peaceful. Even so, it was envisaged that a very large gathering of the nature that was being collected, could lead to disorder and violence. Ac-

cordingly, detailed and elaborate preparations were made by the Delhi Administration to maintain order. A very large police force was detailed for duty and reinforcements were brought in from outside. Magistrates and senior police officers were posted all along the route with special emphasis on vulnerable points. Special arrangements were made around Parliament House and all entries into the precincts of the House were strongly guarded. A large number of bad characters were rounded up on the 6th November as a precautionary measure.

I need not go into the events of the day as the Home Minister has already made a statement on the 7th November, 1966.

As a result of the firing that had to be resorted to, uptill now 8 persons including one constable have died and 41 persons have received gun shot injuries. About 70 persons were otherwise injured. The police Constable who died was off duty. While running out with a bucket to fetch water for extinguishing fire in the guard room of the All India Radio, he was hit by a bullet. Nineteen Police Officers including two ASPs have also sustained injuries. The names of the persons killed are:

1. Shri Ram Rakha,
2. Swami Ajudhianand,
3. Shri S. K. Jain,
4. Shri Jagan Nath,
5. Constable Jai Prakash.

Three others have not been identified.

Vehicles burnt or badly damaged include 54 cars and Jeeps, 2 buses, 1 truck and 26 scooters or motor cycles.

After the dispersal of the mob, the situation was quickly brought under control. Army units were called out and stationed at strategic places to stand by and assist the civil administration in case of recurrence of trouble.