

Resolution re: withdrawal of
Kashmir case
from U.N.O.

Photographs of
Voters of Calcutta
South-West Parlia-
mentary Constituency

Hon. Members: Yes.

The Resolution was, by leave, with-
drawn.

Shri Kalika Singh: He has with-
drawn it conditionally.

Mr. Deputy-Speaker: No conditions
attached to it.

17.12 hrs.

DISCUSSION RE. PHOTOGRAPHS
OF VOTERS OF CALCUTTA SOUTH-
WEST PARLIAMENTARY CONSTI-
TUENCY

Shri S. M. Banerjee (Kanpur): You
will remember, Sir, that while mak-
ing a statement on an adjournment
motion or a calling attention motion
the other day, the hon. Deputy Minis-
ter of Law clarified, or tried to clarify,
the position or conditions prevailing
in Calcutta relating to this by-elec-
tion. I am going to quote from his
statement to show that the by-elec-
tion in the Calcutta South-West Con-
stituency is going to be held in a
chaotic condition.

According to the figures supplied
by the hon. Deputy Minister, the
total number of voters in that con-
stituency is 3,41,933. Out of this
number, 2,15,000 voters have been
successfully photographed up to the
18th April, 1960.

17.13 hrs.

[Mr. SPEAKER in the Chair]

Identity cards totalling 1,90,600 have
been issued to the voters. A further
7,000 cards sent out by the authorities
have been returned undelivered, as
the persons were temporarily absent
or had permanently left their resi-
dences. So if you summarise all the
figures, it comes to this that
1,26,933 voters have not been photo-
graphed, while 7,000 identity cards
have been returned undelivered.

I may mention for the information
of the House that when they photo-
graphed these 7,000 voters, they
must have been staying in some

کرے - ہماری ریاست کے اندر سازشیں
ہوں - بامب کھسیز ہوں - اس کے
ساتھ ہی میں حکومت سے یہ بھی
توقع رکھتا ہوں کہ وہ اقوام متحدہ
کو مجبور کرینگے پاکستان سے یہ
کہلے کے لئے کہ چترال اور گلگت میں
جو تعمیرات ہو رہی ہیں - جو
ایر پورٹس بن رہے ہیں ان کو فوراً
روک دیا جائے -

جو اسپورٹس فیلڈس منسٹر نے
اور اقوام متحدہ میں ہندوستانی
فیلڈنگھن کے لئے دی ہیں - ان
کو دیکھتے ہوئے میں اس ریزولوشن کو
وایس لیتا ہوں -

شری یادو نارائن جادھو (مالیکانو)

چھپنے کے بارے میں بھی ایک ریزولوشن

[- ل]

Mr. Deputy-Speaker: I shall now
put amendments Nos. 3 and 4 of Shri
Vajpayee to the vote of the House.

The amendments were put and nega-
tived

Mr. Deputy-Speaker: Has the hon.
Member the leave of the House to
withdraw his resolution?

[Shri S. M. Banerjee]
houses. How can it happen that after the photographs were taken, all these 7,000 voters either temporarily or permanently disappeared from the place? It surpasses my imagination, and I am unable to understand, how those voters were photographed; and if they were genuine voters, where did they disappear?

It might be said that those people must have left their residences or the particular locality and gone elsewhere. My little experience of Calcutta is that anybody who gets a house does not leave it unless he is dead, because there is absolute scarcity of accommodation in Calcutta. So, the position comes to this that 1,26,933 persons have not been photographed, and 24,400 voters have not been delivered their identity cards. If we add another 7000 to that, it comes to 21,400.

I shall read out for the information of the House a notification issued by Shri P. K. Bose, Electoral Registration Officer, Calcutta. I am quoting from *The Hindustan Standard* dated the 17th April, 1960. It reads thus:

"All voters of the Calcutta South-West Parliamentary Constituency who have not yet been photographed under circumstances which can be explained to the satisfaction of the undersigned as also those who have been photographed before the 31st of March, 1960 but have not yet received their identity cards are hereby requested to come to the office of the undersigned at 105/7A, Surendra Nath Banerjee Road, Calcutta any day during office hours before 23rd April 1960."

That is up to tomorrow.

"Those voters who have satisfactory reasons for not being photographed so long will be photographed in the office while photographs which could not be delivered due to absence of their owners from their houses will be made over to them from this office. In case it is found that a

voter's photograph taken previously has not been successful such a voter also will be photographed again in this office. All voters are requested to bring with them evidence of identity, the same as they were required to produce at the photo centres.

Those voters who were photographed after the 31st March, 1960, may expect to get their identity cards at their places of residence by 23rd April 1960."

I would invite your attention to the word 'may'.

"If they do not receive cards by that date they also are requested to visit the office of the undersigned with necessary proof of identity by 25th April 1960."

I would remind this House that the election is to take place on 1st May, 1960. The last paragraph in the notification reads thus:

"As far as practicable every endeavour will be made to issue identity cards to all these voters before 1st May, 1960."

The election starts on 1st May.

So, from this notice which was issued by the electoral registration officer, Calcutta, it is absolutely clear that he is not even sure whether the identity cards will be issued or not. Imagine a condition where out of 3,41,933 voters, only 2,15,000 voters have been photographed. 7000 identity cards were returned undelivered. Nearly 14,400 men have not received their identity cards. Imagine the chaotic condition in which this election is taking place.

I should like to make it clear in this House that I do not stand for postponement of this election. I do not come from Calcutta. But my fear is only this, if this House wants to uphold the banner of democracy in this country, it will have to consider whether 1,26,000 men should be deprived of their legitimate right to vote. That is a fundamental right guaranteed under the Constitution.

This question was raised during the discussion on the Demands for Grant of the Law Ministry. My hon. friend Shri Sadhan Gupta had raised it. A very pertinent question was asked by my hon. friend Shri Tridib Kumar Chaudhuri, as to why there was delay in this by-election. I might mention that nearly a year or at least ten months have passed since Shri Biren Roy who was a sitting Member of this House was unseated by the Supreme Court.

Shri T. B. Vittal Rao: One and a half years.

Shri S. M. Banerjee: The question was asked by Shri Tridib Kumar Chaudhuri as to why there was delay. Shri A. K. Sen replied:

"But I may tell my hon. friend Shri Tridib Kumar Chaudhuri that the delay was not due to photographing. On the contrary, the delay was due to the fact that after photographing started, as I anticipated, it was found that 40 per cent of the rolls was absolutely incorrect."

So, according to the statement of the Law Minister, a screening was done, and the figure of 3,41,933 is the correct figure; it does not include as far as I can make out from the statement of the Law Minister, any bogus voter. So, after screening, the figure came to 341,000. For the information of the House I may state that the number of voters in this constituency in 1957 was 403,712; and, after screening, in 1960, the number of voters was 3,41,933; 2,15,000 were photographed and identity cards issued to 1,90,600; and the number of men deprived of the vote is 126,000. So, one-third of the voters of this constituency are unable to cast their votes because of the delay on the part of Government.

Now, I would like to read the provisions of the law. I am not a lawyer and I know I shall be told in reply..

299 (A1) LS—8

The Deputy Minister of Law (Shri Hajarnavis): On a point of order, Sir. As I have already stated, in the statement which I have laid before the House, the legality of the matter is to be heard by the Calcutta High Court on Monday. So, I think, the discussion can only be confined to find out the steps taken by the Election Commission...

Shri S. M. Banerjee: I am not mentioning the legal point, Sir.

Mr. Speaker: Order, order. The hon. Member will kindly resume his seat. Under rule 195:

"There shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to take part in the discussion."

This is something like a half-an-hour discussion; only the time is twice as much.

I have heard the hon. Member. Some other hon. Members have also given notice. So, all that I would say is that the hon. Member should confine himself to stating what the grievances are and what the remedy would be. We are not going into the fundamentals as to whether it is legal or not.

Shri S. M. Banerjee: My whole speech will be based on the statement made by the hon. Minister. I am not going to say anything more; and I believe....

Mr. Speaker: Not about the legality which is *sub judice*.

Shri S. M. Banerjee: The hon. Minister mentioned certain clauses of the Representation of the People Act. I am not going to mention anything which the hon. Minister did

[Shri S. M. Banerjee]

not mention. I think the hon. Minister made the statement knowing fully well—as a lawyer—that the case is before the High Court. I am only mentioning that....

Mr. Speaker: The point is this. Whatever is before the Court for a decision should not be touched lest it should prejudice the decision.

Shri S. M. Banerjee: I am not referring to this.

Mr. Speaker: The legality of it should not be touched. How the photographs can best be taken and other things could be done may be mentioned. The hon. Member has already taken 13 minutes.

Shri S. M. Banerjee: I should be given at least 15 minutes, Sir.

Mr. Speaker: I will give him two more minutes; he started at 5.10.

Shri S. M. Banerjee: Sir, the discussion started at 5.15.

Mr. Speaker: No, no; I came earlier. Anyhow I will allow him 5 more minutes.

Shri S. M. Banerjee: So, Sir, I want to read from the amending Act which we passed in 1958, to avoid bogus voting or impersonation. The Act says this. I am reading section 61(b).

“for the production before the presiding officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him if under rules made in that behalf under the Representation of the People Act, 1950, electors of the constituency in which the polling station is situated have been supplied....”

Sir, I would request your attention to the words—

“have been supplied with identity cards with or without their respective photographs attached thereto;”

My submission is that the drafter of this Bill, which ultimately became an Act, could visualise the chaotic conditions that would prevail in such a bye-election in Calcutta. So, he used the words ‘have been supplied’. Supplied by whom? The onus or responsibility is on the Government or the election machinery. That is my submission.

Then, the draftsman said:

“identity cards with or without their respective photographs”.

He had visualised that the identity cards may be ready but the photographs may not be supplied, because they have begun this Himalayan job, a new experiment very late. It may happen that all the camera may not be taken. After all the camera is not a sten-gun that it can be used to kill about 2,000 men in a few minutes. After all it takes time. He had in his mind that this condition may take place and this contingency may arise and so used the word very cautiously, “have been supplied with identity cards with or without the respective photographs.” This is the expression which the framers of the statutory rule use and I would read it:

“The Electoral Registration Officer for such notified constituency shall, as soon as may be, after the issue of the notification under sub-rule (1) arrange for the issue to every elector of an identity card prepared in accordance with the provisions of this rule.

The identity card shall (a) be prepared in duplicate; (b) contain the name, age, residence and such other particulars of the elector as may be specified by the Election Commission; (c) have affixed to it a photograph of the elector which shall be taken at the expense of the Government; and

(d) bear the fassimile signature of the Electoral Registration Officer:

Provided that if the elector refuses or evades to have his photograph taken, no such identity card shall be prepared for the elector and a note of such refusal of evasion shall be made in the copy of the electoral roll maintained by the Electoral Registration Officer."

These rules were drafted in a state of complacency hoping that this particular machinery will be able to photograph all those persons but unfortunately those people have not been photographed. We believe in a parliamentary democracy and if in a constituency where 3,41,933 voters exist about 126,000 are deprived of their votes, what is the fate of this election? What are the minimum requirements of a man in this country, or in any other country? He wants two hot meals, one house to live, a wife and a vote. I do not stand for any postponement. Even the electoral roll has not been supplied to the candidates. On 25th April, the working or the taking of photograph is not over, how can the election take place on May 1st? Will it continue till the 1st of May when polling also will be held? These 126,000 voters do not want postponement but they should be given the right to vote. I hope this Government which believes in democratic principles will uphold the democratic principles and institutions will allow these people who are without identity cards and photographs to vote. Otherwise, election will be a farce. I do not say anything with a political motive. This will happen in my Kanpur constituency after two years or in other constituencies. These are the few questions that I have to pose.

Shri A. K. Gopalan (Kasargod):
Sir, I will touch upon the points already touched upon by the previous speaker. The future of parliamen-

tary democracy depends upon free and fair elections, for which two things are necessary. Firstly, those who have the right to vote should exercise their votes and those who have no right cannot exercise that right.

Now, four things are stated in the latest Press note of the Electoral Registration Officer. Firstly, it is a clear admission that a large number of eligible voters have not been photographed. Secondly, of those photographed, many have not been supplied identity cards due to the absence of owners from their houses. Thirdly, many photographs have proved unsuccessful and such voters will have to get themselves photographed again. Fourthly,—it is very important—it says that every endeavour, as far as practicable, will be made to issue identity cards to voters before the 1st May, 1960.

In this press note the Commissioner has said that as far as practicable photographs will be supplied to all the voters. That means, if it is not practicable, thousands of voters will not get their photographs. In other words, when this was released on 17th April, the Election Commissioner has admitted that it is not practicable for all the voters to get photographs, without which they would not be entitled to vote.

Then, in respect of those who have already been supplied photographs, he says, because the photos are meant for identity if the photos are not clear—he has himself admitted that some of the photographs are bad—they will have to be photographed again.

Now, the first thing that a candidate standing for election will require is a voters' list, a list of those who are eligible to vote from his constituency so that he may approach them. According to the figures given here, even though 2,000 or 3,000 voters have been given photographs, till the 1st of May the candidate will not know who are

[Shri A. K. Gopalan]

his voters. Without knowing who the voters are, what can a candidate do? Whom can he approach? If you simply say that some people in Calcutta will be eligible to vote and others will not be eligible, whom can the candidate approach till the 1st of May. The candidate will not be able to understand who the real voters are, without which he will not be able to approach them and request them to vote for him or tell them why they should vote for him.

According to the Representation of the People Act the candidates standing for election are entitled to have at least a voters' list. We had an election in Kerala some two months back. What was done there? A fixed time was given. It was said that within a month if there was any kind of impersonation or anything of that sort the other party, the affected party can bring such cases before the polling officer. If the persons concerned do not appear before the polling officer then he will say that those persons have no right to vote. That was the reason why it was found that in some constituencies 3,000 to 5,000 voters were found to be not real voters and election petitions have been filed in such cases.

Here is a new system of giving photographs to voters. This system is being introduced for the first time. If by this system the real voters do not lose their right to vote we have nothing to say against it. What does the Election Commissioner say? He says that he cannot guarantee whether all those who are eligible voters will be given their photographs. If they do not have their photographs they will not be eligible to vote. He has said that he will try to see that all of them get their photographs.

There is another thing that I would like to bring to your notice. Some people, the upper middle class people and others do not like to stand like a convict with a photo and number. Many women have said that they will not stand like convicts with their

photos and numbers. This is a sentimental objection. Can an election be conducted under such circumstances?

Apart from this sentimental objection, people are not so very conscious that they must do everything themselves in order to exercise their franchise, they must get themselves photographs so that they may be able to exercise their franchise. When they are not so very conscious, by introducing this system now you will make thousands of people not to exercise their right to vote.

Therefore my suggestion is this. As far as 1st May is concerned, the Election Commissioner has said that it will not be practicable to supply all the voters with photographs. Under such circumstances, if the Government want to conduct the elections on the 1st of May itself, they can do so under the old system of elections. As far as possible not a single man should be denied his right to vote because of the new system. Here, if you adopt this system, thousands of people will not be able to vote. Therefore, postpone the date. Enlist the co-operation of all parties and get the voters' list ready. In this new system of having photographs is to be introduced, then give enough time, so that with the co-operation of all parties, with the co-operation of the people standing for election and the general public, explaining to them that it is necessary to have the elections conducted under the new system, you can have the elections conducted in the proper way. Otherwise, you will be conducting elections under conditions where the parties concerned and the people seeking election will not know who the voters are. It is also said that some photographs are hurriedly taken. I do not accuse the photographers because they are taking the photographs hurriedly. In fact, in some places, if these photographs are taken so hurriedly the photograph will not be in the form of a man or woman but just something like an animal sometimes!

Again, it may be noted how these things are carried out. Once an ex-judge went to the voter and asked the woman voter not to stand in such and such a manner but to stand in the manner he advised her to do. "Do not stand like this" and so on, he said. The voters do not like such things and they naturally question, "Are we convicts to stand like that with the numbers and the photographs like that?" So, the sentimental objection is there. Some say that they do not want to have the photographs taken like that. So, unless and until we educate the voters and get their co-operation and are able to take photographs of the voters who have the right to vote, it is no use hurrying up with such measures.

Now, you want to have the elections today, when the candidates themselves do not know who the voters are! I do not understand whether it can be called a free and fair election. According to the Election Commission and the electoral officers, it is clear that as far as practicable every endeavour will be made to get the photographs in time. But whatever endeavours have been made the people do not like the methods. This is an unfortunate situation. All endeavours have not been very fruitful though there have been some results.

So, my request in the first place is, postpone the elections by three months. Request for the co-operation of the people. The Communist Party is ready to co-operate. You must tell the people that such and such things are to be done, and tell them that the photographs are taken to get the co-operation of the people in all possible ways for the success of the election. The authorities must see that the photographs are taken and distributed properly and that not a single man who is in the voters' list and who has the right to vote loses his right of vote in the election. Therefore, I would say, either have the election on the 1st of May without the photographs or postpone it at least for three months, and

see that, with the new system of voting, so many voters do not lose their voting rights.

Shri Aurobindo Ghosal (Uluberia):
Sir, I come from an industrial area just opposite to the constituency in question. I do not know if these photographs will be introduced in my area also. The practical difficulty will be 50 per cent of the voters will be scared away, not because that they are bogus voters but because they are workers. I say this because there are inherent difficulties. The proper atmosphere is not there, nor any education has been given to them in these matters. No previous training has been given to them so that they can come forward and cast their votes.

The first difficulty lies in the matter of time. These workers are engaged from morning till evening in the mills and factories, and it is not possible for them to spare the time to come and give their photographs. Secondly, these workers are not very conscious of their rights. We have seen that in village areas the percentage of polling is higher than in the working class areas, because we have to persuade the workers to come and vote. Not only we but all the candidates, to whatever party they may belong, have to persuade the workers and arrange for them to get leave from the companies or factories in which they are employed. So, all these difficulties are there which have to be faced in persuading the workers to come and have the photographs and then to bring to the voting place. But in the village areas, the voters come in large numbers to cast their votes. Naturally, there is an indifference on the part of working classes to come as voters and cast their votes. This is one important factor which has to be considered. They will be scared away if photographers are insisted upon.

The next point is one of huge wastage of money. The wastage results in this way. Most of the workers change their place of work; they go from place to place frequently, and every time, since they change

[Shri Aurobindo Ghosal]

their areas, if the photographs are to be taken and adjusted with another constituency, then it will be difficult for all concerned, and this will result in huge wastage of money for Government also. These photographs will be of no use after the concerned voters change their place of work, and join a mill or factory in another constituency.

Of course, the only point that is being stated on behalf of Government is that they will be able to stop bogus voting. But even now I can tell the House that nobody is going with photographer to identify the voters. For instance, if I take out my photograph, say, as one Sushil Bose who is a voter it is impossible from the photograph to know that I am the real person. Therefore, in any case, you are not going to achieve....

Mr. Speaker: Let me put one question. Every adult is entitled to one vote. So, there is no necessity for any person to impersonate some other man who is alive, because that man who is alive has his own vote. Then, there cannot be two photographs of the same person. I can understand a dead man being impersonated, because the dead man has no vote. But a living man need not be impersonated, before that man has also his own vote. I am not able to understand it.

Shri A. K. Gopalan: The photographer goes to various places and takes photos. Before taking photo one has to produce some receipt of tax or something. A person gets all these papers from somebody and gets himself photographed. Then he goes to another place and there also he gets himself photographed. He can do it in three or four places.

Mr. Speaker: Is this corporation election? In these elections there is adult franchise, is it not so? No property qualification is necessary. A man who goes there must correspond to the photo that he carries with him. Today a man cannot vote in two places.

Shri A. K. Gopalan: He can vote.

Mr. Speaker: In the same election he can vote once or cannot vote; he cannot vote twice.

Shri A. K. Gopalan: As a right he cannot vote but he does.

Mr. Speaker: Possibly, what they do is they withhold the photographs and subsequently substitute them. When once a man is photographed with that photograph he can vote only once.

Shri S. M. Banerjee: I will explain it in half a minute. I am S. M. Banerjee and I am a voter. When an enquiry was made, S. M. Banerjee was not in his house. In Calcutta there being so many slum areas, it is possible that there are 20 people with the name S. M. Banerjee.

Mr. Speaker: If S. M. Banerjee is not there and some other man is there, that man has also got his own vote.

Shri S. M. Banerjee: Suppose there is one Sushil Mohan Banerjee in the place of Satyendra Mohan Banerjee, that is, S. M. Banerjee. He goes to the photographer and takes a photograph of himself. He goes to the polling station and casts his vote as S. M. Banerjee. But the real vote is not of S. M. Banerjee at all. Who is to check it? The total number of votes may not increase.

Mr. Speaker: That is all right. Whoever impersonates S. M. Banerjee, he has his own vote. Why should he take the other man's vote? By his own right he has got a vote.

Shri A. K. Gopalan: It may be anybody. If there are one lakh of voters how are you going to check it?

Mr. Speaker: That is right.

Shri Aurobindo Ghosal: Then, the whole area of West Bengal is not being photographed, only the urban and industrial areas are photographed. If the whole State is going to be

photographed, then there is less chance of impersonation.

Shri Manaen (Darjeeling): Is this in order to avoid proxy?

Shri Aurobindo Ghosal: If the whole election is held on a single day, it is difficult to have bogus voting. Taking photograph is not the proper way of checking bogus voting.

Lastly, I want to point out that in the South West Calcutta constituency sufficient time was not given to the voters to come forward for their photographs. Also, the parties were not taken into confidence so that they can also propagate whatever is good in the system to the voters in order to persuade them to go to take their photographs. We must remember that in these areas there are some conservative families. I may tell you quite frankly that my grandmother will not agree to get her photographed, whatever may be the importance of the occasion. That is a practical difficulty. This cannot be removed in one day or soon unless we systematically and persistently propagate the advantages of this system.

In a nutshell I would like to point out to the hon. Deputy Minister of Law that there is a major portion, I would say 25 per cent, of the voters that consists of bogus voters. In no constituency in India there are so many bogus voters. Therefore I would request the hon. Minister to see either by postponing the election or whatever it might be that the voters who are genuine voters and who have been left out due to want of photographs can be photographed and are entitled to cast their votes in the coming election.

Shrimati Renuka Ray (Malda): Mr. Speaker, Sir, my hon. friend, Shri Banerjee, made a very eloquent speech. No doubt, it sounds very bad if one says that this is a method by which so many people are sought to be defranchised. But what actually are the facts? Let us sift the facts.

It was decided to bring in the healthy practice of photographing the voters, particularly in the city of Calcutta and other urban areas probably later on, because of a very unhealthy practice that was being gone in by—I do not mention any particular political party—political parties as such, namely, the system of proxy and because large numbers of persons who were not actual voters used to impersonate others. Why did this happen particularly in the city of Calcutta is because of the fact that there is a large population which comes in and goes from Calcutta daily, that is, the floating population. Therefore it becomes easy to do this kind of impersonation when voting takes place. This is an acknowledged fact. It was because of this that this House decided to bring in a law by which this taking of photographs in cities like Calcutta became possible and the notification was made on the basis of a law passed by this Parliament. That is the background.

It is true that this could not have been liked by many persons. Again, I do not want anyone to think that I am mentioning any particular party. But it was certainly not liked by those who are used to this system of impersonating votes and allowing it to happen. It is true that out of 3,41,000 voters who have been found to be genuine voters, photographs of over a lakh are not quite ready. At least that is what I understood from the statement made by the hon. Minister. I think he also said that an attempt is being made to see that these photographs are ready in time.

As far as I understand the argument raised was that many of these people would have willingly agreed to be photographed but for the hours at which the photographers went round. I understand that the photographers go round from 7 o'clock in the morning so as to get those people who went out to work. It all went on properly for some time, that is, from

[Shrimati Renuka Ray]

the 21st June to the middle of August. The photographing went on and there was no hitch until this time. Afterwards, what happened.....

Shrimati Renu Chakravartty (Basirhat): How many have been photographed?

Shrimati Renuka Ray: Over 1,50,000 people could be photographed by then. That itself shows that it could have been possible had people not been dissuaded from it. I listened to Shri Gopalan's speech. With all deference to him I would say that so far as the women of the city of Calcutta are concerned, they are not the women who would not come forward to be photographed. That is not correct. They are not that type of women who would fight shy of being photographed. People who live in the city of Calcutta are not of that type. Again, I do not want to impute any motives to anyone in particular, but it is rather strange—and it is a fact—that since the beginning how it was that although the photographers went round and continued to go round so many people were not photographed, why it was that this delay took place later on, and who was behind this move by which it was possible to come to a position now that so many persons have not been photographed and therefore there is a likelihood of their being disenfranchised.

I understand from the hon. Minister's statement that every attempt is being made now to see that their photographs are taken in time.

I would submit that the Election Commission in our country has a very good record, a very great reputation, a reputation which is international. Other countries come to learn at the feet of our Election Commission as to how to hold free and fair elections. Therefore, I would leave this point not to the Government, nor to any party, but to the Election Commission. If they feel that the conditions are such that a free and fair election can be held, then, I think we should not ask them either to scrap this system—

which some people would like, of course, not having photographs at all—or delay it. I think the best judge will be the Election Commission who are noted for their objectivity and who, as I said, have established a reputation of which we are indeed very proud. And all that I would ask of the Members who have spoken, as well as of this House in genera., is that we leave it to that Election Commission. Let the Election Commission decide, as they have done in the past, and as they have done fairly and freely and courageously; and they will not bow down to any Government or to any political party's whims or fancies.

With these words I would again stress that it is easy enough to use high-sounding phrases and say that this disenfranchisement is being done because the system of photographs is being brought in. I think that for a city like Calcutta, where many malpractices have taken place in the past, it is a very good system that is being brought in so that each man who is a voter will be known as a voter and he alone or she alone will be able to vote in future.

With these words I again submit, let the Election Commission be the judge. And I think that this country as a whole and the world at large will certainly agree that the Election Commission will not do anything that is unjust and unfair to disenfranchise any one.

Mr. Speaker: Shri Yadav Narain Jadhav. Each Member will take two minutes.

Shri Yadav Narain Jadhav (Malegaon): I have very good facts and I may be given more time.

Mr. Speaker: The Minister has to reply.

Shri Yadav Narain Jadhav: The Defence Minister was speaking up to 5-20, and one hour has been allotted for this.

Mr. Speaker: Hon. Members have their own sense of time: Before 5—15 he finished. He finished at 5—10, I find.

श्री यादव नारायण जाधव : अध्यक्ष महोदय, आज जो सवाल मेरे अजीज दोस्त श्री एस० एम० बनर्जी ने सदन के सामने रखा है, मैं उस के बारे में कुछ कहना चाहता हूँ। हमारे देश में आज तक जो एलेक्शन हुए हैं उन के बारे में हम ने अपने देश में एक मिसाल कायम की है कि हमारे एलेक्शन बहुत बड़ी हद तक अच्छे हुए हैं। दुनिया में भी उन का कुछ नाम हो सकता है, ऐसे भी हमारे एलेक्शन हुए हैं। हमारी सयासी जमातों को यह कबूल करना पड़ेगा कि कई जगह एलेक्शन में, मैं पार्टियों का नाम नहीं लेना चाहता, हम इम्पॉर्नेशन करते हैं। केरल में भी इस बारे में तकरार हुई थी और प्रभी अभी माननीय सदस्या ने कहा कि कलकत्ते में भी यह होता है। सयासी जमातों को यह देखना पड़ेगा कि हम अपने लोगों को इस प्रकार से ट्रेन करें कि इस चीज को खत्म करने का रास्ता निकल सके। यह जो कदम उठाया गया है फोटो लेने का, आईडेंटिटी कार्ड्स बनाने का, इस कदम के उठाने से पहले हमारे एलेक्शन कमिश्नर ने देश की सयासी जमातों से पूछा था या नहीं, यह मैं नहीं जानता, लेकिन जो फंक्ट्स एड फिगर्स हमारे पास हैं उन से पता चलता है और बंगाल लेजिस्लेटिव असेम्बली में कम्यूनिस्ट पार्टी के लीडर श्री ज्योति बसु ने जो एलेक्शन अधिकारी वहां के हैं उन को लिखा है, उन्होंने कबूल किया है, कि जो काम वहां हुआ है वह बहुत अच्छा हुआ है। लेकिन ज्यादा से ज्यादा फोटो लेने में वोटर्स की, एक बहुत बड़ा फासला रहा है और देश की पोलिटिकल पार्टीज ने भी इस में मदद दी है। पहले दो महीने से कम अर्से में करीब करीब डेढ़ लाख वोटर्स के फोटो लिये गये। जून २७ के बाद से, जब से यह काम शुरू

हुआ है, कितना टाइम हो गया है? आठ महीने का टाइम था, हर रोज करीब करीब ३ हजार वोटर्स के सबसेसफुल एक्सपोजर्स किये जाते थे। पहले दो महीनों के अन्दर जो काम हुआ उस के मुताबिक आप देखेंगे कि करीब करीब ७५ हजार फोटो हर महीने में लिये गये। लेकिन उस के बाद जो मुमीबत उन के सामने आई, वह क्यों आई, इस की तरफ भी हमें देखना पड़ेगा। मैं यह कहना चाहता हूँ कि अगर यह बात सही है कि नोटिफिकेशन निकला था कि फलानी कांस्टिट्यूएन्सी में वोटर्स का आईडेंटिटी कार्ड्स के जरिये पहचानने के लिए फोटो लेने का कदम उठाया जायेगा, तो हमारी सयासी पार्टियों का भी यह काम था कि वे आगे आतीं। हम हर वोटर के वोट्स हासिल कर सकें, जिन को वोट देने का हक है, इस के लिए हमें उन को मदद करना चाहिए था।

अभी हमारे श्री एस० एम० बनर्जी ने कहा था कि इस बाई-इलेक्शन को हुए बहुत देर हो गया है, इस के बाद भी अगर यह एलेक्शन रुक जाता है तो इस माननीय सदन में जिस एक मेम्बर की कमी है, उस की काबलियत का फायदा हम नहीं उठा पायेंगे, भले ही किसी भी सयासी पार्टी का आदमी आये जहां तक मुझे मालूम है इस बाई-इलेक्शन के वास्ते कम्यूनिस्ट पार्टी का उम्मीदवार है, इस के वास्ते पी० एस० पी० का उम्मीदवार है और इस के वास्ते कांग्रेस का भी उम्मीदवार है। मैं कहना चाहता हूँ कि यह गलती एलेक्शन मैशिनरी की तो नहीं है, एलेक्शन कमिश्नर की नहीं है, वहां के जो लोग हैं उन्होंने ही इस के वास्ते साज सामान तैयार कर के रखा है। इतना ही नहीं, पहले जो टाइम मुकर्रर था ७ बजे से १० बजे तक और ४ बजे से ६ बजे तक, फोटो लेने के लिये उस के बजाय वहां की कांस्टिट्यूएन्सी में रहने वाले जो लोग हैं उन के लिए जो समय ठीक हो उस टाइम पर फोटोग्राफर्स को जाने के लिए उन्होंने

[श्री यादव नारायण जाधव]

इंस्ट्रक्शन्स दिये थे। यही नहीं, जिस कांस्टिट्यूएन्सी में पार्लियामेंट के लिए चुनाव होने जा रहे हैं उस में पिछले दो महीनों से हर असेम्बली कांस्टिट्यूएन्सी के लिए दो सेंट्स कायम किये गये हैं फोटो लेने के वास्ते। गवर्नमेंट की एलेक्शन मैगीनरी ने लाउड स्पीकर के जरिये या दूसरा जो सामान इस के लिए हो सकता है, उस के जरिये लोगों को बतला दिया कि जिन-जिन का वोट दर्ज न किया गया हो या आइडेंटिटी कार्ड्स के वास्ते फोटो न लिया गया हो, उन को वहां जाना चाहिए। यह जो कदम एलेक्शन कमिश्नर ने कलकत्ता में लिया है या दूसरी म्यूनिसिपल एरियाज में उठाया जावेगा वह सही है या गलत, इस के वास्ते हम झगड़ा कर सकते हैं, रेजोल्यूशन ला सकते हैं कि यह जो पद्धति है इस को खत्म कर दो। यह हम कह सकते हैं, लेकिन इस के साथ हमें कुछ कांक्रिट तरीका भी बतलाना पड़ेगा गवर्नमेंट को और अपने देश को, कि जो बोगस वोटिंग होती है उस को हम इस तरह से रोकना चाहते हैं। बोगस वोटिंग कौन कर सकता है, जिस के पास पैसा है, जिस के पांव में यह जूता ठीक बैठ सकता है। इसलिए मैं कहना चाहता हू कि आज जो हालात हैं उन में सयासी पार्टियों को यह पोजीशन लेनी चाहिए कि एलेक्शन के टाइम तक जितने वोटर्स की फोटो ली जा चुकी हो, जिन को आइडेंटिटी कार्ड्स मिल चुके हों, उन वोटर्स के जरिये ही यह चुनाव होना चाहिए। उस के बाद अगर यह तरीका गलत मालूम हो तो सयासी पार्टियों को उसे हटा देना चाहिए और दूसरा तरीका सोचना चाहिए जिस से कि बोगस वोटिंग को ज्यादा से ज्यादा खत्म करने के लिए कोई रास्ता निकल सके।

18 hrs.

Mr. Speaker: Shrimati Renu Chakravartty. I am competent to call only those hon. Members who have

given notice earlier. Anyhow, Shrimati Renu Chakravartty comes from Bengal, and, therefore, I shall allow her. She had not given me notice earlier.

Shrimati Renu Chakravartty: I am sorry. We have raised this matter not at all from a partisan point of view. Therefore, I was a little pained when one of my sisters tried in an indirect way to point out that possibly it is a particular party that is really an expert in bogus voting, and, therefore, we are trying to fight against this. But I feel that we should look upon it not in a partisan view, but from the point of view of the method by which we can eliminate bogus voting. All of us want to eliminate bogus voting. Every single party wants to eliminate it. The method of photographing we had thought of was the best. But in its very implementation, we find that more than a lakh of voters, that is, about 25 to 30 per cent of the voters who are on the revised list are being disqualified. These revised electoral rolls were undertaken, I think, only two years ago, and about 7,000 people were taken off from the earlier rolls. Out of the new electoral rolls, more than one lakh voters, that is, about 25 to 30 per cent of the voters are going to be disqualified. If such is the position, if the treatment is so radical that the man himself is going to die and that right of franchise is going to be denied to so many people, then, certainly, this House will have to reconsider this matter.

My hon. friend Shri Yadav Narain Jadhav has said that we would have to come together and decide how we are going to eliminate bogus voting. Let us do it. I would have been glad if my hon. friend Shrimati Renuka Ray had put forward a proposal under which the right of franchise and the elimination of bogus voting would both have been ensured. But when she stands up and says that even after a large number have been eliminated from the original list of voters, even then

the question of bogus voting is of prime importance, then, I think we have to consider it.

Shrimati Renuka Ray: I said, leave it to the Election Commission which has a good reputation. My hon. friend may please realise what I said.

Shrimati Renu Chakravartty: Therefore, my point is that we from this House may make our recommendation known to the country and also to the Election Commission.

The point has been raised that it was this House that had passed that Act and that photograph provision. It is true that we have passed it and this House is supreme. If the House finds that something has gone wrong with what it had enacted, I think it is but proper that we have to reconsider it.

Even according to the law that we have passed,—I would give this much credit to the Law Ministry—we have said that an identity card may be given with or without photographs, because the framers seem to have had in their mind that there may come about circumstances when it may not be possible to photograph everybody. When that is the provision, if today we find that a large number of people have not been photographed, I think it is only right that the hon. Minister and this House must express their opinion that in the circumstances of the particular by-election where almost 25 per cent. of the electorate is being disqualified, the onus or the responsibility will have to rest upon Government and they would have to allow the voters to come with identity cards without photographs. That is one of the suggestions that I would make for this particular by-election.

Another point that I would like to raise is this. No rules have been framed in the case of identity cards without photographs. Actually, there should have been rules to cover these cases also. But our executive has not thought it proper at all to consider this question as to what the

framers of this amendment had in mind as to what the case would be where we cannot have photographs

I would also like to point out that the onus of giving these cards rests upon Government subject to two conditions. One of them is that Government have to prove that the person who is being disqualified has evaded or has refused to take the card. Now, on the very basis of the seven thousand cards which remain undelivered to people who have been photographed, according to the idea of the Ministry itself, they are of persons who have been photographed, and, therefore, they are not bogus voters. Therefore, these seven thousand persons are not bogus voters; nor have they refused to take their photographs. Therefore, how can you say, even on the basis of these 7,000 that remain undelivered that they have refused and they have evaded. Sir, you do not know how this is done. This is a peculiar method. We have to stand with a sort of wooden thing in our hand in which the number of the voter is marked just like criminals. We have to stand like that and the picture is taken. After having done that, those people have to get these cards from photographers and the Government has to go from house to house.

I myself, 3 days ago, carried out a house to house campaign of 40 houses. I went to one of the middle class areas in the Bhiwanipur constituency, School Row, Deban Mukherjee Road, Harish Mukherjee Road, Kalighat Road and those areas. What is the picture there? Out of the 40 houses, there were three houses where they said that they had received all the photographs. There was one house in which there was a respectable businessman of that area, who, as Shri Aurobindo Ghosal said, belongs to one of the old families of Calcutta who are fairly conservative. He said: "Shall I allow my womenfolk to be photographed by some strutting young man who comes and says, 'I am a photographer and I am going to take the photographs of your women?'" He said, "Nothing

[Shrimati Renu Chakravartty]

doing; I will never allow it. I showed him the way out. I have taken my photograph; but I cannot allow my women to be photographed.' But, our Law Minister says that women photographers are available. But that old gentleman said, 'No woman photographer has come here.'

After that I found that, in about 30 houses, if 5 had been photographed, 3 have not been photographed because when the photographer came all of them were not available, although my hon. friend Shrimati Renuka Ray says that the photographers are all there from 7 A.M. to 7 P.M. There will be houses in which after 10 o'clock people go out to office and at no one time can all of them be found. Even then, they say you can go to the park in the evening. Frankly speaking, we have to admit that a very large percentage of our electorate is not so politically conscious that they will take the trouble. If you know our city, living in Harish Mukherjee Road, to go all the way to the park may be about half a mile. Who in the terrible heat is going to take the trouble of going to the park? It is not done. Then, if you want to complain, you have to go to Surendra Nath Banerjee Road which is about 2½ miles away and for a person living in Garden Reach it will be 4 miles away. Getting up in the morning and working from 7 in the morning till 7 in the evening who will sign the complaint and take it to Surendra Nath Banerjee Road? Frankly speaking, most people will not do it and they have not done it. This is the position.

Not only that; I would like the House to understand the peculiar position which I found in one of the houses. The gentleman told me that two photographs were given to him; one was the correct one and the other one did not belong to anybody in his family. So he returned it. They are not bogus voters. They are not anxious to go in for bogus voting. Let not that idea go about in this House.

Mr. Speaker: There is no meaning; they cannot use the photographs.

Shrimati Renu Chakravartty: They cannot use the photographs. I can tell you a different case—of dead voters. We have found one or two cases where, actually, people have photographed themselves as somebody else. I do not oppose this photograph on principle; it may reduce impersonation. Many people have asked us, 'Why were you so late in raising this objection?' Because, on principle, I thought it was a good thing. But, when I find that some 25 per cent. of the electorate has been disenfranchised, then, I think it is time that for this election at least you must ask the Election Commission to exercise its discretionary powers—they are given discretionary powers not mandatory powers—in order to allow people who are on the electoral rolls, to vote.

Regarding bogus voting, I personally feel I have no other recommendation to make except one. Maybe some people will laugh it away. (*Interruptions*). But I do feel that all the political parties should come together as we have done in the Election Commission. We have not taken any partisan attitude towards it although we know that the party that has more money can naturally utilise in a particular way. We have not been able to get money and we may not be able to utilise it.....

Shrimati Renuka Ray: Sir, I object to this imputation against the Election Commission. Whether you have money or not is not the question. Is the Election Commission influenced by money or can it be.... (*Interruptions*).

Shrimati Renu Chakravartty: I do not think she follows my English. I am sorry for my English. I will just explain what I said.

Mr. Speaker: It is not necessary.

Shrimati Renu Chakravartty: The time is limited and so I will not ex-

plain it further. But I must say that we have generally come to more or less unanimous decisions as to the conduct of elections. On the question of bogus voters, all parties including the Congress Party and the Communist Party and all the other Parties should come to a decision that if any person supporting us is found to do bogus voting, we shall take very strict steps against him. We should come to a gentleman's agreement that no bogus voting will be allowed. Unless you come to this sort of an agreement, however much you may try, in these circumstances, nobody will be able to guarantee anything. In Europe people carry identity cards from their sixth year or so. In our country, it is never done. We are finding difficulty in that; it is a genuine difficulty. We do not want that a quarter of the total electorate should be disfranchised. Let nobody go with the idea that we are raising it because the Communist Party feels that it is going to lose the elections. Whether we lose or whether we win, we do not want postponement of the election either. I may tell you that this is going to open a floodgate of election petitions and we have had far too many of them. We should take cognisance of these facts both from the point of view of the democratic right of franchise as well as the right of having fair and free elections.

Mr. Speaker: I shall call the hon. Minister... (*Interruptions*). I have called the hon. Minister to reply.

Shri Hajarnavis: Sir, I express my deep gratitude on behalf of the Election Commission that you have afforded us an opportunity for placing before the House the various steps taken by the Election Commission in the implementation of a duty which has been imposed upon that by the Parliament... (*Interruptions*). The House is aware that under our Constitution the conduct of the election, the preparation of the electoral rolls and the taking of all the steps for the due constitution of the various

legislatures are vested in the Election Commission. Under our Constitution, if a law is made by the Parliament, the Election Commission must give effect to it. Under the law which we passed in 1958, the Election Commission has been given discretion.

Shri Sadhan Gupta (Calcutta—East): On a point of order, Sir, I think the legal aspect was not permissible to be dealt with.

Mr. Speaker: All that he says is that the legality of it ought not to be questioned. So long as the Parliament statute is there, the Government has to carry it out unless it is repealed. That is what he says.

Shri Hajarnavis: I am referring to the rule by which the Election Commission has been given discretion to make a notification specifying the constituency where the identity cards were to be issued.

Mr. Speaker: As I understand, the simple question is this. Nobody denies the notification. If a person's name is not included in the voters' list, he is not entitled to vote, leave alone the identity card or the photograph. Now, even though there is adult suffrage and all that, unless the name is there, he is not allowed to vote. If the names are not there, the political parties who are interested must get his name enlisted and to the best of their ability the officers put down the names. So, whosoever's name is not there, either he must look into it himself, if he is interested or the political parties which are interested in getting the votes should get those names included.

Now, so far as identity cards are concerned, what he ought to have said was that six months or eight months have been given. If a person does not get his identity card because he is illiterate or he is not interested, it is the duty of the parties who are interested in the elections to get him the identity card. What happens in the case of names in the list? If the names of some persons are not enter-

[Mr. Speaker]

ed in the list the parties concerned see that those names are also included. Likewise they may get the identity cards also.

The third point is about the photographs. The only point is that the photographs are not available in spite of best efforts. Nobody claims perfection so far as the electoral roll is concerned. Some names are always omitted. If the persons or the parties concerned do not care to see that those names are included, they go out, they do not exercise their right to vote. It happens, whether in a small number or a large number.

The only question here is whether sufficient opportunity has been given, sufficient time has been given for this or whether this was hustled. If sufficient time has been given, and so many people are in the list and others have not come in because they do not care or they have not time because they cook in the morning and go to office in the afternoons, they will not be included. That is the simple point.

What the Minister ought to say is whether there has been any hustling, whether sufficient opportunity has been given, whether there are any difficulties due to which thousands of people have been disenfranchised.

Shrimati Renu Chakravarty: I do not think, Sir, anywhere, in any constituency, it has happened that in the electoral rolls, one-fourth of the people residing in that area have been left out, have been denied the right to vote. I do not think any such occasion has ever arisen.

Shri Hajarnavis: Sir, I cannot put it in a better way than you have done.

Shri S. M. Banerjee: You have said, Sir, that because a man is illiterate he might not have cared to enlist himself. Here 1,50,000 people are not in the list. Are we to take it that all these men are illiterate? They comprise of upper middle class, middle class and working class people.

Mr. Speaker: It is true that under the previous system of getting the names entered in the list a man goes there and gets the names entered. Therefore, there is no act of omission on the part of the voter himself. The man who goes to get the names entered merely asks the names of voters. If the voter in a particular house is not to be found he asks somebody in the house the names of voters in that house. In that case a person may or may not give more names. This led to difficulties. Normally, whoever is the registering officer has to find out whether the names are real names or bogus names. If some names are omitted, either the persons concerned themselves go or send a petition. Some others interested in getting their names included may also do it.

The same procedure can be followed here. The card along with the photograph can be obtained either by himself or by others interested in him. If sufficient opportunity has not been given, certainly objection can be raised. But if sufficient opportunity has been given and the man concerned is not prepared to take his card, what is the other remedy? That is the only point that he has to answer.

Shri A. K. Gopalan: I am sorry, Sir, you have posed the question in a way in which the whole question takes a different shape. The Election Commission in Calcutta has admitted that as far as practicable photographs will be given to the voters. If you say that it is the duty of the voter to get his photograph, then the best thing is that you can publish a list of the people in the country and say that they are all voters. Is it not the duty of the Government to adopt a method whereby every voter is able to exercise his right to vote. I have already pointed out that the political consciousness of the country is such that the voters will not themselves take interest.

The question here is this. A new method is going to be introduced. The Election Commission itself has said that if it is not practicable—within seven days they cannot think of it—then all voters will not be given photographs. It is not a question of ten voters, it is a question of thousands of voters. Then, can we have an election?

The other question, that it is the duty of the voters is secondary. If everybody in the country takes such interest, then there is no objection. But because it is only some years since we have introduced this new system of election there is not so much awareness. Why are we in such a hurry to introduce this new system of having photographs? We are not against it. We only point out that on 17th April the Election Commissioner has said that he cannot say whether the photographs can be given. He says: "as far as practicable". That means that there are many difficulties in the way.

Mr. Speaker: If it is not possible for him to distribute, how does he insist upon these votes?

Shri Hajarnavis: Every possible effort is being made to distribute the identity cards. They are sent out to the persons concerned. If the man is not there, then it cannot be delivered. People are notified that they may come to a particular place, the particular notified place, and collect the identity cards. This process will go on right till the election takes place.

Mr. Speaker: Why did they not fix a dead-line?

Shri Hajarnavis: That was done. We have been extending the date from time to time. Sir, I cannot improve the admirable manner in which you have expressed it. I will only give....

Mr. Speaker: I am only trying to understand, for the rest of the hon. Members who do not belong to Calcutta and who wanted to speak.

Of course, Shrimati Renu Chakravarty has spoken. The other hon. Members unfortunately have not got to vote in this, but when another election comes they have the right to vote, and therefore every hon. Member must understand what exactly it is. Therefore, I stated what seemed to me to be the point at issue. Let them decide.

Some Hon. Members rose—

Shri Hajarnavis: I do not yield. Let the hon. Members yield.

Mr. Speaker: Order, order.

Shri Hajarnavis: Now, I will give the dates on which the various steps were taken.

Mr. Speaker: When was it started?

Shri Hajarnavis: On the 8th March, 1959.

Mr. Speaker: They started taking photos?

Shri Hajarnavis: On the 8th March, 1959, this constituency became vacant as a result of an election petition. After that, on the 23rd June, 1959, the photographs began to be taken, in pursuance of a notification which was issued earlier. Then, within seven weeks, as has been pointed out by an hon. Member, more than half the number of persons were photographed and identity cards were delivered. After that, this slackening began; something happened. Then, from August last year right up to March, the time has been extended and people are even now being photographed and identity cards are still being given. In the meantime, you will realise that this constituency has remained without representation in the Lok Sabha for almost a year, and we have been asked questions as to why we are not holding elections. The suggestion that has been made now by my hon. friend, Shri Banerjee,—(Interruptions).

Shri S. M. Banerjee: One election has not been held in Punjab for eight years.

Mr. Speaker: Order, order. Why should we copy that?

Shri Hajarnavis: It speaks for itself. What the hon. Member suggested was, he wants to proceed with this method of election, namely, holding the election after the identity cards are issued, and then he suggests that the elections should be held after three months. He suggests that the period that has been given so far, from June to March, is insufficient. What is going to be done within these three months? Does he assure us that we will be able to complete every single individual within three months? Therefore, in effect he wants that the provision which the Parliament has enacted should be scrapped.

Shri Punnoose (Ambalapuzha): No, Sir. We did not say that. There is provision in the rule. People are now being photographed.

Shri Hajarnavis: That discretion, as I said, vests in the Election Commission and it has been exercised by the Election Commission, and with the discretion of the Election Commission this Government does not propose to interfere at all. It must be kept above party politics and party controversies. The Election Commission is an independent organisation which shall not be brought into any controversy at all. We are always anxious to see that, while the Election Commission discharges its duty, at no stage should the Government impose any of their decisions upon the Election Commission.

Shri A. K. Gopalan: Who has attributed motives to the Election Commission?

Shri Hajarnavis: The Election Commission says that this constituency in which notification under rule 26....

Shri A. K. Gopalan: None of the speakers who spoke here have attributed any motives to the Election Commission. We have not done that.

Mr. Speaker: Yes, nothing has been said about the Election Commission.

Only the difficulties have been pointed out.

Shri Hajarnavis: When the last election was held the roll contained more than 4,10,000 names; as my hon friend was pointed out, when the figures were checked they found that almost one in every five was a bogus name. And every bogus name is a cover for impersonation. Therefore, the Election Commission was obliged to order a special revision and in the special revision, as the hon. Member, Shrimati Renu Chakravartty had pointed out, more than 70,000 bogus voters' names were deleted. We do not know whether there are any further bogus names. After all, a duty is imposed upon the Electoral Registration Officer to photograph and no super-human efforts are demanded by law for that. I will state before the House what exactly was done. From the 21st June more than 114 photographers went round the city. One photographer and his assistant were given a part of the electoral roll with about 500 names and asked to go to the respective residences and take their photographs. They usually used to work from 7 to 10 in the morning and 4 to 6 in the afternoon. The dates of their visits were duly publicised through loud-speakers and other means. Each photographer had only a small area to visit, and he went round not once but three or four times. Therefore, we have satisfied the condition, the Election Commission has satisfied the condition that it has made every possible human effort to comply with the law and that is exactly what the Election Commission says when it points out that it has made all efforts, as far as practicable, to see that the law is complied with. After all no apparatus or instrument has yet been devised which will photograph phantoms. If there are voters and if they are anxious and prepared to exercise their votes, it will save bother to them, bother to their party and bother to everyone connected with the elections if they co-operate

in preparation of identity cards. If they want to get photographed they have to sit there only for two minutes. Then the photo is affixed to the identity card which will be useful not only for the purpose of the election but for other purposes as well.

Then, you will be interested to know that three copies of the photograph are made. One copy is attached to the rolls, one copy is affixed to the identity card and the third copy is presented gratis to the voters.

Shrimati Renu Chakravartty: Yes, if it reaches him.

Shri Hajarnavis: Our Law Minister was there the other day and he was telling us how enthusiastic the voters were to get their photographs.

Shrimati Renu Chakravartty: Who said it? Our Law Minister?

Shri Hajarnavis: Therefore I submit that even if, as Shrimati Renu Chakravartty says, the onus likes the Election Commission, that onus has been fully discharged. As I said, more than 8 or 9 months have been employed in going round the city and asking the voters to get photographed.

Shrimati Renu Chakravartty: There are 7,000 voters who have not been able to get their photographs according to your own Statement.

Shri Hajarnavis: If a man does not sit before the camera how can you photograph him? Suppose a man refuses to call at our office to collect the photograph after he has been photographed or he refuses to get photographed at all, what can we do? Some people have some views of their own. They say that it is below their dignity to be photographed. There are all sorts of queer people. But law cannot be changed to accommodate their claims.

Take my own case. I have provided myself with an identity card, because I am otherwise stopped by the sentry when I go to my office in the North Block. I have myself been

provided with this identity card. It is such a good facility.

Mr. Speaker: I am sure that all hon. Members of Parliament have their identity cards with them.

Shri S. M. Banerjee: May I submit that in spite of the Supplement to the *Who is Who*, it has not been possible to get all the photographs and life sketches of hon. Members of Parliament? So, even in three years some of the hon. Members could not do it.

Shri A. K. Gopalan: I want to make a clarification. It was enquired whether it is sufficient to produce our identity card of Members of Parliament. They said: No, unless you have got the convict-looking photograph, you will not be allowed to exercise your franchise. Shri Biren Roy, who is a Member of Rajya Sabha, went to the electoral officer and said: "I am a Member of Parliament, I have got my identity card" he said, "Whether you are a Member of Parliament or not, we want this photograph with the number".

Shri Hajarnavis: If the law requires that, every citizen of this country he must submit himself to that. If the passport law requires that the photograph should be of a particular size, you cannot carry a portrait with you, though it may have been certified by the highest dignitary in the State. The law must be obeyed. No one here is above the law.

Shrimati Renuka Ray: We have cards as Members of Parliament. Will those photographs or cards take us to foreign countries or do we have to take out passports? Can we be beyond the law altogether just because we have Parliament cards? Is that the way Shri Biren Roy should answer?

Shri Warrior (Trichur): Even those cards are lost by hon. Members often.

Shri Hajarnavis: As you have rightly observed, though the right to vote

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is guaranteed to every adult person under the Constitution, in preparing the rolls certain mistakes are bound to occur. After all, you cannot include every possible voter. The Electoral Registration Officer or his assistants go, make an enquiry from one of the persons in the house and take down the names. Therefore it cannot be claimed that he has complied with the strict letter of the law in seeing that every person is enrolled. So far as the electoral roll is concerned, if you ask even the Election Commission it will say, "We have prepared the roll which is correct as far as practicable". That does not show that the method has failed. That only shows how conscientious they are in discharging their duty. I hope we have taken all possible steps. Now if attempts are being made long after the elections are advertised, long after the photographing has begun....

Shrimati Renu Chakravartty: What about delivering photographs that have been prepared?

Shri Hajarnavis:long after the nominations have been filed, then I submit that it does appear that there is some.... (*Interruption*).

An Hon. Member: May I have a clarification?

Mr. Speaker: Order, order. I am afraid we are fighting the elections here.

Shri Hajarnavis:there is some object other than finding an objection.... (*Interruption*).

Shrimati Renu Chakravartty: Four months ago photographs of people have been taken.... (*Interruption*). Even those have not been delivered.... (*Interruption*).

Shri Hajarnavis: there is some object other than finding an objection to the method which the Parliament itself has approved.... (*Interruption*).

Mr. Speaker: Order, order. I find it very difficult to carry on. Two hon. lady Members, one from each side, have taken possession of the House.... (*Interruption*). There is enough lobbying.

Shri A. K. Gopalan: May I have a clarification? Today is the 22nd of April and on the 1st May elections will be conducted. Will the candidates get a list of voters who are eligible for voting? When will they get it? If they will not get it, will the agents of the candidates get a list on the 1st May showing eligible and non-eligible candidates?

Mr. Speaker: Are there not electoral rolls already?

Shri Sadhan Gupta: They do not show as to who have been photographed.

Shri A. K. Gopalan: And who have not been photographed.

Shri Hajarnavis: I am informed that copies of the electoral rolls are supplied to the various parties. That is usually done by the Election Commission. They are also made available to the various individuals.

Shri A. K. Gopalan: You do not follow my question. My question is about the photographs.

Shri Hajarnavis: I follow it. He may please sit down. I will answer his question.

Shri Rameshwar Tantia (Sikar): I cannot understand why there should be so much fuss and why they are so much afraid of the photographs.

Shri Hajarnavis: As soon as a photograph is taken and an identity card is issued, a mark is made to show that that particular voter has been issued an identity card. This process is going on till the very last. But if my hon. friend tells me that in a constituency which has 3,40,000

voters there is going to be an individual approach from voter to voter, then it is an election which....

Shri A. K. Gopalan: My question is not that. Please answer the question. If you cannot answer it, please say so. My question is whether there will be a list. Generally, that is the system. We also know that generally there will be a voters' list which will be used on the polling day showing the voters who will be eligible for voting. Suppose I am a candidate. I must tell the agent who are the voters. So according to this, will there be any mark there in the voters' list showing that a particular man has not been given a photograph and so is not eligible to vote? Or else, how can we know as to who are the eligible voters?

Mr. Speaker: What the hon. Member wants to know is this. The polling officers must have voters' lists with them. There may be some persons who belong to Pakistan or to some other country who are sojourners and who may all look like Indians. If they go there, their names must be there in the voters' list. Is there a voters' list containing the names of all voters? Secondly, do they have an identity card? Thirdly, do they have a photograph? If at least the voters' lists are there according to the old practice, in respect of any person who does not have an identity card the polling officer might say, "Without an identity card I am not going to take it". Because, even according to the previous practice the voters' names may be there; there may be some *patel* or *patwari* sitting there to identify the man. Therefore, mere existence of the voters' list is not enough so long as the man is not identified. The identity card and the photograph serve the purpose of the identity officers at the polling station.

But, independently, there must be a voters' list with the names of all these persons. If those persons do not have identity cards, it is open to the officer there to say "this is the

kind of identity that I wanted in the place of the other identity; this has not been produced; therefore, I am not going to allow you to vote".

All that Shri Gopalan wants to know is whether there is a basic voters' list where, according to the registering officer, the names of all eligible persons on account of residential and other qualifications are there. If that is there, the further question whether a list has been prepared of those that have identity cards or whether they have been photographed or not may not be necessary, for the reason that if they are brought there, without an identity card they won't come there. So he wants to know if at least the basic electoral roll is there or not.

Shri Sadhan Gupta: Sir, that is not the question.

Mr. Speaker: I understand the other question.

Shri Sadhan Gupta: Unless the candidates have the marked list....

Mr. Speaker: Not necessary. The candidate would be only put to some more trouble taking a number of persons without an identity Card.

An Hon. Member: That is the difficulty.

Mr. Speaker: There is no difficulty.

Shri Sadhan Gupta: He will have to approach 40 per cent. persons more.

Mr. Speaker: What if it is so? It does not go into the root of the matter.

Shri Sadhan Gupta: There are certain houses....

Mr. Speaker: The point is this. It seems to be clear that there is a basic electoral list. Then the only difficulty before an hon. Member will be,

[Mr. Speaker]

"Am I to take all these people even though they have not got the identity cards with them?" Before they are taken, if by themselves they go to the polling station, they will have to thank themselves if they have not got the identity card; they will have to go and come back. If a candidate takes him, in his own house also he can ask him whether there is an identity card with him. There won't be any trouble. If, in spite of that, the candidate thinks of persuading the polling officer and takes this man without an identity card, he will bear all the expense and trouble of taking him.

So long as there is an electoral roll in which the names are there, the further things like the identity card and the photograph are only the substitutes of those other persons who stand there physically to identify the voter.

The House will now stand adjourned till 11 A.M. on Monday, the 25th.

18.39 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 25th April, 1960/Vaisakha 5, 1882 (Saka).