

ment have to take action, but the question is whether I know about it. I can know only when the Chief Election Commissioner submits his reports.

**SHRI NAMBIAR :** It will reach him after the 1972 elections.

**Bye-Elections to State Assemblies and Lok Sabha**

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\*543. **SHRI R. V. NAIK :**  
**SHRI J. MOHAMED IMAM :**  
**SHRI S. K. TAPURIAH :**  
**SHRI HARDAYAL DEVGUN :**

Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) the total number of seats in the Lok Sabha and the State Assemblies for which bye-elections have not been held upto now ; and

(b) the reasons for delaying bye-elections in these constituencies ?

**THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI YUNUS SALEEM) :** (a) Four bye-elections are pending in the Lok Sabha and 39 bye-elections in the State Legislative Assemblies.

(b) Statements showing the number of vacancies, and action taken to hold the bye-elections to fill up those vacancies are placed on the Table of the House. [*Placed in Library. See No. LT-386/69*]

**SHRI S. K. TAPURIAH :** I do not know whether you want us to believe in the statement that has been supplied to us...

**MR. SPEAKER :** It is left to the hon. Member.

**SHRI S. K. TAPURIAH :** It mentions the name of a State and a constituency and says, that the date of vacancy was 12.10.1969, and the reason for vacancy was death. I do not know whose murder he is contemplating.

**THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MEAON) :** It is a typing mistake for 1968.

**SHRI S. K. TAPURIAH :** At pages 4 and 5 of the statement, we find a reference

to the Tonk and Nasirabad constituencies in Rajasthan. In regard to Nasirabad, it has been stated :

Bye-election scheduled to be held towards the end of 1968 had to be postponed on account of famine conditions. It is now proposed to hold the bye-election in the first week of May, 1969".

I do not know whether the Central Government or the Rajasthan Government or the Election Commission thinks that the conditions of famine no longer exist in Rajasthan or they think that there is food, fodder and water available in plenty ? In view of the scarcity conditions still continuing there and in view of the fact that the Government there is spending a large amount of money for providing relief measures, relief works etc. which might, and which have in the past been known to, influence the election results, will the Central Government ask the Election Commission not to hold the bye-elections till those conditions are over, that is, till September or October, 1969 ?

**SHRI GOVINDA MENON :** We do not generally direct the Chief Election Commissioner in these matters. The Chief Election Commissioner is the authority under the Constitution for these matters, and he has fixed May, 1969 as the time at which elections to the Nasirabad constituency will be held in Rajasthan. We do not propose to interfere with his decision.

**SHRI S. K. TAPURIAH :** If the reason for delay had been specified as non-availability of electoral rolls or something like that, we could have understood. But here the reason has been given as famine conditions. Those conditions still exist and they have not been removed, and, therefore, it is perfectly proper for them to give advice and take any decision in this regard.

**SHRI RANGA :** About a million people are on the relief rolls.

**SHRI S. K. TAPURIAH :** The hon. Minister has not replied to my question.

**MR. SPEAKER :** I think he has no further answer.

**SHRI GOVINDA MENON :** There is no question of interfering with his decision.

**SHRI S. K. TAPURIAH :** He can give advice to the Chief Minister...

these two or three days. That is all that I can say.

**SHRI GOVINDA MENON :** I am sure he would have consulted the Chief Minister.

**MR. SPEAKER :** He does consult the Government or the Chief Minister of the State.

**SHRI SURENDRANATH DWIVEDY :** They may not interfere. But who is to reply on behalf of the Election Commissioner? What they tell him or do not tell him we do not know, but the hon. Minister has to answer here on behalf of the Election Commission.

**SHRI GOVINDA MENON :** The Chief Election Commissioner has reported that on account of famine conditions, the election was postponed to May, and as stated by you, he would have consulted the State Government. In the matter of elections to the State Assembly, the conditions in the constituencies and in the State are taken into account after consultation with the State Government.

**SHRI RANGA :** But he can send this information to the Election Commission.

श्री हरदयाल देवगुण : अध्यक्ष महोदय, मैं मन्त्री जी से पूछना चाहता हूँ कि उन्होंने यह जो बक्तव्य दिया है उस में एक महत्वपूर्ण स्थान का कोई उल्लेख नहीं है। मध्य प्रदेश के श्री द्वारका प्रसाद मिश्र का चुनाव अवैध घोषित हो गया है और भ्रष्टाचार के आरोप में उन को 6 वर्षों के लिए चुनाव लड़ने से अयोग्य घोषित कर दिया गया है। क्या यह निर्णय उन के पास पहुंचा है और पहुंचा है तो उन का स्थान खाली क्यों नहीं दिखाया गया इस सूची में यह सदन को बतायें और इस बारे में वह क्या कर रहे हैं? उन के स्थान को रिक्त घोषित कर के कब चुनाव कराया जायगा?

**SHRI GOVINDA MENON :** That does not arise out of the main question. Two or three days back, I read a report in the newspapers about a High Court decision in which the returned candidate was Mr. D. P. Mishra. I have not been able to get a copy of the decision of the High Court within

**SHRI SRADHAKAR SUPAKAR :** A number of seats in the J & K Assembly has remained vacant for a long period. Why is it that care is not taken to fill up the vacancies within six months? The reason offered here for not filling up the vacancies is that it could not be held in November '68 because of Ramzan. Why is it that the bye-elections could not be held before Ramzan, and these things are allowed to drag on for a period of a year or more?

**SHRI M. YUNUS SALEEM :** In Jammu and Kashmir, from November to April, it is not possible to hold elections on account of the severe cold and snowfall. Therefore, the bye elections would take place after April.

**SHRIMATI GAYATRI DEVI :** Apropos Rajasthan, it was stated because of famine conditions, the bye-election to fill up the Nasirabad seat and the Tonk seat could not take place as scheduled in 1968 and would now be held in May 1969. May I point out that the MLA for Nasirabad died in July and in Jalore, Pali district, the MLA died a month earlier. The bye-election for the latter seat took place in November. In Nasirabad, there is no famine; neither is there famine in Tonk. But in Jalore which was already declared as a famine area, the bye-election took place. How did this happen?

Another thing. As far as the Election Commission is concerned, it is stated that they consult the local government to find out if it suits their climate. Does that mean the climate of the ruling party? Because in Nasirabad the seat has been lying vacant since July 1968 and there is no famine there, whereas in Jalore, where the vacancy occurred a month earlier, the bye-election took place in November under famine conditions. So this explanation does not make any sense.

**SHRI GOVINDA MENON :** Regarding famine conditions in Rajasthan, I will attach great weight to what the hon. lady member says. But then the report I have received with respect to the Nasirabad bye-election is that the vacancy arose on 8-7-68, the bye-election was to be held towards the end of 1968—that was the date fixed by the Chief

Election Commissioner—but had to be postponed on account of famine conditions. Representations should have been made to him by the State Government.

Then the question was asked whether the State Government meant the ruling party. Should I say that governments in India are run by political parties ?

SHRIMATI GAYATRI DEVI : How did the Jalore bye-election take place under famine conditions ?

SHRI BAI RAJ MADHOK : Nasirabad is not declared a famine area. So how could bye-election there be postponed on the ground of existence of famine conditions ? That was the question.

SHRIMATI GAYATRI DEVI : How did the bye-election take place in Jalore which was already declared to be under famine conditions ?

SHRI GOVINDA MENON : Regarding this matter, I shall make enquiries and give the information.

श्री ब० ना० भार्गव : नमीराबाद कॅन्टून-मेन्ट को छोड़ कर बाकी का जो हिस्सा है, वह ग्रामीण क्षेत्र है, वहाँ पर सख्त फौगन कन्डी-शन्स हैं। आपके सामने इस समय जो सूचना दी जा रही है, वह बिलकुल गलत है। मैं खुद उस क्षेत्र से चुना हुआ प्रतिनिधि हूँ। इस लिये मैं प्रार्थना करूँगा कि इस प्रकार की जो सूचनाएँ दी जा रही हैं, उन के बारे में तथ्यों की पूरी जानकारी करने के बाद उन को सदन के सामने रखा जाय।

MR. SPEAKER : It is a *prarthana*. He will make note of it.

SHRI HEM BARUA : Has the attention of Government been drawn to a statement made by Shri D. P. Mishra that he would ask the Election Commission for a waiver of his disqualification that has been imposed on him recently, and that it would be granted ? This shows that he has a lot of political pull. Will the hon. Minister see that Shri Mishra is not allowed to cast aspersions on the integrity of the Election

Commission and is not allowed to have any political pull anywhere ?

SHRI GOVINDA MENON : I hope, Sir, Chief Election Commissioner will rise above political pulls and do his duty.

SHRI RANGA : Let us hope so.

SHRI AMRIT NAHATA : I would like to know from the hon. Minister whether acute drought and famine conditions are taken into consideration or not while deciding the poll dates or whether the climate in Spain is taken into consideration.

MR. SPEAKER : That is no question.

चुनाव व्यय की अधिकतम सीमा को कम करना

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#544. श्री प्रकाश बीर शास्त्री :

श्री शिव कुमार शास्त्री :

क्या विधि तथा समाज कल्याण मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार चुनाव व्यय की अधिकतम सीमा को घटाने के प्रश्न पर विचार कर रही है ;

(ख) यदि हाँ, तो इस सम्बन्ध में अंतिम निर्णय कब तक कर लिए जाने की सम्भावना है ;

(ग) क्या यह सच है कि चुनाव व्यय का विवरण देते समय अधिकतर प्रत्याशी पूरी सावधानी नहीं बरतते ; और

(घ) यदि हाँ, तो क्या सरकार इस नियम को भी नर्म करने का विचार कर रही है ?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI M. YUNUS SALEEM) : (a) No, Sir.

(b) Does not arise.

(c) No, Sir.

(d) Does not arise.

श्री प्रकाशबीर शास्त्री : क्या निर्वाचन आयोग ने आपके पास इस प्रकार की कोई सूचना