

मध्यावधि चुनाव

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*395. श्री कंचरलाल गुप्त :

श्री छारदा नम्ब :

श्री श्रींकार सिंह :

श्री बन्धा नारायण सिंह :

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

(क) क्या सरकार को इस आशय की शिकायतें मिली हैं कि या तो मध्यावधि चुनावों में सरकारी शासन तन्त्र का दुरुपयोग किया गया है या चुनाव निष्पक्ष ढंग से नहीं हुए हैं ;

(ख) यदि हां, तो राज्यवार ऐसी कितनी शिकायतें मिली हैं ; और

(ग) ऐसी शिकायतों का ब्यौरा क्या है और उन पर सरकार ने क्या कार्यवाही की है ?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEVELOPMENT OF SOCIAL WELFARE (SHRI M. YUNUS SALEEM) : (a) Yes, Sir.

(b)	Name of the State	No. of complaints
	Bihar	30
	Panjab	26
	Uttar Pradesh	94
	West Bengal	20
	Total	170

(c) A statement showing broad details of complaints and action taken is placed on the Table of the House. [Placed in Library. See No. LT-277/69].

श्री कंचर लाल गुप्त : सदन के सामने जो लिस्ट रखी गई है, उस में दो प्रकार की गम्भीर शिकायतें हैं। एक तो यह है कि कई जगह पर सरकारी कर्मचारियों ने चुनावों में भाग लिया है। दूसरी बहुत गम्भीर शिकायत यह है कि कई जगहों पर लोगों को वोट डालने से जबर-

दस्ती रोका गया और हजारों लाखों की तादाद में लोगों को, खास तौर से हरिजनों और गरीब लोगों को डण्डे के जोर से पोलिंग बूथ पर नहीं जाने दिया गया। मुझे यह भी मालूम है कि सरकार ने इस बारे में विशेष रूप से उत्तर प्रदेश में कुछ कार्यवाही की थी, लेकिन उस के बावजूद हजारों लाखों लोगों को वोट नहीं डालने दिया गया। यह हमारे प्रजातन्त्र पर एक बहुत बड़ी चोट है और इस स्थिति में हमारे देश में फ्री और फेयर इलैक्शन नहीं हो सकते हैं। इस कारण लोगों का प्रजातन्त्र पर विश्वास भी नहीं रहेगा। इस प्रकार की घटनायें आगे न हों, उस के लिए सरकार क्या कार्यवाही कर रही है ? क्या वह कानून में कोई बदल कर रही है या कोई हाई पावर्ड कमीशन या कोई सेंट्रल एजेन्सी नियुक्त करके यह व्यवस्था कर रही है। सरकार की ओर से सरकारी कर्मचारियों के सम्बन्ध में सम्बद्ध प्रवेशों के चीफ सैक्रेट्रीज को लिखा गया है। लेकिन अब वहाँ पर सरकारें बन गई हैं। इसका मतलब यह है कि अलग-अलग प्रदेशों में जिन-जिन दलों की सरकारें बन गई हैं, उनके द्वारा अपना समर्थन या विरोध करने वाले सरकारी कर्मचारियों के सम्बन्ध में फेयर और इम्पार्शल एक्वायरी नहीं होगी। मैं यह जानना चाहता हूँ कि वहाँ पर इम्पार्शल एक्वायरी की व्यवस्था करने के लिए गवर्नमेंट क्या कार्यवाही कर रही है।

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : Most of the difficulties mentioned by the hon. member are inherent in the situation. If there are complaints of the nature referred to, the Chief Election Commissioner who has been invested with the duty by the Constitution of conducting and superintending the elections has to refer it to the State Governments. In the light of the experience gained in the four or five general elections and the mid-term elections which took place recently, I had discussions with the Chief Election Commissioner and requested him to give suggestions to the Government for appropriate amendments to the Representation of the People Act,

which would mitigate the evils which have been detected.

श्री कान्बर लाल गुप्त : एक गम्भीर शिकायत यह भी है कि केन्द्रीय सरकार ने गवर्नर के इंस्टीट्यूशन का मिसयूज किया है। उत्तर प्रदेश में गवर्नरमेंट सर्वेन्ट्स के डायरनेस एलाउंस का झगड़ा चल रहा था। वहाँ के गवर्नर ने चुनाव के केवल एक दिन पहले उनका डायरनेस एलाउंस बढ़ा दिया। बिहार के गवर्नर ने लगभग १४ लाख रुपये का एक बिल बिहार प्रदेश कांग्रेस कमेटी के पास भेजा है और उस को कहा है कि वहाँ पर प्राइम मिनिस्टर के आने पर जो खर्चा हुआ है। उस में सिक्किम रिटी का खर्चा शामिल नहीं, वह बिहार प्रदेश कांग्रेस कमेटी दे। इसी प्रकार पंजाब, बंगाल और उत्तर प्रदेश में भी प्रदेश कांग्रेस कमेटीज को ऐसे बिल भेजे गए हैं। मैं नहीं जानता कि प्रदेश कांग्रेस कमेटीज ने कितना पेमेंट किया है और कितना नहीं किया है। मैं कुछ स्पेसिफिक सवाल पूछना चाहता हूँ :

Can the Governor constitutionally spend money on election tours of the Prime Minister and other Ministers, over and beyond the minimum requirements of security? If so, why and on whose authority did the Government spend this money? Having spent it, who is going to pay for it, the Prime Minister herself, the Congress High Command, the Congress treasurers, the Congress Pradesh Committee or the candidates that the Prime Minister favoured with her expensive appearance? If it is the latter, will it invalidate their election? If no one is going to pay, what sanctions will be taken by the Bihar Government against its Governor?

SHRI GOVINDA MENON : The question relates to the complaints which have been referred. The complaints now referred to by the hon. member have not been received yet.

श्री कान्बर लाल गुप्त : अध्यक्ष महोदय, श्री सोधी ने इस बारे में कम्प्लेंट दी है।

Page 4—This complaint is by Mr. M. L. Sondhi, M.P.

"Misuse of huge public money and Government machinery for electioneering purposes by Prime Minister, Smt. Indira Gandhi on the 5th February, 1969."

इस में यह शिकायत न भी हो, तो भी हम यह सवाल पूछ सकते हैं कि जो बिल दिए गए हैं, उनकी सँवधान क्या थी, वह खर्चा जायज या या नहीं, अगर उनका पेमेंट नहीं होगा, तो उस के लिए कौन जिम्मेदार होगा।

Will you sack the Governor? It is a relevant question.

SHRI GOVINDA MENON : I have read the complaint by Mr. Sondhi, which refers to misuse of public money and Government machinery by the Prime Minister? What the hon. member was asking was about the Governor's use of funds.

With respect to the use of public money ... (Interruptions).

श्री जार्ज करनेन्डीज : ये गुमराह कर रहे हैं, मिस गाइड कर रहे हैं।

MR. SPEAKER : The question is simple. The money has been spent. Was the Governor authorised to spend the money? If not and if he is not able to recover it, who will be punished for this irregularity?

SHRI GOVINDA MENON : What I submitted was that the complaint received was that the money was spent by the Prime Minister. The question here now raised by Shri Kanwar Lal Gupta is ..

MR. SPEAKER : The Money was spent by the Governor.

श्री जार्ज करनेन्डीज : प्राप उन्हें श्री राज-नारायण की शिकायत पढ़ने के लिए कहिए।

MR. SPEAKER : I am myself trying to understand the question and the answer to that. After all, the money was not spent by the Prime Minister. It was spent by the Governor for the Prime Minister. It has been spent without permission. If it is not recovered, who will be punished?

SHRI GOVINDA MENON : What I was submitting with great respect was that the complaint received is this.

SHRI KANWAR LAL GUPTA : Do not go by the complaint.

SHRI GOVINDA MENON : That is the basis.

SHRI KANWAR LAL GUPTA : Sir, in spite of your request he is not replying to the question. Why can't you sack this Minister and this Government ?

MR. SPEAKER : It is an academic question. Somebody has asked : who will pay ? And if they do not pay, what is the punishment for the person who has spent it ? If it is a big party matter and the Minister cannot answer it just now, he may say so and ask for time.

SHRI GOVINDA MENON : This is a supplementary question raised.

श्री जार्ज फरनेन्डीज : यह सप्लीमेंट्री नहीं है, सवाल है, राजनारायण की शिकायत देखिए ।

SHRI SURENDRANATH DWIVEDY : Let me clarify the position. The Law Minister has referred to what is contained in list 1. In that very list which he has laid on the Table, item 19 is "Lucknow District" and the complaint by Shri Raj Narain is—alleged that government machinery is being misused in the tours of the Prime Minister and public money wasted. It is mentioned here. It is not that money was spent by the Prime Minister but money was wasted or spent by the government in the course of the tour of the Prime Minister. What has he to say on that ? Let him clarify that. Sir, though you have specifically asked that question, he has been going round and round.

SHRI GOVINDA MENON : I have referred to Shri Sondhi's question...

श्री अबु लिखते : अध्यक्ष महोदय, इनको सदन से बाहर निकाल दीजिए ।

श्री हुकम चन्द कडवाय : प्रधान मन्त्री को बुलाइए, आपको मदद दूँगी ।

MR. SPEAKER : Do you want any answer to this question ? If so, if all of you stand up, you would not get any reply. There is no point in shouting. Will you all kindly sit down now ? I do agree that it is an important question. But if so many of you begin to get up at the same time what is it that I can do ? If the Minister feels that he cannot answer it properly now and he makes a request that it may be taken up tomorrow or the day after, I can understand that. Because, it is an important question and, perhaps, he will have to consult the Prime Minister or others. If it is so, if there is any genuine difficulty for the Minister, it can be taken up tomorrow or later. If the Minister wants time, there is nothing wrong in it ; but then, he must ask for it. Whether he wants time or he can answer it straightway, it is his business.

SHRI BISWANATH ROY : Sir, you should look to this side also. You should not always look to the other side.

MR. SPEAKER : First of all, the list has to be exhausted. Then only I can call other names I do not know whether I can call even all those names in the list.

SHRI GOVINDA MENON : I read out Shri Sondhi's complaint, because that was the name referred to by Shri Gupta. Subsequently, Shri Raj Narayan's complaint has been referred to. It is a long list.

SHRI S. M. BANERJEE : It is in the list

SHRI GOVINDA MENON : I know it is in the list.

SHRI S. K. TAPURIAH : Sir, on a point of order.

MR. SPEAKER : There cannot be any point of order during question hour.

SHRI GOVINDA MENON : I do not know by heart all that is contained in the long list. That is why it is placed on the Table. Shri Raj Narain alleged in his complaint that government machinery was misused in the tours of the Prime Minister and public money wasted. This complaint was received by the Chief Election Com-

missioner and he has sent it to the Chief Secretary for a report.

श्री कंवर लाल गुप्त : यह कोई जवाब नहीं है। मैंने सवाल पूछा था कि जो लाखों रुपया प्राइम मिनिस्टर के ऊपर खर्च हुआ है, जिसमें सिक्योरिटी का खर्च शामिल नहीं है, मैं जानना चाहता हूँ कि वह खर्च कांस्टीचूशनली ठीक हुआ है या नहीं, उसकी सैंशन गवर्नर को किसने दी थी, उस खर्च का पेमेंट कौन करेगा ? अगर पेमेंट नहीं हुआ तो क्या गवर्नर के खिलाफ कार्यवाही की जाएगी अथवा श्री महोदय, ये मेरे सवालों को इन्ड करना चाहते हैं।

SHRI GOVINDA MENON : With great respect to the Chair and to the House I may say that I am not evading the question. I must get the facts. The allegation has been made and we have asked for a report. Unless I get the report the allegation cannot be accepted or the answer given.

SHRI S. M. BANERJEE : Ten days notice was given to the question.

SHRI KANWAR LAL GUPTA : Sir, he wants you to postpone the question. He wants ten days notice.

MR. SPEAKER : He has said that he must get facts from the State Government. After all, the facts have to be collected if he is to answer the question. He has to write to Bihar, UP, Bengal and, perhaps, other States also.

श्री मधु सिमये : कब रखेंगे, उनसे समय पूछिये ? मैं चाहता हूँ कि इस को पोस्टपोन किया जाये।

MR. SPEAKER : The Minister wants time. After all, he cannot off hand jump up and answer all questions. Therefore, I postpone the question to another day, because he wants time. I am not fixing up any date here and now, I will fix it up again in consultation with the Minister.

Election Petitions

*396. **SHRI S. C. SAMANTA :**

SHRI GADILINGANA GOWD :

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

(a) the number of Lok Sabha and Legislative Assembly Election Petitions pending in the various courts in the Country ;

(b) the details of such Election Petitions state-wise ; and

(c) the steps being taken to dispose of the election petitions expeditiously and the reason for not their being disposed of within the stipulated period of six months ?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI M YUNUS SALEEM) : (a) 4 Election petitions calling in question elections to Lok Sabha and 35 petitions calling in question elections to State Legislative Assemblies are pending in various High Courts.

Appeals in 7 cases relating to Lok Sabha elections and 25 cases relating to State Legislative Assembly elections are pending in Supreme Court.

(b) A statement showing the details of such election petitions State-wise is laid on the Table of the House. [Placed in Library. Ser. No. LT—278/69].

(c) Apart from section 86(7) of the Representation of the People Act, 1951, which provides that the High Courts shall endeavour to conclude the trial of the petition within 6 months from the date of presentation of the petition, no statutory period has been stipulated for the disposal of election petitions. It is not proper or practicable to settle any time limit for disposal of cases by Courts. The Chief Election Commissioner has requested the Chief Justice of India to use his good offices for the disposal of election petitions.

SHRI S. C. SAMANTA : I would like to know how many cases have already been disposed of and whether in all the cases the stipulated time was observed.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : There have been cases where more than six months have been taken by the High Courts. After all, section 86(7)