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Title: Further discussion on the motion for consideration of the Electoral Reforms Commission Bill, 2006.

MR. DEPUTY-SPEAKER: The House shall now take up Item No.47.

Prof. M. Ramadass – Not present.

SHRI KIREN RIJJU (ARUNACHAL WEST): Sir, I stand here to support the Bill moved by Shri C.K. Chandrappan regarding Electoral Reforms Commission. I whole-heartedly congratulate him for bringing such an important Bill and also support the good intentions of bringing this Bill which I feel the Government should give a serious consideration and take necessary steps for the much needed electoral reforms in this country.

We often talk about a very vibrant democracy in India; India being a diverse country with effective functioning democracy. We are all proud of it but we have to see how strong the internal health of the country is. There have been reports of various incidents and various issues which is quite disturbing. The Government should give a serious thought about it.

By this time the 170<sup>th</sup> Report of the Law Commission should have seen the light of the day. I do not know what is keeping away this particular Report to be discussed elaborately. The Government is not able to focus its attention to bring a Paper for discussing the electoral reforms in this country.

**15.29 hrs.**

(Shrimati Krishna Tirath *in the Chair*)

We always think about good representatives, good political parties with good objectives and good intentions for our governance. When we talk about elections, we criticize each other too much without recognizing the contributions made by different political leaders. Everybody is contributing to the growth of this country. Every political leader is making great strides in his own way. We often try to put down each other in such a way as if the other political party is doing damage to the country.[\[R38\]](#)

By doing that, I think we are not able to strengthen our democracy. So, on the occasion like this when we are talking and discussing electoral reforms, all the like minded and all the political parties must come together and give a serious thought for a unified view point so that we can really achieve our goal of having an effective and functioning democratic system in our country. These days we are seeing elections almost every month or every two months or every three months. Now the Government of the day will not be able to do much work as per its prescribed election manifesto. You are not having liberty to carry out those jobs because you are facing elections and there are election guidelines and there are restrictions.

When there is election, there is a change in the atmosphere in the country and you tend to criticize each other more. It is because once you are elected to the office for five-year period, the Government should be given total freedom so that it can implement the policies which it has promised to the people. So, the Government should have a fixed tenure which would also give stability. Many political leaders have already spoken about the fixed tenure including some of the ideas that all the elections in this country must be held together including parliamentary and assembly elections. That will bring a kind of stability in our whole system. We are such a diverse country that we cannot afford to have elections every month. Now we just had elections in Delhi and now we are heading for Lok Sabha elections. This is something we always find that even if we want to meet a Minister he is busy campaigning. I am a Member of Parliament and half of the time, I am busy for campaigning. So, where is the time left for the people? If a serious consideration is paid to this point, I think we can definitely have a brighter future.

Of course, we have a great legacy of our democratic system. The founding fathers of the Constitution have given us a great system. But it is time to review and to think whether that system and the provisions which the Constitution has given, need to be overhauled and need some review. We have to give a serious thought to it. Take for example, the Representation of the People's Act, the Indian Penal Code, CrPC to deal with the interference of various money and muscle power during our electoral process. Many a times people scrutinize us and say that many Members of Parliament are having criminal background. It does not mean that all the Members of Parliament sitting here are criminals. But the image which goes to the people is not good. They feel that people who are sitting here do not deserve to be here. We have to dispel that kind of wrong image being created. But broadly we have to take the blame because each political party also needs

internal reforms. How to select a candidate and how you have to propagate your agenda, some serious introspection is necessary for each political party with regard to candidature and with regard to how we should make our own posture before the public.

These are some of the issues I feel that the Governments have not been able to take up in the last ten years. I am not blaming this particular Government only. All the Governments since we got our Independence have not been able to come up to the expectation of the people. So, there is a serious need for an introspection within each political party.

When we talk about election, we always stress on free and fair elections. Now free and fair elections will come only when the system is right on the place.

मैडम, आप दिल्ली से आती हैं, अभी आप कुर्सी पर बैठी हैं, हम लोग जो सही डिजिटिंग कैंडीडेट्स हैं, वे कभी-कभी जीत नहीं पाते हैं because the platform is not on equal footing. जो मोस्ट डिजिटिंग कैंडीडेट्स हैं, मोस्ट डिजिटिंग पर्सन्स हैं, वे हार जाते हैं, क्योंकि उनके पास रिववायर्ड मनी और मसल्स पावर नहीं है। यह कितने दुख की बात है कि वे फुल लाइफ लोगों के बीच काम करते हैं, लोगों की सेवा करते हैं और व्वालीफाइड भी हैं, लेकिन चुनाव हार जाते हैं और जिनको चुनाव नहीं जीतना चाहिए, वे चुनाव जीतकर आ जाते हैं। इससे हमें बड़ा दुख होता है। हमारे सिस्टम के ऊपर भी इससे धब्बा लगता है। [MSOffice39] सही आदमी किस तरह से चुनकर आए उसके लिए इलेक्शन कमीशन के हाथ में, उसके दायरे में क्या-क्या प्रावधान हैं, उसे कैसे एम्पावरड किया गया है, सरकार के पास क्या प्रावधान है, उनको इंटीग्रेट करने की जरूरत है। सुप्रीम कोर्ट ने भी कई बार कहा है कि इलेक्शन रिफॉर्मस लाना चाहिए, पोलिटिकल पार्टीज को इसे देखना चाहिए। सुप्रीम कोर्ट की ओर से इलेक्शन कमीशन को डायरेक्शन भी दिया गया है, लेकिन हमें ये चीजें जमीन पर दिखाई नहीं दे रही हैं। मैं कभी-कभी सोचता हूँ कि हम लोग जिस पोलिटिकल पार्टी में हैं, वह भी सही है या नहीं क्योंकि कभी-कभी छोटे राज्यों जैसे गोवा या पूर्वोत्तर राज्यों में देखा गया है कि चुनाव एक सिम्बल से जीतकर आते हैं, अगले दिन वे दूसरी पोलिटिकल पार्टी में चले जाते हैं। स्वर्गीय राजीव गांधी जी के समय में टेंथ शिडयूल में अमेंडमेंट हुआ था, One-third provision was there for defection. एनडीए सरकार, अटल बिहारी वाजपेयी जी के समय में इसे अमेंड करके दो-तिहाई बहुमत का प्रावधान किया गया, फिर भी डिफेक्शन को रोक नहीं जा सका। इस प्रवृत्ति पर सीरियस लगाम लगाने की जरूरत है। आप किसी सिम्बल पर चुनाव जीतकर आते हैं और बिना वजह से पार्टी को छोड़ते हैं, अपने लाभ के लिए पार्टी को छोड़ते हैं, तो फिर उस पर ऐसा कानूनी प्रावधान लागू होना चाहिए कि वह व्यक्ति जिन्दगी भर चुनाव न लड़ सके। यह जनता के साथ धोखा है। आपको किसी एक प्लेटफॉर्म पर, एक सिम्बल पर, एक पार्टीकुलर प्रोग्राम-पॉलिसीज, मेनिफेस्टो के आधार पर जनता ने वोट दिया है, चुनाव जीतने के बाद किसी अन्य पार्टी ने आपको मंत्री का पद ऑफर कर दिया तो आप दूसरी पार्टी में चले गए, ये सब ऐसी बातें हैं जिनको स्ट्रीमलाइन करने के बारे में सीरियस विचार करने की जरूरत है। इसके साथ ही मैं आपके माध्यम से प्रधानमंत्री जी से अनुरोध करना चाहूंगा कि इसके लिए आल पार्टी मीटिंग बुलाई जानी चाहिए और उसमें यह सजेशन लिया जाए क्योंकि लॉ कमीशन की जो 170वीं रिपोर्ट है, वह भी कुछ हद तक जमीनी हकीकत से जुड़ी हुई नहीं है। उसमें कुछ रिफॉर्मेशन ऐसी हैं, जो हमारी व्यवस्था पर प्रैक्टिकली लागू नहीं हो सकती हैं। इस चीज पर भी गौर करने की जरूरत है कि कमीशन की जो रिपोर्ट आई है, उसे इन-टोटो हमें इम्प्लीमेंट करना है, यह भी सही नहीं होगा।

मैडम आप अभी वेयर पर हैं, हम सभी लोग लोक सभा में निर्वाचित होकर आए हैं, तो हम लोगों का यह दायित्व बनता है कि कैसे हम इस सिस्टम के बारे में अपने विचार रखें।

MADAM CHAIRMAN : I appreciate your views.

**श्री करीन रिजीजू :** इसके साथ ही हम आम लोगों के बीच में विश्वास कैसे जगाएं। कभी-कभी इस हाउस में ऐसे सीन होते हैं जो कम्फर्टबल नहीं होते हैं। कुछ बातें ऐसी की जाती हैं जो सेल्फ-डिस्ट्रक्टिव होती हैं, उदाहरण के लिए अटेंडेंस की बात है। किसी इम्पोर्टेंट बिल पर चर्चा हो रही है, फिर भी there is lack of attendance in the House. पार्लियामेंटरी फंक्शनिंग में ये सभी चीजें भी जरूरी हैं। एक तो, जमीनी हकीकत को देखते हुए इलेक्ट्रॉनिक रिफॉर्मस करना है। दूसरे, हाउस और असेंबलीज के अंदर फंक्शनिंग, को भी देखने की जरूरत है। We have been handed over with a lot of rule books. लेकिन उन रूल बुक्स को हम कहां तक अपने आवरण में शामिल कर पाते हैं, कभी-कभी उस पर भी पून्-विन्ड लगता है। हम लोग रूल बुक्स को जरूर कोट करते हैं, लेकिन उसे अपने फेवर में कोट करते हैं। मैं ज्यादा विस्तार में नहीं कहना चाहूंगा, लेकिन इतना अवश्य कहना चाहूंगा कि आज आजादी के 62 साल हो चुके हैं, कुछ प्रावधान ऐसे हैं जो अंग्रेजों के समय बनाए गए थे। This is high time that we must re-visit those again. I have given a lot of stress on these provisions. कानून की कोई कमी नहीं है, प्रावधानों की कोई कमी नहीं है, उसे रि-विजिट करने से हमें किसी ने नहीं रोका है, तो हम उन पर रि-विजिट क्यों नहीं कर पा रहे हैं। माननीय कानून मंत्री जी इस समय यहां नहीं हैं, लेकिन मैं आपके माध्यम से कहना चाहूंगा कि इमिडिएटली आल-पार्टी मीटिंग बुलाई जाए और इस लोक सभा का टेन्थोर खत्म होने से पहले इस दिशा में कुछ कदम उठाए जाएं।

Shri Chandrappan, I have a special appeal to you that even if you withdraw this Bill, you must be able to get a commitment from the Government that the Government will definitely take up certain issues, otherwise we could press for voting on this Bill.

**श्री शैलेन्द्र कुमार (चायल):** माननीय सभापति महोदया, आपने मुझे श्री सी.के. चन्द्रप्पन द्वारा सदन में प्रस्तुत किए गए निर्वाचन सुधार आयोग विधेयक, 2006 पर बोलने का अवसर दिया, उसके लिए मैं आपका आभारी हूँ। यह बहुत महत्वपूर्ण चर्चा है। अगर देखा जाए तो पूरे देश के अंदर करीब 900 रजिस्टर्ड राजनैतिक



पार्टियां हैं, जिनमें निर्दलीय भी शामिल हैं। हिन्दुस्तान प्रजातांत्रिक और लोकतांत्रिक देश होने के नाते आज यहां गरीबी है, निरक्षरता है, भूख से जनता जूझ रही है, जहां तक चुनाव में आचार संहिता की बात कही जाती है, तो वह कहीं पर लागू नहीं हो पाती है। मैं देख रहा था कि इस विधेयक में निर्वाचन सुधार आयोग के अध्यक्ष की बात कही गई है कि सुप्रीम कोर्ट या उच्च न्यायालय के कोई रिटायर्ड जज इसके अध्यक्ष बनाए जाएं। मेरा सुझाव है कि सुप्रीम कोर्ट के रिटायर्ड मुख्य न्यायाधीश को इसका अध्यक्ष बनाया जाए, जो कि अनुभवी हों। मैं सुझाव के तौर पर यह भी कहना चाहूंगा कि विभिन्न राजनैतिक दलों के जो नेता हैं, उन्हें भी परामर्श के लिए पदेन सदस्य के रूप में इस आयोग में रखा जाए, ताकि समय-समय पर उनके जो अनुभव हैं, जब चुनाव सुधार की बात हो तो वे आपस में चर्चा कर सकते हैं। इस आयोग में रिटायर्ड चीफ इलेक्शन कमिश्नर को भी सदस्य के रूप में रखने की बात कही गई है। यह बहुत अच्छी बात है। लेकिन मैं इतना कहना चाहूंगा कि जो विभिन्न राजनैतिक दलों के नेता हैं, उन्हें समय-समय पर बुलाकर उनसे परामर्श करने की बात है, यह भी एक अच्छी बात है। इस आयोग का कार्यालय दिल्ली में खोला जाना चाहिए। इस विधेयक में ये बातें कही गई हैं, मैं उनसे सहमत हूँ।

एक बात समय-समय पर उठती है तथा लोक सभा और विधान सभाओं में महिला आरक्षण बिल की बात प्रमुखता से होती है। राज्यों की पंचायतों में देखा जाए तो कहीं 40 प्रतिशत, कहीं 45 प्रतिशत और कहीं 50 प्रतिशत महिलाएं चुनकर आई हैं, जहां पर महिला आरक्षण है। इस प्रकार से हम भी इसकी सिफारिश करेंगे कि लोक सभा और विधान सभाओं में महिला आरक्षण होना चाहिए। माननीय मंत्री रेणुका जी ने ताली बजाकर मेरी बात का स्वागत किया है, मैं उसके लिए उनका आभारी हूँ। लेकिन मेरा इसमें एक सुझाव है, जो ग्रामीण क्षेत्र की गरीब महिलाएं हैं, वे चुनकर नहीं आ पाएंगी। चुनाव सुधार की बात तो हम कर रहे हैं, लेकिन हमें यह भी देखना पड़ेगा कि जो हमारी गरीब, एस.सी., एस.टी. और ओबीसी अल्पसंख्यक की महिलाएं हैं, उनके लिए भी कुछ आरक्षण होना जरूरी है, तब जाकर लोकतांत्रिक देश में महिला आरक्षण की जो बात की जा रही है, वह पूरी हो पाएगी। यह मेरा एक सुझाव है। मैं यह नहीं कहता कि आप इसे मान लें। यह मेरा व्यक्तिगत और मेरी पार्टी का भी मत है। इसलिए मैंने इसे प्रमुखता से रखा है।

इस विधेयक में कहा गया है कि चुनाव के समय निजी वाहनों पर रोक लगाई जाए और नशाबंदी की बात भी कही गई है। बहुत से ऐसे राजनैतिक दल हैं, जो लोगों को शराब पिलाकर, पकड़कर, बरगलाकर किसी भी प्रकार से वोट ले लेते हैं। भोली-भाली जनता को ठगकर वे यहां सदन में चुनकर आ जाते हैं। इस पर रोक लगाने की बात कही गई है। हम देख रहे हैं कि कितने सालों से चुनाव हो रहे हैं, जब से यह गड़बड़ी शुरू हुई है, पता नहीं कितने लोग विविधत किए गए हैं, कितने ही राजनैतिक दल और नेता विविधत किए गए हैं, लेकिन आज तक कोई भी कार्रवाई उन पर नहीं हो पाई है। [R40] चुनाव आचार-संहिता कड़ाई से तभी लागू हो पाएगी, जब हम कड़ाई से उन पर अंकुश लगाएंगे, इनको पनिश्चमेंट देंगे, तभी जाकर हमारा मकसद पूरा हो पाएगा।

जहां तक धन-बल, जातिगत राजनीति और धार्मिक उन्माद को लेकर राजनीति की जाती है, इस पर भी अंकुश लगाना चाहिए। आज देश के अंदर 70 प्रतिशत काला धन है। चुनाव में गरीब कैंडिडेट जनता के बीच जाकर, उनकी सेवा करके जनता से वोट लेता है, लेकिन बहुत सारे ऐसे प्रत्याशी होते हैं जो काला-धन बांटते हैं लेकिन उन पर आज तक कोई अंकुश नहीं लगा पाया है। चुनाव सुधार में एक बात और आई है कि सरकारी खजाने से चुनाव के लिए धन खर्च किया जाए और व्यक्तिगत तौर पर धन खर्च न किया जाए। बहुत सारे फैंडरल देशों में प्रत्याशी टी.वी. पर या जनता के बीच में खड़े होकर अपनी पार्टी की बात रखता है और जनता के लिए क्या-क्या करना है, वह बताता है और चुनाव जीतता है। लेकिन हमारे यहां का चुनाव काफी महंगा है और इसका स्वरूप बिगड़ा हुआ है। इसमें सुधार करने के लिए माननीय सीके चन्दा जी प्रस्ताव लाए हैं जोकि बहुत जरूरी है और अच्छा बिल है, इस पर हमें ध्यान देना पड़ेगा।

हमारे चुनावों में बल का भी बहुत प्रयोग होता है। हरदोई में विधान सभा का चुनाव हुआ और हम वहां गये थे। हम अपनी सांसद, माननीया उषा वर्मा जी के साथ चुनाव प्रचार में गये थे। जिस गांव में गये, वहां का जो प्रधान था, गांव का कोटेदार और प्रधान वे दो ही प्रमुख होते हैं, पूरे गांव की राजनीति, गांव की इकोनोमी और गांव का विकास इन्हीं दो लोगों पर निर्भर होता है। किसी भी गांव में आप चले जाइये, वहां पर बहुत सी महिलाएं घेर कर कहती हैं कि हमें पेंशन नहीं मिली, हमें राशन नहीं मिलता है, हमें जमीन नहीं मिली, हमें मकान नहीं मिला, प्रधान हमें सुन नहीं रहा है। चुनाव के पीरियड में जब हमारी इनसे बात हुई तो पता चला कि सरकार की तरफ से, सत्ता पक्ष के, वहां के लोकल प्रत्याशी ने इतना दबाव डाल दिया कि अगर यहां पोलिंग में हार हुई तो तुम्हारा बस्ता रखवा लेंगे और तुम्हारा कोटा सर्पेंड करवा देंगे। यह दहशत लोगों के अंदर हुई। हम लोग उन्हें समझाते रहे लेकिन हमारे समझाने का उन पर कोई असर नहीं पड़ा। एक तरफ तो हम चुनाव सुधार की बात करें लेकिन दूसरी तरफ राजनीतिक दल के लोग कहीं न कहीं से अपना रास्ता ढूंढ लेते हैं।

जहां तक जातिगत राजनीति की बात है, जातिगत राजनीति खुल्लम-खुल्ला होती है। यह बात किसी से छिपी नहीं है। अगर हम कहें कि हम पाक-साफ हैं तो यह गलत होगा। हर राजनीतिक दल जाति का सहारा लेकर चुनाव लड़ता है। यह भी स्वतंत्र होना चाहिए। इसीलिए लोक सभा, विधान सभा की सीटों को सुरक्षित कर दीजिए कि इतनी महिला, इतने पुरुष, जाति के आधार पर हो तो उसे भी फिक्स कर दीजिए। जो राजनीतिक दल इसका पालन न करे, उसका रजिस्ट्रेशन चुनाव आयोग से स्वतंत्र कर दिया जाए। यह होगा, तभी जाकर हम चुनाव-सुधार की बात कर सकते हैं। धार्मिक उन्माद फैलाकर चुनाव लड़ा जाता है। मैं विशेष तौर पर उत्तर प्रदेश की बात आपको बता रहा हूँ। एनडीए जो एक छोटी सी पार्टी थी आज सारे देश की पार्टी बन गयी है। उसका केवल एक सहारा रहा कि धार्मिक उन्माद फैलाकर चुनाव लड़ा जाए। चाहे फैजाबाद में हांवे का विवाद रहा हो या मंदिर-मस्जिद रहा हो। तमाम मान्यताएं हैं लेकिन हम लोग जानते नहीं हैं, हम केवल इन बातों को पढ़ते रहे हैं। इतिहास को पढ़ने पर पता लगता है कि धार्मिक भावनाओं को भड़काकर ऐसा किया गया। मानवता और लोकतंत्र के लिए यह एक खतरा है। लोगों के दिलों में भाईचारा और कौमी एकता जो बनी होती है उसमें बिखराव और वैमनस्यता आ जाती है। चुनाव के पीरियड से लेकर अब तक लोगों में ऐसी दुश्मनियां हुई कि उसमें लोगों ने अपनी जानें गवाई हैं और वहां का विकास पीछे छूट गया। इस पर रोक लगाने की सख्त जरूरत है।

आदर्श आचार-संहिता की हम लोग बहुत दुहाई देते हैं। [r41] कुछ उम्मीदवारों को इसलिए रिलेक्सेशन दिया जाता है कि केंद्र में या राज्य में उनकी सरकार होती है, लेकिन निर्दलीय उम्मीदवारों को किसी प्रकार की छूट नहीं दी जाती है। छोटी पार्टियों पर तो अंकुश लगाया जाता है, लेकिन जो दल सत्ता पक्ष के होते हैं, उन पर अंकुश नहीं लगाया जाता है। वे उम्मीदवार चाहे जितना आचार संहिता का उल्लंघन करें, इस प्रकार का भेदभाव होता है। हमें चुनाव आचार संहिता को कड़ाई से लागू करना चाहिए।

शांतिपूर्वक और निष्पक्ष चुनाव कराने की बात भी चुनाव आचार संहिता के अंतर्गत आती है। हम भी चाहते हैं कि चुनाव शांतिपूर्वक हों, कोई दुश्मनी पैदा न हो, वैमनस्य पैदा न हो, धार्मिक उन्माद पैदा न हो और कोई ऐसी बात न हो, जिससे लोगों के दिलों को ठेस पहुंचे और बाद में वह विकराल रूप ले ले। निष्पक्ष चुनाव हों, सब राजनीतिक दल इसके हिमायती हैं।

जहां तक चुनावों में धन प्रयोग पर अंकुश लगाने की बात है, विधान सभा चुनावों में या लोक सभा चुनाव के समय ज्यादा खर्च करने की पाबंदी है, लेकिन वह एक दिखावा है। अब तो चुनाव आयोग ने ऐसा कर दिया है कि आप रोज कितना खर्च कर रहे हैं, उसके लिए एक रजिस्टर बना हुआ है और उसे एसडीएम से जा कर अप्रुवत करवा लिया। जो ओब्जर्वर जाते भी हैं, वे कितना देखेंगे, एक-एक क्षेत्र में 40-40 या 50-50 उम्मीदवार हैं। कभी-कभी तो आप देखेंगे कि आदमी को चुनाव

चिह्न डूढ़ने में पांच मिनट का समय लग जाता है। इस पर भी शोक लगनी चाहिए। यह भी देखना चाहिए कि चुनाव के समय पर हम किस प्रकार कड़ाई से शोक लगा सकते हैं। जहां तक प्रलोभन दे कर वोट मांगने की बात है, इस तरफ भी ध्यान देने की ज्यादा जरूरत है।

MADAM CHAIRMAN : Shri Shailendra Kumar, please wait for a minute.

Hon. Members, the time allotted for this Bill is over. I have a list of 7 more speakers to speak on this Bill. If the House agrees, the time for the discussion may be extended by one hour more.

SEVERAL HON. MEMBERS: Yes.

MADAM CHAIRMAN : So, the time for this Bill is extended by one hour more.

Shri Shailendra Kumar, you may please continue now.

**श्री शैलेन्द्र कुमार :** एक बात जो बहुत प्रमुखता से सामने आई है, वह यह है कि अभी तक तो हम वोटर आई कार्ड से वोट देते थे। अब तो मतदाता सूची में भी मतदाता की फोटो लगती है। उत्तर प्रदेश में मतदाता पहचान पत्र, मतदाता सूची आदि का काम बहुत जोरों से चल रहा है। मतदाता पहचान पत्र को इतना आवश्यक कर दिया जाए कि जिसके पास वह न हो, मतदाता सूची में उसका नाम न हो, उसे सरकार की तरफ से जो भी सुविधाएं मिलें, वे सब समाप्त कर दी जानी चाहिए। जिस दिन से ऐसा हो जाएगा, मेरे ख्याल से हर व्यक्ति, जो 18 साल से ऊपर का है, वह मतदाता पहचान पत्र बनाने को प्राथमिकता देगा। चाहे ड्राइविंग लाइसेंस हो, चाहे बैंक में खाता क्यों न हो, किसान बही क्यों न हो या राशन कार्ड बनाने की ही बात क्यों न हो, आप तत्काल उनसे मतदाता पहचान पत्र मांग लीजिए। अगर उसके पास मतदाता पहचान पत्र है, तब तो आप उसका ड्राइविंग लाइसेंस, राशन कार्ड या अन्य किसी तरह का काम कीजिए, अन्यथा उसे मना कर दीजिए कि पहले मतदाता पहचान पत्र ले कर आओ। आप देखेंगे कि हर व्यक्ति सबसे पहले मतदाता पहचान पत्र बनाएगा।

इसके साथ मैं यह भी कहना चाहता हूँ कि हर व्यक्ति को वोट डालना कम्प्लसरी करना चाहिए। अगर वोट न डाले तो सजा का भी प्रावधान होना चाहिए। उसे जो सरकारी सुविधाएं मिलती हैं, वे सब समाप्त कर दी जानी चाहिए। आप देखेंगे कि गांव में पंचायतों के चुनावों के समय 80 साल या 100 साल के लोगों को चारपाई पर उठा कर वोट डलवाने के लिए ले जाते हैं। ऐसा कौन सा कारण है कि मतदाता विधान सभा या लोक सभा के चुनावों में वोट डालने नहीं जाता है। आप देखें कि कहीं पर 25 परसेंट वोट, कहीं पर 30 या 35 परसेंट वोट डलते हैं। [142] जो उम्मीदवार ज्यादा वोट पा जाता है वह विजयी हो जाता है। 70 परसेंट देश की जनता को इससे कोई मतलब ही नहीं है कि क्षेत्र का विकास होना है या जो जनप्रतिनिधि यहां से चुनकर जा रहा है वह योग्य है या नहीं, वह पढ़ा लिखा है या नहीं, वह क्षेत्र का विकास कर सकता है या नहीं। वे इससे बिल्कुल अनभिज्ञ रहते हैं। इस तरह से प्रजातांत्रिक और लोकतांत्रिक देश में चुनाव की प्रक्रिया का क्या मतलब है? मेरा सुझाव है कि जिस प्रकार सरकारी नौकरियों में क्वालिफिकेशन और एज फिक्स की गई है उसी प्रकार से चुनावी उम्मीदवार की क्वालिफिकेशन और एज फिक्स होनी चाहिए, ऐसा होने से ही हम प्रजातंत्र और लोकतंत्र को मजबूत कर सकते हैं और चुनाव में सुधार कर सकते हैं।

पंचायत के चुनाव चाहे प्रधान या ब्लॉक प्रमुख के चुनाव में जनप्रतिनिधियों को वापिस बुलाने का अधिकार है। एक बहस यह भी हुई थी कि लोकसभा, राज्यसभा, विधान सभा या विधान परिषद् के प्रत्याशी काम ठीक नहीं कर रहे हैं तो कैसे उन्हें वापिस बुलाया जाए। लेकिन यह संभव नहीं है। पंचायत जैसे छोटे चुनावों में ऐसा हो सकता है लेकिन पंचायत के जनप्रतिनिधि ही इस बात को कहते हैं कि अगर हमें वापिस बुलाने की बात है तो लोकसभा, राज्य सभा या विधान सभा के तमाम ऐसे प्रत्याशी हैं जो अपने क्षेत्र में नहीं जाते हैं, कम रुचि रखते हैं, जिनका विकास से कोई मतलब नहीं है, उन्हें भी वापिस बुलाने का अधिकार होना चाहिए। इस तरह से जो बहस छिड़ी है हमें इस तरफ भी ध्यान देना चाहिए। राजनीति में अपराधीकरण बढ़ा है, इस पर हमें शोक लगानी चाहिए। आज इसी सदन में, इसी लोकसभा में बहुत से ऐसे लोग हैं, मैं नाम नहीं लेना चाहता जिन्हें सजा मिल गई और वह चुनाव लड़ने से वंचित हो गए, लेकिन किसी ने चाहे जितना क्राइम किया हो और उसे सजा नहीं मिली है, वे बराबर लोकसभा एमपी का चुनाव लड़ते आ रहे हैं और जीतकर आ रहे हैं। उनके क्षेत्रों में इतना खौफ और डर है जिसकी कोई इंतहा नहीं है। चुनाव आचार संहिता कड़ाई से लागू होनी चाहिए और चुनाव सुधार आयोग का गठन होना चाहिए। यहां इस मुद्दे पर बात चल रही है, यह सही है लेकिन इन मुद्दों पर भी विचार करना चाहिए।

एक प्रत्याशी कभी-कभी दो या तीन जगह से चुनाव लड़ता है, इस पर भी शोक लगनी चाहिए ताकि एक प्रत्याशी केवल एक निर्वाचन क्षेत्र से उम्मीदवार पत्रा दाखिल करे। लेकिन होता यह है कि चुनाव खत्म हो जाता है तो पता चलता है कि एक या दो जगह से जीत गए और एक जगह फिर से इलैक्शन होना है। हमें इसके लिए आर्थिक स्थिति को भी देखना होगा क्योंकि इसमें करोड़ों रुपया खर्च होता है। जब दोबारा चुनाव होता है तो सीधा असर जनता पर पड़ता है, खास तौर से गरीब जनता पर इसका असर ज्यादा पड़ता है। इस पर भी शोक लगानी चाहिए।

एक बात बहुत प्रमुखता से आई है, चूंकि हम पर्सनल पब्लिक ग्विवांसिस, लॉ एंड जस्टिस में चुनाव सुधार पर चर्चा करते हैं तो उसमें डिस्कशन होता है कि बहुत से ऐसे लोग हैं जिनका नाम मतदाता सूची में है और वे बाहर भी रहते हैं। अब इतना आसान हो गया है कि अगर बाहर रहने वाले व्यक्ति को चुनाव लड़ना होता है तो वहां से आकर हिन्दुस्तान में मतदाता सूची में अपना नाम दर्ज करके फोटो पहचान पत्र लेकर चुनाव लड़ता है। इस पर भी गंभीरता से विचार करना पड़ेगा। इसके लिए टाइम फिक्स करना होगा कि कौन सा व्यक्ति कितने दिनों या वर्षों तक बाहर रहा है। इसके साथ यह भी देखना पड़ेगा कि वह चुनाव लड़ने का हकदार है या नहीं? इसके लिए टाइम फिक्स करना पड़ेगा।

**सभापति महोदया :** टाइम तो फिक्स है लेकिन घटाने या बढ़ाने की बात है।

**श्री शैलेन्द्र कुमार :** समय घटाने या बढ़ाने के बाद भी इसे गंभीरता से देखना पड़ेगा। बहुत जगह ऐसी हैं जहां नए स्कूल भवन पोलींग बूथ बन गए और नए भी बन रहे हैं लेकिन कई जगह ऐसी हैं जहां ये सब नहीं हैं वहां मोबाइल मतदान केंद्र बनाकर, अधिकारी भेजकर वोट दिलाना चाहिए। इस तरह से यह व्यवस्था होनी चाहिए। मैंने कुछ सुझाव आपके और सदन के सम्मुख पेश किए हैं। आपने मुझे बोलने का समय दिया इसके लिए मैं आपका बहुत-बहुत धन्यवाद देता हूँ।



**श्री आलोक कुमार मेहता (समस्तीपुर):** सभापति महोदया, सबसे पहले मैं श्री सी.के.चन्द्रपन साहब को धन्यवाद देना चाहूंगा, जिन्होंने बहुत ही महत्वपूर्ण विषय को प्राइवेट मैम्बर बिल के माध्यम से सदन के पटल पर चर्चा के लिए रखने का काम किया है। मैं समझता हूँ कि यह इलैक्शन रिफॉर्मर्स से जुड़ा हुआ दूसरा बिल है, जिस पर हम चर्चा करने के लिए इस 14वीं लोक सभा में बैठे हैं। इलैक्शन रिफॉर्मर्स से सीधा तात्पर्य है कि जो अभी तक की व्यवस्था है, उसमें बेहतरी कैसे हो। पहले की जो पुरानी व्यवस्था थी, उसमें कुछ कमी आ गई थी। उसके सुधार के बहुत सारे उपाय किये गये, लेकिन जो जमीनी कठिनाइयाँ हैं, उन पर विचार अवश्य होना चाहिए और सुधार की दिशा में और कदम बढ़ने चाहिए। अधिक से अधिक देश की जनता वोट दे सके। गांव और देहात, जहाँ के लोग वोट देने से, वास्तविक वोटिंग से वंचित रहते थे, उन्हें मुख्य धारा में शामिल कर अधिक से अधिक वोटिंग कैसे कराई जाए, चुनाव सुधार का यही अंतिम लक्ष्य होना चाहिए। यह बहुत अच्छी बात है कि अलग-अलग तरह की राय आ रही हैं। आज गांवों में, जहाँ बाढ़ आ गई या सुखाड़ पड़ गया, वहाँ से बड़ी संख्या में लोग विस्थापित हुए, आज उनका यह ठिकाना नहीं है कि वे कहां के वोटर हैं, उनके पास वोट आई.कार्ड है या नहीं और यदि है तो सिचुएशन रेटोर होने तक वे वोटिंग राइट के लायक, अपनी इतिजिबिलिटी, अपना रजिस्ट्रेशन, अपना आई. कार्ड पा सकेंगे या नहीं, यह अभी तक निश्चित नहीं है। यह एक विशेष स्थिति है, लेकिन सामान्य स्थिति में भी जो पिछड़े राज्य हैं, जैसे बिहार के गांवों के लोग माइग्रेट करते हैं और अन्य जगहों पर जाकर काम करते हैं, उन लोगों की समस्या यह है कि वे दो या तीन महीने के लिए काम करने के लिए बाहर गये और घर लौटकर भी आये, लेकिन घर लौटकर आने के बाद पता चला कि वोटर आई.कार्ड बनने का काम खत्म हो गया है। अब उनका नाम वोट लिस्ट में शामिल नहीं हुआ। हमने पिछले दिनों देखा है कि जो लिस्ट्स आई हैं, उन लिस्ट्स में बहुत से ऐसे नाम हैं, जिनके सामने फोटो नहीं हैं। ऐसे लोगों की संख्या कम नहीं है। 15 से 20 परसेंट गांव, देहात में ऐसे लोगों की संख्या है, जहाँ या तो वोटर का फोटो नहीं है या एड्रेस गलत है। आई. कार्ड उनके घर पर भेज दिया गया, लेकिन वह पहुंचा या नहीं, इसकी कोई जिम्मेदारी नहीं है। लेकिन जब वोट डालने की बात आयेगी तो पहले से ही यह अनाउंस किया जा रहा है कि बिना वोटर आई. कार्ड के वोट डालने नहीं दिया जायेगा। उद्देश्य उनके मूल अधिकार का उन्हें प्रयोग करने देना है। वे लोग अपने इस अधिकार का अधिक से अधिक प्रयोग करें, सुधार का यह उद्देश्य होना चाहिए। सुधार का यह उद्देश्य नहीं होना चाहिए कि चाहे दस परसेंट मतदान हो, लेकिन हम गेट पर खड़े रहेंगे और यदि वोटर के पास आई.कार्ड नहीं है तो हम उसे वोट नहीं डालने देंगे। सुधार इस दिशा में होना चाहिए कि इलैक्शन से पहले जो वोटर आई. कार्ड्स हैं, वे पूरी तरह से बन जाएं। गवर्नमेंट मशीनरी के माध्यम से यह सुनिश्चित करना इलैक्शन कमीशन का काम है और दूसरी तरफ यह सुनिश्चित करना भी आवश्यक है कि बूथ तक पहुंच कर लोग अपनी इच्छा से, फ्रीडम के साथ वोट डाल सकें। ये दोनों कार्य बखूबी किये जा सकते हैं, लेकिन इसके लिए सिर्फ इलैक्शन के पहले का समय ही काफी नहीं है। चार साल बीतने के बाद यदि इलैक्शन कमीशन या विभाग जागृत होता है कि हमें वोटर आई.कार्ड्स बनाने हैं और इलैक्शन से ठीक पहले यदि ये जागरूकता दिखाते हैं तो इससे काम चलने वाला नहीं है। यह एक कांटीन्युअस प्रोसेस होना चाहिए और पदाधिकारी नियुक्त होने चाहिए जो साल में एक-दो बार कैम्पेन चलायें, अवेयरनेस के लिए प्रोग्राम चलायें कि वोटिंग कितनी महत्वपूर्ण है।[\[b43\]](#)

वोट डालने के लिये अधिक से अधिक वोटिंग हो, इसके लिये लोगों को जागरूक करें तथा उनके लिये आई कार्ड की नितांत आवश्यकता है, उसे पूरा किया जाये। इस ओर सरकार को मजबूत कदम उठाना चाहिये। यह बेसिक नीड है। हम चाहे रिफार्मर्स की तमाम बातें करें, अगर यह पूरा नहीं हुआ तो हमारा उद्देश्य पूरा नहीं हुआ। जब तक 80-90 प्रतिशत वोट नहीं पड़ेंगे, मैं नहीं समझता कि कम्पलसरी वोटिंग इस लोकतांत्रिक देश में हो सकती है। जहाँ पर विचारों की उन्मुक्तता है, जहाँ फ्रीडम ऑफ एक्सप्रेसन है, उसमें कम्पलसरी वोटिंग लाना आवश्यक है, यह मेरा निजी विचार है। कम्पलसरी वोटिंग इस जैसे राज्य के लिये नहीं है जहाँ पर हर व्यक्ति की फ्रीडम ऑफ ओपीनियन नहीं है, यह कम्पलसरी वोटिंग एक बहुत ही गलत कदम होगा। मैं अपने मित्र श्री शैलेन्द्र जी से इस विषय पर इतफाक नहीं रखता हूँ। उन्होंने एज और ववालिफिकेशन बॉर की भी चर्चा की है। मैं नहीं समझता कि इस देश में एज और ववालिफिकेशन बॉर लगाने के बाद लोग वोटिंग के लिये आसँगे। हमारा उद्देश्य है कि वोटिंग के लिये अधिक से अधिक लोग आवें क्योंकि हमारे देश के 80 प्रतिशत लोग गांवों से आते हैं। जहाँ अब इस सरकार ने एजुकेशन सिस्टम में सुधार किया है, इनफ्रस्ट्रक्चर बढ़ाया है, इन तमाम सुधारों के बावजूद ऐसी स्थिति नहीं है कि शतप्रतिशत लोग शिक्षित हो जायें और आप ववालिफिकेशन बॉर रखकर कम्पलसरी एजुकेशन जैसा कुछ ऐसा लागू हो जाये, ऐसी बात नहीं है। ऐसी स्थिति में आप एक ऐसे सैक्शन को वोट डालने से वंचित करेंगे जो मजबूरीवश अशिक्षित रह गया है। उसे पर्याप्त हिस्सा नहीं मिला, उसे सोसायटी की तरफ से अवसर नहीं मिला जिससे कि वह शिक्षित हो सकता, क्या आप ऐसे सैक्शन को वोट डालने से वंचित कर देंगे? मैं इस बात के भी विरुद्ध हूँ और स्पष्ट तौर पर कहना चाहता हूँ कि एज और ववालिफिकेशन का कोई बैरियर इलैक्टोरल कैंडीडेट के लिये नहीं होना चाहिये।

सभापति महोदया, आचार संहिता बनाई गई, यह बहुत अच्छी बात है। इलैक्टोरल रिफार्मर्स का व्यावहारिक पहलू यह है कि हम आचार संहिता को लागू करने के लिये तत्पर हैं। हम मानवीय अवगुणों से भी भरे हुये हैं, हमें ऐसी बातों को भी ध्यान में रखना चाहिये। इलैक्टोरल रिफार्मर्स के नाम पर जहाँ जहाँ भी सख्ती हुई, उसके बहुत ही गलत परिणाम भी निकले। सख्ती के नाम पर वोट को प्रभावित करने, माहौल को प्रभावित करने का प्रयास किया गया। चाहे ऊपर हो या नीचे हो, कहीं कोई नाम इतना भयावह हो गया, इतना दहशत वाला हो गया कि उससे सिस्टम प्रभावित हुआ। उस डर से अधिकारी भी सही बात पहचानने के बजाय, उनके डर से कुछ गलतियाँ करते करते इलैक्शन को प्रभावित करते रहे हैं। दूसरी तरफ यदि आप उस उद्देश्य की तरफ जायें कि अधिक से अधिक लोग पूरी स्वतंत्रता के साथ वोट कर सकें, वहाँ भी प्रभावित करने की कोशिश की गई। वहाँ हमारी जो फोर्सेज तैनात की गई, पता नहीं किसकी इंस्ट्रक्शन्स थीं, किसकी गाईडलाइन्स थीं कि वहाँ गांव के गरीब लोग डर कर बिना वोट डाले ही चले गये या फिर कहीं कहीं उन्हें कुप्रभावित करने की कोशिश की गई कि फलां के लिये वोट डालें, नहीं तो चले जायें। वहाँ सुनने वाला कोई नहीं है। मेरा सुझाव है कि इलैक्शन कमीशन में ऑन लाइन एक डिप्यारिग सैल होना चाहिये और किसी तरह से ऐसी कम्प्लेंट को अटैंड करने के लिये उसके पास पर्याप्त क्षमता होनी चाहिये। इसलिये मैं प्रस्ताव करता हूँ कि बिल में इस बात को शामिल करना चाहिये।

सभापति महोदया, जिस किसी चुनाव स्थान के रिटर्निंग आफिसर्स होते हैं, चाहे लोक सभा का चुनाव हो, विधान सभा का चुनाव हो या पंचायत का तीन स्तरीय

चुनाव हो, हर जगह एक विषम परिस्थिति बनी हुई है। प्रोटोकॉल के मामले में एक कलेक्टर सांसद से नीचे होता है लेकिन उसके सामने इस तरीके से पेश होना होता है कि उसका प्रभाव पूरे पांच साल होता है। हमें चिन्ता होती है कि हम अपनी जिम्मेदारियों का निर्वहन सख्ती के साथ इसलिये नहीं कर पाये, [s44] क्योंकि कलेक्टर नाराज हो गया और कल को रिटर्निंग अफसर की कुछ गलत करने की मंशा हो तो वह कुछ भी कर दे - मैं इस बात की ओर ध्यान दिलाना चाहता हूँ। यह एक व्यावहारिक समस्या है। आज कहीं भी यदि एमपीलैड्स का मामला हो या किसी भी तरह के विकास का मामला हो, उसमें आप सख्ती नहीं कर सकते हैं। आप चाहे मॉनीटरिंग एंड विजिलेंस कमेटी के चेयरमैन रहिए, लेकिन इस तरह की सख्ती अगर आप करेंगे तो आपको सोचना पड़ेगा कि कल को यही पदाधिकारी आपका रिटर्निंग अफसर होगा और जब चुनाव होगा तो वह प्रोटोकॉल में आपसे बहुत ऊपर होगा, इसलिए हो सकता है कि वह प्रभावित हो सके। इन बारीक बिन्दुओं को ध्यान में रखकर कुछ ऐसे उपाय निकाले जाने चाहिए, चाहे आप दूसरी जगह के पदाधिकारियों को रिटर्निंग ऑफिसर के रूप में डिप्यूट कीजिए या फिर कोई और उपाय कीजिए, लेकिन ऐसा उपाय कीजिए ताकि जो रात-दिन के ताल्लुकात वाले पदाधिकारी हैं, उनके बीच प्रोटोकॉल का एस्टेब्लिश सिस्टम व्यावहारिक रूप से लागू रह सके, नहीं तो आप देख सकते हैं कि प्रखण्ड के प्रमुख हैं और बीडीओ हैं, आज तक यह डिफाइन नहीं किया जा सका है कि दोनों के बीच में किस तरह का प्रोटोकॉल रिलेशन होगा? यह हर स्तर पर हो रहा है और आज का मुखिया, जो एक बेसिक लिमिट से जीता हुआ जनप्रतिनिधि है, उसको हटाने का अधिकार, उसे बर्खास्त करने का अधिकार किसी एग्जीक्यूटिव ऑफिसर को दे दिया जाता है। इसमें सुधार की जरूरत है। यह डैमोक्रेटिक वल्यूज का उल्लंघन है। इस देश में इस चीज की स्वतंत्रता है कि जिसको जनता ने चुना, उसको जनता ही पांच साल बाद या निर्धारित समय के बाद वापस करेगी। हां, अगर उसने कोई गलती की है तो उसे सजा जरूर मिलनी चाहिए, लेकिन उसके पद से उसे हटाने या निष्काषित करने का अधिकार उसे नहीं मिलना चाहिए। इस दिशा में भी चुनाव आयोग की ओर से नियम जाने चाहिए।

हम इस बात को बिल्कुल एग्री करते हैं कि फ्री एंड फेयर इलेक्शन होना चाहिए, लेकिन फ्री एंड फेयर इलेक्शन की डेफिनिशन का बिल्कुल अलग-अलग दृष्टिकोण हो सकता है। सोर्स ऑफ जस्टिस कहता है, मैं एक उदाहरण देना चाहता हूँ कि यदि किसी स्टेट में उन्माद पैदा करके इलेक्शन के पहले और बाद की स्थिति में अंतर पैदा किया गया तो इसे भी संज्ञान में लेकर, उस पर आधारित कोई निर्णय लेने का प्रावधान होना चाहिए क्योंकि यदि एक परम्परा रही, यदि एक जगह ट्रेड बना तो पूरे देश में ऐसा हो सकता है और यह बहुत ही गलत ट्रेड होगा।

**सभापति महोदया :** मेहता जी आप समाप्त कीजिए।

**श्री आलोक कुमार मेहता :** इन्हीं शब्दों के साथ मैं श्री सी.के.चन्द्रप्पन जी को बहुत-बहुत धन्यवाद देना चाहता हूँ कि आप इस महत्वपूर्ण बिल को लाकर ऐसा मॉडल तैयार कर रहे हैं जो भविष्य में इलेक्शन कमीशन और इलेक्शन के कार्यों में सुधार की दिशा में दिशानिर्देश करेगा। इन्हीं शब्दों के साथ और इन तमाम सुझावों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI SURAVARAM SUDHAKAR REDDY (NALGONDA): Madam Chairperson, I thank you very much for giving me this opportunity.

I stand to support the proposal of my colleague, Shri C.K. Chandrappan for appointment of an Electoral Reforms Commission. Regarding electoral reforms, we have been discussing this issue for the last several years. India is a very big democracy and free and fair election is an essential ingredient of an effective democracy. We have vast experience of elections. Already, 14 times elections to Lok Sabha had been conducted very successfully in our country. In several State Assemblies, elections were held more than 14 times. In between the House was to be dissolved. Hence, elections were held more frequently than with the gap of five years. During this period of last 60 years of our experience in democracy, we find there are several problems which we are facing in conducting a free and fair election in our country. [m45]

We need better electoral system than the present simple majority electoral system. Maybe a proportional representation will be more helpful than the present system. We need reservation for women at the earliest. We need to liberate the elections from the criminalisation. There is a need for the State funding of the elections. The Electoral Reforms Commission, if appointed, should go into the possibility of recalling system.

First of all, I would like to bring the necessity of liberating from the criminalisation of politics. Recently the criminalisation of politics was very much discussed in the newspapers. After the 2004 Elections, all the MPs were asked to give their background and more than 100 MPs in the present Lok Sabha have themselves given the affidavits that they are facing criminal cases. In the recent elections to Karnataka Assembly, more than Rs. 45 crore worth of cash, liquor and other goods were seized by the machinery in an attempt to reduce the money power and the liquor power in the elections. But this is only a small part of what has been spent in the Karnataka elections.

Everybody knows that even for every single Assembly constituency, an amount of Rs. four crore to Rs. five crore were spent. Ordinary men, those belonging to poor and middle classes cannot contest the elections. It is only the super rich who can carry on the election campaign if this type of trend continues. In spite of all the attempts by the Government, money power, liquor power and muscle power are very much used in our elections. Naturally this creates disappointment among the electorate and a large section of the people are keeping themselves away without participating even in voting.

This is not good for democracy. Our people should assert and they should participate in the elections. But if the choice is so



limited either to vote for this rich man or to vote for the muscle power or to vote for other type of influences, if this type of narrow limitation is there for his choice, naturally they try to keep out of these democratic processes of elections.

It was said that even in the earlier elections, several hundreds of guns and several thousands of bullets and bombs were also seized during the period of elections. Rigging is a very normal part and even the electronic voting system of the elections did not help to stop rigging. This is a very unfortunate type of thing. Hence we need more serious attempts and more stringent laws to save our electoral system from criminalisation of politics.

Then, Madam, I would like to speak regarding the simple majority election system that we have now. We have taken this electoral system, the whole democracy itself from the British system. Of course, we are adopting not all good things from the British system. [k46]

I was told that the British Parliament meets continuously except for three months of severe winter. This year, our Parliament has a sitting of less than forty days. Even if we sit up to 23.12.08, this year will go in the record for only 45 days of sitting. Other types of systems, like the concept of simple majority, are taken from the British Parliament. We have had a very bad experience in Assam when some serious forces demanded that elections should be stopped and asked for the boycott of elections. There were less than two per cent of the voters who participated in the elections in some constituencies. With few hundreds of votes also, there were representatives of the political parties sitting in the Assembly. In several other places also, the real representation is not being reflected in our system. For example, even in the 14<sup>th</sup> Lok Sabha, if we take the percentage of votes, either the ruling party or the opposition party cannot get this type of representation. Several political parties, who have got good percentage of votes, could not represent in the Parliament. In several Assemblies also, it is not becoming possible.

Hence, it is essential to have a proportional representation. It is true that there are serious dangers even in the proportional representation. In our country, with many religions, castes and sub-castes, maybe for some time, the proportional representation will head the caste or sub-caste also to enter into the politics, but we have no better alternative than proportional representation in the given circumstances. I believe that a mixed system with proportional representation as well as 51 per cent majority electorate would be better, if it takes place by doubling the present Assembly constituencies. That means 50 per cent of the people may be elected with proportional representation and 50 per cent of Members of Parliament will be elected through direct election. If this system is adopted, which is being utilised and which is being attempted in several European countries also, it may be a better system.

Besides this, women's reservation is one of the most essential things. It is surprising that in our House and outside, almost all the major political parties agree that there should be 33 per cent of reservation for women in the Legislature, but ultimately in the name of not having consensus, reservation to women is not given. It is a must and without women's reservation, our democracy cannot be a full-fledged democracy.

Madam, regarding State funding of elections, I told you earlier that money power is becoming more and more an essential ingredient to contest as a candidate for the elections. Several people without having an experience in the social service, without any experience in the political activity are contesting elections. Just because they amassed wealth through real estate or some other type of business, they would like to come and participate in the elections. In the elections, anybody has got the right to contest, but if the political parties also decide to give ticket to the candidate who can spend more money - that is the tragic situation today - the elections will be limited for the rich people, as I said earlier. By funding of the State to the political parties as well as to the candidates in the election, this is possible. This may be a very costly affair, but our democracy is much dearer. [SS47]

We have to save and defend our democracy. Hence, there should be limitations on the individuals spending on vehicles, posters, leaflets or for other expenses of the election campaign, and the State funding is essential. Naturally, this type of disadvantage will go in that case.

Madam, there is a big discussion going on about the recall system. This has also been discussed many times. There is an apprehension that if the recall system is there, then what should be the reasons for the recall system. It could be misbehaviour, non-participation in the Parliamentary activities, misuse of his election to amass wealth or inefficiency. All these types of things can be made as the causes for the recall. As regards the inefficiency factor, the question of its definition is a very serious problem. We can overcome these things. The only problem will be that in a multi-party electoral system the recall system cannot be implemented in the present system. If 51 per cent of the people support a candidate, then the recall system is more useful. Otherwise, if all the defeated candidates unite together in the present electoral system, then they can naturally call for the recall of any candidate and then it will be very difficult. Therefore, these are only a few problems, which I would like to raise here.

There are several other things also. India needs free and fair elections; India needs a different type of electoral system; and we had several discussions for it. Almost all the Election Commissioners in this country called for electoral reforms. I think that all the reforms that have been proposed by the Supreme Court and the reforms that have been brought are really not very useful. They have said that educational qualification and properties owned are to be mentioned in the Affidavit, which is to be filed. It is as if mentioning the educational qualification is going to help for a better electoral system. In spite of much illiteracy in this country, our people -- who are voters -- were mature enough. They have proved their maturity, and they have proved their wisdom in the elections in the last 60 years.

But what we really need is this. How to combat the criminalisation of politics, which is most important? There is a very peculiar problem in Indian criminal law system. A political agitator and a murderer are having the same type of charges. There should be two differential systems of understanding on this. If that type of things can be considered by the Electoral Reforms Commission, which my colleague Shri C. K. Chandrappan is proposing and if it comes, then all these things are to be discussed. We can have an All-Party meeting to discuss and finalise the proposed recommendation of such a Commission, which will help for a better, free and fair electoral system.

DR. R. SENTHIL (DHARMAPURI): Thank you, Madam. I rise to support the Electoral Reforms Commission Bill brought by hon. Shri C. K. Chandrappan. Having said that I rise to support, I would like to say that I have certain reservations about some of the clauses that I would like to explain later.

Madam, yesterday we had a day-long discussion on the terrorist attacks in Mumbai. If you had watched the Television when the attacks happened in Mumbai, then you would have seen the anger of the public and the anger of the people of India. Unfortunately, the anger was not against the terrorists or against anybody who has been the cause of terror, but against the politicians of India. There have been so many messages mentioning that politicians in India are bad. In fact, we painfully watched one of the hon. Members of Parliament telling a Television channel that he is ashamed to be a politician. Why is this so? The question before us is this. Is democracy bad? No, democracy can never be bad.[\[r48\]](#)

But democracy has to be dynamic. The success of the democracy depends on the choice of the representatives and leaders which in-turn is directly linked to the way political parties function and elections are conducted.

This being the background, we need our elections to be fair. The way the elections are held today, though there are outstanding men and women in public life, the flawed electoral process is increasingly alienating them from entering into positions of power. So, we need electoral reforms. Hence, I support this Bill.

Of all the things, one thing that worries us so much is the use of money power and muscle power, which all the Members have mentioned. One reason why corruption is rampant in India is the need for money for political parties to face an election. One hon. Member mentioned that liquor and money worth Rs. 48 crore had been seized in Karnataka during elections. We all know and let us accept that there is a huge amount of unaccounted money that is spent during the elections. Where does that money come from? I read somewhere that where a sum of Rs. 5 has to reach a politician, the bureaucrat has to collect Rs. 50. In the process of collecting that amount of Rs. 50, the public has to face inefficiency and humiliation. All this would amount to a loss of Rs. 500 for the citizen.

This being the case, the only way to weed out corruption is to reduce the election expenditure. To reduce election expenditure, as suggested in the Bill, the State should spend for elections and the candidates should not spend even a single paisa from his pocket, and all indirect and secret spending should be curbed by strict legislation and monitoring during the election process.

There have been some suggestions that we should be asking for compulsory voting. This compulsory voting, I would totally vouch for it and totally support it. The reason is very simple. I mentioned about the response of the people of India to the terrorist attacks in Mumbai. It was hysterical and it was anger against the politicians. Who exactly were angry against the politicians? Who exactly were sending those SMS' to the television channels? I just had discussions with my friends. I asked them as to who a politician is. I told them a small story. When somebody is misbehaving with a girl in a bus and if you are travelling in the same bus, you decide that hereafter you would not travel by bus, you will purchase a car and the women members of your family would always travel by car, then you are a businessman. Second, you look at the misbehaviour and say what is this and then decide not to look at the newspapers, then you are a bureaucrat. Third, if you say it is very bad, get down the bus, go to your friends, talk to them about it over drinks and laugh it away, then you are a computer



engineer. It is only that person who rises and says, "What the hell are you doing" or questions whatever is happening or at least ask the driver to stop the bus, only that person can become a politician. A politician is somebody who, at least, in a meagre way responds to what is happening in and around him.

This being the case, there are a large number of people in India, but they do not participate in the political process or does not care about the happenings around them, but sit and complain about everything. To make sure that they do have a participatory role in democracy, we must make voting compulsory.

The other very important thing is to make democracy dynamic. Democracy should not end with voting. Even after the elections are over and people are elected to various posts, the public should have continuous interaction and should have a say with regard to administration. One wonderful thing that the UPA Government has done to make democracy dynamic, and in fact that was a model to the whole world, was to make the Right to Information Act. That has really given power to the people whereby they can question the way the Government is functioning, and they can question the policies.

There were voices about recall and I would like to differ on this for the reason that the Indian electorate are that mature enough to discuss recall of Members at this moment. I think, we need some more years for the same. If you want a reason, look at the way the Mumbai terrorist attacks were handled by the Press and the Media. At that time, if you were to ask the people as to what should be done, they would have said, "Ask all the elected Members of the Maharashtra Assembly to resign."[\[r49\]](#)

You want the Prime Minister to resign; you want the Home Minister to resign. They would have wanted the whole Government to resign; they would have wanted the whole Government to be recalled because our response has been emotional and are not based on knowledge and judgement. That being the case, to talk about the recall at this stage would be too early and we have to mature a little bit.

Finally, electoral reforms alone will not make democracy responsible and dynamic and acceptable to the people. The electoral reforms has to be combined with administrative reforms. I accept other suggestions in the Bill like there should be proportional reservation to women, various groups, etc. The only thing I want to oppose was, the proportional representation election system whereby parties go to the polls in the name of parties and once they found as to how much votes they have got, they choose the candidates. I think, in India it should never happen. I have already told that there is a huge gap between the people and the elected representatives. If this proportional representation system comes to India, that will further increase the gap between the people and the representatives of the people because a new mechanism will come where whoever wants to become a Member of Parliament or Legislative Assembly will not go to the people to convince them that he is a good person but they will go to its leader and it would become a different kind of lobbying and I think, that is not good for India. India should have a direct voting system where the candidates should go directly to the people, explain what he is and he should commit to them. People should always have the right to stop and ask him, I have voted for you, and you have not done this. I think that is the way Indian democracy to be, at least for the moment, Madam.

We have so many discussions on the same topic earlier. We have recommendations of the Indrajit Gupta Committee, Dinesh Goswami Committee, the 117<sup>th</sup> Report of the Law Commission of India on Electoral Reforms and the recommendations of the National Commission to review the working of the Constitution. With all these recommendations, they have not actually become effective and the points were not taken. So, I think, the time has come that the Government should very seriously consider reforming the electoral process so that we have the best candidates in Parliament and Legislative Assemblies. Hence, I support the Bill, except for the clause on proportional representation system. Thank you, Madam.

SHRIMATI TEJASVINI GOWDA (KANAKAPURA): Madam, during the 1885 when Indian National Congress founded in India to end the British rule, to liberate this country, to liberate our people from colonial rule, our forefathers like Mahatma Gandhi, Nehru and others dreamt of a vibrant India which will provide equality to all, which will end hunger, inequality between the communities and the regions and languages. I would like to thank my friend, Comrade Chandrappan ji, for raising such a wonderful and important issue today. Electoral reforms are the need of the hour. In the largest democracy of the world today, India is commanding a lot of respects in the global scenario. But at the same time, when terrorists attacked in Mumbai, everybody targeted politicians, even though we cannot bring anarchy to the State. How to ensure the quality debate? How to select the quality representatives to Panchayats to Parliament? It is up to the people and if the people of this country do not understand the importance of democracy, nobody can save this situation. I would like to



support State funding, compulsory voting and gender proposition and also the role of media in ensuring a vibrant India. Proper people should come to proper legislative bodies. [r50]

Look at the recent elections in Karnataka, the State from where I come. No ordinary person, no children of teacher, no children or youth from the Dalit community or the weaker section is given his due; of course, women are the most neglected and targeted section in India, though India produced many leaders like Indira Gandhi who ruled 18 years in this country, who contributed and guarded a lot for us. She brought a great importance to India in the global scene. But today we are fighting; we are struggling to ensure in this House, 33 per cent reservation for women, even though we are representing 51 per cent of the Indian population. Why? You know the reasons.

Madam, it is our pride that you are Chairing this House today; you are also coming from such a neglected community, but through hard work, you have come up. We have to fight within our parties; we have to fight within societies because money is playing a bigger role and muscle power is playing a bigger role. So, we have to fight at all levels to get elected from Panchayat to Parliament. We will only understand the pain.

Many brothers are here; many fathers are here who are giving a lot of respect to women and a lot of importance to women; but it is very few compared to 545 Members; I do not know; if everybody is thinking in the same way as Comrade Chandrappan is thinking, why are we not able to introduce and pass this Bill, even though leaders like Shrimati Sonia and Shrimati Sumitra Mahajan are favouring this Bill? But we are unable to and we have failed to pass this Bill.

Recently I was fortunate enough to visit some countries, where there is State funding. The Election Commission of India is the authoritative legal body to ensure the control of illegal money and power to play in politics. This will prevent the good people to enter into the legislatures. Our hon. Prime Minister also many times suggested this way. We are very proud of that. My Party, the INC, of course produced many Gandhians. We have examples like Lal Bahadur Shastri, our present Prime Minister, etc. Many such people from such simple backgrounds make it to the highest post because of their commitment to democracy. Otherwise, nobody can become.

In Karnataka recently many dignitaries, many noble statesmen lost the elections; we are passing through a very dangerous electoral process – even though we have good laws and good institutions to prevent criminalization of politics, illegal money is pouring in, but we failed to ensure that these laws take care of that and to protect the democratic process.

Mining lobby played a very negative and a very dangerous role in Karnataka. I am contradicting – we have contradictory laws; nature is nation's wealth, but easy laws are permitting them to acquire a lot of wealth. Within 10-15 years, they made crores of rupees and they are now funding common and innocent people. Those hungry people are now asking, where is the 'red note', where is the 'green note' – that means, where are the notes of Rs.500 and Rs.1000?

I am a poor journalist; I am coming from a different background. It is with the blessings of Madam Sonia Gandhi, the head of our Party that I got the ticket to contest and won. Otherwise, even today, there are complaints within the party that there are lacunae. We have to set right this process across party lines, otherwise no good people will come up.

Today also there is a lot of criticism about the quality of debates and the attendance level. We have the Lok Sabha Channel; it is freedom of expression and the countrymen are watching us, what is the attendance, the quality of debates, etc. During Nehru's time, how many statesmen we had in this House? Today nobody is taking interest in this. There is decline of quality debates in politics, which is due to the lack of quality people who are coming into this House. That is why, we must support State funding of elections, and the national and regional parties must ensure a percentage of it. So, some such arrangement should be there, to see how to fund it. [p51] While exchanging our views we came to know that in Germany State-funding system is there. You may even look at the selection of the US President Mr.Obama. Even in USA, it is funded by people. The selection should be open and transparent. If I am a qualified contestant law must permit me to raise the money from the common people. You can fix certain limit as to how much money one can collect and this should be published.

Today, gender proposition and criminalisation are the two faces of the same coin. Women candidates are prevented from coming to the front whereas powerful criminals are entering politics. Even persons convicted in more than ten cases, by using the loopholes in the law are getting released and openly entering the political parties. When such persons are getting the Party tickets how can a common good man get the ticket?

As a woman leader is sitting in the Chair, I would like to take the privilege of citing this example. In my own constituency, our Party gave ticket to a well qualified political science graduate who is the daughter of a teacher who has served the Political Party for the last 25 years. She was an elected ZP Member and Municipality Chairman. Her name is Kalpana and looking at her credential my Party Leader granted her the ticket. The moment she was granted the ticket, some people abused her, abused me also, in the media. You can imagine how we feel! Why should they show this type of response to



the women candidates when they are meritorious? Simply by speaking we cannot do away with this gender proposition. I strongly support the recommendation made in this Bill brought by Shri Chandrappan. It is something which is our birth right. We would also like to play a vital role in building this nation.

Finally, I would like to speak about the role played by Media. I am from Media. You may look at the time being allocated in their coverage to important national Parties and the regional Parties. As per their own priorities they are giving coverage to various political parties. Today, Media is owned by some sort of a vested interest. I would suggest that in crucial time like election, Media should give equal justification to every political party. Especially for minority communities like tribals, particularly rural people, who are unable to pay anything towards media or advertisement expenses, specific space should be reserved for them to air their views and to present their Party's or their own views. Only then they can get equal opportunity to please the voters.

Today, people do not understand as to who are the law-makers. They do not differentiate between the panchayat Members and the Members of Parliament. I think it is high time that every Indian citizen must be educated properly. Constitution should become the compulsory subject in schools so that they can understand their duties and responsibilities. Then only they can play a vital role towards building the nation. Casting vote should be made compulsory for every eligible person. Today, people talk so much about the politicians. I would like to ask them are they going to cast vote compulsorily. As an Indian citizen it is their constitutional right, their primary duty to cast vote. Through the schools, colleges and political educational institution, it is high time to educate the Indian citizens then only good people, people with service motive can come to politics. With these words, I would like to thank Shri Chandrappan for bringing this important and crucial Bill today which needs to be taken into consideration.

[\[R52\]](#)

ADV. SURESH KURUP (KOTTAYAM): Respected Chairperson, I congratulate my esteemed colleague, Shri C.K. Chandrappan for bringing this sort of Private Members Bill before this House.

Madam, we, as a country, are naturally proud about the democratic system that we have. As we all know, when so many other countries in Asia, especially our neighbours, which won freedom along with us, slowly drifted towards military rule and we could survive ourselves as a democracy in spite of so many challenges. In fact, when the democratic system was threatened, it is the illiterate who were people of our country took the initiatives to restore democracy in our country. In fact, our country is unified. A country like us with so many diverse religions and languages is unified because of democracy and secularism. These are the two pillars which unify our country. So, the democratic system is so precious for our country that at any cost it has to survive.

Now I think it is high time that we should look at the functioning of our democracy and the way in which elections are conducted. Many suggestions have come from various quarters, from different political parties, from academicians and from jurists.

MADAM CHAIRMAN : Hon. Members, the time allotted for this Bill is over. Now I have a list of five more Members who want to speak on this Bill. If the House agrees, the time for discussion may be extended by one hour.

SEVERAL HON. MEMBERS: Yes.

ADV. SURESH KURUP : Many suggestions have come from various quarters that States should fund the elections. One major threat which our system faces is the money power which we all see in the elections. There is a limit to the amount to be spent by each candidate in an election but it is an open secret and everybody knows that each and every candidate is spending much above the limit prescribed by the law. Where from this money come? Obviously, this money comes from various quarters including various mafia sources, business people and unscrupulous people. All these elements come into the picture when an election is there. So each and every candidate is forced to take money from these elements. Therefore, it is high time that we should put an end to this. I think the suggestion that the State should fund the candidate should be taken seriously and in some way or the other there should be a system in place to see that the Government should fund the candidates. Our Party has been saying for long that it should be proportional representation. The election system needs a revamp.[\[R53\]](#)

As has been pointed out in this Bill a candidate who gets at least one vote more than his or her rival candidate, he or she gets elected. In the recent elections to the Rajasthan Assembly, the PCC President lost by a margin of just one vote. So, that obviously is a lacuna. How can this be rectified? The only way this can be rectified is through a system of proportional representation. My colleague was saying that 50 per cent should be through proportional representation and 50 per cent

should be through direct elections. My colleague here pointed out that in this 50 per cent proportional representation, the people may not have any say, the political parties may nominate a person whom the electorate may not like. So, to overcome this lacuna the political parties can publish a list of seven or eight or nine candidates and announce that one person from amongst these many candidates would be elected either to the Assembly or to the Parliament, as the case may be. In a single constituency a political party can publish a list of seven, eight or nine candidates and tell the voters or the electorate that from amongst all these candidates only one candidate will be elected. In this process this problem can be rectified. It is highly essential that there should be a re-look at the present way of elections. A new democracy like Nepal conducted elections successfully through a process of proportional representation. So, if such a new democracy, a small country like Nepal can do it, I think, we can courageously enter into that way to reform our electoral system.

Sir, my next point is about Women's Reservation Bill. The Bill is before this House. I do not know why the Government is saying that there should be a consensus. I have never seen in this House that Bills are passed only through consensus. If the Government has the political will, then the Government comes forward with a piece of legislation and passes it in spite of opposition. How was the Hindu Code Bill passed in this House? How the late Rajiv Gandhi piloted the Muslim Bill in spite of our opposition? So, there are so many instances in this House. How was POTA passed? The Government of the day convened a Joint Session of Parliament in spite of opposition both inside and outside the House from various quarters; they passed it, rightly or wrongly. It was their political decision to bring forward this Bill and pass it. I would request the Government at least at this late stage to consider taking up the Women's Reservation Bill and pass it and rightful representation should be given to women...(*Interruptions*) If there is a political will it can be done. The fact is that the Government is wavering and the Government does not have the political will in spite of an honourable lady leading the UPA.

For all these things, an Electoral Reforms Commission is necessary. Let the Commission look into all these aspects. Let them take evidence from all the political parties, from the public, from academicians and from intellectuals and from various other strata of society and come forward with a set of recommendations. [\[R54\]](#)

**17.00 hrs.**

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We have to re-look of the functioning of our democracy and the functioning of our electoral system. So, that is highly necessary. I think, this Bill addresses those issues and I strongly support the Bill brought forward my hon. colleague, Shri C. K. Chandrappan.

\*SHRI RAVICHANDRAN SIPPIPARAI (SIVAKASI) : Sir, democracy provides for establishing a Government elected by the people. Democracy is the governance of the people, by the people and for the people. A streamlined electoral process is needed for a vibrant democracy. The world has tried several methods of forming Governments. It has been found out that democratic form of Government that provides for people electing their own Government is the best among them all. When India won its freedom, we gave our nation that had been carved out due to our sacrifices, a Government giving shape to the hopes and aspirations of the people. We were filled with hope that we will be electing our Government that will legislate and govern for the welfare of the people. That hope has given way gradually and now we find a predicament where people are losing faith in democracy.

The reason for this despair is evident. Corrupt practices and fraudulent methods adopted during elections cause this hopelessness.

In order to reform our election process several committees have been set up over the years. Electoral reforms have been the moot point all along. Many reports have been submitted to the Government. All the recommendations found in all those reports are still waiting to be translated in the action. All of them have been kept in abeyance. Tarkunde Committee report was submitted in 1970. Goswami Committee report followed suit. Then came Inderjeet Committee report on electoral reforms. All of them have been left unattended. At this juncture, our esteemed colleague Shri. C.K.Chandrappan has moved a Bill in this House to legislate for certain electoral reforms. I welcome the effort put in by him at a time when people are losing faith in democracy. This is a timely move.

He has emphasized the need to set up an Electoral Reforms Commission to be established within a month after passing this Bill and enacting it into an Act.

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\*English translation of the speech originally delivered in Tamil.

He has also given a time frame to submit it within an year. With this specification of a time frame this legislation becomes a meaningful exercise.

Our Election Commission by itself has brought about several electoral reforms. Voters eligibility age limit has been reduced from 21 to 18. Electronic Voting Machines have been introduced. Candidates have been asked to submit mandatorily their property details. Information pertaining to educational qualifications and about criminal proceeds if any against the contestants have to be furnished while filing nominations. But still people have lost faith due to money power and muscle power in our electoral system as of now. Enough teeth must be there in our law to curb this menace let loose by moneyed people and hired goonadas.

As a first step, the campaign period during elections must be reduced. In this age of electronic media, rallies must be banned. Huge public meetings must be disallowed and candidates must be allowed to meet voters and to hold small street corner meetings for campaign purposes. This will help to reduce election expenses in a big way.

A Government of the day must relinquish office the day when an election is announced. The interim Government must comprise of people from all the parties. When the general elections are announced the Government must put in papers and must resign.

The third biggest electoral body in our democratic system is in our three-tier Panchayati Raj System. Local body elections too should be under the purview of the Election Commission. People at the grass root levels represent themselves in the Panchayati Raj System. Elections to such bodies too must be democratic, free and fair. They may be conducted by State Election Commission. But they must be supervised by the National Election Commission. Even law and order is taken over by the Election Commission during Mid-term or Bye-Elections ensuring a fair conduct of elections.

Our late leader Anna said that democracy is the best form of Government which needs to overcome money power and muscle power. There is need and necessity to rejuvenate our electoral process. Our nation with crores of people must get confidence and hope. Anna said that people's verdict is like the verdict of God. In order to change the available fate of our democracy and to fulfil the aspirations of the people this piece of legislation by Shri Chandrappan may be able of help. Hence I welcome this. This is necessary because ours is a vast country with a great tradition. This legislation must be supported by all and must be passed. Ours is one among the great and big democracies of the world.

Even during the times when monarchy was there, we had democracy in our ancient India. During the period of Cholas in Tamil Nadu, village administration was an elected body and the elected representatives were elected through palm leaf method. Even at a time when education did not spread widely, as it is available now, people had voting rights. 'Kudavolai' method was there to elect people's representatives. Such democratic traditions were there in this land of ours. We have the largest number of voters as the largest democratic country in the comity of nations. Our election process must be free and fair and that is very very necessary. Let us preserve our democracy and its values ensuing meaningful exercise in electing our Government through our representatives.

Emphasizing the need to usher in a truly representative Government, I whole heartedly extend my support to this Bill on electoral reforms moved by Shri C.K.Chandrappan.

SHRI TATHAGATA SATPATHY (DHENKANAL): Madam Chairperson, I thank you for giving me this opportunity to speak.

At the very outset, I would like to state very clearly that I support what our hon. colleague Shri Chandrappan has brought before the House as a Private Member's Bill. To reform is good. To change constantly is an effort at perfection. So, right at the outset, we all agree that there is a big problem in this country. The problem is that Mahatma Gandhi understood the very basic character of Indians. He knew at the beginning that we are an indisciplined race and we do not like to obey anything. Therefore, Mahatma Gandhi's movement was based on Non-Cooperation. He knew how to use our weakness to drive a disciplined nation like the British out of this country. Because of that process, we fell behind in struggles like the ones led by Bhagat Singh or Netaji Subash Chandra Bose who picked up the weapon to fight the British. Therefore, we all must admit that we did not have any bloodshed or no major bloodshed when we fought for freedom. We got a freedom for free and we got a freedom which, probably, we are still not worthy of. Because of that, in this august House, we still see very many senior Members deriding politicians. Some speakers a little while earlier including a Minister said that we should

keep politics out of Science or Home or whatever it is. Then, many Members of Parliament constantly say that politicians are bad and good people must come in. I would like to question those very same hon. Members that do they consider themselves to be less educated, to be loving India less than any other citizen of this country, to be less patriotic than any other Indian in this country. I would actually like to question them. As a race, as a group of people, politicians have lost faith in themselves. We deride ourselves.

Madam, I would like to ask you one question. You are an active person and you see this nation very well. Kindly tell me one single Judge of any court from the highest to the lowest, while in office, not after office but while in office, has criticized the judicial system for its failures. Tell me one single police officer or an IAS or IFS officer who, while in service, has criticized the services. You never see that. You see them doing that only after they have retired and after they are getting their pension and are happily looked after for ever. So, we are the only race who deride ourselves. It is time that we also started admitting to ourselves that we are not what these people who put up the banners in Mumbai and other places saying hate democracy, we hate our elected representatives. We are not people like that.

I am not being candescent on anybody. This nation has reached a stage where it must and has to start with political leaders because consciously or unconsciously, we have not encouraged social leadership in this country. [R55] Therefore, the total burden comes on political parties. We have to understand that we have to create self-respect amongst ourselves.

Madam, I remember, some years ago there was this Chief Election Commissioner – I would not like to name him – who made many rules while in office and said that the Collectors will be the Gods for MPs and that Sub-Collectors will be the Gods for MLAs; they will see how you are behaving during elections and they will give your report card and he bestowed all powers on those bureaucrats. What were those bureaucrats doing? They were going around, striking deals. If somebody wanted to get elected as an MLA, the Sub-Collector has to be kept in good humour, if you want to get elected to the Lok Sabha, the nodal Collector should be happy with you. So, later on, when that gentleman retired, he went off to Gujarat to fight an election, he wanted to contest for the post of President of India and then we, this nation, realised that all these reforms that he was trying to implement in India were all a farce. They were all a farce because he wanted to build an image bigger than himself and try to attract the people thinking that he could get away with that, but there was no sincerity of purpose.

Now, we feel threatened when people come up with banners and say that we hate democracy, it is primarily playing into the hands of terrorists or Maoists. That is the game they want. They want that the common man should lose faith in the democratic set up, on the system that is functioning in this country. It is not the system which is bad, it is the people who are not keeping up to their promises and who are not efficient. Therefore, the change or reform in the electoral process is definitely something that we should all support.

It is like saying that there are a lot of people in this country who speak against corruption. I always have a good laugh when I hear that because I find that the people who speak against corruption are people who are incapable or are not in a seat where they can be corrupt. But give them a chance, give them an opportunity; will they not be corrupt themselves? Of course they will be corrupt; they will be more corrupt than the people against whom they are speaking. So, it is not a question of being clean and being unclean; it is a question of where you are positioning yourself.

We are talking about Government funding in elections. How can the Government fund the elections? Who will the Government fund? Will the Government funding in elections be limited to only recognised political parties? If that be so, then what happens when you are speaking that good people should come into politics? First of all, who is good? I think I am good; you think you are good. So who is good? Everybody is good till the opportunity does not arise. When the opportunity comes, then the test is whether we are actually good or bad. So, if you curtail funding only to recognised political parties, you will be killing a lot of independent and the so-called "good people". Therefore, funding of the electoral process in India, in my personal opinion, is wrong; we should not even consider that.

But we cannot limit contestants. What should we do for that? I would suggest, amongst so many other suggestions that the hon. Member has put forward, that instead of funding, what we should do is that we should make the people's representatives tell the truth. How do you do that? The first falsehood that we are compelled to speak is that we sign under oath that this is the amount that we have spent in elections. If I am in a position and able to decide, I would say that we should not keep any limit, but you should compel the people's representatives to tell the truth. If a poor person like Barrack Hussain Obama, whose wife used to wear false diamonds like our Hyderabad diamonds, could raise 60 million dollars personally and did not take Government funding for his election, how could he do that? The rumour goes – the magazines in the USA have written – that in his election he spent more than a billion dollars. [R56] A poor man spending more than a billion dollars shows something very categorically that the democratic setup is definitely getting more and more expensive in every country. So it is not a question of how much one should spend; it is whether you are compelling us to tell the truth or not. Let us start initially by speaking the truth and encouraging other people to speak the truth.



Madam, I know my time is coming to an end. I would just like to give one example. This country spent hundreds of crores of rupees in preparing voters' ID cards. Those cards were supposed to have multifarious uses. Those could have been used as identity cards in other things also. But, unfortunately, no benefits were attached to that card. That card became initially very important. Today, people do not even bother about those cards. I would suggest that as a first step, if the Government actually wants to go ahead with certain kind of electoral reforms, one thing they can do as an example is to make those cards valid in the coming elections, whenever your leadership decides to have an election in this country. It is because, we are not like the US where everything is mandated; everything is decided. It depends on the sweet will of so many people. I would suggest that the card should be made mandatory in this very election. Without a card a voter should not be allowed to vote. Once you do that in one election, that becomes a valuable document. All those hundreds and thousands of crores of rupees that the Government has spent in photographing and preparing all those cards would come to some use and would not go waste.

There are many more points; this is one little example. I am really thankful and grateful to you for giving me this opportunity.

DR. SEBASTIAN PAUL (ERNAKULAM): Thank you, Madam for giving me this opportunity to speak.

India is rightly called the largest democracy of the world. It is not because of the numbers alone but because of the successful and vibrant functioning of our democratic institutions. We have got a rich experience of having democracy and having elections. The entire credit goes to our Election Commission for conducting 14 Lok Sabha elections and hundreds of State elections within a span of six decades. But, at the same time, always we are feeling that something should be done to get better results, to make our democracy more efficient and people's democracy. It is because we have now the experience of the 2000 Florida standoff in the United States of America. Our Election Commission is very efficient in conducting the elections. At the same time, there are so many bad elements, influences, and evils contaminating our electoral system. So many studies are before us like the Indrajit Gupta Committee Report, the Dinesh Goswami Committee Report, the Report of the Law Commission of India, and the Report of the Constitution Review Committee. All these Reports pointed out the urgent necessity of reforming the electoral process in the country.

It is in this context I am supporting the legislative proposal made by my hon. friend Shri C.K. Chandrappan, but I am not exactly or entirely supporting all the proposals made by the mover of this Bill. Take for example the State funding of elections. I do not know how it will be practicable in a country like ours. Political parties will benefit out of this proposal but take the example of an independent candidate who is contesting the election. There may be so many people who may be willing to contest the election. How can you support an independent candidate if the elections are funded by the State? All those things require more careful scrutiny and examination. But, at the same time, we have to see that more and more controls will take away that sheen from our electoral system, Election is the festival of democracy.[\[57\]](#)

It is a secular celebration of the people. More restrictions and control will take away the glory of our democratic system. A careful study and examination of our system is required. In that context, I wholeheartedly welcome the proposal to constitute an Electoral Reforms Commission. This is an urgent necessity. Let that Commission with membership, as suggested by the hon. Member, go deeply into the various proposals and come out with a Report which can be considered by this august House, and this will make our democracy a model democracy for the entire world.

**श्री दह्याभाई वल्लभभाई पटेल (दमन और दीव) :** सभापति महोदया, आपने मुझे बोलने का अवसर दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। श्री सी.के.चन्द्रप्पन जी जो विधेयक लाये हैं, उसे मैं सपोर्ट करता हूँ। मेरी कांस्टीटुंसी दमन और दीव यूनियन टैरिस्टी है। मेरी कांस्टीटुंसी में ज्यादातर वर्कर्स बिहार, यू.पी. और उड़ीसा से हैं। लेकिन वहाँ अभी जो वोटर लिस्ट्स में नाम हैं, उनके बारे में दूसरी पार्टी के लोग अपोज करते हुए बोलते हैं कि यू.पी., बिहार और उड़ीसा के लोगों के नाम इलैक्टोरल रोल में नहीं होने चाहिए। मेरे यहाँ डाबेल एक ग्राम पंचायत है, वहाँ चालीस हजार लोगों की बस्ती है और आठ हजार वर्ड्स हैं। वोटर लिस्ट में नाम डलवाने के लिए यदि कोई जाता है तो उसे कहते हैं कि आप अपना पूफ लाइये। लेकिन उनके पास जो पूफ हैं, उसमें जो लोग फैक्ट्रियों में काम करते हैं, उनके पास वहाँ के कार्ड्स हैं या जो लोग मकान मालिकों के घर में किराये पर रहते हैं, उनके रेसीडेंस पूफ हैं, पंचायतों के रेसीडेंस पूफ हैं, लेकिन फिर भी उनके नाम वोटर लिस्ट में शामिल नहीं करते हैं। मेरे क्षेत्र में लगभग साढ़े तीन हजार फैक्ट्रियां हैं और उनमें ज्यादातर यू.पी., बिहार और उड़ीसा के वर्कर्स काम करते हैं। वोटर लिस्ट में नाम एड करने के लिए फार्म नम्बर - 6 भरते हैं, उसके साथ विलेज पंचायत का रेसीडेंस का पूफ या जिसके घर में रहते हैं, उसका रेसीडेंस पूफ

अथवा जिस फ़ैक्टरी में काम करता है, उसका कार्ड लेकर जाते हैं, लेकिन फिर भी उनके नाम एड नहीं करते हैं। मेरा कहना है कि इसमें सुधार लायें और इन सब लोगों के नाम वोटर लिस्ट में शामिल करायें। क्योंकि ये लोग वहां पांच, दस, पंद्रह और बीस सालों से रह रहे हैं। लेकिन उन्हें वोट डालने का अधिकार ही नहीं है। इसलिए मैं आपके माध्यम से निवेदन करता हूँ कि आप वहां के एडमिनिस्ट्रेशन को इस बारे में कहें कि वोटर लिस्ट में ऐसे लोगों का नाम एड करें और उन्हें वोट देने का अधिकार दें।

सभापति महोदया, हमारे यहां जो बड़े लोग हैं, वे ज्यादातर वोट डालने के लिए नहीं जाते हैं। लेकिन जो वोटिंग करने के लिए जाते हैं, उनमें आम जनता के लोग, जो फ़ैक्टरी आदि में काम करते हैं, वे लोग ही वोट डालने के लिए जाते हैं। लेकिन उन लोगों का नाम वोटर लिस्ट में शामिल नहीं करते हैं। इसलिए मेरा सुझाव है कि उनके नाम वहां की वोटर लिस्ट में एड करें।

\* SHRI PANNIYAN RAVINDRAN (THIRUVANANTHAPURAM) : I support the Bill. This is an appropriate time to discuss electoral reforms because the image of politicians have been tarnished. It is a fact known to us, that some of the members of this House have a criminal background. Individuals, with dubious past, should not be allowed to contest elections. Indrajit Gupta Commission and several other commissions have submitted their reports on electoral reforms from time to time but no substantial change has taken place.

Candidates win elections with the backing of money power, political and muscle power. The news that have come about the recent Karnataka elections is shocking. I do not want to go into the details but it is well known that crores of rupees were spent on this election. The news paper report is that the mine lobby got themselves elected by virtue of money power. Madam Chairperson, this shows the necessity of revamping our electoral system and I make a few suggestions.

First, the entire expenses of elections should be born by the state. Vehicles, posters and other propaganda machinery should be provided by the state. No external sponsor should be allowed. There should be legislation to disqualify even before the elections, those candidates who violate the code of conduct set by the Election Commission. We should strive to bring a proportionate representation. Presently, any candidate who happens to get maximum number of votes get elected. This is not true representation. Even those who do not have 30% of the total votes polled get elected. All recognised political parties should publish a priority list of the candidates. Based on the number of votes obtained candidates from the priority list should be declared winners. For instance if elections are held in five hundred constituencies and a party gets only 1% of votes, the party can get five candidates from their priority list elected.

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\*English translation of the speech originally delivered in Malayalam.

This process of priority and proportionate representation will discourage the practice of religion and caste based voting. This method will ensure people's real mandate.

Another important issue is women's representation. We all talk of it, and we are hearing of the Women Reservation Bill for a long while now. We should ensure one third reservation of seats for women. No political party can oppose it. We must ensure that there is one third representation of seats for women in the coming election. I support this Bill. It is a demand of our changing times. An Electoral Reforms Bill is essential to protect and uphold the image of our elected representatives.

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MADAM CHAIRMAN : Now, the House will take up the Half-an-Hour Discussion.