

SHRI INDRAJIT GUPTA : I want to know what are the grounds for Shri Sathe to assume that Shri Upendra has made this statement on behalf of the Government without verifying any facts. How does he know that? He mentioned about some agreement for verification. How does he know that he has made this statement without any verification?.....(Interruptions) You can make fifty statements outside the House.....(Interruptions)

SHRI JANARDHANA POOJARY (Mangalore) : We want a Parliamentary Committee to go into this.....(Interruptions)

SHRI P. UPENDRA : I do not know whether hon. Shri Indrajit Gupta was there when I made the statement. I categorically said that no telephone of any political leader is being tapped. I made it very clear.

SHRI INDRAJIT GUPTA : You said that after verifying the facts.

SHRI P. UPENDRA : I also want to add that this Government recognizes the sanctity of freedom of the citizens and their right to privacy and does not believe in resorting to illegal activities. At the same time, we also attach the utmost importance to the privileges of the hon. Members of Parliament as well as the legislators. I have made it very clear.....(Interruptions)

As regards statement of Shri Chandra Shekhar, CBI enquiry has been ordered.....(Interruptions)

SHRI EDUARDO FALEIRO : We want an independent enquiry by Parliament, not by CBI.....(Interruptions)

SHRI P. UPENDRA : Let me complete. Please sit down. (Interruptions)

Sir, a CBI Inquiry has been ordered and the inquiry cannot be conducted without the

statement of Shri Chandra Shekhar. CBI will definitely contact Shri Chandra Shekhar and take his statement. And what I talked to one of our respected leader of National Front, I am not obliged to tell them. (Interruptions)

MR. SPEAKER : Shri Dinesh Singh, I think you will not be intruding upon the time allotted for the Private Members' Business. It is already 3.30 Let us proceed with the Private Member's Business.

(Interruptions)

MR. SPEAKER : We are taking up Private Members' Business. Please take your seat.

15.31 hrs.

RESOLUTION RE: POLL REFORMS—
 CONTD.

[English]

MR. SPEAKER : Now, we will take up further discussion of the following Resolution moved by Shri L.K. Advani on the 29th December, 1989 :

"This House is of opinion that against the background of the Ninth General Elections, poll reforms should be urgently undertaken, more particularly to curb the influence of money-power and muscle power, and to ensure that future elections held in this largest democracy of the world are completely free and fair."

Shri Mandhata Singh, please resume your speech.

SHRI SONTOSH MOHAN DEV (Silchar) : Sir, kindly tell us whether after the Private Members' Business you will be taking up 193 or not.

THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P UPENDRA) Sir, this discussion has already been listed in the Agenda. If hon. Members want to have this discussion, they can have after the Private Members' Business is over. I don't know whether they want to have discussion under Rule 193 or they want to postpone it.

[*Translation*]

SHRI NATHU SINGH Mr Speaker, Sir, I want that discussion under Rule 193 on an important issue like Assam, for which I have given notice, should be taken up on Monday instead of today.

[*English*]

SHRI P UPENDRA Sir, I cannot assure that we will take it up on Monday. It will be decided by the Business Advisory Committee. (*Interruptions*)

[*Translation*]

MR SPEAKER We shall discuss it in the BAC. If you all agree, it can be postponed.

[*English*]

PROF SAIFUDDIN SOZ (Baramulla) Sir, why don't you listen to my point of order?

MR SPEAKER No, there is no point of order.

SHRI DINESH SINGH (Pratapgarh) Sir, there is only one point which I want to make. We will not agree for a CBI inquiry because it is one police man inquiring another police man. It should be either a Parliamentary Inquiry or a judicial inquiry. It is not enough to have a CBI Inquiry.

PROF SAIFUDDIN SOZ Sir, I am on a point of order.

[*Translation*]

MR SPEAKER Shri Mandhata Singh is speaking now. Which point of order are you talking about?

PROF SAIF-UD-DIN SOZ I have two points of order.

(*Interruptions*)

[*English*]

Sir, I have two points of order. One is about the bugging and tapping of telephone. It is a welcome gesture by the Prime Minister to have ordered a CBI Inquiry into it. (*Interruptions*)

[*Translation*]

MR SPEAKER Soz Sahib, you are such a knowledgeable person.

(*Interruptions*)

[*English*]

MR SPEAKER There is no point of order. Please allow Shri Singh to resume his speech.

[*Translation*]

PROF SAIF-UD-DIN SOZ I am on a point of order.

(*Interruptions*)

MR SPEAKER I have heard you. Please sit down.

[*English*]

I have ruled out your point of order. There is no point of order.

15.34 hrs.

[DR. THAMBI DURAI in the Chair]

SHRI NATHU SINGH: What about matters under rule 377?

MR. CHAIRMAN : Let me inform you about the matters under rule 377.

Now, we are taking up Private Members' Bill. The time is meant for Private Members' Bill and therefore we cannot encroach upon this time. If you are so particular about the matters under rule 377, that we can take up after 6 o'clock only. Before that, we cannot take up. If you are not so particular about it, then it will come only on Monday.

SHRI MANDHATA SINGH (Lucknow) : Mr. Chairman, Sir, I have risen to resume a discussion on the Electoral Reforms which was started the other day. And before going further, I would like to recapitulate what I had said a fortnight ago.

After Mr. Advani had moved his Resolution, I had submitted that we devote our attention to the Electoral Reforms which have apparently become very necessary. The unruly scenes which we have been witnessing in this House since this morning, it is probably the defect in our Electoral system that the country sends to this august House, people who do not even want to maintain the elementary decency and decorum that is necessary to run the proceedings of the House. Who preferred to defy the Chair? Who preferred to interrupt Members who are on their legs? Therefore, without casting any aspersions on anybody, I would resume the thread of my discussion.

I had said the other day that we cannot think of basic Electoral Reforms unless we concentrate from the very beginning of the process. The process of election is based

primarily on the Voters' List that is prepared by the *Lekh Pals* or the small functionaries. Throughout the country, our sad experience has been that there is large scale bungling not only in the preparation of electoral rolls but also in their Protection. As I said the other day, I have been myself a victim in the last Lok Sabha Election where four lakh voters in my Lucknow Parliamentary Constituency—the names of four lakh voters—I prefer to call it, kidnapped from the Voters' List. Therefore, any Electoral Reforms which can be seriously thought of must primarily concentrate itself on the fool proof preparation of the electoral rolls and their protection till the day of polling. The other point that I tried to make—that is a very important point—is that everyday, every now and then, we have to go in for elections, sometimes for the local bodies and sometimes for the State Assemblies and for Parliament also and therefore, I beg to suggest and seriously suggest that an independent electoral machinery with Election Commission at the top and down to the district level or the block level or whatever is thought to be necessary has to be built up. I again underline that this permanent electoral machinery should be entrusted with the task of not only preparing the electoral rolls and putting it but should also conduct the elections according to the norms prescribed under the People's Representation Act. What I mean is that for five years, a District Magistrate or a Police official functions under a Government, and when the notification is issued, that same person is again re-designated Returning Officer of the constituency. And as the Returning Officer, the Government has always been pleading that he is functioning as an autonomous entity, and that Government has no control over him—while the facts belie these declarations. One-thousand-and-one examples can be quoted where the district administration, the so-called Returning Officers have been pressurized, the Police machinery has been misused, for booth-capturing and other malpractices.

Therefore, the second point that I wanted to underline was that there should be a permanent, independent electoral machin-

[Sh. Mandhata Singh]

ery from top to bottom, which should function round the year, all the five years—because every now and then we are called upon to hold elections.

The third point that I emphasized the other day was that at the time of making nominations to the different elections to Assemblies and Parliament, we have to swear by the oath which clearly lays down that we believe in the three ideals enshrined in our Constitution, viz. democracy, secularism and socialism. I want to underline the middle word 'secularism'. Today, before the Returning Officer we swear by secularism in the forenoon; and in the afternoon the same day or the next morning we start pouring out venom, we start pouring out communal propaganda and communal poison, which vitiates the entire atmosphere. In this connection, I beg to suggest that if people are found violating this principle of secularism in their election propaganda and resorting to caste or communal propaganda, then the People's Representation Act should be suitably amended to debar the person concerned, with immediate effect. We should not wait for the affected person to go to the High Court with an election petition, and then on to the Supreme Court—by that time the entire five-year period of the six-year period as in the case of the Upper Houses lapses, and the whole thing is bogged down in legal wrangling. So, that is something very serious which I am suggesting. I hope the hon. Members listening to me will pay due attention to this suggestion, viz. that those who violate the oath taken by them before the Returning Officers should be debarred from contesting the election with immediate effect, meaning thereby that they should not be allowed to go the polls even during the campaign period.

There is a lot of talk about eliminating money and muscle power in our elections. I will come to muscle power later. First, I want to place my views regarding money power. The vulgar display, as the Finance Minister used the phrase in his Budget speech, of

wealth is not made only on ceremonial occasions like marriages and others, which the Finance Minister proposes to deal harshly with.

Vulgar display of wealth is also made during the election. Therefore, I have a very concrete suggestion to offer which I hope all the hon. members will consider seriously. My suggestion is that every constituency in the country, whether it is an Assembly constituency or a parliamentary constituency, should be divided into certain zones; it can be done in consultation with all the contesting candidates or all the important recognised political parties. I have no objection to that; that is a part of the democratic process. If the entire constituency is divided into certain zones in each zone the Returning Officer is called upon to organise joint public meeting invite all the candidates in the field to address the people from the same platform and educate the people on their respective election manifestos, it will serve the purpose.

PROF. N.G. RANGA (Guntur): You can do it here.

SHRI MANDHATA SINGH: We have been doing here since this morning. That is our election manifesto. It is for this purpose that the people have sent us here to waste the whole day. A matter which could have been finished within a couple of minutes was hanged on till the afternoon; and it is going to be 4 O'clock. I was respectfully making my submission to the senior most member of the House, Prof. N.G. Ranga. I hope he will excuse me for saying this. So, what I aim at is that money power can be eliminated first by dividing a constituency into several zones. Convenient places can be selected and joint public meeting can be and should be addressed by all the contesting candidates; that is a way of conveying a candidate's message to the electorates.

In America, all of us know, the entire country elects the President merely by a debate on the T.V. We are not a prosperous country. Every person does not have a T.V.

Otherwise, I would have gone in for that suggestion also. But we are in the habit of holding rallies, big meetings to demonstrate our strength. We are hiring people to attend our rallies that have become part and parcel, an integral part and parcel of our political culture most unfortunately. We call it a State funding. If somebody asks me who will organise meetings, who will foot bills for the loudspeaker and the public meetings arrangement, I make bold to say that if we think of going in for what is called a State funding of elections, that will not involve crores of rupees. Each District Magistrate or the Returning Officer can arrange for this; and if necessary, the concerned government may sanction the necessary amount. The other side is that most of our people are illiterate. Therefore, the symbol business forms a very important part. I propose that symbols can be displayed, should be displayed, should be printed in sufficient numbers and distributed in all sectors of a constituency, all *mohallas*, all villages where the people may get acquainted with the political parties. If they want to vote for the Congress, they have to put the stamp on the hand symbol; if they want to vote for the Janata Dal, they have to put the stamp on the charkha symbol. That can also go to the State funding.

My last point is regarding the muscle power. That is a sad story. That is the saddest part of the story of our political decline, decline in the political morality of this country. We have been resorting to it. Almost all the political parties have been resorting to it. I do not want to name anybody or any party in particular. Certain figures have come out that in some Assembly, more than 300 members are supposed to be having criminal record. So, merely by a resolution of this House, merely by enacting certain laws, adding certain Clauses in the People's Representation Act, this evil cannot be eliminated. For eliminating the muscle power, is is most necessary that all major political parties should rise to the occasion. It is a clear challenge to the leadership qualities, to the political morality of this country. And we should be careful; the major political parties and their leadership should be careful and to

take serious note of these developments. Otherwise, the entire electoral process will go into shambles. It is going into shambles and we are seeing unruly elements coming out everywhere on all occasions.

With these words, I support the Motion moved in this House by Mr. L.K. Advani and request the Government to consider his suggestion very seriously and come forward to this House with an adequate legislation so that we might be able to hold free and fair elections in future.

Thank you for bearing with me for about twenty minutes. I am thankful to the Members who have listened to me with patience.

[Translation]

SHRI MITRA SEN YADAV (Faizabad):
Mr. Chairman, Sir, I am grateful to you for providing me time to participate in this debate.

Sir, our parliament is an illustration of democracy in the world. We are today discussing as to how democracy and its foundation could be strengthened and how inherent shortcomings in the constitution of parliament could be removed. The issue of bringing about reforms in the electoral system is very important and serious one. While considering it, 3-4 points need to be kept in mind so that the electoral system would be reformed.

Firstly, the Election Commission needs to be completely re-structured. The system cannot be reformed until and unless an independent Election Commission is constituted and bunglings in the voters list prepared by primary school teachers and Lekhpals stopped. In a democracy like India, a voter who is alive, cannot cast his vote only because his name is not listed in the voter list by Lekhpal or the teacher, while on the other hand, those who have died are still in the voters list. This is the worst example of this system. There should be an independent agency for the preparation of voters list and the highest body, i.e. the Elections Commis-

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sion should also be an autonomous agency. I agree with Shri Mandhata Singh who said that the election should be based on ideology and not on the personal traits of an individual. Today it is not ideology but persons that are elected and when persons are elected, it gives rise to personality cult, casteism and communalism and money and muscle power start playing their role in elections. This is the reason that the person who is most powerful in money and muscle power in a constituency, adopts every corrupt practice. In such a situation, the people are not allowed to cast their votes as they are terrorised through murderous assault, looting, beating of the people and booth capturing. Therefore, symbols are not voted for, it is the persons that are voted for, and when the votes are cast in the name of the persons, it gives rise to all sorts of evil practices in our election system. So the elections should be held on the basis of proportional representation and the Parliament should also be constituted on this basis only. This system should be introduced in our country.

Sir, the second issue is that of the identity cards. When we go to cast our votes, we come to know that some body else has already cast the vote in our name. There is no check to apprehend such a person. Therefore, identity card is a must. This will be the most solid proof with the voter. If a person who is enlisted in the electoral roll goes to cast his votes with the identity card with his photograph affixed thereon, then only genuine voting can be ensured.

The third point is that the voting should be made compulsory for the eligible voters. There should be a law under which voting should be made compulsory. Action in the form of fine or in some other form should be taken against the people who do not cast their vote so that one cannot avoid the elections. Sir, the social structure of our country is such that most of the people belonging to the poor strata of our society or backward and poor castes, Adivasis, Scheduled Castes or labourers are not able to cast

their votes according to their free will. There are some other inherent evils also due to which they are not able to make proper use of their votes. So we should evolve a system in which all the people can vote freely irrespective of their socio-economic status. For this purpose we should provide a guarantee to the poor people so that they can vote freely. So many weaknesses and shortcomings have crept in our election system and we should try to reform it by taking guidance from all such examples from the foreign countries, and also by taking into account historic developments and reforms. We should also take into account the evils in our election system and our experience about them as well and on that basis try to bring about reforms in our election system. If we have to reform our election system, it is necessary that the Election Commission should be restructured from top to bottom as an independent body and elections should be held on the basis of proportional representation among the recognised political parties who have their election symbols duly accepted by the Election Commission. It will help in putting an end to evil practice of personality based and communalised politics. Identity card system should be introduced and this is my suggestion that the work relating to preparation of electoral rolls should be entrusted to only an independent agency.

Before I conclude I would like to once again lay stress on my suggestions that identity card should be issued, system of proportional representation should be adopted and Election Commission should be made an independent body. If these four-five points are implemented, it will be possible to maintain the sanctity of our democracy and our faith will remain firm in our democratic set up. Sir, I thank you for providing me an opportunity to participate in this discussion.

[English]

SHRI CHITTA BASU (Barasat): Sir, I would not take much of your time. I have chosen to take part in this debate only to put

across certain suggestions and nothing else. As a matter of fact, the main thrust of the Resolution moved by Shri L. K. Advani was to point out how to fight the muscle power and the money power in our electoral system. That was the thrust of the Resolution. So far as the question of comprehensive electoral reforms is concerned, I think the new Government has taken certain initiatives in the matter. The earlier Government also had initiated the move. Different political parties, including the Election Commission, had made a number of suggestions for the reforms of the electoral system of our country, but the earlier Government could not make up its mind. Although they had assured that the Government-I mean, the earlier Government-would come forward with a comprehensive policy paper or a package programme and would have consultations with different political parties, but they did not. I think they had not the opportunity, or the electorate of our country did not give them the opportunity of producing that comprehensive package programme for electoral reforms. That apart, the cost of election has been increasing and that is a very serious problem for the people to take part in the electoral process. I have got certain figures to show how the election expenditure has gone up year by year, not only on the part of the political parties or the candidates but also on the part of the Government. I have got some paper to suggest that the Election Commission this year has computed a figure as to the cost the Election Commission is to bear to conduct the elections. It says: "This year"-that is, in the last Lok Sabha elections-"the Election Commission spent Rs. 330 crores, which comes to Rs. 3.50 per voter"-that is the cost of the Election Commission-"against sixty paise per voter in 1952 and Rs. 2.20 in 1984." This is only a fraction of the total cost and this cost, bear it in mind, is borne by the Government, and this cost is also escalating year after year. The Election Commission have also come to the conclusion that this year-I mean, in the last Lok Sabha elections-more than Rs. 1,000 crores have been spent only on the Lok Sabha elections in which 6,084 candidates took part. You can very well understand that our country overborne the

cost. It had to spend a big sum of Rs. 1,000 crores for conducting the elections. My friends on the other side would be very much annoyed with me if I also give some figure as to the amount the Congress Party spent during the last elections. It is said: that the AICC's publicity budget alone was to the tune of Rs. 75 crores, and the massive total would be major dent it has been ever. AICC publicly issued that they had prepared a budget of Rs. 75 crores. They have got the money, they can spend... (*Interruptions*)

SHRI HARISH RAWAT (Almora): Never has any AICC bulletin said that. We never spent that much money. You are probably quoting from some newspaper.

SHRI CHITTA BASU: That is a newspaper report. Anyway, you did not spend a single pie. But this is what they say that the AICC had a budget of Rs. 75 crores for the publicity campaign. My point is not about the party or the individual who spend for elections and for whom? But the question is: can democracy effort to allow the parties the system to hold election on the basis of this cost and in order to fight this, in order to remove this danger, the proposal of State funding for election purposes assumes greater significance and I hope that the Government will consider this point.

Now, Sir, there are drawbacks in the system also. I do not say that it is a fool-proof system. For that, I want to make some suggestions. Assuming that the Government will agree to the proposal of State-funding for elections, I think the money should not be given in cash for that purpose. The Government should agree to supply all the raw materials like papers, equipment for campaign, vehicles, posters, banners, printing of voters slips etc.

PROF. N.G. RANGA (Guntur): What about the cars and petrol?

SHRI CHITTA BASU: Yes, they should give them. But there should be a monitoring system as to whether these materials are being properly used by the candidates. In

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order to meet that contingency, my suggestion is to set up an independent organisation to monitor the uses of these materials

Thirdly, now the parties can also contribute in addition to whatever has been given by the Government by way of State-funding for election. There should be some kind of consensus among the Parties on the ceiling of the election expenditure inclusive of these materials given by the Government. In order to put more restriction, there should be a legal provision for prompt disqualification for the violation of any for the conditions for State funding and also the consensus of all the parties in regard to the ceiling of election expenditure. There should also be a legal provision to see that steps be taken to ensure that the State funds are not used as an additional resource over the above any other source of fund

Sir I was listening to the speech of Shri Sathe who rather suggested that our entire electoral system should be changed and should be changed to that of the Presidential system. Sir, I do not like to take much of the time of the House to put forth my arguments against this suggestion. I think the Indian condition is not suitable for such a system, which is called the Presidential system in our country. There are various reasons for that. A Country like India's size, India's culture, India's peculiarities, India's ethnic problems, India's other problems will not find it suitable for adopting such a system and I think it will not create a condition conducive for the Presidential system.

Lastly, Sir, there is another proposal. Earlier our electoral system was more or less of simultaneous conduct of elections to the State Assemblies and Parliament. The elections were held simultaneously and that process is disturbed that process is upset now. Now, there are separate dates for holding elections for Panchayats, separate dates for holding elections for the local Self-Government, separate dates for holding elections for the State Legislatures and separate

dates for the Parliament election. Holding the elections in this way increases the cost. And I think we should revert back to the earlier system of holding simultaneous elections in all the elected bodies in the country. If it is possible, I would suggest, there should be a simultaneous elections right from the panchayat to the Parliament and that will give a pattern of political affairs, that will give a particular pattern of power in the country right from the bottom to the apex level. This will not only set up a particular pattern in accordance with the verdict of the people, but it would also reduce to a great extent the cost of election and also the social tensions that are engendered during the course of election campaign and that will also reduce to a great extent the other evils which we are confronted with today during the election campaign and in other affairs also.

[Translation]

SHRI SURYA NARAYAN YADAV (Saharsa) Mr. Chairman Sir, all of us have been elected to this house after contesting the elections and we have found that there is bungling during the elections at every place and specially the ruling party resorts to the un-fair practices. Prior to this election, we had also contested the Assembly elections and whenever we went to the people to seek their votes, we found that the ruling party used to take some advantage with the complicity of the local administration. Therefore, election reforms are very essential. Many experienced MPs have put forward very good suggestions. I would also like to give one or two suggestions. First of all, there should be a ceiling of expenditure for Lok Sabha and Assembly elections. The Election Commission has given a suggestion for fixing a specified amount in this connection and said that so much of amount should be spent in a Parliamentary constituency, but we have seen that the ceiling is never observed, nobody cares for that ceiling and the candidates who are elected or who are defeated, prepare some vouchers and submit the account of election expenses and that account is accepted. This means that we have not been able to put any restrictions on

election expenses.

Secondly, I would like to submit that a Parliamentary constituency comprises of every large area, whereas the police force in a district is very insufficient in comparison to the population of the district. I would like to give an example that the population of a block is generally 1.5 or 2 lakhs, whereas the strength of police personnel in a police station is only 20-25. I have not been able to understand so far as to how the district administration is able to hold election with the help of such an in-adequate number of police personnel. The members of some political parties resort to lathis and hockey sticks and believe in the principle of 'might is right.' The villagers do not go to cast their votes as they are terrorised by the persons having rifles and bombs. Even the polling officers and presiding officers flee from the polling booths to protect their lives. Booths are captured in this manner during the elections. I would, therefore, submit that keeping in view the holding of elections in a smooth manner as also on humanitarian grounds, the strength of force must be augmented. It would have three benefits. It would provide employment to the unemployed, survey work would be undertaken at block level and elections would be held in a proper manner with the help of police force. Fourthly, I would like to suggest that at present, a Parliamentary constituency comprises of 6-7 Assembly constituencies, I would like to suggest that a Parliamentary constituency should comprise of only three Assembly constituencies. Mr. Chairman Sir, I have been elected from Bihar. I would like to submit that a Parliamentary constituency comprises of 24 to 28 lakhs of voters as the population of a district in Bihar is generally 24 lakhs to 28 lakhs, whereas the strength of police personnel in the whole of district is only 50 or 100 police personnel. Therefore, the area of the Parliamentary constituency is required to be reduced.

Mr. Chairman, Sir, I would also like to submit that all the political parties distribute the tickets on caste basis. Yadavs are given tickets in a Yadav dominated constituency

and tribals are given tickets in a tribal dominated area. This should not happen. I would like to urge upon the leaders of the opposition parties as also CPI, CPM, BJP and Prime Minister that tickets should be issued to a person belonging to the minority caste and only then booth capturing can be checked and there could be proper election reforms. It is a very peculiar situation in our country that booth capturing is resorted to even in Amethi which was a Parliamentary constituency of the former Prime Minister, Shri Rajiv Gandhi. When booths are captured in the constituency of the Prime Minister, Election Commission cannot dare to bring about any election reforms. Therefore, what is required today is to make the Election Commission really independent so that is not influenced by any individual or a party. Only then such an independent organisation would work properly. At present Election Commission has to work to please the ruling party and it hesitates to bring about any reforms in the elections. With these words, I express my thanks to you for giving me time to express my views.

SHRI HARISH RAWAT (Almora): Mr. Chairman, Sir, Election laws are the Gangotri of our political system, because politics and political system have their roots in the elections. If we do not clean this Gangotri and allow all sorts of evils to creep into it, the political system would also be gradually polluted. The resolution moved by Shri Advaniji in this House reflects and concern of all the members regarding the electoral system. There is one lacuna in the resolution. Hon. Shri Advaniji has said that this House should consider as to how the money and muscle power could be eliminated from the elections. I think that if he would have added in the resolution that step should be taken to eliminate the electoral system and elections by religious slogans as also religious and caste influences, this resolution would have appeared to be a complete resolution. It is fact that at present elections are influenced more on the basis of religions and castes then by money and muscle power. During recent Lok Sabha elections defeat and victory of political parties has been

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decided by religious slogans at many places. Most of the members sitting on the opposite side had been elected due to religious slogans. We have seen that candidates seek votes in the name of religion or religious places and some candidates seek votes by putting on religious robes. There are many political parties which are based on religions. The present Punjab problem has been created only because some political parties were allowed to be formed on the basis of religions. The situation has worsened so much that many political parties in the country have been formed on the basis of religious slogans and religions and it has become very difficult to control them. On many occasions a demand has been raised in this House and outside the House to separate politics from religions. A ban should be imposed to contest elections on the basis of religions but there has been lack of will to take a decision in this regard and that is why even though the members of ruling party and the opposition have been putting pressure and they are willing for such a step but we have not been able to put a ban for contesting the elections on the basis of religions and religious slogans. I would like to put forward the second suggestion that a ban should be imposed on the formation of political parties on the basis of regions and parochial slogans. Shri Mitra Sen was saying very correctly that the political parties should be formed on the basis of ideology. There may be individual oriented politics in democratic countries and as ours is a developing country and if individual politicians do not come forward in developing countries the entire country may not follow their path. This may create many difficulties and obstacles leading to political instability. The leadership of one individual in politics may be a good sign also as there are examples of many countries. Till Indonesia, Egypt, Ghana were led by individuals having great personality and high character, the political system of these countries functioned very well and as soon as these politicians left the political scene dictatorship was established in these countries leading to many obstacles and difficul-

ties. But I am completely in favour of formation of political parties on the basis of ideology. The party should explain to the people the policies on which they would govern the countries. They should also explain their economic policies and social policies. But the difficulty is that some parties are formed on the basis of one particular union and candidates contest elections on the tickets of such parties. Telugu Desam party is a burning example of this fact. This party did not have any political ideology and members of this party were elected to the House by inciting the feelings and emotions in a particular area and formed the government in a state, we are observing these days that this tendency is gradually growing at all the places. Political parties of All India level are becoming irrelevant at many places and their importance has been going down. Therefore, a ban should also be imposed on the regional parties to arouse emotional feelings. We would have to amend our election laws to ensure that no political party is formed on the basis of regional slogans. If there is already such a party, it should be told that it would be recognised and be allowed to contest next elections only after it gets certain percentage of total votes during Lok Sabha elections. If the parties do not get a fixed percentage of votes, they should not be allowed to contest the elections.

Mr Chairman, Sir, so far as the question of controlling the money power is concerned, our intelligent friends have put forward many suggestions. Those suggestions are very important and I support them. I understand the seriousness of the effect of money power and unless importance of money power is not checked in a democratic system, the people working among the masses will not be able to enter this house and only those members would be elected to the house who would be able to influence the voters during the last days of election campaign with the pomp and show of money power. This would adversely affect the representative character of our parliament. If the Government has sufficient funds, we would demand that the Government should seriously consider the question of state funding of elections by

curtailing the outlay from other sectors. The Government should make allocation for state funding of elections. The Government should bear the entire expenses of elections. When there is state funding of elections, voting should be made compulsory for all voters. Facilities should be provided only to those citizens who cast their votes during the elections. At present a very meagre percentage of votes are cast in the elections and even those votes are divided among five or six political parties. Under such a situation, the members who are elected do not have any contact and rapport with the voters. Therefore, casting of votes must be made compulsory.

The elections of municipalities and panchayats affect the very foundation of our democratic system. There are very few states where elections to panchayats or municipalities are being held regularly or in time. I would like to urge that whenever we consider the question of holding the elections to Lok Sabha and assemblies, we should also make it a constitutional obligation for the state Governments for holding timely elections to panchayats and municipalities.

A reference has been made to the influence of muscle power. Many of our friends and Shri Yadav were speaking about it in great detail. The question today does not concern either to Amethi or any other constituency. The question is as to how long the muscle power would continue to affect the politics of the country. If the muscle power continues to affect our politics in this manner, the situation may come when only Mafia Kings would be elected to the house and the persons, representing masses and having the knowledge of the sufferings and difficulties of the people will not be able to enter the House.

SHRI MANIK SANYAL (Jalpaiguri): Such members have already entered the House.

SHRI HARISH RAWAT: If such mem-

bers have been elected to the House, this is a matter of great sorrow for us. The use of muscle power was first started from Baghpat in Uttar Pradesh. I do not want to refer to the name of the leader who initiated it. Earlier the aspect of booth capturing in the politics of our country was an unknown factor. If we try to find out as to how and from where this factor started, we would find many such faces who are sitting in the opposition responsible for it. But Meham assembly elections is an example in itself. The Meham assembly election is a burning example of the serious malady which is affecting our political system. The wounds have been effecting our political system, but among those wounds, the Meham elections has proved to be a cancer... (*Interruptions*) These are not my words, but honourable Shri Atal Behari Bajpai has uttered these words, in Shimla. Therefore, the members of BJP should not have any objection to these words. Mr. Nathu Singhji you should ask your leader not to utter such words. I am quoting only his words. The wounds have grown in our political system with the help of money power and muscle power. The Meham elections has proved to be cancer in our political system where not only muscle power was used, but even the Government and the persons in the power tried to win the elections with muscle power and when the entire country protested against such an use of muscle power and the people showed that election cannot be won. I am very sorry to say that efforts were made to influence the election commission and an atmosphere was sought to be created and as result the entire election was cancelled. Therefore, it has become very necessary for all of us to consider as to how this malady could be cured from our political system which has grown like cancer in Meham. This malady requires a very competent surgeon. All the political parties will have to give serious thought to this problem and extend their help and support. Only then we would be able to curtail the use of muscle power. With the use of muscle power, caste influence is also used which is evident during the elections held recently in Uttar Pradesh and Bihar.

[Sh. Harish Rawat]

[English]

(Interruptions)

You may kindly ask Mr. Mitra Sen Yadav. He will endorse whatever I am saying here.

[Translation]

Alongwith the use of muscle power in Uttar Pradesh and Bihar, caste factor is also used during the elections. I am very sorry to say that the feelings are aroused in the name of a particular caste and people are asked to use muscle power in favour of particular candidate. People are asked to capture the booths and are provided support. We would have to consider this problem very seriously. Hon. Shri Yadav has given a very good suggestion that all the political parties should develop a convention that the candidates belonging to a minority community or a low caste are fielded as candidates during the elections so the use of muscle power in the name of caste is eliminated and booths are not captured by the people of majority community.

In the end, I would like to submit that delimitation work has not been undertaken for quite a long time.

[English]

It has become overdue now.

[Translation]

The Government should give serious thought to this task and it should come forward to take actions in this regard. All the reserved constituencies should be rotated. If a constituency has been kept reserved for two terms, it should not be kept as a reserved constituency for a third term. It would have a very healthy effect in the development of healthy politics in that particular constituency. The delimitation of Assembly constituencies or Lok Sabha Constituencies should not be based only on population, but the area

of the constituency should also be taken into consideration. In Bikaner parliamentary constituency and in my own parliamentary constituency, there are two districts, one of which is considered to be among the three or four largest districts in the country. In such a Parliamentary constituency, it is very difficult for an elected representative to contact all the voters and to listen to their sorrows and sufferings. Even if I try honestly to reach every village in my constituency, it would take at least five years. I can reach there only when I do not come to Delhi to attend Parliament Session. Similar is the situation in many Assembly and Lok Sabha Constituencies. The development blocks in my constituency are double the size of an Assembly constituency. We should think seriously about this matter. If delimitation work cannot be undertaken with regard to Lok Sabha Constituencies, delimitation must be undertaken for Assembly Constituencies. MLA has direct link with the problems of the people, like drinking water problem, hospitals, schools and such other requirements in the area. When the size of the Assembly Constituency is very large, it becomes very difficult for an MLA to attend to the problems and sufferings of the people in his area and a result proper development of that area is not undertaken under his leadership. I would, therefore, urge upon the Government that atleast a beginning should be made from Uttar Pradesh. A demand for division of Uttar Pradesh is being raised these days, because people in many areas of Uttar Pradesh feel that their voice is not properly heard in the large UP Assembly. Their problems and sufferings are not properly raised in the UP Assembly. Therefore, delimitation of Assembly constituencies in Uttar Pradesh should be undertaken in such a way that the number of Assembly constituencies in UP and specially in the hilly areas of UP is raised and the size of the Assembly constituencies is reduced.

Ultimately, I would like to urge the Government through you that by holding the all party meeting for considering the amendments in the election laws, a good beginning has been made. Such meetings should be organised in future also. Irrespective of party

affiliations, we would have to consider as to how healthy political system could be developed. We should give suggestions without prejudices or political interests. We should help the Government. We do not say that Government has said that there should be state funding of elections and money should be provided on the eve of elections. We do not want to put Government in a difficult situation. We should try to create a national consensus and on that basis strengthen the hands of the Government so that there could be reforms in the elections laws.

With these words I conclude my speech.

[English]

SHRI PIYARE LAL HANDOO (Anantnag): Sir, the Resolution, discussion about which has been initiated by our esteemed leader of the BJP, is one which, if I may say I am hereby opposing it, perhaps, will unleash a war between orthodoxy and heterodoxy. Our electoral law has been on the statute Book since 1952 immediately after we declared ourselves to be, in terms of the Constitution, a Republic on 26th January, 1950. It is true that from 1952 elections to-date we have noticed certain malpractices coming into the electoral process. But as a student of this basic laws, I would urge upon all the Members of this august House to ask a question: Which is the provision of the Representation of the People Act which is responsible for any of the malpractices conducted or seen or experienced during the electoral process? Which is the provision of the Representation of the People Act which has introduced, what my esteemed colleague Shri Advaniji has called the muscle and money power in the electoral process? Can we cite a single provision from 1 to 135 of the RPA which says that a political party must organise muscle power to win elections or, which says, that a political party must strengthen itself in terms of money to win elections? It is a fact that electoral law prohibits these things. In fact, it says, in very positive terms that such a thing should not be done. But still it is done. We must know where is the ailment. Why do we do it? Each

one of us should ask himself a question as to how much did he spend to win this electoral battle in his own constituency? Did I obey the mandate of law either myself or of my party which gave me the mandate? The answer must be an affirmative no. There may be exceptions, I cannot deny. But exceptions will prove the rule that the ailment flows not from the letter of law, not from the mandate of law, but actually from what we political activists have done of the electoral processes.

As a student of law if you go through the history of election petitions in the country not only from 1952 to 1990, but ever since the first elections under the Constitution of 1919 and later under the constitution of 1935, you will find that if the complaints have been made against the electoral process they have been against breaches made by the candidates of the mandate of law; and not because of the mandate of law or because of the letter of law. I do not want to give examples.

In 1967 we had in my State what came to be known as historic electoral battle. That was the first year in the history of J & K, when the All India Congress Party had been formed in 1965 and National Conference having chosen to maintain its identity, that there was a possibility of an electoral battle in all the 76 constituencies of the State a National Conference man opposing a Congress man or in the Jammu Province, a National Conference man opposing a BJP man and a Congress man together. You have not to strain your memory much and you will know that out of 76 seats, 22 elections results became known on the date of scrutiny itself by massive rejection of nomination papers of everybody who belonged to National Conference. The Congress party won 22 seats on the table of the Returning Officer.

Hallowed be the memory of Justice Gajendragadkar, under his presidentship a Commission of Enquiry was set up; not about the electoral battles, not about the 1967 elections, but about the general mal-adjustment of Kashmir society. Lo and behold!, the

[Sh. Piya Lal Handoo]

accusing finger pointed towards the method and methodology as one of the reasons therefor, and said—those words still echo in my ears—about one of the Returning Officers who was an IAS officer—not proper to name him—that no civilised country can suffer such civil servants on its service if they deal with the electoral matters in the manner in which he is proved to have done.

Again I am only trying to bring out the point that there was nothing wrong with the letter of law, nothing wrong with the mandate of law, but everything wrong with the practice of political parties, everything wrong with the conduct of returning officers, everything wrong with the man who handled the law.

In our own country which has a fragmented humanity, we have not to travel far. We have the classic example of the election of Madam Indira Gandhi getting vacated in 1975 or so. Again you will find the reasons given by the judge were not that there was some defect in the letter of law, or that there was something wrong in the mandate of law. In fact the law had to be changed later after the judgement was given to bring it in conformity with my conduct, with my behaviour and with my work.

So the right moment perhaps in the Indian society has come when political parties must of their own convene a seminar and answer one question—why do we defy the electoral law? Why our practice is such that I cannot keep faith in what I have given unto myself as the electoral law? After the Constitution, which is the organic law, it is the electoral law, which is the basic law—I do not call it organic law, because Constitution is the organic law. But none-the-less, the basic law which is ultimately responsible for the creation of these legislative Houses including this august House is the Representation of People's Act. But why is that I, as a political activist or a member of a political party feel pleasure in defying this law? who will be happy to defy this law? Sir, we have seen that immediately after the elections—

without naming him—one of the elected Members got sentence to life imprisonment, which means that, during the course of the election process, at the time of filing the nomination papers, he was an accused, facing trial for murder. We have also seen very recently, at the last elections that a MLA, duly elected legislator was convicted to six years imprisonment for cheating, which act he committed even before the filing of his nomination papers or getting the mandate from the political party. The case was being argued when he got the mandate from the political party. Do you expect that muscle power can not as such be there to win the election? The purpose for the political party is to win the election. After all, why is that in England conventions are followed and here we do not follow even the letter, much less the spirit of law?

Then, about the election expenses statement, when we file our election expenses statement, either of our own or of our party, we are under an oath to speak the truth or in other words, as citizens of this country, under an obligation to speak the truth. It has to be filed immediately after the election, but we do not speak the truth when we file it. The law requires us to record expenses and file them after the election. Do we say that we must change the law when the law does not require us to spend more? After having spent what we have, we file a statement saying that we have spent much less. It may not be true in exceptional cases. But those are exceptions rather than the rule—the rule being that all of us spend more than the law permits us to spend and in filing the statement we do not speak the truth. Does the law require to be changed to undo this practice? We must make it a word of honour to respect our law and we should live by our laws and not live over our laws. We must not find ways to defeat the provisions of law, to breach law. It is true that sometimes we do get overwhelmed and we seek easy escape routes. Here, often we go wrong. We have changed our Constitution many times; we have changed our Representation of People's Act many times. Whether we like it or not, we have enacted the Indian Penal Code, in the

earlier part of in the Century. If it is so, how is it that we have not required to change this law so far? Muscle power is still there during elections. It can be given a go-bye, if each one of us remember that we call Mahatma Gandhi as the Father of our Nation. We call him so and remain content with that. After calling him so, we are doing what we have already decided to do. In today's elections, and the electoral alliances or adjustments, which is the latest part of our electoral sign, we forget the ideologies. But arithmetical mathematics is more important, how to defeat the candidate becomes more important; how to win the elections becomes more important. We had talked of ideologies in the early 60s and 70s. These days we do not talk of ideologies, particularly in the kind of political set up that we have chosen to give ourselves. We hear of malpractices in the electoral process which is not the result of any law, but the result of manhandling that law. No change of law is required to save us from such phenomenon. I have been a student of Marxism and at that point of time, priority was for ideological rigour which was the causality, during the course of these electoral adjustments and alliances. The electoral arithmetic is such that we see, even the CPM is defending the indefensible because of compulsions of electoral arithmetic. But, none the less, they have to do it because they have to win the elections, to keep somebody away. What am I sacrificing at that time? I am sacrificing what should have been my core. What should have been my core is my ideology. In the kind of electoral alliances we are in, we say, "What is it that takes precedence? What attracts high priority?" My humble submission, therefore, is: kindly beware. Let us wait. Now, Government of India has appointed a committee for electoral reforms. Let us wait and see what the collective wisdom of that committee brings ultimately before us. And after due consideration, let us adopt for ourselves changes in the electoral laws which are necessary. But think twice before you change this system of the electoral process. It is true that West Germany has something known as List System and Election funding as you call it. Give it any name. But don't be enamoured of

this system. Be true to your system. If it is to be changed, it should be changed as a result of our reality that it has not worked. My humble opinion as a student of social science is that it has not betrayed us so far. It has stood the test. It will certainly be an instrument for complete social change which is needed in the country. I thank you for having given me the opportunity to say this much.

[Translation]

SHRI RAGHAVJI (Vidisha): Hon. Chairman, the issue of electoral reforms raised by Shri Advaniji in this House is the need of the hour. Elections are being held in this country since 1952 and at the time of enacting election laws efforts were made to see that there are no shortcomings in those laws and elections are not won with the help of money or muscle power. But the provisions made are not adequate and that is why various shortcomings came into those laws.

During the elections held in the past few years the words with the initial letter 'M' have played a vital role—Money, Muscle, Machinery and Mischief. With the help of these four 'Ms' Congress used to win elections continuously. Whenever elections are held, these forces pay their role openly. Therefore, it is necessary to check these forces. The present provisions are inadequate. That is why Shri Advani has raised this issue.

First of all, I would like to say that the number of polling booths should be increased. At some places one polling booth covers 6, 7, or 8 villages and their distance ranges between 3 to 6 kms. The list sent by the Returning Officer shows a distance of only 1 1/2 kms, whereas actual distance is 7-8 kms. In order to bring large number of voters to the polling booths, the political parties try to vie each other and they make use of motor vehicles for this purpose and spend huge money on this count. I, therefore, would like to submit that a polling booth must be set up in a village having a population of more than 300 people. I am fully in agreement with the view that there should be

[Sh. Raghavji]

state funding of elections and this state funding should be partly in the form of cash and partly in the form of material. For instance, four copies of electoral rolls should be supplied to each recognised political party free of charge. At present only two copies are being supplied to them. Instead of two copies four copies should be supplied to them. Besides, each recognised political party should get voters' slips in respect of all the voters. A lot of amount is spent on purchase of paper and printing of these slips. The voters' slips duly printed and filled up should be supplied to only recognised political parties not others. In addition, Government should supply paper for pamphlets and posters and this paper should be of specific colour and quality. Except these, no other posters and pamphlets should be allowed to be printed. This will result in reduction in election expenses and only that much number of posters and pamphlets will be printed for which paper is given. Uniform distribution of paper among all the political parties should be ensured and no discrimination should be shown in this regard. Amount in cash should be given to meet the loudspeaker and transport expenses. The election expenses should be met by the Central Government and the respective State Government. Under the existing system in one Parliamentary or Assembly constituency about one dozen candidates and sometimes more than 100 candidates contest election. The security amount for an Assembly seat is Rs. 250/- and for a Parliamentary seat is Rs. 500/-. This limit was fixed in 1952. The value of Rs. 500/- of that time is now Rs. 10,000/-. Therefore, the security amount for an Assembly seat should be Rs. 5,000/- and for a Parliamentary seat it should be Rs. 10,000/-. This limit may not apply to all recognised political parties but this limit must be there for independent candidates. Besides, it should also be provided that those candidates, whose security is forfeited, should not be allowed to contest any election for a period of next 6 years. They should not be allowed to contest election for Municipal Committees or any local body. It will result in reduction of num-

ber of candidates as well as of those who stand in election for horse trading or political gain only.

At present two tier system exists in the country. State Assembly does exist in all the states whereas in certain states State Legislative Council also exists. This dual system should be done away with. There is no need of Legislative Councils, as these are a huge burden on Government.

Therefore, Legislative Councils functioning in various states should be abolished. Instead, a provision should be made to associate one fourth Members of the elected Members belonging to each party in the House. The persons, who are not able to win elections but are influential and can give their contribution in the development of the state, should be associated, by making a provision of 25 per cent. It should be made essential for every person to cast his vote and in case of failure a fine of Rs.500/- should be imposed on him. As a result all persons will cast their vote and one will be able to know as to what the people actually want. For polling purpose a ban should be imposed on the use of all motor vehicles except government vehicles, state roadways buses and railway trains. The Election Commission has set up certain norms but these are not getting statutory status. After declaration of elections there should be a ban on new appointments and transfers. But these norms are not adhered to these days in the absence of statutory status. Therefore, a statutory provision should be made that after declaration of elections no new appointment and transfer will be effected. Besides, no foundation stone should be laid or no inauguration ceremony should be held. In addition, Assembly elections and Parliamentary elections should be held simultaneously. In the recent elections the interval between Parliamentary elections and elections for certain State Assemblies was two months only. The Congress Government did not hold assembly elections alongwith Parliamentary elections despite recommendation of the Election Commission because it

benefits the ruling party. I am of the opinion that Parliamentary and Assembly elections should be held simultaneously as far as possible. Reserved constituencies should be rotated. The non-reserved constituencies should be made reserved. Publicity and propaganda on video should be banned. I further demand that Congress Party should not be allowed to use tri-colour flag during election campaign. Since our national flag has three colours, generally a misunderstanding generates among the illiterate rural people that government and party are one and Congress Party has deliberately taken political advantage of it. Keeping this in view the use of tri-colour flag by Congress Party during election campaign should be banned.

Mr. Chairman, I would like to say one thing more and then conclude. After the elections the defeated candidates file election petitions in courts which are not disposed of for a very long period. Sometimes, the entire period of 5 years passes in this process. A number of such cases pertaining Lok Sabha and Madhya Pradesh Vidhan Sabha have come to light in respect of which no decision has so far been taken. In my opinion an election petition should be disposed of with a period of 6 months. The system of bye-elections should be dispensed with. Only that person belonging to a particular party, who has won so and so seat, should be permitted by that party to contest Lok Sabha or Vidhan Sabha election. By doing so unnecessary expenditure will be curtailed. Many many thanks for you, Mr. Chairman, for the opportunity given to me to speak.

[*English*]

MR. CHAIRMAN: We have already exhausted the time allotted for this discussion. I want to know whether all of you are interested in extending the time further for this. I am having a long list of Members, who want to participate. The topic is also very interesting. Can we extend the time by two hours? There are yet thirty Members who want to speak.

AN. HON. MEMBER: Today is Friday.

MR. CHAIRMAN: Yes, we are adjourning at 6 O'clock.

SHRIMATI BASAVA RAJESWARI (Bellary): Let us extend the time by two hours.

PROF. N. G. RANGA (Guntur): Yes, by two hours.

SHRIRAM NAIK (Bombay North): Those who are present in the House and have yet to speak, may be allowed five minutes each. We can extend the time for this by two hours.

MR. CHAIRMAN: All right; the time for this discussion is extended by another two hours.

The House will adjourn at 6 O'clock and before that we will take up matters under Rule 377.

Now, Mrs. Malini Bhattacharya.

SHRIMATI MALINI BHATTACHARYA (Jadavpur): Mr. Chairman, Sir, we are at the tail-end of the day and I would try not to repeat the points already mentioned and would confine myself to a few points. xyz

I think, on certain points, like how to reform the present polling system there has been a certain degree of consensus. For instance, Proportional representation, has been accepted to a certain extent, though not altogether. There is another point, i.e. State funding of elections, on which I think there is a general consensus. Along with State funding, there should also be a complete ban on funding by companies and by big capitalists. There should be a complete ban on this.

Now, I think there is no need to go into details on these matters. However I would like to say a few words on the background of the present situation which is leading to so much discussion about the poll reforms. We have, as a matter of fact this situation where-

[Smt. Malini Bhattacharya]

as the resolution says—money power and muscle power play a very big role in our elections. Now, I would say that this in fact is inevitable in a situation where money power—and as you know muscle power can be bought with money power—is concentrated in a few hands. We have this display of money power in every sphere and it is not unnatural that there is a display of money power in the elections as well. This has been there, I think as a marginal phenomenon, even from the beginning of the elections in India. However, I would like to say that it started becoming a big problem at one point of time when we found that the largest ruling party, i.e. the Congress Party and later the Congress(I) Party, started losing its popular base. That was the time when the large scale of criminalisation of politics also started. I would say, that whatever evils we found later—rigging, booth capturing, terrorisation of Opposition parties, terrorisation of the electorate of all these things we had a dress rehearsal in West Bengal in 1971-72. I think what happened later in Tripura in Mizoram in Amethi or in Meham, all that was anticipated, foreshadowed in West Bengal in early seventies. And I think this was precisely when in West Bengal the largest ruling party in the country was about to lose its sole authority.

After that, of course, in 1975 we had the notorious election laws Amendment Act about which the hon. Shri Handoo has spoken. In 1977 the Election Commission had made a suggestion that all contributions by companies should be banned and in defiance of this suggestion of the Election Commission, in 1985, donations up to 5 per cent of the overall net profit of the companies in the last 3 years was allowed. This was another compromise which was made in 1985.

The other point that I wanted to make has in fact been brought in by others also and that is the increasing communal slogans that have been heard in the situation of elections these days. This has been a sinister feature and the communal issue is coming to have an increasing role in elections. Of course,

this is legally prohibited. Our election laws and our election conventions prohibit this. Yet in the last Lok Sabha elections, we saw this going rampant. The Ram Janmabhoomi-Babri Masjid issue became a central issue in the last Lok Sabha elections. We found the evils of communalisation of politics come to the forefront. I would like to say that this communalisation of politics also involves criminalisation of religion. I am myself not a believer, but I am sure there are many genuinely religious people in this House who would all agree with me that this criminalisation of religion or politicisation of religion—whereby religion becomes a stick to beat other people with—is vitiating the atmosphere in our country today. All religious people I think would agree with me that this should not happen. Very stringent measures should be taken about this.

Lastly, I wanted to say this. We have seen the influence of communalisation of politics in Punjab. We find how terrorism has spread. How there has been a confusion of political issues with religious issues in Punjab. But I would also like to say that the fear psychosis that is generated among the minorities, in what we boast of as a secular country, is because of certain increase in the aggressive attitude of the majority community. The intolerance of the majority community, the aggressiveness of the majority community finds its reactions in a kind of a mirror image in minority fundamentalism. Majority fundamentalism breeds minority fundamentalism. I think very stringent measures should be taken against this. I agree on this point entirely with the hon. Member on the Opposition bench. However, I would also like to say that it was tragic really to see Dr. Frankenstein being chased by the monster of his own creation. I would certainly say that. Because, the erstwhile ruling party had a very big role to play in this communalisation of politics that is vitiating the atmosphere in our country, today.

PROF. SAVITHRI LAKSHMANAN (Mukundapuram): First of all, let me thank you for giving me this opportunity. As a newcomer to this house, Sir, I may commit

mistakes, but I am sure that you will forgive me, because I knew from my little experience, you are the person to save us-new-comers-or better I say the backbenchers in this House.

Anyway, let me come to the subject-poll reforms. I have a lot to say. Malpractices are done even in preparing electoral rolls. Some officials are entrusted to do this work. They have to collect the names, within the age limit, from door to door. But led by sheer politics, these officials include the names of those people who stand in favour of their political attitude. Whenever a new entry is to be made, they relax in the case of one who is in favour of their party. They may put the name of one boy or girl in the sweet seventeen or even in sixteen, though there is the rigid rule that only those who completed eighteen years will enjoy the right to vote. Unfortunately, some others who have completed 19 or 20 years are not in the electoral roll; the sole reason may be that he or she does not favour the party which the enumerator loves.

In my constituency, during the last Lok Sabha elections, there were a lot of experiences indicating this type of malpractices. So many aspiring sisters in some Convents were not included in the list, because the ruling party of my State believes that their votes may not be in favour of the Government. There were newspaper reports that the leaders of the Communist Party (Marxist) are ready to make friendship with those who are in a position to leave the Church and clergymen. That definitely means that my brothers in CPI(M) group were afraid of certain votes in certain circles, and they wanted to limit the number of votes from that particular circle as much as they could. So, my point is that illegal entries into the electoral rolls and purposeful omission from the same must be treated very seriously. Nowadays, of course, corrections are done if pointed out, after a strong fight. I think it is my humble request that those irresponsible Government officers who are doing this malpractice have to be punished. It is my humble wish that the preparation of electoral

rolls must be given much more importance. It is not a monkey-play.

Booth-capturing is a headache. I do not know exactly what happened in Meham. I knew it only through newspapers. But I know what was happening in my State, in the bye-election conducted during last February. Haripad, which was represented by my party, became a question of prestige to the ruling party, after their miserable failure in the Lok Sabha elections. So, all types of malpractices were done in that constituency, in order to win the seat for LDF.

Sir, in the forenoon session of the election day, things were to an extent Okay. But in the afternoon, even women polling agents were beaten up and admitted to the hospital. The situation would have been worse if the Congressmen, the true followers of Mahatma Gandhi, were not practising 'Ahimsa'.

Sir, I request the Government to issue orders for severe punishment to those who are involved in booth-capturing, not only in Haripad but in Meham and elsewhere in the country.

Again, it is written in the instructions in connection with the conduct of elections-I can quote some of them-"Don't make any gift or offer or promise of gratification to any person to induce another to stand."; "Don't promote or attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language." There is yet another rule: 'Don't publish false statements in regard to the personal character and conduct of any candidate.' But these "don'ts" are, in effect, in vain elsewhere in our country.

Coming back to the bye-election in my State, there were so many people in the ruling party, promising new water connections, electric connections, job opportunities, etc., etc. I think my words are not sufficient to express the dramatic ways they approached the people. In front of an old couple whose only son even though highly

[Prof. Savithri Lakshmanan]

educated, not getting a job, the way of approach was somewhat like this: "Oh! Uncle! (or Aunty, as the case may be) your son is not still getting a job? Please write an application immediately. I will look into it." You see there are, not 10, or 100, or 1000, but 10 lakhs of job opportunities per year according to the new Government's election manifesto. So the people blindly believe the words of the ruling party and they are ready to write application forms on plain paper and immediately submit it to the party leader hoping that they may get a suitable job on the next immediate opportunity and they are ready to vote for the ruling party. But where is the rule 'don't make promises?' When electric, telephone, water supply connections are given out of turn, just two or three days before the elections, nothing is happening in this Sovereign State. I think electoral reforms may take these factors too into consideration. It is a sorry state that even in the election of the office-bearers of Corporations, Councillors are kidnapped. Everybody including government admits that they are kidnapped and in the absence of these Councillors when the ruling party wins the seat it is not questioned. The result of the election is getting approval and the next day the kidnapped Councillors appear before the public. If they were there to vote, the result would have been vice-versa. To the best of my knowledge no legal action has been taken so far. You please fix a particular period within which election petitions have to be determined. Sometimes it may take five long years and what benefit will the petitioners get after such a long period? So also please restrict the number of irresponsible independent candidates.

I have to add one thing more. I can understand the alliance of different parties before elections. People are aware of the fact that such and such parties are grouped one, and, they vote for the group, they wish to rule them and after elections, without respecting the manifestos, those who fought each other, come in a line and sit together

and howl together, as we see in our House too. When the leader of the Janata Dal came to Kerala, the reception had to be organised by C. P.M. and B.J.P. People were wondering to see the friendship between C.P.M. and B.J.P. Excuse me for remembering one old story retold by the grandmas in our State. There was a period in Kerala when untouchability prevailed. At that period one Namboodiripad who is supposed to be born in a higher cast, met a low class young woman. The girl was too beautiful. Namboodiripad was in an urge to enjoy this girl. But he was afraid of untouchability and he said to the girl, it is told, "Dear one, please embrace me without touching me". This type of illegal embracement is done between C.P.M. and B.J.P. as they stand together in supporting Janata Dal. I think people are betrayed by this type of cooperation. If one party wants to support another in the formation of Government that too must be pointed out before the elections. What is the meaning of getting votes on one stand and sitting in the treasury benches with the support of those who had taken another stand? Those who fought for Ram Janam Bhoomi and Babri Masjid sit together in peace in this House and outside people are killing each other on the same issue. Sir, I request you to frame the electoral reforms considering this ground also.

Once again I thank you for your patient hearing and through you, Sir, to the whole House.

SHRI SYED MASUDAL HOSSAIN (Murshidabad): In her constituency, CPM captured the booths and even then she won the election battle. This is the joke of the day.

(Interruptions)

MR. CHAIRMAN: I am not allowing anybody.

(Interruptions)*

MR. CHAIRMAN: Shri M.S. Pal.

*Not recorded.

SHRI M.S. PAL (Nainital): Mr. Chairman, first of all I would like to thank you for the opportunity given to me to speak.

At the outset, I would like to say that while effecting electoral reforms identity cards should be issued in order to ensure that only genuine persons cast their votes. In this regard I would like to give an instance. In 1977 when Acharya Kripalani went to Meerut to cast his vote, it was found that someone else had already cast vote in his place. When someone else can cast vote in place of a great person and leader like Acharya Kripalani, what to speak of ordinary persons. Therefore, identity cards should be issued to voters. When hon. Prof. Ranga is sitting here and somebody else cast his vote in place of him, then it is a matter of great surprise. So, identity cards should be issued.

Secondly, polling booths should be set up at short distance so that people can easily come there and there is no need to use motor vehicle or other means of transport to bring the voters. If polling booths are set up in close proximity covering small population, booth capturing will be minimised as people are familiar to each other and have regard for each other. It can be a political initiative also.

Thirdly, the Chief Ministers, Ministers and some big union Ministers make use of government motor vehicles, helicopters, aircrafts and other means of transports. During the last elections I was a candidate from Nainital and I used to travel by road. It is a hilly area. For going from one peak to another in this area the Chief Minister used helicopter. I used to start in the morning and reached a particular place in the evening whereas the Chief Minister toured the entire area within two hours time only. If a person travels on foot or motor vehicle and another travels by helicopter, then how can a good practice be set up. Therefore, this aspect should be looked into and a legislation should be enacted by government in this regard.

Fourthly, the Prime Minister, the Chief Ministers and the Home Ministers should not contest election for the second term from the

same constituency. Although, every candidate spends money and makes use of resources according to his capacity, yet Ministers spend huge money as a result of which they become very influential in that area and the other candidate is unable to do anything despite having every good thinking. In this regard I would like to cite an example in respect of Amethi Constituency. During all the earlier elections the same thing had happened. In Amethi the entire votes were cast in one hour only. Therefore, the Prime Minister, the Chief Ministers and the Home Ministers should not be allowed to contest election for the second term from the same constituency.

I would also like to suggest that Assembly and Parliamentary elections should be held simultaneously. By doing so, the parties, which are financially weak and which do not have adequate resources, can manage their affairs efficiently. In this way both MLAs and MPs can get a very good platform for propaganda and publicity. Therefore, Parliamentary and Assembly elections should be held simultaneously.

There should be an independent Election Commission. Under the rules the District Magistrate is appointed as the Returning Officer. I suggest that some other officer should be appointed as the Returning Officer because the ruling party selects only those DMs which are loyal to it. In this way the things are manipulated. In order to check it some other officer instead of DM should be appointed as the Returning Officer.

I would like to say that our Constitutions, our laws and rules are very good but these are not implemented sincerely. If these are implemented sincerely, electoral reforms can be effected to a great extent. I would like to appreciate the hon. Prime Minister, Shri Vishwanath Pratap Singh for his firm advocacy for electoral reforms though he has not made any commitment at present in this regard.

With these words I thank you for giving me an opportunity to speak.

KUMARI MAYAWATI (Bijnor): Sir, after the country became independent and after the new Constitution was framed, the framer of the Constitution Baba Saheb Ambedkar had said that the king/queen of this country used to be by birth but after country's independence and after enforcement of new Constitution the king/queen of this country will not be by birth. They will be elected by people by adult franchise. I would like to ask you as to whether the dreams of our great leaders have been realised by the past or present government sincerely during the elections. I am new in politics. Still I would like to narrate my experience. A Parliamentary bye-election was held from Hardwar in U.P. in 1987 during Congress regime. The Congress candidate was Shri Ram Singh where as on behalf of Bahujan Samajwadi Party I was contesting the election. The Janata Party's candidate was Shri Ram Vilas Paswan, who has won the last Lok Sabha election from a constituency in Bihar by a margin of more than 5 lakh votes and has thus got his name recorded in 'The Guinness Book of World Record'. I would like to say that during this bye-election government machinery was misused on a very large scale. In this election mockery of democracy was made with the help of bureaucrats. Had there been free and fair elections, I would have come into Parliament much earlier. In that election Congress candidate got 1,49,000 votes and I got 1,36,399 votes. Shri Ram Vilas Paswan got 25,000 votes and his security was forfeited.

On the day of polling Shri Deepak, who was an MLA from Muzaffarnagar and was also a Minister in U.P. Government, had taken away the ballot box from a polling booth set up at Talheri in Hardwar. The local people snatched back the ballot box from him and in this scuffle the ballot papers were torn and the Election Commissioner was telegraphically informed about it as a result which repolling was ordered. It happened during Congress regime. At that time the oppressed and depressed people were not allowed to cast their vote independently.

During the regime of National Front

Government Vidhan Sabha elections have been held recently. During these elections we have felt that during Congress regime government machinery was misused, but now under the National Front Government regime feudal powers have raised their heads because V.P. Singh is a son of a big landlord. He belongs to an old royal family and during the elections held in 8 states the feudal lords took help of anti-social and other elements in the name of Shri V. P. Singh and did not allow the oppressed persons to cast their votes.

Mr. Chairman, we say that the Election Commission holds free and fair elections in the country, but in my view it does not hold free and fair election. It works under the pressure of Government. If we want that there should be free and fair elections in the country, we will have to make the Election Commission an independent body and it should be free from any government pressure.

Shri Advani has said in his resolution that in elections money power and muscle power should be checked. A large number of hon. Members have expressed their views in this regard, but nobody has said as to whose against money power and muscle power are used. Money power and muscle power are not used against the capitalists, rich persons and feudal lords. These powers are used against oppressed persons, schedule casts/tribes and linguistic minority communities including Sikhs, Muslims, Christians, Pares, Buddhists whose total population is 85% in the country. In order to check the use of money power and muscle power during elections in the country, polling booths should be set up in those areas where people belonging to scheduled caste/scheduled tribe and other weaker sections of society live. I have seen that throughout the country polling booths are set up in areas where capitalists, landlords and elitists live. During the elections they threaten the oppressed persons that in case they do not vote according to their will, they will have to lose their means of livelihood. They are pressurised in such a manner. The result is that poverty is increas-

ing day by day. The oppressed persons are becoming helpless and they come under the pressure of feudal powers and landlords and cast their vote according to their will. I, therefore, request you that polling booths should be set up in areas inhabited by scheduled castes and scheduled tribes and persons belonging to weaker sections of society. Steps should be taken to check the use of money power and muscle power as also to check misuse of government machinery during elections.

Some hon. Members have stated that period of reserved seats should be fixed. Reserved seats should be rotated after every two or three years. But they have not stated as what should be the criterion for making reserved seat as general seat. In order to give political reservation to scheduled castes/tribes Baba Saheb Dr. Ambedkar had fixed the criterion that the constituency, where oppressed persons, scheduled caste and scheduled tribe people live in large number, should be made reserved seat because in this way they can get due representation in Parliament and Vidhan Sabhas. If such constituencies are rotated after every 2-3 years, it will not be beneficial for these people. Keeping in view the criterion fixed by Baba Ambedkar the reserved seat which is backward and where scheduled castes/tribes are in majority, should not be converted into a general seat.

I reiterate that polling booths should be set up in areas where scheduled castes/tribes live. The Election Commission should be held responsible for setting up polling booths in areas where these people live. A criterion should be fixed for converting a reserved seat into a general seat. Before converting a reserved seat into a general seat it must be seen as to how much development of oppressed people has taken place in that area. Only that constituency should be reserved where oppressed persons are in majority.

With these words I thank you.

[English]

SHRIMATI BASAVA RAJESWARI (Bellary): Mr. Chairman, Sir, at the outset I would like to thank you for having given me an opportunity to participate in the discussion on this Resolution. It is a very important Resolution. Many Members have given very good suggestions and I would like to say a few words on this.

Sir, as on today people are becoming more and more ambitious towards politics. They have many more reasons. The talk of the town is, one way of easy earning is to become a politician. (*Interruptions*). It is a loose talk. But I don't agree there. But the talk is going on. One other reason is, due to unemployment we are creating more and more number of politicians and corruption is very much increasing. My hon. friend, the lady Member, was explaining about the enumeration that takes place. Sir, corruption starts from the enumeration. Whichever party is in power in the respective States, they want to enumerate the voters wherever they have favourable votes. Then the next stage is regarding the location of the booth. There also corruption plays a major role. The third stage comes at the time of appointment of Presiding Officers and then Returning Officers. There also corruption is very much rampant. So, on the one side this corruption is growing too much and the expenses are increasing. The whole object of bringing this resolution is to see how much we can reduce the expenditure. To reduce the expenditure many hon. Members are of the opinion that the State should fund for these elections. Sir, I don't agree to it. I would have been very glad if they have given very good suggestions on how best we can reduce the expenditure, how best we can try to reduce corruption. But there is no meaning in saying that State should fund or again, the political parties should fund or the candidate who is going to stand also will spend something. According to me, nothing is practical. Speaking something is different and implementation is altogether different. We speak of untouchability; how far we have succeeded?

[Smt. Basava Rajeswari]

We speak of child marriage, but still so many small children are being married. We speak of sati, still it is going on. We speak of eradication of *Deva dasi* system; but has it been eradicated? It is still there. Like that, even if we say that the State has to fund the elections, I do not think that is going to be a practical solution, according to me.

Sir, I would like to give some suggestions for reducing the expenditure. My hon. friend was telling in her speech, that religious places should not be utilised for political purposes. For that, we have passed an enactment, because it is going to be more dangerous to this country if this system is continued. At the time of bringing electoral reforms, our previous Government had categorically said that religious places should not be used for political campaigns. We should very much restrict these things. Another thing I would like to emphasise is that at the time of election people are being intoxicated and this should be avoided. For days together, they have been given this toddy and arrack. Crores of money is being spent on supplying these drinks. Of course, we prohibit supply of drinks for three days, but it is not enough. In those days, people used to ask us to give coffee. Now-a-days, nobody asks for coffee or snacks. They only want this toddy and arrack.

MR. CHAIRMAN: Madam, at that time they were talking like that, but now the time has changed.

SHRIMATI BASAVA RAJESWARI: Sir, I am coming to that point. Why should we not introduce total prohibition in this country? So many women are crying every day. At least to see that women folk is rescued and the children are brought up to get good educations, we should stop this totally and we should introduce total prohibition in this country. Unless we stop this, I do not think that we would be able to curb muscle power and rigging of booths. All these things are taking place only because of intoxication. This is one point which everybody should

give a serious thought about.

Sir, delimitation of constituencies has not taken place for a long time. Many constituencies have been reserved for more than 15 or 20 years and people are fed up with these things. We should immediately start delimitation of constituencies. There are constituencies where reservation is being continued for years together. It is better delimitation takes place as early as possible and change of reservation also is quite necessary. Apart from prohibition, I would like to give some more suggestions.

I would suggest that every village should have a booth. If you provide polling booth in each and every village to some extent we can reduce the expenditure. Now-a-days even elections in the local bodies are fought on party tickets. I am not in favour of that. If elections for the local bodies, even at the Panchayat level, are fought on party tickets, we will be incurring more and more expenditure. Moreover, the village like atmosphere would be very much changed. Therefore, my suggestion will be, local body elections should not be fought on party tickets. We should give them free hand. There are instances where unanimous candidates agreeable to all the parties have been elected and they sit together and decide the issues. We should not change such an atmosphere in the villages. By fighting the local body elections on party tickets, we are splitting each village into different parties which results into committing serious atrocities against each other.

Sir, 21 days are given for electioneering. I do not think, so many days are required for campaigning for the election. If the number of days are cut, we can reduce the expenditure.

Finally about booth capturing and muscle power, we are hearing this very recently. I am in politics right from 1957. I do agree that those days were different and these days are altogether different. But I never knew about booth capturing and muscle power those days. We never heard of it in our State. If such things like booth capturing, muscle

power, innocent people being killed continue at the time of elections, what should the people from the South think? Elections in our State are held fairly and I do not think, there are any instances in our State where re-elections have taken place. Such being the case, we feel very bad, when we read in the newspapers that innocent people are killed, booths are captured and officers have managed to hold the show. Is it democracy? Have such people been democratically elected? What is that we have to carry on, if such things happen?

Therefore, I request the hon. Members here to give some suggestions. Instead of asking for State funding, it is better to give more suggestions as to how best we can reduce the expenditure, how best we can minimise corruption and how best we can have democratically elected Government.

With these suggestions, I thank you very much.

SHRI A.N. SINGH DEO (Aska): Mr Chairman, Sir, I do not oppose the Resolution moved by the hon. Member. But since the Government is thinking of bringing about major changes in the People's Representation Act and other electoral laws-the mover will ultimately realise that the Government has set up a machinery to bring about electoral reforms-it would not be necessary for this house to pass this resolution.

It has been said that the elections are day by day becoming more of a problem for this country.

18.00 hrs.

It is because booth capturing, excess of money power, muscle power and other malpractices are on the increase. We must realise that our friends from the opposite side have always tried to bring out that we who are sitting on this side have brought in all these malpractices in elections.

MR. CHAIRMAN: You can continue

tomorrow. Now we will take up matters under Rule 377.

MATTERS UNDER RULE 377

18.01 hrs.

[English]

- (I) **Need to implement the recommendations of Mahajan Commission to Sive border dispute between Karnataka and Maharashtra**

SHRI SRIKANTADATTA NARASIMHA RAJA WADIYAR (Mysore): Sir, the border dispute between Karnataka and Maharashtra is being raised again and again in the House and outside. The Chief Minister of Karnataka has made it very clear that Mahajan Commission's Report must be implemented in toto. There is no other alternative. But it is surprising that some leaders met the Prime Minister recently in Bombay and urged him to intervene in this matter. In fact, many Kannada educational institutions have been closed in the border areas of Maharashtra. On the other hand, Karnataka Government is providing all the facilities to the Marathi educational institutions in Karnataka. In 1960, a Committee comprising of Members from both the States was set up but, its recommendations were not implemented. For solving this problem, both the States should adopt the recommendations of Mahajan's Commission.

I, therefore, urge upon the Central Government to implement the recommendations of Mahajan Commission immediately.

- (II) **Need to give pension to the ex-servicemen of the second world war**

PROF. P. J. KURIEN (Mavelikara): Sir, we have honoured our freedom fighters with pension as a token of our gratitude to them