

[Prof. Nirmala Kumari Shaktawat]

with which many memories of Shrimati Indira Gandhi are linked. But a very meagre amount has been allocated to the Rajasthan Canal. I would like to submit that Indira Gandhi Canal which was earlier called Rajasthan Canal may be treated as a national project so that water could be made available to the backward and the thirsty people of Rajasthan. (*Interruptions*)

I would also like to submit that many irrigation schemes are pending with the Centre. These schemes should be immediately cleared. There is one such scheme relating to Udaipur. One project relating to Chittorgarh was approved and Rajasthan Government had started some work also, but later on this scheme was handed over to the Centre as Super Zinc Smelter Project was to be supplied water from this project.

[*English*]

MR. CHAIRMAN : We now take up the Private Members' Business.

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15.30 hrs.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### Thirteenth Report

[*English*]

SHRI R.P. SUMAN (Akbarpur) : Sir, I beg to move :

"That this House do agree with the Thirteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 12th March, 1986."

MR. CHAIRMAN : The question is :

"That this House do agree with the Thirteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 12th March, 1986."

*The motion was adopted.*

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#### RESOLUTION RE: ELECTORAL REFORMS—*Contd.*

[*English*]

Mr. CHARMAIN : The House will now take up further Discussion on the Resolution regarding Electoral Reforms moved by Shri D.N. Reddy. Dr. G.S. Rajhans to continue his speech.

[*Translation*]

DR. G.S. RAJHANS (Jhanjharpur) : Mr. Chairman, Sir, last time when I was mentioning about booth capturing, I had narrated the story of Mafia. In the Central Hall many hon. Members asked me to narrate this story once again. Sir, it is not a story; it is a fact. There was an independent candidate, who was a notorious criminal and belonged to a mafia gang. He used to tour the area with an entourage of one hundred elephants, one hundred camels and one hundred jeeps in which there used to be two hundred people with unlicensed arms. He used to appeal to the voters to vote for him and for that they need not go to the booths to cast their vote, as he would cast the votes on their behalf. Similarly, he asked these people who did not want to vote for him to remain confined to their houses because if they went for casting their votes, they would not come back alive. I am telling the fact ...(*Interruptions*) Whatever is happening in Bihar is happening in U.P. also.

[*English*]

MR. CHAIRMAN : Please address the chair.

[*Translation*]

DR. G.S. RAJHANS : He was such a terror that the people did not venture out to cast their votes and he used to win by a margin of thousands of votes in every election. Later, he was killed.

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur) : It is a great loss to the country.

[Translation]

DR. G.S. RAJHAHS : This is not confined to mafia alone. There are hundreds of such people in the country.

AN HON. MEMBER : They are in the Opposition.

DR. G.S. RAJHANS : Criminals are winning the elections. Do not laugh this thing away. It is a very serious thing. If this problem is not taken care of the democracy in this country will wither away.

SHRI SOMNATH CHATTERJEE : What do you suggest ?

DR. G.S. RAJHANS : I went to say that the people who capture the booths should be debarred from fighting elections for six years and it should be made a cognizable offence. They should not be allowed to fight elections again.

[English]

SHRI SOMNATH CHATTERJEE : Then Opposition will win majority in the House.

[Translation]

DR. G.S. RAJHANS : There is no harm, whatever the result.

[English]

SHRI AMAL DATTA : With retrospective effect.

[Translation]

DR. G.S. RAJHANS : I may tell you that when some years back Opposition was in power, I had gone to see the election scene (*Interruptions*) Kindly listen. I was new in the field of journalism. I did not know how booth capturing is done... (*Interruptions*) It is a matter of concern for all of us.

What did I see there ? At one booth, after voting had gone for 20 to 25 minutes, bombs exploded in all the four corners.

The result was that three to four persons got injured and three to four hundred persons waiting at the booth took to their heels. (*Interruptions*) I escaped unhurt; that is why I am speaking here.

After that, criminals cordoned off the booth and warned the Presiding Officer and the Polling Officer that if they valued their lives they should go on signing the counter foils; otherwise they would have to go to heavens..... This resulted in defeat of our candidate and a victory for the candidate for whom they were doing all this.

AN HON. MEMBER : To which party that candidate belonged ?

DR. G.S. RAJHANS : Yours. Had he been our candidate we would not have the moral courage to make this demand.

(*Interruptions*)

Sir, I would submit that we should not laugh this matter away. It is a very serious matter and if this problem is not attended to, democracy will be no more in this country after 10 to 15 years.

A new days back Shri Shripati Mishra had said that gangsters were ruling in a large part of the country... (*Interruptions*). As Shri Shripati Mishra has said, mafia is in power in a large part of the country. mafia issues a warning that you will not file the nomination papers and if you do you would die. The people get so terrified that they do not file their nominations. The law and order in the country is so bad that people are not able to face the criminals.

I would, therefore, say that this evil of booth capturing should be rooted out fully and it should be made a cognizable offence. The person indulging in this evil practice should be punished in the strictest possible way and no compassion should be shown to him.

Now I will talk about the role of money in the elections. Through electoral reforms the role of money will have to be

[Dr. G.S. Rajhans]

minimised. I was recently going through the New York Times regarding elections in Philippines, I read a story in that newspaper.....y(*Interruptions*)

The supporters of Marcos used to distribute envelopes in trains and buses. In the month of January, when Christmas was long over, there used to be written on the envelopes—'Happy X-mas' and inside each of them there used to be 25 to 30 dollars and a small typed slip exhorting people to vote for the greatest patriot of the country, Marcos, in the coming elections and also at the time of voting to note down the serial number of their ballot paper. The people who would note down their ballot number and submit that slip in Marcos's office will be given 30 dollars more. The correspondent of the New York Times has written that there has never been injustice of this magnitude in any other country. But I have seen even bigger injustice in our neighbouring country.

*(Interruptions)*

I am not naming the country. Few years back I had gone there during an election. I will relate a very interesting thing about that. It is my personal experience. During those elections a new twenty rupee note had been issued and a money-bag was fighting the election as an independent candidate. He cut a few new twenty rupee notes into two parts with a blade and distributed one part thereof in villages and asked the people that in case of his winning the elections, anybody coming with the half note will be provided with a new note i. e. half note will be replaced with a new note.

[*English*]

MR. CHAIRMAN : These notes must be borged notes.

DR. G. S. RAJHANS : Sir, these are genuine notes.

MR. CHAIRMAN : That is for temptation,

[*Translation*]

DR.G.S. BAJHANS : Try to understand the situation; that man won. In this way he spent Rs. 5 lakhs and won. the election. Next time he will spend Rs. lakhs 50 in similar fashion and he would win the elections. In this country democracy will be run with the help of money; it is a very serious thing. You should pay attention to this. That is why I say that the role of moey in elections will have to be ftly rooted out and the people indulging in such malpractices need to be debarred permanently, Unless this is done, democracy will remain a distant goal for this country. Money-bags will occupy this House as well as Assemblies and representatives of the poor will never be elected to any Assembly or the Parliament.

Mr. Chairman, Sir, it is good that the money instead of being given under the table is now being given above the table and political donations have legalised. In this connection my only submission is that all the political parties should get their accounts audited and publish them in the newspapers so that the people may come to know the source of income of the parties. I am aware and I have practical experience—but I will not tell—how foreign money flows into country and how money to the Opposition. I can prove this.

*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Are you from CBI ?

DR. G.S. RAJHANS : Yes, I am from CBI. In your case also I can prove.

[*English*]

PROF. MADAU DANDAVATE : Let it not go on recrod that "I have come from CBI". At least say C P.I.

[*Translation*]

DR. G.S. RAJHANS : I would like to submit that the political parties should get their funds audited thereby eradicating corruption to a large extent. It is still a

mystery as to wherefrom the political parties get such large funds. You may believe it or not but these funds cause inflation and price rise in the country. It has been generally observed that post election period is marked by unprecedented price rise and despite public outcry nothing is done to check it. I am speaking from practical experience (*Interruptions*). During elections the bureaucrats often harass the candidates. At that time orders are issued that no officer will be transferred. The officers act in an arbitrary manner and there is no limit to it. A candidate is entitled to have one vehicle during electioneering but he does not permit even that. I suggest that as soon as the elections are announced all the officers should be transferred by draw of lots. An officer should not be allowed to be posted at the same place as he may have vested interest there... (*Interruptions*)

[*English*]

PROF. MADHU DANDAVATE : Unfortunately, they have applied that principle to the Ministers.

[*Translation*]

DR. G.S. RAJHANS : One Candidate should not contest elections from more than one Constituency. Many candidates contest elections from three or four places thereby forcing bye-elections to be held. I, therefore, submit that in national interest this practice should be curbed. Huge funds go down the drain during the Lok Sabha and the Assembly elections. A serious thought should be given to it. Lok Sabha and Assembly elections should be held simultaneously.

I suggest that there should be three Members in Election Commission. One Member is not able to cope with the increased work load of Election Commission. Moreover, the Election Commission should be vested with powers of those of a High Court. Election disputes should be settled by the Commission itself, without reference to High Courts. These disputes remain pending in the Courts for five years or so and by that time the term of Parliament is over. A separate body should be set up for speedy disposal of these disputes. I

would like to submit that the people in this country will have to be made politically conscious and told that their vote is precious and it should not be cast on community or any other considerations. It often happens that the candidate who is to contest elections, is not able to find his name on the electoral rolls and to run from pillar to post has, to get it inserted in the roll. Therefore, the electoral rolls should be carefully revised. I have to say a few things regarding election expenses. There is a great disparity in the returns that are filed and the actual expenses incurred by the candidates. A reasonable limit for expenses should, therefore, be fixed to enable all the candidates to incur reasonable expenses. If democracy has to be safeguarded, all the political parties should sit together and formulate a code of conduct. The State should provide funds to political parties to contest elections as is prevalent in many countries. They should not be paid in cash but in kind. They should be given petrol vouchers and a watch should be kept whether they have utilised it or not. The expenses on account of printing posters and postage stamps should be borne by the state. We should gain from the experience of foreign countries in this regard. They need not necessarily be wrong every time.

Therefore, Sir, I would like to submit that we should seriously think about electoral reforms as the future of democracy depends on it.

15.52 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

\*DR. PHULRENU GUHA (Contai) : Sir, at the very outset I support the amendment tabled by Shri Daga on the resolution under discussion.

In our country elections have been held umpteen times. It can be said that at most places they have been more or less fair. Of course we cannot say that there has not been any irregularities or illegal happening

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\*The speech was originally delivered in Bengali.



[Dr. Phulrenu Guha]

anywhere. In a vast country like ours, some irregularity is bound to creep in somewhere or other in the elections. But in recent times we have noticed that before and after any election a lot of hue and cry is raised that everything is going to ruins. This is not always true. Right from the beginning when elections started in this country, some irregular or immoral incidents were there. But their number was very small. But as days are passing and more and more elections are being held, the incidence of corrupt practices are immoral incidents are rising. We have all to guard against this. This is very denger signal.

Now Sir, I will like to draw your attention to a very important item viz., the Voters' List. This is the most important item in any election. Unless the voters' list is uptodate and properly drawn up, unless it includes the names of all legitimate voters, elections can never be proper or fair. Here I will like to narrate two incidents. In a certain house there were 42 persons living. In the voter's list it was found that the name of only one person out of them has been included and the other 41 persons were missing from that list. Some people were naturally surprised at this and asked the local leader how it happened. The reply was, "there is only one person of my party in that house and I have verified that his name appears in the voters' list. I am not interested in the others and have not verified their names." Therefore, I say that the voters' list is the most important factor in any election. Without a correct and uptodate voters' list elections can never be held properly. The other incident I am narrating from my personal experience. A boy used to live in my house. When he attained the age of 21 years, he was naturally desirous of exercising his right to vote and I also encouraged him to do so. I personally took him with me and got his name duly entered in the voters' list. When the final voters list was printed, his name was in that list. The different political parties contesting the election had also sent him slips soliciting his vote. That boy accompanied me to the polling booth to cast his vote on the election day. At the

polling booth we found that his name has been struck off the voters' list in red ink. This was very surprising and an enquiring the officer told us, "I do not know this is the list that has come to us. We cannot allow him to vote." I did not pursue the matter further for want of time and also because. I knew that my party was going to win at that centre, on other party could win there. That's why I did not pursue the matter.

In this context I will request the Government to examine whether the casting of vote by every adult citizen of the country can be made legally compulsory and obligatory. I think that this is very necessary and this may please be properly examined.

I will draw your attention to one more point Sir. It is generally seen before any election that a large number of people suddenly come into the election-zone from outside. This must be prevented through legislation. If genuine voters are staying outside they will surely come to vote. But the influx of large numbers of outsiders must be stopped. During my long association with elections, since 1946, I have noticed that this influx of outsiders to the election area greatly disturbs the election process and also causes disturbances. The Government may kindly examine whether this can be stopped by law. Then, many a times it is seen that the number of candidates in some areas is very large. The ballot paper becomes so cumbersome that ordinary people find it confusing and they find difficulty in casting their vote.

Now, a word about election expenses. The prices of all items have gone up. The general price level in the country has risen considerably. In view of this it is necessary to raise the limit of election expenses. Many times we have heard the candidates saying that their friends have given them funds to fight elections. Who are these friends? These friends are the rich people.

Poor candidates can't have rich friends. Only rich candidates can have rich friends or the rich people will help those with funds

whom they can utilise for getting their various work done when they win the elections. There should be some law to cover this aspect also. All the political parties have rules and regulations to be followed for elections. I will request these political parties to ensure that the candidates whom they nominate abide by these rules. Unless all the political parties realise what crisis is descending on the country it will be difficult to preserve that very democracy in the country which we all cherish and pride so much.

Sir, we are hearing about electoral reforms since 1969. A committee was set up in 1970 for this purpose. After the new Lok Sabha was constituted in 1972, again a Committee was formed. That Committee had submitted its report. But before it could be implemented, fresh elections were held. After the Janata Government came to power, a sub-committee was formed in this respect in 1977. But before that Committee could submit its report, the Janata Government went out of power. All the time the Congress Government is being blamed for not effecting electoral reforms. But when the Janata Government was in power, they too could not do anything effective although they set up a Committee for this purpose. I therefore raise this question that the Janata Government set up a Committee when they were in power. There were many prominent leaders of that party in that Committee. But could they do anything in this regard in their tenure of 2½ years! I admit that this is a very difficult task. But this has to be done, however difficult the task may be.

Sometimes we see that issues of caste and religion are raised in elections. This is a very unhealthy thing. I appeal to the Election Commission to pay special attention to this also.

One more point Sir, in our country there is discrepancy among the different constituencies in regard to population as well as area. This has to be considered seriously. There are hill areas and other areas also which are so extensive that it is virtually impossible to visit all the places in a constituency. Delimitation of constituencies has also to be taken up in right

earnest. After considering all aspects, if it is found necessary to make changes in the electoral laws then that should be effected speedily. There is no point in lingering over it. It is not desirable to leave the same lingering for years together.

Sir, being intimately associated with the elections in our country from the very beginning, I am of the firm view that at many places foreign money is playing an important role. I will request the Government, to pay special attention to this aspect and to take appropriate measures to counter this. I am speaking from my experience of elections over a long period. As I said earlier, I am intimately associated with the elections since 1946. There are hardly anybody here who have that long experience. Many of our friends were mere children at that time. Therefore, I can't help sharing my feelings with the Government and different political parties.

In the context of the role of foreign money I will give an example. At one place I found that a certain political party has used a devastatingly beautiful colour. I naturally made enquiries about its price. You will be surprised that particular colour so costly that it is difficult for a candidate to afford to use that on their own. If you make enquiries you will find that there are two aspects of this kind of foreign money. There are certain foreign powers who do not want our country to progress and they provide funds and there are some parties inside the country who do not want our country's progress and they accept money from these foreign powers to fight the elections on money power.

In the end I submit that it is necessary to carry out the electoral reforms at the earliest. Unless we do that in consultation with all the political parties, there will be great difficulties faced in the coming days and we will not be able to reflect our ideals. Gradually we will fall in such a situation which none of us will like. With that Sir, I conclude my speech.

SHRI BRAHMA DUTT (Tehri Garhwal): Mr. Chairman, Sir, the House is discussing a serious matter. Though it is true that every system has scope for

[Shri Brahma Dutt]

improvement in some form or the other yet it seems from the words used in the Resolution that our electoral system has been corrupted by money, muscle power, communalism and other wrong practices. I do not fully agree with it. It is of course true that there is still much scope for improvement.

I first saw elections in 1937 when I was 10 years old. Had the elections in those days been influenced by these things, big Zamindars and landlords would have been elected because they had money and support of the British Government. But we found that the Congress candidates—some of the Members sitting on the Opposition benches today were at that time in the Congress—routed those Zamindars in the elections.

One thing has been noticed. In 1977 we saw the fall of Congress Government and the Janata Party came to power. It did not have organisation though it somehow managed to get funds. It was a conglomeration of all the castes which led to the defeat of Congress. But in 1980, though the Janata Party had been able to gain ground it was routed in the elections. That is why we praise the sagacity of our electorate which has always given a good account of itself. The Congress (I) is in power at the Centre and in 9 States it is in the Opposition. The CPM has been given an opportunity to show its mettle in Bengal. Similarly, Janata Party has also been given a chance to show its performance in Karnataka. The AIDMK has been given a chance in Tamil Nadu. Besides this, an interesting phenomenon is that the DMK controls the local bodies and corporation in Tamil Nadu. Similarly, though Congress is in power in Maharashtra, yet Shiv Sena is in power in Bombay Municipal Corporation. So the electorate has tried various parties at various levels. There is no doubt that the people and the electorate in this country are very mature and sagacious. If we cast a glance at the countries around India. We will have to agree that the electoral system, democracy and peaceful transfer of power have stood the test of time in our country. The countries which achieved independence with us are no more democratic. Therefore,

it is a matter of pride for us and we should not denigrate our electoral system. With the passage of time, some maladies are bound to creep in the electoral process and it needs to be reformed. When we adopted the Constitution we had many alternatives, open to us. One of the options was adult franchise. We adopted it and conducted direct elections to local bodies, town Area Committees, Corporations, Assemblies and the Parliament. We could have adopted a single party system where 99.99% of voting is based on 'Ayes' and 'Noes'. We did not adopt this system because we did not have a single ideology. Political parties were formed on the basis of political ideology. To my mind, the malady did set in at a time when we recognised the parties tentatively and they could not develop in the desired way. The political parties should have developed on the basis of an ideology and I agree that some of the parties have developed on that basis. Our Indian National Congress has an ideology. Both the Communist parties and the BJP have an ideology. But there are many such parties which do not have an ideology of their own. Some dissidents in the Indian National Congress formed a separate party. Similarly, there were splits in other parties and they were divided. With the passage of time regional parties and parties based on other considerations came into being. These maladies crept in and we should try to remove them. Besides this, we should not forget that our electoral process is a democratic process and we should be proud of it. India is the only country in Asia where democracy is firmly entrenched and we will not let it weaken. We are disappointed by those who try to denigrate it. I agree that money and casteism do influence elections to some extent, but I do not agree that the entire electoral process is corrupted. In my constituency there may be only 25 voters out of 7,50,000 voters who belong to my caste. But it does not influence the elections in any way. Many rich people also contest the elections. But we shall have to start the practice to provide clean elections. This is not the work of Government alone but of everybody. All of us should think over it together. At the outset the political parties will have to be identified. If our democratic set up breaks, it will be only because of weak political parties.

Democracy will be in great danger. History reveals that German Republic had come into existence but it could not withstand the onslaught of the Fascist forces, because it had no firm base. When the people do not support ideology or the political party do not have any ideology, it creates a dangerous situation. Any person can take advantage of our weakness and destroy democracy. We are as yet not facing this danger but our neighbouring countries are facing this danger. We are having a true reflection of the political parties in the Lok Sabha, whether they belong to an area, a state or the entire country. The Members of Lok Dal and Janata Party are far less in number than Telugu Desam, AIADMK and CPM. I feel that a dialogue should be started with all the concerned parties in this regard. A dialogue about the constitution of the parties should be undertaken. It should be examined whether the parties possess genuine membership register and which political party gets donations. The political parties often complain that they should have a strong base. I agree that there is no party which is not working in the interest of the country or which is not patriotic. The paths can be different and they should be different. There has never been any alternative to the ruling party in the country, and who is to blame for this. You may be aware that Congress was defeated in 1977. A namesake party came to power though it is agreed that Congress was the only political party which had a nationwide base. Though Janata Party was in power at the Centre yet at that time if there was a national party it was the congress party. Congress was in power in many states and in some states it was in the Opposition. The party at the centre was neither in the opposition nor in Government in many of the states. Congress was the only party which has been in power and in Opposition also. Even today Congress is in power at the Centre and in all the states except a few states. The Leader of the Opposition is from our party. Therefore, every party should examine how it can strengthen its base. I agree that Casteism is raising its ugly head and it is not only affecting elections but also the party. It is eating into the vitals of the party.

It is corruption not only our party but other parties also. But it needs to be eradicated. Mere preaching cannot remove casteism. When we undertake some economic, social or welfare programmes, we can lift the people above caste consideration. While voting, our people rise above caste considerations, otherwise many of the Members belonging to this side or that side would not be sitting in the House. We should not mistrust our people and our system.

[English]

MR. CHAIRMAN : The are so many hon. Members, who want to speak on this resolution. If the House agrees, we may extend the time for this Resolution by two hours.

MANY HON. MEMBERS : Yes, Sir.

MR. CHAIRMAN : The time for this Resolution is extended by two Hours.

[Translations]

SHRI BRAHMA DUTT : I was saying that the present malady is the result of casteism and religion and not of our electoral process. This is also due to our cultural backwardness.

Our country has not been exposed to cultural renaissance and I am of the opinion that no programme can succeed in the country without cultural regeneration. Otherwise how can you reduce the influence of caste, religion and curb the tendency of those people, who seek votes on the basis of caste and religion.

If all our political parties clearly chalk out their economic programmes and on the basis of these programmes they go to the the voters and tell them about their economic programmes and promise that if they come into power, they would implement this programme, we can reduce the influence of caste and religion to some extent. The parties will have to take initiative in this respect.



[Shri Brahma Dutt]

I agree with the opinion that it is the responsibility of the Government also and not of the parties exclusively. All the parties can sit together and discuss it with Government. But it has to be done. The parties will have to make a code of conduct. I feel, if these parties chalk out good and constructive programmes, they will be given a chance by the people of the country. Opportunities are given to everybody.

16.16 hrs.

[SHRI SOMNATH RATH *in the chair*]

Booth-Capturing is a common phenomenon in India. Allegations and counter allegations in this respect are made by us as well as the opposition. When bye elections were held in 1980, I was the opposition leader in U.P. Legislative Council. We were of course complaining, but the Janata Party-members also complained of atrocities and booth-capturing by Lok-Dal. The result of the complaint was that the former Prime Minister Morarji Bhai was assaulted. One of their constituents was in power in the centre. They protested to Government for not making proper arrangements.

That responsibility also came upon us and we bore all that. Why did this all occur? This all occurred because that party was organized on the basis of casteism. Neither the ideology of the Janata Party nor of the Congress party appealed to them.

Our political parties as well as our political leaders should think how to improve the system. We shall consider whether parties should be registered and their membership verified. We must organise them on the pattern of trade unions. But we shall have to secure consensus for this purpose. It cannot be accomplished through legislation.

But, it is more urgent to make a code of conduct for the political parties. I would not like that our Government or law ministry should make it. Code of

conduct should be formulated through a general consensus. All the parties should make it jointly, because discipline can be effective only if it is imposed from within.

Our Election Commission is working impartially. But it needs to be strengthened. It is responsible for holding the elections. It should be empowered to check malpractices in elections and to take action against people indulging in malpractices. There is also the wrong voting.

I am totally against providing funds to anybody for contesting elections, because it would become a source of corruption. Money can be spent, Government can spend the money if it wants. It can issue identity cards to the voters. At the time of elections, you have already permitted the candidates to speak on T.V. and Radio. This facility can be further improved by allowing the candidates to speak face to face at the local T.V. Stations. One more thing. A lot of expenditure is incurred on printing. Some specifications should be laid down for printing such as the size of the poster, the total number of the posters and handbills, and their quality etc. If Government want to spend money it can provide each voter with an identity card. It would reduce cases of bogus voting.

I would reiterate that if money or muscle power could win the elections, Marcos would have won the election. You must have heard that he has one thousand million dollars to his credit and Philippines has a loan liability of three thousand million dollars which means that he took away one-third of the total loan liability with him. Mr. Chatterjee, Moscow also had supported Marcos.

[*English*]

SHRI SOMNATH CHATTERJEE : Is he day dreaming that I am supporting ?

SHRI BRAHMA DUTT : I never day dreamed.

SHRI SOMNATH CHATTERJEE : Why are you saying that I am supporting Marcos ?



**SHRI BRAHMA DUTT :** No. No, I am not saying that you are supporting.

**SHRI SOMNATH CHATTERJEE :** Marcos may give inspiration to some.

**SHRI BRAHMA DUTT :** Within a month, Moscow was sympathetic. I am sorry, I look towards Moscow with a great hope.

[*Translation*]

We had noticed that Marcos had the backing of military power as well as money power, but Aquino won the elections. The conscience of the persons, who were deputed to create disturbances during the elections, revolted and they deserted him. The people rose against him and faced the military tanks. Therefore, if the people are alert neither money power nor muscle power can corrupt the elections.

Sir, once again I repeat that we are proud of it that our nation builders have given us a system which could be helpful in maintaining democracy. In spite of all the difficulties and in spite of the fact that around us democratic process is crumbling everywhere, we could see the peaceful consolidation of power and also experienced co-existence. The party which is in power in a State is not in control of local bodies. Every party has been given a chance to show its performance. But still there is the possibility of malpractices for which identity cards should be issued.

We have to see how Political Parties should be registered? They should have a constitution of their party, membership register, accounts etc. We have to see all these things. Today, anyone can contest election after depositing Rs. 500; and thereafter he withdraws from the contest by accepting Rs. 5000. There must be some restriction on it. For this purpose is necessary, amendment may be made in the Representation fo the Peoples Act to make it an ideal system. I agree that there must be discussion on it to find out some suitable improvement because there is always room for improvement. But I do not agree that our electoral system has been corrupted

because it will be an aspersion on ourselves. Have we been elected under such a corrupt system? It is far from the truth to say that our whole system is faulty and everything is influenced by money, muscle power, caste and religion. There is room for reform. Political Parties should work and fight on the basis of their ideology and programme and not on the basis of caste or religion. There should be more stringent law in this regard.

**SHRI SOMNATH CHATTERJEE :** It happens in U.P. and Bihar.

**SHRI BRAHMA DUTT :** Not only in U.P. and Bihar but also in West Bengal.

**SHRI SOMNATH CHATTERJEE :** Not on the basis of caste.

**SHRI BRAHMA DUTT :** But on the basis of muscle power.

**SHRI SOMNATH CHATTERJEE :** On Political basis.

**SHRI BRAHMA DUTT :** It may be money or muscle power or anything else, but such things should not be there.... (*Interruptions*) We should not forget it that we have adopted democratic system and there is always room for improvement. I oppose this Resolution but agree with its intention. In this regard, political parties should take initiative and start deliberation on in.

[*English*]

**SHRI SOMNATH CHATTERJEE (Bolpur) :** Mr. Chairman, Sir, every hon. Member who has spoken today has said that the electoral laws require changes and that electoral reforms are necessary. Even Shri Brahma Dutt, an old Congressman—of which brand I do not know—has said that he supports the spirit behind this.

**SHRI BRAHMA DUTT :** I said that...

(*Interruptions*)

**MR. CHAIRMAN :** No side talk please.

AN HON. MEMBER : Original brand !

SHRI SOMNATA CHATTERJEE :  
AGMARK Congress !

AN HON. MEMBER : Fire-brand !

SHRI THAMPAN THOMAS : ISI Brand !

SHRI BRAHMA DUTT : Forty years back our fore-fathers have said...

*(Interruptions)*

SHRI SOMNATH CHATTERJEE :  
Why don't you come here ? We shall take you over.

Sir, even Shri Brahma Dutt who is a very veteran politician of this country, certainly we all respect him, he has also felt that he opposes the Resolution because of the party whip and anti-defection law, but he supports the spirit behind this Resolution.

Sir, this is not a new discussion which is coming up for the first time today.

I had the privilege of being a member of a committee which was formed by the Hon. Speaker of this august House in 1971, comprising the representatives of all the political parties and the majority of whom were no doubt belonging to the then Congress Party. Various recommendations were made on an unanimous basis—rather unanimous recommendations were made. With regard to some there were differing viewpoints.

AN HON. MEMBER : You had dissented.

SHRI SOMNATH CHATTERJEE :  
Yes, on some points I had given a note of dissent. That, all of us know. But a majority of this recommendations were unanimous. Now, Sir, we are in 1986. How many have they accepted ? How many were accepted by the Government ? And, I would request Shri Brahma Dutt to kindly

see and consider whose responsibility it was to bring about the necessary changes in the electoral laws of the country and who could do it ? You accepted the necessary of the changes.

There may be different views about what changes are necessary, or there may be different emphasis on one aspect or another. But I would request you to kindly consider what changes are considered necessary. Though, you have been in power what steps were taken seriously to bring these changes ?

I was in the Consultative Committee of the Law Ministry for a long time. I had that privilege and this issue had come up before the Consultative Committee on numerous occasions. I believe my hon. friend, the Minister here was also a member in that committee and he would also agree with me; I believe he also asked for these changes and agreed that some necessary changes had to be brought about. Shri Jagan Nath Kaushal, the last Law Minister, and I believe Shri Shiv Shanker, were also never opposed to reforms in electoral laws, when they were the Law Ministers.

And, Sir, Shri Kaushal had said that the recommendations which had been made,—along with the comments of the Election Commission—had been sent for consideration of a Cabinet Sub-Committee, that the Cabinet Sub-Committee was considering them, and he said that his hands were tied until the Cabinet Sub-Committee gave their recommendations and their views on it. Then an unfortunate tragedy had happened and the House was dissolved.

Now, the other day, I was surprised to hear Mr. Ashok Sen, the present Law Minister, saying, while replying to a question on electoral reforms, that our electoral laws had stood the test of the time—precisely, these were his words—and therefore, he did not think any necessity of changing these laws. Which is the voice which truly represents this Government in this country ? The present Law Minister says that there is no necessity of any change. And other hon. Members, speaking from treasury benches, are strongly advocating changes,

may be different types of changes. But everybody, not only from this side but from that side also, is speaking of money power, muscle power and so many other abuses which have crept in our electoral system. If we are able to identify the deficiencies and defects, then what has stood in the way? Why the unanimous recommendations of 1971-72 have not been implemented? Why the matter is pending determination, decision or discussion by some Cabinet Sub-Committee, of which, I believe, the present Minister of Commerce and Civil Supplies is a member.

THE MINISTER OF COMMERCE, FOOD AND CIVIL SUPPLIES (SHRI P. SHIV SHANKER) : I am not a member of any committee.

SHRI SOMNATH CHATTERJEE : Perhaps, this is a Cabinet secret which you do not want to divulge.

That is why, I am saying that merely paying lip service to this will not solve the problem. Those who have got the authority and power they should do it. Otherwise, the people will call the whole discussion as an exercise in hypocrisy. Let us not be described as sanctimonious hypocrites that as a ritual this question of electoral reforms is coming and everybody is saying about that. Dr. Rajhans seems to have all sorts of information. I think, he can give that information to the Minister. He seems to be an authority on mal-practices. Therefore, there is an urgency of bringing about electoral reforms. And for that matter a comprehensive electoral reform cannot be gainsaid. But let us do it. Those who can do it, let them do it. Will you allow us to bring a Private Member's Bill? Will you accept it? You will not. But you are talking of Marcos. I do not know from where you got that idea. Is this the way to deal with such matters in this hopelessly partisan manner? I treat this allocation with the contempt it deserves. I am happy that he has referred to the peoples' power, namely, unarmed people have stood against the military tanks and military might of a reactionary Government backed up by imperialist power, USA and there the people have won. That should be the lesson to this Government and not to us.

SHRI BRAHM DUTT : May I ask who is fighting Mrs. Aquino today?

SHRI D.N. REDDY (Cuddapah) : This is completely irrelevant to the debate.

SHRI SOMNATH CHATTERJEE : The progressive forces will always fight for the liberation of the people. The people are not liberated yet.

Therefore, I am submitting that the Government must make its intentions clear whether it really wants electoral reforms in this country. Let us not take the valuable time of this House in discussing something which is for the sake of formality. When we find that there is something which is deemed exceedingly important and urgent but there is a procrastination on the part of the Government that shows that the ruling party has got vested interest in the deficiencies of the present electoral system because they are getting benefit out of this.

We have seen that posthaste changes have been made, with much greater speed than the speed of Rajdhani Express, or even the speed of Concord. We have seen changes in electoral laws by way of amendment to the Representation of People Act in 1975 when a judicial determination was attempted to be nullified by legislation, but that did not succeed. The Constitution amendment that was brought about to set aside the judicial verdict, did not succeed but the laws were changed retrospectively to uphold one election. Then we did not find committee, sub-committee, Cabinet committee, M. Ps. committee; nothing was necessary! Even by ordinances the electoral laws were changed. So, it is a question of a political will of this Government. Therefore, it is no good accusing the Opposition. If Opposition had been taking the benefit of the electoral perversity in this country, then we would have been there and you would have been here. People will decide at one time what is good for them. There is no doubt about that. Let us not brag about this. I have said that don't always gloat over your temporary majority. This is a temporary majority; don't think it is

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permanent. This unreal situation can never continue. Mr. Brahma Dutt said some of us should not have been here. Precisely, that applies to your party. Many of you have come on the bandwagon, many of you have come on the basis of T. V. projections, and not on merits. That you all know.

One of the changes in the election law, we are being told, is about the money power. Now only the expenses to be incurred by the candidate from his own pocket need to be accounted for. All expenditure made by the party, made by the so-called friends, made by the so-called benefactors, made by the so-called supporters, need not be accounted for. Even previously there was a pretended compliance with this, but now everything has been thrown upside down. Which candidate can spend or afford to spend? Even the party's expenditure was included. Mr. Amar Nath Chawla, our good friend, unfortunately was made the victim. His election was set aside. Mr. Brahma Dutt, you remember that. I had said in this House that Mr. Chawla was unfortunate. In his case there was no retrospective change in the law. In the Rae Bareilly case, there was a retrospective change in the law but Mr. Chawla did not get the benefit. He had to go out because the party expenditure on his election was included in his electoral expense account according to the then law, and having exceeded that limit, he had to go. His election was set aside by the Supreme Court. Today, lawfully any amount can be spent and that is being spent. How many jeeps worked for you, Mr. Brahma Dutt, you need not disclose.

SHRI BRAHMA DUTT : There were no roads.

SHRI SOMNATH CHATTERJEE : That is the much better. That shows the performance of your Government. For 30 years you are there, in 38 years you have finished your State also. (*Interruptions*). I was respectfully requesting for information. I cannot cross-examine him. Why should I ?

Sir, kindly see the other thing. Company donations are permitted. To whom? Not to candidates, but to parties, and those parties are spending all the money. It was said, it will cleanse the system. How? Now, there need not be payment in black money, all by Account Payee cheque in the name of Mr. Sitaram Kesari, the Treasurer of the Party, (*Interruptions*). Or Somnath Chatterjee, I am not the Treasurer unfortunately. We have no Treasurer, we have a system of maintaining Accounts. Of course, I did not mean him personally, just as an example I gave.

Those expenses can be unlimited and donations can be unlimited and a number of companies can go on making donations as they are doing. But, Sir, how many donations are coming now in the balance sheet, Mr. Brahma Dutt? I would request the hon. Minister here, Mr. Bharadwaj, a very knowledgeable person, let him employ his Company Affairs Department—it does not come under him any longer probably, it has gone to Mr. Tiwari. Let the Company Affairs Department make a search as to how many donations have come into the balance sheets since this Law has been passed. I have not got that information, but I suspect if at all this is shown in the balance sheet because it does not help them, the donors, nor does it help the donee. (*Interruptions*). If you want to get that satisfaction that it happens in every case, have that satisfaction. That means, you include yourself at least. (*Interruptions*). Comparatively, disclosure is better, but this is all a paper provision. Money is coming. Everybody knows who is spending how much in election, which political party. You may go on speaking here utilising your majority against us, go on abusing us, but go to the street and ask anybody which party is spending how much or who is spending more.

We are hearing of muscle power. It has become an integral part of election in some of the States, yes, in my neighbouring States also. Casteism, communalism, muscle power depends—Mr. Brahma Dutt is very happy, in some cases caste considerations have not been successful.

**SHRI BRAHMA DUTT :** In majority of cases.

**SHRI SOMNATH CHATTERJEE :** That is there. Then the muscle power is being applied with guns and what not arms...

**PROF. N.G. RANGA (Guntur) :** Elephants.

**SHRI SOMNATH CHATTERJEE :** Elephants also. That is the humble experience of Prof. Ranga. I bow down to his experience. He also mentioned elephants, though I missed it. Sorry. Therefore, I believe Andhra cannot match U.P. with elephants....

**PROF. N.G. RANGA :** Camels also, he said.

**SHRI SOMNATH CHATTERJEE :** Yes, Sir. But what is being done? Who are the beneficiaries?

**PROF. N.G. RANGA :** All of us.

*(Interruptions)*

**SHRI SOMNATH CHATTERJEE :** I did not know Prof. Ranga will be in such a mood of confession. Always I respect him so much, I know he is making a correct confession. Very well, very significant.

**AN HON. MEMBER :** Confession with allegations also.

*(Interruptions)*

**SHRI SOMNATH CHATTERJEE :** My respect for Prof. Ranga is not lessened by his frank confession of using elephants and camels and what not. Though money and muscle power is required for his electoral victory, my respect for him is not lessened.

**MR. CHAIRMAN :** It is not a motivated confession.

**SHRI SOMNATH CHATTERJEE :** But it shows the malady and how for the malady has gone. Even Prof. Ranga takes

recourse to such dubious methods for his elections. He is a respected leader of our country.

**PROF. N.G. RANGA :** No, no.

**SHRI SOMNATH CHATTERJEE :** The malady has gone deep and has spread. Nobody is sure of his victory in the elections in Andhra Pradesh and Uttar Pradesh, it seems.

**SHRI BRAHMA DUTT :** We are sitting in our precious State.

**SHRI SOMNATH CHATTERJEE :** Sir, we have experience in Tripura. A member of this House was apprehended, in the last elections, in a jeep carrying arms. He has been rewarded with the Ministerial post in this present government. How do you stop the use of muscle power?

Sir, there are various suggestions which have been made from time to time. The control of the money power can be effected through a system of Government financing or funding the elections. I do not know, one of your Party Members advocated this. This is a good proposal. There are many expenses, everybody knows. I do not know whether you have been shunted here. I do not know. Otherwise, you have to fight the elections.

**MR. CHAIRMAN :** No, no. Not shunted at all.

**SHRI SOMNATH CHATTERJEE :** I take it that you have come voluntarily here. *(Interruptions)*. He is a respected friend of mine. I have a special interest in him because he is my namesake.

Sir, everybody knows the expenses involved mainly in printing. A party like ours, we do not have to engage paid volunteers, like you have to do. Everybody knows it.

**PROF. N.G. RANGA :** We have had experience of you and also your Party.

**SHRI SOMNATH CHATTERJEE :** The main items of expenditure are on



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account of printing, transport and conveyance. Now regarding printing costs, it has been not only our Party suggestion but also various political Parties including the Congress Party have said about it. Who speaks, for what Congress, I do not know. Nobody knows, it is Congress with parenthesis or without parenthesis. I do not know. What is within the parenthesis also, it depends on many things. Therefore, regarding the expenditure on this account, I would like to very keenly hear the hon. Minister's reaction, of course, if the Cabinet Subcommittee has decided up till now. But don't leave it to the Cabinet Subcommittee's deliberations which are unending. He will say, it is yet to be decided. However, these are valuable suggestions and we will consider them. These are the usual things we have been hearing. We have been seeing it.

There have been suggestions even from the Election Commission that some part of the printing cost, at least booth slips—it was somewhat been implemented—and the voters' list should be borne by the Government.

SHRI BRAHMA DUTT : What about Identity card ?

SHRI SOMNATH CHATTERJEE : I am supporting identity card. But Mr. Brahma Dutt, your Party will never accept it. We write it down.

SHRI BRAHMA DUTT : That is your forecast.

SHRI SOMNATH CHATTERJEE : I know your Party as much as you know.

PROF. N.G. RANGA : Why do you say so ?

SHRI BRAHMA DUTT : It seems now a days Marxism and astrology go together.

SHRI SOMNATH CHATTERJEE : I find Mr. Brahma Dutt represents a hopeless minority in his Party.

As far as these expenses are concerned, it should be borne by the Government. Then, to that extent, the candidates of the political Parties are to bear lesser expenses. There should be a vested interest of everybody in free and fair elections, not in manipulating election. Therefore, let us be happy to hear so much that poor people cannot contest. You say so many things on the floor of the House. How can they contest unless they get the backing of a big political party like yours or unless there is a popular support like ours !

PROF. N.G. RANGA : How frankly you put it !

SHRI SOMNATH CHATTERJEE : Therefore, instead of shedding crocodile tears for poor candidates, the Government must be wholly concerned about this. Only Government can afford and can do this. Public Exchequer has to bear the expenses.

We have heard about booth capturing.

SHRI JAI PRAKASH AGARWAL (Chandni Chowk) : In West Bengal.

SHRI SOMNATH CHATTERJEE : In West Bengal, in which year ?

SHRI JAI PRAKASH AGARWAL : Every time it is a complaint.

SHRI SOMNATH CHATTERJEE : You have heard of that in 1972. You supported us then, Rangaji. You accepted the position. That is, in 1972, there was a farce of an election in West Bengal. Shri Siddharth Sankar Roy went from Delhi to Calcutta as the Chief Minister Subedar of Bengal. During the President's rule, he was the West Bengal Minister from the Centre, who was deputed there and thanks to his performance ! Now Birbhum and Bholpur have shown the way with the result of 98,999 votes. He has lost.

SHRI BRAHMA DUTT : Bengal always has subedars, no kings !

SHRI SOMNATH CHATTERJEE : Booth capturing we have seen in its most

crudest form. Only 12 Opposition Left candidates by mistake were allowed to be elected. 12 only. And with your vast majority there, what did you achieve? A Wanchoo Commission to find out the corruption amongst the Ministers. Your Chief Minister had constituted a judicial commission in West Bengal, Mr. Siddharth Sankar Roy, to find out which Ministers were guilty of corruption and two Ministers had to resign on the basis of these findings.

**SHRI JAI PRAKASH AGARWAL :** What happened to Finance Minister this time ?

**SHRI SOMNATH CHATTERJEE :** He has his own ideas to resign, not on charges of corruption.

**SHRI BRAHMA DUTT :** He has resigned in protest.

**SHRI JAI PRAKASH AGARWAL :** Without naming what are the charges !

**SHRI SOMNATH CHATTERJEE :** No charges.

**MR. CHAIRMAN :** Please finish.

**SHRI SOMNATH CHATTERJEE :** There are various perversions. These things require political and administrative will. We have seen how character assassination is being done, with impunity !

I request let us not treat every matter on partisan considerations. I support many things Shri Brahma Dutt said. Many things I support. But I am requesting you, "Please be serious about this. Please do something. You got the power."

**SHRI BRAHMA DUTT :** Government is very serious. Anti-defection Bill is there.

**SHRI SOMNATH CHATTERJEE :** I am glad you have reminded me of that. Anti-defection Bill was passed in record time. The other day Prime Minister took credit ! "See, how quickly we got the anti-defection bill." What about the other

suggestions you are making with your valued experience, Mr. Brahma Dutt ?

**SHRI BRAHMA DUTT :** That also will come in time.

**SHRI SOMNATH CHATTERJEE :** There is a perversion creeping in. I do not wish to make any reference personally. But I am very unhappy and worried to see that retired Chief Election Commissioner was made a Governor. On principle, this is dangerous. I have got nothing against the present Governor of Gujarat as a person. I may not be misunderstood of making personal reflection on him. But he would have gone up in everybody's estimation if only he had decided to refuse the offer of Governorship. This is the way you pollute the system. You dangle the carrot before them. That is why on principle, in my humble capacity on the floor of this House, in the previous Lok Sabha, I said 'Please don't offer post-retirement jobs or benefits Judges.' So many things have been done. This attitude to appease, especially before retirement is a dangerous phenomenon. After all human beings are prone to fall into this attitude of appeasement for their future benefit. But why do you do it ? I have great respect for the person who is the present Chief Election Commissioner. I have had the benefit of working with him in so many committees and all that. They are eminent civil servants. I hope this type of allurement will not be brought before the holders of high positions like the Chief Election Commissioner. That is why a demand is made and that demand is the unanimous recommendation of the committee—I mentioned earlier—in 1972 that the Election Commission must be a multi-member body. This is not the first time this idea has come. The Constitution itself envisages that it can be a multi-member body. Even Dr. Ambedkar said that it can easily be made a multi-member body if the situation and experience so demand. So many judicial powers have been vested in the Commission.

**PROF. N.G. RANGA :** It is an independent body.

**SHRI SOMNATH CHATTERJEE :** Now you are giving them these post-

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retirement benefits. All the more necessary it has become now that you should make it a multi-member body. Dr. Rajhans has supported this....

SHRI BRAHMA DUTT : You agree with all his ideas ?

SHRI SOMNATH CHATTERJEE : Not all.

There are one or two things. Mrs. Phulrenu Guha, a very respected Member of this House, referred to the voters' list. Nobody can deny that the voters, list should be correct. But who is responsible for this ? I cannot forget....

PROF. N.G. RANGA : Make it non-political. Why do you make it controversial ?

SHRI SOMNATH CHATTERJEE : With all respect that I have, may I remind you what happened in 1982 ? Your Party had gone to the court with the allegation that the voters' lists in West Bengal were all manipulated and you obtained an *ad interim* injunction from the Court which resulted in the stoppage of the electoral process in West Bengal. The whole object was that within the time provided no election could be held so the Governor's rule could be imposed and 1972 could be repeated in 1982. There were full hearings before the Supreme Court for days together and the Supreme Court said that the allegations of manipulations in the voters' lists were all concocted by the Congress Party. That is the judgment of the Supreme Court. Therefore, who is abusing these processes ? Mr. Sidhartha Shankar Ray, Mr. Ashok Sen, Mr. Ajit Panja, Mr. Bholanath Sen—some of them are member of this House now—but for days together they tried to prove the so-called allegations and everyone of them has been gone into by the Supreme Court and they were all held to be bogus allegations and charges. Therefore, you are utilising this and your people are in charge of this.

We are asking for this and we say this is necessary, and the most important thing is to avoid the biggest distortion in our

electoral system and in our political system which is there now. Governments are constituted and we are reminded of the so-called massive mandates.

17.00 hrs.

When this Government could come into existence on the basis of minority votes. Even in 1971, you had got minority votes.

PROF. N.G. RANGA : Less than 50 per cent !

SHRI SOMNATH CHATTERJEE : In 1980, with all that massive voting, Shri Satyendra Narain Sinha, my respected colleague who is here, his votes were then part of our votes, the opposition votes. But even then the Congress got in here by minority voter.

(Interruptions)

Even this time the point is if you want to avoid distortion in this system, if you want proper reflection of the people's will in the composition of the House, you must necessarily have it by proportional representation with list system. Otherwise there cannot be true projection of popular choice in the composition of the House.

(Interruptions)

Therefore, Sir, with all humility, Professor Ranga says "Don't bring politics."

PROF. N.G. RANGA : You are spoiling the whole case.

SHRI SOMNATH CHATTERJEE : I am spoiling their case. I am not spoiling my case. I only wish that they should speak in one voice. (Interruptions) One thing we know that they are not able to speak in one voice. I am waiting to listen to Mr. Daga. Therefore, please bring about this for the sake of this country; for the sake of electoral purity in this country. Please do not pay only lip-service. It will earn the name that the entire House and the country is a band of hypocrites as you are.

(Interruptions)

**SHRI SHARAD DIGHE :** (Bombay North Central) : I'm happy to participate in the discussion on this resolution of the Electoral Reforms. But unfortunately, the previous speaker, hon. Member Shri Somnath Chatterjee has made a political speech on this very good issue. He should have reserved all his allegations and comments for some other occasion and not on the occasion of discussing electoral reforms. Sir electoral reforms is a continuous process. We should continuously think what reforms should be brought in our electoral process. I share the view of Shri Brahm Dutt in one respect that in the first place let us be proud of our democracy; let us be proud of our electoral process because, it has stood the test of time for all these years. We are having peaceful elections in this vast country unlike several other Asian countries. Therefore, let us not paint a picture that the whole electoral process in this country is wrong and those who get majority get it only due to money power and muscle power. The voters of this country are also very wise. They have shown wisdom in every election and always given a good leadership; a good Government to this country. Let us not forget their wisdom and let us not blame the electorate and the whole party which comes to power.

Let us take a view that our system is good but we would like to make it ideal; we should remove the shortfalls the failings in the system so that it will be still better and it will be ideal for this country. From this point of view, I may say, this subject of electoral reforms should be approached and not merely from partisan point of view or from the political point of view.

As I said, it is a continuous process. Since 1972 several Committees have been appointed. In that year a Parliamentary Committee viz. Jagannath Rao Committee was appointed to which hon. Member Shri Somnath Chatterjee has also referred and its report is also on record. Non-official Committees also like that of the Citizens for Democracy have formulated their reports in February 1975 and thereafter in August 1977. Justice Tarkunde Committee's recommendations are also there. Not only that, the Election Commission have from

time to time made their own recommendations : we have on record their Report of 1983 and also their Report of 1984. Several recommendations are there in these report also.

Now, all the persons who are in politics as well as all social reformers should have a public debate on this and come to some consensus as to which reforms should be immediately introduced as far as electoral reforms are concerned. One cannot say that the Congress Party is not serious about the reforms. As some Members have already referred to, the anti-Defection law was also one of the electoral reforms that was pressed in this country for several years and which we have been able to pass in this Lok Sabha. The second electoral reform which was also pressed throughout was the amendment to section 52 of the Representation of the People Act, and that was also passed at the time of the Punjab election, namely, countermanding the election on the death of a candidate only of political parties. Before that, we also passed the amendment to the Companies Act whereby the electoral reform which was demanded by several parties, not only by the Congress Party alone but by some Parties from the Opposition also, that the donations should be legalised and made open, was also made. That reform was also an electoral reform and that has been undertaken by this Government only.

Therefore, as I said, this a continuous process and one after another we may consider several reforms on which there could be a broad consensus as far as this country is concerned.

No doubt, there are three major evils : the money power, the muscle power and the media power. These are the three major evils on which we have to come to some consensus.

Let us first take the money power. For that, State funding of elections is a suggestion which has been made and which is debated everywhere. Of course, even Election Commissioners have had difference of opinion on this. Shri Shakhdar was very much for State-funding of elections. Mr.

[Shri Sharad Dighe]

Trivedi was also, to a certain extent, in favour of that. But the present Election Commissioner, Shri Peri Sastri, has expressed differently on this issue. So, what I say is that there is no unanimity on these questions and we shall have to consider them properly. As far as I am concerned, I am firmly of the opinion that State-funding of elections should be introduced as early as possible. That will curtail the money power which exists to a great extent. Therefore, what I say is that that reform should be considered as early as possible from all aspects. It is given by Mr. Shakhdar in several speeches that it will be costing nearly Rs. 100 crores. If it is to be divided between the States and the Centre, the Centre will have to bear Rs. 50 crores and the States will have to bear Rs. 50 crores. This will amount to about Rs. 10 crores every year in the budget of the States as well as of the Centre. It is not an impracticable suggestion. It is a practicable suggestion which will go a long way if it is undertaken as early as possible.

If that is not possible, if that is not practicable at least this aid should be in kind on which I think there is an unanimity. More facilities should be provided such as postage, diesel or petrol. They should be given to certain recognised parties. In order to do this, the political parties should have some status in our Constitution. In the Constitution there is no status for political parties. That will have to be defined first.

At the time of Anti Defection Act we had to refer to political parties, at the time of allowing Donation from Companies we had to refer to political parties. Slowly political parties are getting some status in our law. It must be defined now and that idea should be introduced in our Constitution, so that not only it will be recognised, but some checks will be there on the political parties—on their accounts, on their audit, on their constitution. All these things will have to be checked so that a great reform would be there as far as the election machinery is concerned.

The suggestion which is often made

now-a-days is about the electronic voting machine system. By way of experiment it was introduced. But the Supreme Court struck it down in the case of Shri A.C. Jose versus Shri Sevan Pillai. That was a case from Kerala. It was a CPI candidate from Parur. The Supreme Court in that case had given only two points. The first was that the Election Commissioner was not empowered. It was beyond the powers of the Election Commissioner. He had no powers to introduce this new system. Secondly definition of the term "ballot" which is envisaged in the Representation of the People Act does not envisage this system of machine.

If we can introduce proper amendment or necessary amendment in law, I think the electronic voting machine system could very well be introduced.

The greatest advantage of this system is that several invalid votes can be avoided. It is reported that last time 39 seats had a margin of success which was equivalent or perhaps less than the invalid votes. Therefore, this will reflect the proper will of the people if this is introduced. That will have a great advantage which will cut down several problems as far as the procedure is concerned.

On this system the first objection is that whether our illiterate people will be able to operate. The experience has shown that it is not difficult it is just like switching a light. Therefore, it will not be difficult for even an illiterate of India to work up this.

As far as the financial consideration also is considered, it is stated that it will cost about Rs. 160 crores to introduce this throughout the country. Considering our present expenses without this machine or with our usual ballot system, this will be recovered in three elections. So, it must be 1/3 of this.

Our indigenous undertaking viz., BCIL and BEL—both are public sectors—are in a position to manufacture this. So, we shall not have to rely upon any foreign machinery for this purpose and the financial



burden also will not be too much. Therefore, this reform also may be considered as early as possible.

Sir, several references have been made to the muscle power. It is true that in some cases muscle power has been playing a dominant part and the examples which were given are also very significant. In some cases out of 297 booths nearly in 69 booths the repoll had to be ordered. Then in Gopalganj a candidate let loose a rogue elephant followed by another elephant with armed men riding on it. Then in Mokameh an Independent candidate had 200 armed horsemen going around scaring any supporters of his rival. Of course, these things occur in some exceptional cases but still....

[Translation]

SHRI KALI PRASAD PANDEY (Gopalganj): Mr. Chairman, Sir, I belong to Gopalganj. Hon. Member is an elderly person, but his allegations are baseless because I contested and won elections from jail. Do not go by what appeared in the Press. (*Interruptions*)

[English]

SHRI SHARAD DIGHE: This is in the Report of the Election Commission. Therefore, I have referred to it. These are merely examples. Whether they are true or untrue that has to be found out. But these are the allegations made and examples given. So, for this purpose a firm election law should be made so that any person using this mode of intimidation or capturing of booths may be severely punished and disqualified for another six years as far as elections are concerned.

Sir, we say that several criminals are supporting. Now the time has come when some criminals themselves contest. Those who are detained or convicted under the National Security Act or Essential Services Act.....

SHRI SOMNATH CHATTERJEE: No. No. That cannot be.

SHRI SHARAD DIGHE: At least

you will agree that those detained or punished under COFEPOSA or Smuggling Act should be debarred. About National Security Act it is a controversial point. You fear if it is done then it may be used as a political weapon. That may be considered carefully.

Sir, it is also necessary to give identity cards to avoid bogus voting. This should also be considered. Then places of worship should not be used as a podium for electioneering purposes. For that also law is necessary. It may also be necessary to consider to reduce the age of the voters from 21 to 18 years.

Sir, I am not in favour of this proportional representation or list system because that will bring fragmentation of the parties and a sort of a weak and heterogeneous government. For a vast country like us it is not advisable to have coalition government or heterogeneous government with no strong political party ruling because this House or as far as Parliament is concerned it is not merely for intellectual debates. It is after all to form a strong government to run the Government of this country and to have the economic development, to have a good Defence and for all these purposes my submission is that proportional representation or list system will not be useful to us. The present system of the West-Minister is the best system.

[Translation]

SHRI P. NAMGYAL (Ladak): Mr. Chairman, Sir, I would like to express my views on the Resolution moved by Shri D.N. Reddy. The resolution has lost its usefulness because it has already been mentioned in the Presidential Address that a Bill for electoral reforms would be introduced shortly. The second point raised in the Resolution was that reforms should be effected in consultation with the Opposition parties. It is a good suggestion. It is an electoral matter and if we have to strengthen our democracy, it is necessary to consult the Opposition parties.

In this regard I wish to refer to the directives of the Election Commission issued on February 18, 1985 to the effect

[Shri P. Namgyal]

That election results be withheld in the States where booth capturing is resorted to. I am the first victim of that directive. Whenever rules are made, they must take into account the situation, difficulties and populations of each area. I would like to read a few lines of the directive dated February 18, 1985. The subject of that directive was—

[English]

'Special Measures for Prevention of Booth Capturing'.

[Translation]

He has said therein :—

[English]

"I am directed to inform you that according to existing directions of the Commission, in the matter of prevention of booth capturing, the polling stations which have recorded more than 90% votes and where at the time of counting of votes, it is found that votes cast in favour of the candidate is abnormal from normal standard or almost entire lot have gone in favour of one candidate, the votes in such polling booths should be set apart and after the counting of ballot papers of other polling stations is completed, if it is found that the margin of votes secured by the leading candidate and the next candidate is less than the votes assigned to the polling stations, the Returning Officer should not declare the result but should make a reference to the Commission for its directions and orders to which further action to be taken in the matter".

[Translation]

In this regard I would like to say that this directive is applicable to the Polling Stations where the number of voters is a few thousand and on an average 8 to 9 hundred voters cast their vote. But my constituency is spread over a large area and the population is scattered. The area

of my constituency is two-third of Jammu and Kashmir state but its population is only one lakh and thirty five thousand.

In my constituency there are 336 polling stations and out of them at 84 polling booths, counting was not done. The total number of voters in those 84 polling stations was 15,000 and at one polling station the number of voters was 4. In 65 Polling Stations the number of voters is less than 100, in 56 Polling Stations it is less than 200, in 26 polling stations it is less than 300, in 7 polling stations it is less than 400, in 5 less than 500, in 9 less than 600, in 4 less than 700, in 3 less than 800 and there is on polling station in which the number of voters may be 900. There are 2 polling stations where the number of voters is 1000 and at 3 polling booths the number is 1000 to 1100 voters.

It has been mention in the directive that it was intended to prevent booth capturing, but whether booth capturing is possible where there are only four twenty or fifty voters ?

Secondly, it is also mandatory as per the directive that in case a complaint is made by a candidate about booth capturing, the counting would be withheld. But when there is no complaint and all the candidates are satisfied with fair polling, then where is the necessity to apply this directive ? I think it is the law of the jungle. It is may request that if you wish to bring about any electoral reforms, these things must be taken into consideration.

There is a polling station Damjog which is generally in news on the Radio during every election. There, at the international border one family is living on our side and the rest of the families are on Tibetan side. For publicity, you have opened a polling booth there for four voters only. Obviously, all the four votes have gone in favour of one candidate, but their votes were not counted. Now they ask whether they are Indian citizens or not ? They ask us that they cast their votes and are they being treated as Indian citizens ? So this thing creates adverse effect on them. Hence, it is necessary to see such things while enforcing this directive.

Similarly, there are 50 polling stations, where the number of voters is less than 50. Therefore, this rule does not apply everywhere.

Therefore, we feel that it is necessary to enact legislation to effect electoral-reforms. Whenever you frame these laws. You must bear in mind the problems of every region.

I want to speak about delimitation of constituencies, for which population has been adopted as the norm. My constituency is spread over an area of one lakh square metres. I cannot do justice to my voters because I cannot go to every region. This is my second term. So far I have not been able to reach all the villages, and it is not possible also. Of course, if somebody remains here continuously for ten terms then it might be possible. This is a difficult terrain. I am pleading it because perhaps in 1991 you propose to undertake delimitation. At that time you must consider population also besides the area. While considering such areas, you should take it in account the fact whether the area is accessible and whether an M.P. or M.L.A. can cover it in five years? Nobody can cover it during his five year term. Therefore, I suggest that where the constituency has a large area, the population should not be taken as the criterion so that the people can get justice in the assembly and Parliament.

I would also like to say something about the State financing. Election expenses should be financed by the State. This is clear that the candidates who belong to recognized national parties will definitely contest the elections. But there should not be recurrence of what happened in Kerala recently. There, three hundred candidates contested for a single seat and the ballot paper was bigger than a newspaper. There should be state financing to curb it. If the contesting candidate gets votes below a certain percentage, all those expenses should be recovered from him. This may create a sense of fear otherwise the problem will become complicated.

Identity-cards should be issued to curbe

bogus voting. Mr. Somnath Chatterjee is not present. We know how he managed to win elections this time.\*\* There are two states, which are notorious for bogus voting—West Bengal and Jammu and Kashmir. I know that it is a practice in my constituency, I myself have brought this to the notice of the Election Commission. My constituency has 15,000 bogus voters. In a constituency where the total number of voters is 88,000 there even 10,000 bogus voters can tilt the balance. It being a small constituency, population-wise, even a thousand bogus votes can reverse the results. Therefore, at such place you should make special arrangements to maintain records at such places. Our Muslim brothers also live there. The female members of their families do not come for voting. Their husbands come in *Burqa* and cast their votes. Identity-cards should be issued to stop such malpractices. Separate polling booths can be provided for ladies. Our election machinery can stop bogus voting in this manner. I feel that it does happen in other places also and it is not confined to Kashmir alone. It happened during the rule of Shri Farrukh and afterwards also. We made a complaint about it.

Another important thing is canvassing on the basis of communal considerations. Professor Madhu Dandavate has left, he might be aware that in 1977 we were of the opinion that Janta Party would win the elections because their posters appeared to be pasted everywhere. Next day we saw that all the posters were changed overnight and the posters of National Conference had replaced the Janata posters. The reasons advanced for it was that Islam was in danger and they exhorted the voter either to vote for Islam or for *Kafir*. The same thing was repeated in 1983 and 1985. It may also happen in the next election.

I am not saying it because our party is not having good position in Kasamir Valley. It is not so. There the balance is tilted on the plea of Islam and Pakistan. Therefore, I wish that those who seek votes in the name of religion or any other communal basis, should be disqualified.

\*Not recorded.

[Shri P. Namgyal]

There should be a provision for it in our electoral laws. Otherwise, one cannot hope for fair elections in a place like Kashmir. Electronic machines should be introduced in elections. No doubt, it is expensive but for holding fair elections it is a must. It may prove convenient in areas like Ours. One has just to push a button. It should be used in every region.

My last point is that generally polling takes place in the month of December or January. My suggestion is that it should be held in November, because November is a favourable month as there are neither rains, cold nor snow in this month (*Interruptions*) I do not think that harvesting affects polling. It has been seen in previous elections that it is weather which affects polling. Therefore, I am of the view that polling should be held in November. On account of acute winter, elections are always deferred in my constituency. We do not bother about the cold weather. From our side, we are ready for elections at any time, be it the month of January or December. The elections are deferred for the convenience of the election personnel. Everywhere election should be held simultaneously, so that justice is done to everybody. I was of course benefited by the late elections, as Congress Party had already come to power in the Centre and people had made up their mind to vote for me. But otherwise postponement of elections unnecessarily disturbs the peace of mind for five to six months.

(*Interruptions*)

I was saying that during this interregnum of six to seven months, electioneering causes a lot of problems for everybody. It involves extra expenses and it also creates law and order problems. We also fight with one another. Therefore all over the country the General Election should be held simultaneously. And within 15 to 20 days the results should be declared. These points should be taken into account.

I think the Resolution introduced by Mr. Reddy has already been included in the Presidential Address because Government is introducing a Bill to this effect, and secondly this Government is always

ready to discuss it and our Prime Minister is always ready to consult everybody on every issue. Therefore, I feel that he should withdraw this Resolution.

[*English*]

SHRI THAMPAN THOMAS : (Mavelikara) : These election reforms are the need of the hour. We have an expectation the we, the largest number of people, are participating in our democracy. But, unfortunately, if we analyse it, we may see that our democracy, unless there are election reforms, will go to a mockery.

Even, at present, a government, which is formed, is not by the majority, because of the participation of people in the election process. A party which has got less than 50 per cent votes claims that it has a mass support and they form the government. The other party, when compared, is having much less representation. How the will of the people is reflected? So, in India, unless the will of the people and the majority view is brought out, the democracy itself will become meaningless; and in that direction, the election reforms will have to take place in the country at the earliest possible opportunity. Therefore, I support the views expressed by some of my friends that there should be a proportional representation; and if proportional representation is given, that may rectify this mistake to some extent.

Secondly, there is a feeling in the mind of certain people to go to vote, they can opt either to go for voting or not to go for voting. But, I have seen in certain newly democratic countries, in Europe and in other parts, where democracy has developed, there the system is that if they are not going for the voting, they will be liable for a fine.

It is the duty of a citizen to go for voting. It is a right which one has to exercise. There is no compulsion in our country to go for voting. I am not going into the details of it. If it is analysed, only a minority takes part in the election, and out of the majority which gets a much less percentage than 50 per cent, they come to power. This situation has to be avoided



for the maintenance of democratic principles in this country.

Second thing is manipulation of the elections. The possibility of manipulation of the elections by the persons in power, and the range is very wide. Those who are in Government whether it is the Centre or the State they take every opportunity to manipulate the elections. This has been my experience. I am only telling—just as an example—how the Government or the persons in power manipulate, the Government and the Government machinery are used for the purpose of the elections. They use the governmental power, may be collective bribing of the constituents or the people or they bring out some legislation that may benefit the electorate, they may bring in new actions favouring a community, or caste and other things. This has been my analysis of the election process with different parties in power. Just before the elections even opening of new factories in a constituency are promised. They promise that a new factory would be opened, or they lay some foundation stone and that stone will be there even after the elections. Several promises will be made; many many promises are made.

I will just give you a small example to show how far these things are done. People in the electorate are promised so many things. I am not going into the details.

You can see, that they give a new coach factory to Punjab. They thought that they could purchase the electorate by that.

In my own constituency I narrate a small example, without going into it elaborately. On the 8th November there was a train going to Trivandrum from Ernakulam. On all the days it is a fast train which stops at only two stations. Just when the election was announced some of the members who were wielding power went to the Railway department and ensured that the train stopped at all the small stations in that constituency. This happened in my own constituency. It stopped at every station just on the day of the elections, but on the very next day after the elections when the people elected me,

they stopped that privilege and the train went back to its original schedule of not stopping at those small stations. This is only a small example, but there will be bigger examples. There are bigger examples. Government officers and the Government machinery are used by the party in power to manipulate the elections, or the process of elections.

Just before the elections some measures are taken favouring the Christians, or some measures are taken favouring some other community or the Muslims or there will be some other promises.

How are we going to restrain these things in this country? We have to ensure that all these things are curbed. Because those who are in power, try to patronise the people and purchase people and use the opportunity for elections, these things happen in the country at all times. If that experience is not to be repeated the first and foremost thing to be done, is when an election is taking place, governmental action has to be supervised. It has to be censured by the public and it has to be watched. Influencing the public in that process is the most important thing. I am not going into the details of that aspect. I am only mentioning that this is how manipulation of elections is taking place, using the administrative machinery for these things.

Then, Sir, comes State funding. This is a very important aspect, but I say that in the present context State funding shall not be in addition to the governmental collections. Because the party in power will be able to take money from all the big guns and in addition to that if they are also permitted to use the State funding, then there will be no meaning. In the elections, whether it is the party in power or in opposition, after formulating, regulating the party's functions and duties and defining them properly, each party should get equal share. It shall not be over and above the ruling party's collections and other things. State funds can be used for election purposes. There should be guidelines criteria and code of conduct in these things. The first



[Shri Thampan Thomas]

fraud that is committed by all the parliamentarians, who are elected here and also by the Members of the State Assemblies, is in respect of accounting. There is a limit for expenditure. From the candidate's side, we give the return. But in reality, in the name of the party, in the name of collections, in the name of other voluntary organisations, we have to spend much more in the elections. How can we reduce this expenditure on elections, how can we get the exchequer spend for the common purposes and how the people should be given an opportunity select candidates? There should be an opportunity for them over and above the party considerations, party's propaganda, acceptance of the party's principles and ideologies. People should be in a position to evaluate the candidates. Proper opportunity should be given to the people to exercise their free will in evaluating a candidate.

With regard to the composition of Election Commission, I support the view expressed by Shri Somnath Chatterjee. There should be a multi-member Election Commission in this country. I would suggest that the members of the Election Commission should be selected jointly by the Prime Minister, the leader of the opposition and the Chief Justice of India. Only then that body will have some recognition and also some sort of individuality. I am not going into details on this subject any further.

About the mass media, any one, who is qualified to context the election, should have free access to mass media. At the time of elections, mass media is used by the party in power for the propaganda of its candidates. At least during election time, there should be freedom given to every party to use mass media for election purposes.

From the start of the process of election till the counting stage, there should be reforms, because the present system is very much capable of manipulation. Therefore, necessary reforms in consultation with the political parties should be made.

With these words, I conclude.

SHRI RAJ MANGAL PANDE (Deoria) : Mr. Chairman, Sir, I will not hesitate to say that there is some sense in this Resolution moved by Shri Reddy.

It looks nice to talk about free and fair elections. But may I very humbly ask the Members from both sides, who are present here, are we not responsible in some way or the other to either abet or do something to affect the course of free and fair elections? There is hardly a person who does not exploit an opportunity if at all offered to him.

SHRI MOOL CHAND DAGA (Pali) : I am an exception to that.

SHRI RAJ MANGAL PANDE : If Mr. Daga is an exception, then every Member of this House could be an exception. There will be on denying the truth that some rot has set in which is going to vitally affect the course of democracy. The very democracy depends on an independent election machinery and an independent judiciary. Many Members from this side and from the other side have spoken a lot about the rot that has set in in our election machinery. It is not the law alone that can cover up the whole thing and that can give a guarantee to the free and fair elections. Are there not such laws in Philippines? Was there no such law when Bhutto was the President? Even in Pakistan at that time it was a rumour and it was subsequently conclusively proved that Bhutto rigged the election, and that was a very serious cause of concern among the people of Pakistan against Mr. Bhutto. So, it has been amply demonstrated that it is not the law alone that can give guarantee for a free and fair election, it is the machinery, it is the people who virtually manage the election machinery, which go a long way to see whether the elections could be conducted freely and fairly or not. Even when the amendments were not there until 1967-69, or even as late as 1971, there was hardly any individual or sporadic case of booth capturing or violence employed therein or false voting. But after 1971, the rot started. Not only this, it started more when our bureaucracy started taking interest in the course of election on the

basis of caste, creed, religion or some kind of a bias against a particular candidate. Subsequently it developed to such an extent that now our course of election is very much affected by this bureaucracy because the bureaucracy is interested either in some particular government or in some particular candidate. So whether this law is changed or not, whether some emendment is made or not, it will be only worth the name. What we have to do is to check the bureaucracy, to see that bureaucracy does not take undue interest in the conducting of the free and fair elections.

So, Sir, our problem is this rot that has set in, this bureaucracy, especially the State bureaucracy that has got conscious of it that no government can be sustained or can be formed without their connivance or without their support. And that is the worst part of the functioning of democracy. This we have to stop. It does not matter how much price we have to pay for it.

The next thing is that when we talk of

electronic machines and everything, we forget that an ordinary Home Guard sepoy used to be there to safeguard the booth and there was not one false voting or a case of impersonation. But now, in spite of all the battalions and companies that we deploy, we find the booths being captured. Whether it happens in Bihar or West Bengal or Jammu and Kashmir or Uttar Pradesh, the fact is that... (*Interruptions*)

MR. CHAIRMAN : Mr. Pande, you can continue next time.

The House stands adjourned to reassemble on Monday, the 17th March, 1986 at 11 A.M.

18. 00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 17th March, 1986/Phalguna 26, 1907 (Saka)*