

protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people."

When the present arrangement has failed to provide security to the people of Assam, it cannot be accepted as the last and final arrangement. Therefore, we must not be compelled to continue in this arrangement for eternity.

Sir, my reaction against this is not my individual reaction; it is the reaction of the Plains Tribals of Assam. I represent the Plains Tribals of Assam here. My voice is the voice of the Plains Tribals of Assam. The tribals have become very restive today. They are the most Unhappy lot in Assam today and that is why they have demanded autonomy for their areas. That is why they have raised this slogan : 'No Udayachal No Rest'. Udayachal is the name they have given to their areas unless the Plains Tribals are made masters of their area, masters of their destiny, it will not be possible for them to survive.

15.32 hrs.

COMMITTEE ON PRIVATE  
MEMBERS BILLS AND  
RESOLUTIONS

Seventeenth Report

[English]

SHRI HAFIZ MOHD. SIDDIQ  
(Moradabad) : Sir, I beg to move :

"That this House do agree with the Seventeenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 9th April, 1986."

MR. CHAIRMAN : The question is :

"That this House do agree with the Seventeenth Report of the Committee on private Members Bills and Resolutions presented to the House on the 9th April, 1986."

*The motion was adopted*

15.32½ hrs.

RESOLUTION RE : ELECTORAL  
REFORMS—*CONTD.*

[English]

MR. CHAIRMAN : The House will now take up further discussion on the Resolution moved by Shri D. N. Reddy, regarding electoral reforms.

Before I call Shri Abdul Rashid Kabuli to continue his speech, I wish to point out that only one minute is left for the item. Many more Members want to speak on the Resolution. If they are to be allowed, the House has to extend the time for further discussion on this Resolution. We may extend the time perhaps by two hours ..

SHRI RAM SINGH YADAV (Alwar) :  
By four hours, Sir.

THE MINISTER OF PARLIAM-  
ENTARY AFFAIRS AND TOURISM  
(SARI H. K. L. BHAGAT) : For the  
time being, this may be extended by two  
hours. If necessary, we may extend once  
again.

MR. CHAIRMAN : I hope the House  
agrees.

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : So, the time is  
extended by two hours.

Mr. Abdul Rashid Kabuli.

[Translation]

SHRI ABDUL RASHID KABULI  
(Srinagar) : Mr. Chairman, the biggest  
flaw in our election laws, which is a matter  
of concern for all, is that these have failed  
to check use of money, muscle power and  
Government machinery in elections. I  
request the House to amend the election  
laws in such a way that money, muscle  
power and Government machinery may  
not be used to further the prospects of  
any candidate or party. In our country,

[Shri Abdul Rashid Kabuli]

the ruling party remains in power as caretaker Government as an interim arrangement till the election process is completed. I feel that it is a big contradiction. It is negation of democracy, which we have adopted. When the ruling party is in power and different opposition parties contest election against it, we forget the Constitution, Code of conduct or morals etc. Then the ruling party and all its candidates contesting the election try to win elections by any means. But the Government machinery is misused during elections although its degree may vary from place to place. All types of influences and pressures are used to make the candidate win. It has been observed that during elections, whichever party may be in power in a State or at the Centre, its Government does injustice to the opposition. I feel that this is against the norms of impartiality of the Election Commission. This is causing big damage. I want that some way should be found out. One solution can be that a period of 4-6 months or so be fixed for the preparation for elections during which all powers may be vested in the Governor. Some such solution will have to be found out. Otherwise the influence of the ruling party will go on increasing and we will have to suffer. We are already getting a bad name on this account.

It always happens that whenever there are elections in a State or for the legislature at the Centre, the opposition charges the ruling party of adopting unfair and fraudulent means, rigging etc. to secure the victory of its candidates. As far as the election expenses are concerned, a candidate contesting a parliamentary seat can spend Rs. 35-50 thousand for which he is required to submit to the Election Commission a proper account duly supported by documents. On one hand this ceiling has been fixed but on the other hand candidate's friends, supporters or his party are free to spend any amount in his support by way of posters, petrol, jeeps or any other form of propaganda. I feel that it defeats the very purpose of fixing a ceiling. This entire election process breeds corruption and leaves scope for unfair means. That is the reason that the big

capitalists like Tatas and Birlas lure some of us through influence or pressure to create their own lobbies in State Assemblies and Parliament to cater to their vested interests. We will have to stop this practice. We will have to find out a way so that a candidate is able to get elected on the basis of his capabilities, qualities and popularity in public. The muscle power and support of hoobigans can be secured with money only. They think that it is very easy since money plays an important role in elections.

I would like to submit through you that the State should provide help to the candidate in the form of material and in my opinion it would be wrong to grant monetary help. Let there be a ceiling of Rs. 35-40 thousand but if he needs more money, it should be given by the State in the form of material and not in cash. There is yet another problem regarding the election of the Speaker. Once a Member is elected as Speaker of Lok Sabha or State Assemblies he has generally to appease his party. He is under pressure to keep the interest of his party in view. Then the opposition often complains that he is helpless in the matter he has to approach his party to seek ticket for re-election after five years. I am not making any special suggestion in this regard but I want all of us to consider that once Speaker is elected, what is the need for him to re-contest the election. I have no solution to it but I think the House should think over it otherwise the Speaker, who is supposed and committed under the constitution to treat the opposition and the ruling party at par, is not able to maintain this balance. This is our practical experience. I wish he could do so. But if he is honest and treats them at par, he will lose the support of his party and will be unseated through a no confidence motion. This pinches us very much in a democracy. We will have to find a way out. Thirdly, I will like to submit that for future elections some way out.....

CH. SUNDER SINGH (Phillaur) : On a point of order, Sir. You have said that the Speaker should be impartial. Why candidates should be fielded against him ?

[English]

MR. CHAIRMAN : There is no point of order.

[Translation]

SHRI ABDUL RASHID KABULI : I am just saying that some way out for his election.....

SHRI RAM SINGH YADAV (Alwar) : This is the responsibility of the opposition. It is for you to realise it .....

SHRI ABDUL RASHID KABULI : I have left it to you. I say that it is a serious problem. Speaker, who does not feel secure himself has to bow down to his party as after five years he has to seek fresh mandate from the party to be returned again. If his party feels that he tried to be honest, gave equal status to the opposition and did not serve the cause of the party, he is bound to lose his Speakership.

Therefore, I am submitting that the Law Minister should see to it, you and the House should see to it, that in future Speaker enjoys full guarantee, security and assurance of tenure like our judiciary, the judges of our courts. Then only the Speaker will be able to treat all the parties equally and conduct the affairs of the House properly and impartially. The Opposition as well as the ruling party will not jeopardise his election but lend him full support. It is my suggestion.....

SHRI EBRAHIM SULEMAN SAIT (Manjari) : What is the guarantee that after election he will be made the Speaker.

SHRI ABDUL RASHID KABULI : Mr. Sait, as this question has been lurking in my mind time and again and this subject is under discussion here I thought it proper to suggest that the Government and the concerned Ministry should pay attention and consider this aspect of the elections, and find a solution to this problem.

I would like to submit one more point. We have adopted a policy of reservation, and our constitution provides for reservation for the scheduled castes and

scheduled tribes, etc. Accordingly, we are recruiting them in services every year. They are fully entitled to it and it is our duty to help them enjoy this right but in the process some type of wrong privileges should not be granted or it should not be done in an unprincipled manner. Harijans in our country are very backward and we must show full consideration to them and extend them full support and help to improve their lot. They fully deserve the concessions given to them but at the same time, there are sections in several other communities, minorities also and certain classes in our society which are very backward and poor. I would like to ask you in this House if your Ministry has ever thought of doing something for them as well. There are several sections whose lot is far worse than that of Harijans. There are such sections among the Sikhs known as 'Mazhabi Sikhs' among Christians and other communities also in the country and their number is also quite large yet no provisions have been made for them in our constitution.

CH. SUNDER SINGH : I agree with you but once these communities, Hindus, Christians, Muslims, etc. unit you would be doomed and the distinction of the rich and the Hindus, etc. would ultimately vanish.

SHRI ABDUL RASHID KABULI : I wish to strongly emphasize that this is an inherent flaw in our constitution. Could you tell me if any reservations have been made for the backward sections of the Muslim community or for the backward sections of other minority communities? What provision you have made for them in the constitution? This is sheer injustice and you must put an end to it at some stage. The Muslim population in our country is more than 10 crores and they should get proportional representation here. But do you think that the number of Muslim M. Ps. is in proportion to their population? Of course, all of them have to contest elections but at least it is the duty of the ruling party and your Ministry to ensure that all the different categories are proportionately represented here. This is the reason that a large section of the Muslim population is poor, backward and leading a miserable life. They are back-

[Shri Abdul Rashid Kabuli]

ward in politically as well as literarily. I am not opposed to reservation for Harijans, let it continue. But along with this please be considerate towards other communities and take care of them also and do justice to them so that they also enjoy the same benefits as have been granted to other communities in our secular democratic state. Since we have adopted secularism, no distinction can be made among Hindus, Muslims, Sikhs, Christians and Parsis. Hence, if any community is backward, you have to take steps for their upliftment and there should be no injustice in the matter.

In the end, I would like to talk about the independent election machinery, because it is very essential. You and I both fight elections. It may be election for a state assembly or our Parliament, we draw personnel from particular departments to conduct the elections and every Minister is interested in his department. Hence I suggest, that there should be a permanent Election Office which may conduct each election with full honest, and discharge its functions with full responsibility. Its tenure, personnel, rights should have full security and protection so that they may not be victimised or harassed at a latter date by a minister or ruling party, whose displeasure they might have earned in the process. They should have full guarantee, security and absolute rights. It is essential to set up such a permanent Election Office in our country.

**SHRI VIRDHI CHANDER JAIN** (Barmer): Mr. Chairman, Sir, I support the resolution moved by Shri Reddy regarding electoral reforms. Elections are being held since 1952 and citizens of our country have proved that the elections held under the democratic system have been quite successful and the people of our country favour the electoral process and prefer democratic system. The Indian people have given their verdict from time to time and endorsed their liking for the system of elections. The Governments have changed in the states as also at the Centre and it shows that the people have exercised their franchise judiciously. But there are limi-

tations as is the case with human beings, who also suffer from short-comings. So these find their way in elections also. The greatest problem is posed by the independent candidates. We cannot bar them from contesting the elections because if they are capable, why should they not become Members of legislative Assemblies or Lok Sabha. We cannot put restrictions on them and ask them to seek party nomination. Of course, we have observed that corruption has increased on account of entry of independent candidates into the election fray. Candidates of some parties put up some dummy independent candidates to ensure their success and defeat of their opponents. They use money power also. The Independent candidates agree to contest the elections because they want to make money. They are paid a handsome sum for withdrawing their candidature. This gives rise to corruption. Therefore, I think the measures suggested by the Election Commission should be welcomed.

The independent candidates should not get the facilities of telephone etc., which are given to the candidates sponsored by political parties. They should not be granted any facility allowed in regard to acquisition of vehicles as well. In other words, they should not get the benefits given to the party candidates. They should be denied those benefits.

Mr. Chairman, Sir, I would also suggest that an Independent candidate should be asked to deposit higher amount as security, I will say it should be double in their case. The amount of security deposit for party candidates should also be increased as it was fixed long ago, and it should be fixed at Rs. 2,000 in case of election to Lok Sabha and Rs. 1000 in case of legislative assemblies. Such a provision must be made. Besides, I have another suggestion that the candidature of an independent candidate must be supported by at least 20 persons failing which he should be made ineligible to contest the election. Thus we should try to impose as many legal restrictions on independent candidates as we can possibly do.

The next problem is that of booth capturing. This tendency is on the increase in Bihar, Uttar Pradesh and in some parts of Rajasthan. It is essential to check this tendency otherwise the very purpose of elections would be defeated and our democracy will be threatened. The suggestion offered by the Election Commission in this regard should be considered. If some booths are captured in a constituency, the Election Commission should have the power to declare election in the entire constituency as null and void. The candidates found guilty of booth capturing should be disqualified for contesting elections for a period of 6 years. Booth capturing should be made a cognizable and non-bailable offence. Complaints regarding booth capturing should be immediately investigated and if the complaint is found valid, the election in that constituency should be declared as void. If the Presiding Officers or Returning Officers indulge in corrupt practices at the polling station, strict action should be taken against them and the Election Commission should also have powers to file criminal cases against them.

It is necessary to take these steps and the central Government should take concrete steps in this direction.

The system of Electronic voting has been very useful and successful. These machines should be introduced in all elections to Lok Sabha and Assemblies.

In an effort to seek votes in the name of religion, meetings are organised in temples, Churches, Gurudwaras and in other religious places. This is not in consonance with the system of democracy and, therefore, it should be banned and declared as an offence. The election of candidates, who take recourse to this method, should be declared as void.

Now I would like to speak about the election expenses. My constituency is Barmer and it is spread over 70 thousand square kilometres, which is equal to the total area of Punjab, more than one and a half times that of Haryana and double the area of Kerala. If you fix the ceiling of election expenses at Rs. 1 lakh for

contesting an election to Lok Sabha and Rs. 30,000 for the State Assembly, it would be very difficult to contest from such a sprawling constituency with this sum in view of the present inflation. Under these circumstance you should increase the amount to Rs. 2 lakhs for Lok Sabha and Rs 50,000 for the Assembly. It is essential to double the amount for such vast constituencies—otherwise elections cannot be contested from such constituencies with the present ceiling. Thus, it is necessary to take steps in this direction.

16.00 hrs.

I would also like to suggest that the election to the Lok Sabha and the state assemblies should be held simultaneously so that expenditure on conducting the elections is reduced. In fact recently elections to Lok Sabha and some State assemblies were held simultaneously in many areas. It would be good if they are held simultaneously all over the country. Positive steps should be taken in this regard.

With a view to check misuse of vehicles during the elections you have imposed certain restrictions. We should also try to make exercise of franchise mandatory for everyone. Of course, there may be some impediments while implementing the above, but we can consider granting of exemption to the people above the age of 60 years from compulsory voting. This will check the misuse of vehicles. You may also consider grant of such exemption wherever it is necessary. Exemption must be given in deserving cases. This will also put to an end the practice of taking voters to the booth and bringing them back. Along with this, a code of conduct should be formulated but today such a code is formulated at the time of election only. It would be proper if all the political parties are involved in drafting the code.

As regards delimitation I will say that it has become very necessary since much time has passed. Today there are several reserved scheduled castes and scheduled tribes constituencies which have much smaller population than that of other constituencies. In my constituency Barmer, in Siwana segment the population

[Shri Viridhi Chander Jain]

of scheduled castes has gone up very much in comparison to other seats and it has been a reserved constituency for the past 20 years. This results resentment among the people. Hence delimitation should be decided by bringing forward a bill at the earliest so that resentment among the people on this account is ended. These people do not want that the same set of people belonging to scheduled castes may continue to be elected as M.L.As and M.Ps. year after year and dominate them. Others should also get opportunity and therefore, I request that necessary changes should be brought about in this connection.

In the end, I support the resolution moved by Shri D.N. Reddy.

[English]

SHRI DINESH GOSWAMI (Guwahati) : Mr. Chairmah; Sir, this Resolution by Mr. Reddy has evoked quite a good deal of interest in this House, as is evident from the fact that this House has decided to extend the time of discussion by a further period of two hours. It is quite natural that a discussion on Electoral Reforms will evoke substantial interest, because purity of democratic elections is Sine quo non of good Government and healthy functioning of democracy. A number of suggestions have been brought forth by the different Members.

Sir, coming from Assam, we have a very peculiar experience in the 1983 Elections as in the case of last elections. And I would like to bring to the notice of the Law Minister one or two aspects of it so that adequate care can be taken on these.

In the 1983 election, the people of Assam decided to boycott the election with the result that there were constituencies where out of 70,000 votes, a candidate got elected by getting only 263 votes. When a candidate gets not even 1 per cent of votes, less than even 1 per cent of votes, .03 per cent or .05 per cent and he gets elected, does it not mean the total mockery of the democratic process? We have introduced in our democratic process and

in our electoral law that a candidate, if he is not able to get a certain percentage of votes, will lose his security. I believe the time has come when in the light of the experience of 1983 election in Assam, one should see whether the minimum percentage of votes should be made compulsory for a candidate to win the election and takes his place either in Parliament or in the State Legislature.

The Election Commissioner has suggested that so far as Independents are concerned, the security deposit should be increased substantially. Now this can create a lot of difficulty in some cases. Luckily this provision was not passed into a law, but this could create a lot of difficulty for us in the last election in Assam, because those of us who fought on the ticket of the AGP and I think the UMF also were treated as independent as those two parties were not registered political parties. To become a registered political party one has to fight an election and acquire a minimum percentage of votes, 1 per cent or 4 per cent, to become a registered political party and a recognised political party. Therefore, technically, we are all Independents with the result that, because that Ordinance was passed in relation to Punjab, if our party candidates should have been killed in the election, well the election would not have been countermanded; and if the amount of security deposit of an independent candidate would have been increased as suggested by Election Commission to Rs. 5000, as a newly formed political party's candidates many of us would have found difficult to fight election. I believe this aspect of the matter the hon. Law Minister should take into account.

Mr. Kabuli made a suggestion regarding the Speaker. I believe his suggestion merits a very serious consideration for one reason and that is under the Anti-Defection Law, it is the Speaker who determine whether a member has incurred disqualification or not. For effective implementation of the fact, the position of the Speaker must be kept above party politics. I do not know whether we can really introduce a type of convention that is prevalent in the British House of Commons that a Speaker,

once elected on any political party ticket, continues to be a Speaker, even after the next election, even if the party in power loses the election; and no major opposition party contests the election when the Speaker is the candidate. I do not know whether we can introduce that, but, I think, some healthy convention should be developed. There are instances where the Speakers have been made Ministers. I believe when a Speaker is made Minister, then it becomes apparent that the Speaker was under the control of the Prime Minister, and therefore, this type of instances should be done away with. We all have experience of a Speaker of a particular Assembly fighting Lok Sabha Elections on the basis of a party ticket. The Speaker during his tenure as a Speaker why chosen by a political party as its candidate, apprehension arises and rightly so in the mind of the opposition... (Interruptions) that he was never independent and he was totally under the Command of the political party which had given him the ticket, and therefore, in this context, I believe that some healthy convention should be developed that the moment a person assumes the office of the Speakership of the Parliament or the Assembly, he should resign from the political party to which he belonged; and something should be done to protect his interest.

Coming to the election expenses, this has been stated almost from all quarters that we enter the portal of Parliament or Legislature by telling a lie or by playing a fraud with the Constitution; for instance, let us take into account the limit of the election expenses in Assam; the limit of Assembly expenses in Assam is Rs. 30,000. I had a discussion with the Chief Election Commissioner. I pointed out to him that total hire charges and the petrol expenses today will come to Rs. 600 minimum per day. Even if I have to hire two vehicles for my Assembly election and run them for 25 days, then the limit of Rs. 30,000 is crossed. Now the law gives an opportunity that the amounts spent either by the party or by his friends or by his relatives do not come within the purview of the election expenses. This has completely frustrated the purpose of putting ceiling on election expenses. As I said in an earlier debate that to violate the criminal law is a penal offence, but, I think, it is a greater offence

to frame a law which can never be obeyed because by that you compel a person to do a penal act. Even we know that within the election expense, to fight an election is not possible.

I believe, firstly, that there should be a realistic limit and secondly within that limit the expenses incurred by the party or all others should be brought in. The totality of the expenditure incurred in connection with the election of the candidate should be included within the limit of election expenses.

I am very happy that the Prime Minister has thrown a suggestion that there should be an audit of party expenses. In fact, the Election Commission also has made in its Second Annual Report a number of suggestions to that effect and I believe that the Government should seriously now consider these aspects. There are three or four suggestions in the Third Annual Report of the Election Commission which I mention here. One is, that the political party keeps and maintains such books of account; that in respect of each voluntary contribution in excess of ten thousand rupees, such political party keeps and maintains a record of such contribution; and the accounts of such political party are audited by an accountant as defined in Explanation below sub-section (2) of Section 283.

I believe that, to some extent, this will go to remove one of the aspects of the ills of our election system that is, the influence of money power in today democratic process. You also referred to it and I believe that some steps will be taken in that direction. The other aspect is of course the curtailment of enforcement of muscle power during the elections. Booth capturing is very common in some of the States, though luckily in our part of the area it is still a foreign technique. And in this case of booth capturing the Election Commission have made a specific point in their Second Annual Report and they say :

"If it is established that booths have been captured even in a few polling stations, the Commission should have the power to declare election in the entire constituency as void and order fresh poll in the entire constituency."

[Shri Dinesh Goswami]

Candidates found responsible for booth capturing should be disqualified from contesting for the next six years."

I do not know and I do not understand so to why some of these suggestions cannot be incorporated in the statute book, because I believe, that so far as some of the steps are concerned, there will be a unanimity of opinion from both the Opposition or the major political parties.

In this context, the Election Commission has also suggested that observers should be given some statutory powers, because in the absence of statutory powers the observers cannot take independent decision on the spot. And during elections, it is not possible for an observer from a remote place to go to the central place, the capital, or send messages to the Chief Election Commissioner to get this sanction to redress or remedy some illegality or irregularity. I believe that the observers should be given this statutory power within the limitation that in certain matters the observers should be given the power to take decisions on the spot which will—I believe—flow from this statutory power, and I believe that this will remove some of the ills of the election system.

So far as the media is concerned, as you have rung the bell I conclude by making a passing reference. So far as the media is concerned a number of suggestions have been made by the Commission which merit serious consideration and in this context, I believe that the Government should now seriously think about introduction of the electronic voting machines, which was tried in Kerala—if I am correct, which was successfully tried in Kerala—but ultimately the Supreme Court struck it down because our Representation of the People Act doesn't envisage voting by an electronic machine. I believe that an amendment will do away that and with that most of the ills including the exercise of muscle power will be removed. If not possible in the entire country, experimentally the machine should be tried in some of the bye-elections that may be coming? That will of course necessitate a

change of the law. It is high time that we go for the change of the law.

The last point that I want to make is regarding delimitation. In the 'seventies we made a constitutional amendment that up to 2000 A.D. because of the population problem, the number of seats will not be increased in spite of the increase of population in a State and there will be no delimitation. It is high time that we amend the constitution and go for delimitation of constituencies, for the simple reason that there are constituencies which are having 22 or 23 per cent of population of Scheduled Castes and Tribes and now treated as Reserved Constituencies on the basis of the last delimitation of the 'seventies'. The general population in such constituencies anywhere be more than 70 per cent and they do not have the right to choose their own candidate, or of their own liking. But at the same time, it creates difficulties for the Scheduled Castes and Tribes also, because there are other constituencies where the percentage of Scheduled Castes and Tribe population has by now increased to 25, 26 or 27 per cent or more. But these people of Scheduled Caste and Tribes though they are morally and legally entitled to send their representatives, from a Reserved Constituency, cannot do so now upto 2000 A.D. I believe the earlier system or delimitation should be incorporated without the increase in the number of seats. The number of seats may be kept intact. The constituencies may be delimited before the next elections. This is a good suggestion given by the Election Commission also. I believe that should also find favour with the Government.

In any context, after all knowing fully well that human ingenuity knows no limitation, whatever may be the reforms there will always be attempts and successful attempts to frustrate those. Therefore Election Reforms is always a continuing experiment. But I believe that apparently a number of good suggestions have come from the Election Commission; political parties have given some good suggestions and some of the non-official organisations have also given good suggestions. It is high time that Government in consultation with the opposition and major political parties now formulate all those and bring them in the statute book.

[Translation]

SHRIMATI KRISHNA SAHI (Begusarai) : Mr. Chairman, Sir, we are trying to express our feelings on this issue. We will all agree that the election procedure should be very simple, people should have faith in it and there should be no corruption in it. No one can disagree with this opinion. But, Mr. Chairman, Sir, a member of the Opposition speaking a shortwhile ago alleged that the members of the ruling party make use of their power and money during the election and forcibly capture the booths. I merely want to remind you of the fact that the constitution of India is one of the best in the world and electoral system has been prescribed in accordance with the provisions of the Constitution. Eight General Elections have been held and they have proved to be very successful. The change in the Government has taken place in a very peaceful manner and there has been stability at the Centre. If there has been any shortcomings in the procedure adopted for bringing in the highest social order or if we have not fully succeeded in this, fault does not lie with the constitution. The fault lies with the people, with their lack of morality and discipline, and with the manner of implementation. There is need to bring a change in the political will and conduct of the people because they twist it to their advantage. The electoral system is not to blame for it. No one can deny that black money, booth capturing and violation of laws must be stopped and recently there has been a case of booth capturing during the elections in Bolpur in West Bengal. What happened there, what atrocities and malpractices were committed there and how the booths were captured, there was no discussion on it. What happened in Bihar from where Shri Shahabuddin has been elected.....

(Interruption)

(English)

DR. SUDHIR ROY (Burdwan) : Booth capturing has started from Bihar.

[Translation]

SHRIMATI KRISHNA SAHI : Try to be fair in your comments. When you sit on the other side your eyes of wisdom open but when you sat here you turned a blind

eye and you did not see any evil. Therefore, I request you that you should be impartial in your thinking and you should search your heart as to what you are saying and why you are saying and under what circumstances you are saying. It pains me very much when you do not do so. No system is bad but the people make it bad. So you should act according to your conscience. I feel that instead of trying again and again to break a system which has been established taking into account the peculiar nature and conditions in the country and the time, we should improve the men and keeping it in view our Prime Minister Shri Rajiv Gandhi has brought forward the Anti Defection Bill.

All of you have been talking a lot about it and discussing it for quite a long time but it could be implemented only when Shri Rajiv Gandhi become Prime Minister. There is no difference in his practice and profession. He has shown as to how a person should follow the political principle and how the people can be disciplined. We had seen people change their ideologies overnight. In politics one cannot function same principle. Importance of principles in politics has been recognised, which has restored fresh confidence in the people. Earlier they used to become turncoat overnight under some influence and a common voter or even a politician used to be a victim of corruption. But now loyalty towards party, instead of an individual, has come to the fore.

A reference was made to misuse of political power and administrative power. It is not a new thing. Since long this issue has been raked. During the first elections the conditions were all right but after that there has been a constant complaint that authority, money and muscle power are used. It may be correct to a great extent in the present context but people have been alleging since the second elections that black money is used during the elections. Then use of foreign money in the elections was alleged and it was said that people were purchased with foreign money and it was affecting our national unity and morality adversely. The hon. Minister will have to think about it.

[Shrimati Krishna Sahi]

(Interruptions)

I would like to remind you of a small thing. At the time of declaration of emergency and thereafter a lot of hue and cry was raised and it was being said that there should be electoral reforms and we people had stage-managed the elections.

The age should be 20 or 21 years. We are not agreeable to lowering the age to 18 or 19 years. Similarly, there should be a higher age limit also. It should also be considered whether to allow persons above 60 years to contest elections or not.

At that time a demand was also made for recalling the people's representatives. I remember this clearly. I would like to give a small example. Demand for recalling the people's representatives was made earlier also but, though they had included this in their election manifesto, they did not implement it when they come to power. Some opposition political parties in the country had launched a joint agitation and they had joined hands against the Congress Party. The four major parties of the country formed Janata Party and Prepared and publicised a manifesto, which *inter-alia* provided for a check on the unlimited powers and facilities enjoyed by the Prime Minister and a law providing for recall of the people's representatives. But they forget these things when they came to power. They had avowed abolition of pension also. Subsequently they did not even mention it.

SHRI HARISH RAWAT (Almora):  
What wrong have the 60 years old done ?

SHRIMATI KRISHNA SAHI: They have not done anything wrong but that is my view and then I may also be affected by that, it is not only for others. It is not that I will never be 60 years old.

My next point is about education. Certain basic essential qualifications should also be laid down. In the context of present day changing society and issues, when we are marching forward into an era of science and technology, when everyone has developed new aspirations and consciousness and we are eager to express our views on national issues and national and international issues are discussed at all important places, quest for knowledge become paramount. Therefore, I am of the view that mere literacy is not sufficient, certain other qualifications too need to be laid down.

They had said another thing that the President and the Prime Minister should not live in palatial bungalows. They should lead a simple life. They had included many such things in their manifesto which they forget after coming to power. After much fanfare they did bring forward a bill after shedding crocodile tears but they could not get even that bill passed. On 28 January, 1978, the then Law Minister Shri Shanti Bhushan said that there was need for electoral reforms but it did not receive approval of the cabinet. Several Committees were formed under the chairmanship of Shri Jai Prakash Narayan. Several Committees were constituted by the Party also but no change could be made. Then they forgot all these things and now again they are raising all those points. They are no longer having any opinions that reforms should be made. I have also certain suggestions to make in this respect. One of these is that people under 60 should not be allowed to take part in elections. This is my personal suggestion.

Thirdly, at present public meetings and use of loud-speakers are banned 48 hours before the election time. My suggestion is that this duration should be enhanced. This will reduce the expenditure.

16.28 hrs.

(Interruptions)

[SHRI SOMNATH RATH *in the chair.*]

If the atmosphere becomes quite 4 days prior to elections, there will be peace on the polling day and the hustle and bustle everywhere will be considerably reduced.

(Interruptions)

I am of the view that it will bring further peace if the duration is increased by another two days. My fourth suggestion is that a certain percentage should be fixed for the small parties in various states. If a party does not have a standing in at least

5 to 7 States, it should not be allowed to contest elections. Then 40 per cent seats should go to women. In proportion to the population, 50 per cent seats should have been demanded but we are demanding 40 per cent only,

(Interruptions)

Thus we are quite reasonable, we are asking for 40 per cent seats only for women. Similarly, special provision should be made for sportsman, artists, literators or philosophers. Communal parties should be totally banned. All the communal parties should be straight away banned.

(Interruptions)

In whatever way it may be done, I want that communal parties should be immediately banned. Similarly, exercise of franchise should be made compulsory. The candidates must deliver 5 to 6 speeches on TV and radio. The speeches should not be read out so that the people may know whether their would be representative is able to express himself. Persons belonging to all the parties should be allotted time on TV and Radio for delivering speeches and these should be no such thing like a written manifesto Manifesto are of the parties.

(Interruptions)

This will highlight their qualities and people will come to know of their personality. The people will at least come to know that their representative is not a dump fellow and he can speak and he is not an illiterate person.

SHRIMATI VIDYAWATI CHATURVEDI (Khajuraho) : Why should not there be interviews like 'Janavani' ?

SHRIMATI KRISHNA SAHI : No, not like Janwari. I will also like to say that identity cards should be introduced. This will help curb impersonation during voting. Therefore, identity cards should be issued. Assembly and Parliamentary elections should be held simultaneously. One thing more, as Shri Viridhi Chander Jain has said, the invalids should be exempted from voting compulsorily. Code of conduct is also necessary because people too want this. If a person with controversial background is

elected, the image of political life gets tarnished. The most important thing is that delimitation, which has not been done for the last 20 years, should be done. I want to draw the attention of the hon. Minister but he is not listening...

(Interruptions)

[English]

MR. CHAIRMAN : Hon. Minister, hon. Member is making a salient point on Delimitation Committee.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : I have noted down your point.

[Translation]

SHRIMATI KRISHNA SAHI : My submission is that elections for Legislative Assemblies and Parliament should be held simultaneously so that expenditure may be reduced.

SHRI H. R. BHARDWAJ : I have noted down all the points.

SHRIMATI KRISHNA SAHI : Lastly, I want to say that when the hon. Minister considers these points and submits his suggestions before the House on behalf of the Department or the Government, he will ensure that the women get 40 per cent seats.

[English]

SHRI SRIHARI RAO (Rajahmundry) : Mr. Chairman, Sir, electoral reforms were promised long back, but the Government is taking its own time in spite of the fact that the President in his Address to the Joint Session in 1985 said that the reforms were about to be introduced.

The Anti-Defection Bill pending since a very long time was introduced last year without any delay. We expect the other reforms also to be introduced immediately.

The present system of election is based on caste and communal politics everywhere

[Shri Srihari Rao]

in India. The Election Commission has remarked that irregularities have been increasing after each election for the last 10 years. It is our duty to save democracy from money power. Only very rich people can now take part in the elections.

The other maladies are identified as (1) Money power (2) Muscle power and (3) Misuse of power and misuse of mass media.

I do not want to take more time of the House because many Members spoke in detail. So, I want to suggest some remedies to correct the present policy :

- (1) Election of Assembly and Parliament should be conducted simultaneously because it will save a lot of time and money of the country.
- (2) Equal opportunities should be given to the Party candidates in mass media like T. V. and radio.
- (3) Minimum educational qualification is also required of a candidate for contesting in elections. If necessary, the Constitution also should be amended.

The Government official should not be nominated as legislators and the Members of Rajya Sabha. Election expenses should be funded by the Government. No independent candidate should be allowed to contest the election because it becomes a very big problem and head ache to the voters and also to the Election Commission. The candidates must always be from the Parties only. Full powers should be given to the Election Commission and also the Commission should consist of three members—one is the Prime Minister, second is the Chief Justice of the Supreme Court, third is the leader of the major Opposition Party in Lok Sabha, Rajya Sabha. Minimum percentage of votes should be polled to return the candidate.

The most important thing is, identification cards with photos should be provided

to the voters. It will not only be useful at the time of elections but also useful for the supply of essential commodities to the consumers throughout the country. Mobile booths should be provided for weaker sections in remote areas. For booth capturing and rigging, the present punishment as provided in the law, is not sufficient. A severe punishment should be imposed then and there. Then only, we can have a real democratic government.

With these words, I conclude my speech.

[Translation]

SHRI RAM SINGH YADAV (Alwar) : Hon. Chairman, Sir, I rise to oppose the resolution moved by the hon. Member of the opposition in this House. I feel that the aim behind this resolution is not the same as is professed and cherished by them, our Government, our party and every citizen of India. If you go through the resolution, it reads as under :

[English]

“This House is of the opinion that there is an urgent need for electoral reforms so as to cleanse public life, and ensure free and fair elections which are now vitiated by the corrupt and unhealthy influence of power, money, caste, religion and other forms of corrupt practices and, therefore, recommends to Government to initiate wide-ranging discussions with all political parties, so as to arrive at a consensus for immediate implementation of poll reforms, which may reflect the popular will of the people in a truly democratic manner.”

[Translation]

Is it that political power and money were used in his election? Is it that he is here as a Member today on account of use of muscle power. Does the resolution moved by the hon. Member suggests this thing? I am of the opinion that if he and his party Telugu Desam think so, they are wrong. The text of the resolution means to suggest that the system and the well defined election procedure, through

which all the hon. Members have been returned to this House, are faulty.....

[English]

SHRI D. N. REDDY (Cuddapah) : I won with 60,000 majority.

(Interruptions)

[Translation]

SHRI RAM SINGH YADAV : Democracy also implies that you will also listen to others. This is the main aim of the democracy. You have not learnt it so far.

[English]

SHRI D. N. REDDY : I interrupted because you are coming to a hasty conclusion.

SHRI RAM SINGH YADAV : Others have also wisdom. Others have also knowledge. You cannot claim the whole of it.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda) : We have also to say something about you.

SHRI RAM SINGH YADAV : If you also have to say something, you may say it, why fight over it.

SHRI C. JANGA REDDY : How people win elections, muscle power is used, does it mean that we have all won elections with the help of power or money.  
(Interruptions)

SHRI RAM SINGH YADAV : You assume different forms, we have already seen many of them and many are yet to be seen. (Interruptions)

[English]

SHRI D. N. REDDY : You cannot cast aspersions on me. That is why, I asked you.

MR. CHAIRMAN : If the hon. Member has cast aspersions, I will go through the record and I will expunge it. I will see the record.

[Translation]

SHRI RAM SINGH YADAV : Sir, the people who know and understand English language will come to the conclusion that this resolution means to say that all the elections held so far, including that to the Eighth Lok Sabha and in the States, have not been conducted properly and do not represent the choice of the voters. None of the representatives now in the State Assemblies and Parliament is there by virtue of the will of the people. I think if that is the contention of the hon. Members of Telugu Desam Party, it is wrong. This is wrong because when Telugu Desam contested elections, was the Congress Party's Government not there and was Congress Party not in power at the Centre? According to the resolution moved by you, elections are won by political parties with all these things. If that is so, how the voters of Andhra gave an opportunity to the Telugu Desam party to gain majority in the State Assembly and run the Government there? Have you been elected from there for this purpose? If we go by your resolution, it would mean that you have been returned here simply because Telugu Desam party is in power in your State and you are here on the strength of political power, muscle power. Do you know the name given by the people to your leader...\*\*

(Interruptions)

[English]

SHRI D. N. REDDY : I am on a point of order. Why should he mention the name of.....\*\*

SHRI RAM SINGH YADAV : I have not levelled any allegation. Is it not a fact that he is your leader?

SHRI D. N. REDDY : I am on a point of order. He has no business to mention his name.

[Translation]

SHRI RAM SINGH YADAV : Can't I mention his name, can't I mention the name of the Chief Minister of a State? I did not level any allegation. I only want to say that Mr N T. Rama Rao is the Chief Minister of Andhra Pradesh on the basis of the will of the masses. He is not there by virtue of money power, political power or muscle power. If my learned friend thinks in these terms about his leader, I must say that his conception is wrong but unfortunately the resolution moved him leads us to this conclusion only.

Next I would like to submit before you that the process of democracy, which you see in the country now, was initiated by the Congress party. Before independence, the Congress party had promised to the people at large in the country to give the right of 'adult franchise'. And this 'adult franchise' was guaranteed through the Constitution. The makers of the Constitution incorporated 'adult franchises' in the Constitution. The adult franchise is the most prized possession of the mankind in the world today. In regard to adult franchise we can say that the Indian electorate has exercised this right and given their verdict with maturity, wisdom and impartiality in all the elections since 1952. If somewhere or at some point of time he was swayed by some parochial considerations, he made amends in his decision at the earliest opportunity and adopted the right course and endorsed the right ideology and principles.

When Mrs. Indira Gandhi dissolved the Lok Sabha on 27th December, 1970, she had said that it was not her and that of her party sole aim to stick to power but she wanted a Government which could fulfil the aspirations and expectations of the people and could remove poverty. She sought people's cooperation and support so that she could banish poverty from the country, bring about development in the country and take the nation forward. Since she was not in a position to fulfil those aspirations and discharge her duties towards the nation with the majority enjoyed by her in the Lok Sabha at that time and because of the way the Govern-

ment was then functioning, she thought it her duty to dissolve the Lok Sabha and took the decision to that effect on 27th December 1970, although she could continue as there was no threat to her Government. She accordingly recommended to the President. After the proclamation by the President Shrimati Indira Gandhi spoke on the All India Radio. I would like to remind the hon. Members of her words. I quote :—

[English]

"It is because we are not merely concerned with remaining in power but with using that power to ensure a better life to the vast majority of our people and to satisfy their aspirations for a just social order. In the present situation, we feel we cannot go ahead with our proclaimed programme and keep our pledges to our people".

This is the goal of our policy.

[Translation]

This is the aim of our party and our leaders. Pandit Nehru as well as Shrimati Indira Gandhi worked for this aim and now Shri Rajiv Gandhi is also working with this end in view.

May I ask Shri Jaipal Reddy about the promises that he had made to the people in his election manifesto during the general election in 1977? You had said that you would introduce electoral reforms. You had an opportunity to rule this country for a period of 2 and a half years but what did you do? Will you please read your manifesto again.

[English]

SHRI S. JAIPAL REDDY (Mahbubnagar) : We have dismantled your emergency structure.

[Translation]

SHRI RAM SINGH YADAV : You did not do anything for the welfare of people or the common man and the welfare of the nation. You did only one thing i.e. to vie amongst yourself to gain power.,

Your infighting ruined the country weakened the economy, lowered the image of the country abroad and made the country bankrupt. Today you talk of electoral reforms, we simply ask you whether you fulfilled the promises made by you in 1977 ?

I will go to the extent of saying that if any person or any party has belittled democratic system, they are from the opposition. In 1967 people of many States, specially in the North gave you an opportunity and you formed S. V. D. ministries. Who was the first defector among them. A top leader of the country today in whose name a big party is being run was the first defector in the country. He did not defect for any principle; he defected so as to come into power.

[English]

SHRI S. JAIPAL REDDY : What about your present Haryana Chief Minister ? Why do you talk of past things ?

[Translation]

SHRI RAM SINGH YADAV : A person who, for the sake of power,... I am talking of higher level, not of the Chief Minister. I am talking of a national leader. Mr. Reddy, you have come down.

Kindly think about him. In 1967 he was in your party. In this country whose ever defected, what was the purpose behind it ? Did he defect for some ideology or for nation-building ? Was there any need for his defection ? He defected with only one purpose and that was to become Chief Minister of a State. In that defection all of you sitting in the opposition, were partners. You took the initiative in polluting the political atmosphere. Look into the mirror and you can see for yourself the deeds you have done and the path you have treated. You did not stop such defections because it served your vested interests. Their defections were for the chair and the people sitting in the opposition supported and encouraged them. Therefore, the corruption you are seeing in the electoral process is the vision of your own coloured glasses and prejudiced eye.

[English]

SHRI S. JAIPAL REDDY : Mr. Chairman, Sir after the adoption of the anti-defection law, Congress (I) engineered defection of 4 MLAs in Manipur State. Should you not be ashamed ?

(Interruptions)

[Translation]

SHRI RAM SINGH YADAV : Please listen to me, why do you lose temper ?

(Interruptions)

Sir, in 1977 the people of India gave their verdict in favour of the opposition parties. As such we hoped sit in the Opposition and prove that our party could in fact play a constructive role in that capacity. We did justice to that role. In July, 1979 when Shri Morarji Desai resigned, the Congress leaders were asked to form Government but our leaders of our Party did not agree to that. On 22 August, 1979 this Lok Sabha was dissolved and before that, Shrimati Indira Gandhi and leaders of her Party played the role of opposition and thereby presented an ideal before the nation.

I would like to remind the opposition parties of their political conduct on the day when Shri Morarji Desai resigned and Shri Charan Singh, without having been in majority, agreed to form Government. On 20 August, 1979 when a no Confidence Motion was brought against him and his Government, the nation found that his claim of having majority was wrong inasmuch as that the Prime Minister did not even come to the House to face the no-confidence motion. What more lack of the political morality could be there ? Even a layman knew that he did not enjoy majority support but in spite of this he claimed to have majority with him. Can there be any other better para-meter to judge the political conduct ?

Today the people from the opposition say that the political life should be cleansed. I would like to remind them that when journalists asked Shri Charan Singh at the Calcutta airport if he had to say anything about Shri Morarji Desai and his ministry, he had replied :

[Shri Ram Singh Yadav]

[English]

I am surrounded by dishonest persons.

[Translation]

This means that a Minister of the Janata Party Government or the Central said that all the Ministers in that Government.....

(Interruptions)

[English]

MR. CHAIRMAN : What reform do you suggest ?

[Translation]

SHRI RAM SINGH YADAV : Is it not true that Shri Morarji Desai had written that appointed against Shri Charan Singh, a commission might be appointed ? Did not Shri Charan Singh write on of...\*\* against Shri Morarji Desai, (Interruptions)... a commission might be appointed...(Interruptions)

[English]

SHRI S. JAIPAL REDDY : What is this ? Is he speaking on electoral reforms ? What he says should not go on record. (Interruptions)

MR. CHAIRMAN : Order, order. Mr. Ram Singh Yadav, please hear me. Please do not repeat the names.

SHRI C. JANGA REDDY : How are you allowing this, Sir ?

MR. CHAIRMAN : Please do not repeat the names.

[Translation]

SHRI S. JAIPAL REDDY : This should not go on record.

SHRI C. JANGA REDDY : Whatever he has said about Shri Charan Singh and Morarjibhai should not go on record. (Interruptions)

[English]

MR. CHAIRMAN : Mr. Ram Singh Yadav, please do not utter the names.

You make your suggestin about electoral reforms.

[Translation]

SHRI RAM SINGH YADAV : Which-ever Commissions have been appointed, whatever they have stated about the statesmen.....(Interruptions)

AN HON. MEMBER : Shah Commission.....

SHRI RAM SINGH YADAV : We have given a befitting reply to Shah Commission in 1980 and 1984 and will continue to repeat it till you and we are there in the political parties. I want to submit that all the commission appointed so far have endorsed the idea of cleansing political life and political conduct. be it Vaidyalingam Commission or.....(Interruptions)

[English]

SHRI S. JAIPAL REDDY : If what he says is going on record, I should also have my say.....(Interruptions)

MR. CHAIRMAN : I have already told him, Mr. Ram Singh Yadav, you suggest only whatever electoral reforms you want to suggest.

[Translation]

SHRI RAM SINGH YADAV : I want to suggest that we have to further strengthen the cleanliness in political life, which is there in our nation today.

You are aware, Sir, the Anti-defection Bill, which the Janata Party wanted to bring in the House during its regime...

(Interruptions).

The Janta Party could not pass the Anti Defection Bill because they lacked inclination to do so, The Anti-Defection Bill was brought earlier also..... (Interruptions).....

\*\*Expunged as ordered by the chair.

[English]

MR. CHAIRMAN : Please conclude. There are many more Members who want to speak.

[Translation]

SHRI RAM SINGH YADAV : I am concluding. Today we are happy that by passing the Anti-Defection Bill in the largest democracy of the world we have showed that we want politics to be clean.

(Interruptions)

About electoral system I want to say that seeking of votes in the name of religion, caste, or community should be banned.

Alongwith it every voter should have an identity card.

17.00 hrs.

[English]

MR. CHAIRMAN : I have given you one minute more. Please conclude within that.

[Translation]

SHRI RAM SINGH YADAV : Lastly, I would like to submit that the Election Commission has stated that the places should be identified, where disturbances, riots and violence take place during elections. At such places observers should be sent by the Election Commission specially and they should be equipped with powers to curb such violence at those places and also take such steps which are necessary to avoid its recurrence. I would also like to suggest that special arrangements should be made at every booth for the women voters who want to vote so that they are able to exercise their right without any fear. Also, at present election propaganda has to be stopped 24 hours before the election; this should be increased to 72 hours. The election campaign should stop before that and no one should be allowed to go to the constituency. This will automatically result in this arrangement. A code of conduct for the political parties should be formulated. A newly

elected hon. Member from Assam has stated that the independent candidates had to face difficulties in contesting elections. I would submit that an association of the independent candidates should be formed and arrangement should be made to register it so that this difficulty is overcome. With these words I conclude.

[English]

SHRI HANNAN MOLLAH (Ulubaria) : Sir, you allow the next resolution to be moved. So many names have been given by them. They want to kill the next Resolution. You should support us.

MR. CHAIRMAN : Well, I will put it to the House.

SHRI C. JANGA REDDY : Whatever the time was allotted was over.

MR. CHAIRMAN : It is not over. When it will be over, I will certainly take the opinion of the House.

SHRI PRIYA RANJAN DAS MUNSI (Hawrah) : Since the time has been extended for this debate and since there are two more Resolutions in the name of Shri Zainal Abed in and myself, I submit, if the House permits, that you please allow the discussion as long as the House wants, but before the conclusion of the discussion, five minutes before kindly allow us move the Resolution, so that it does not lapse.

MR. CHAIRMAN : I will consider it at appropriate time.

SHRI G. M. BANATWALLA (Ponnami) : Consider it favourably.

PROF. NARAIN CHAND PARASHAR (Hamirpur) : Sir, we are discussing an important resolution which has been worded in a very strange manner. Anyhow, whatever has been said calls for reconsideration in a deep and cool manner.

Sir, India is the last democracy in the world and the electoral process and the system in this country, if not perfect, are almost nearly perfect. Because it has been

[Shri Narain Chand Parashar]

shown in practice that 37 crores of people have voted and by and large the elections have been free and fair. Therefore, the system has come to stay and the Election Commission as the kingpin of the system has elaborate authority and has evolved a procedure of its own. Sir, it can be seen from the fact that in the last election of the Lok Sabha there were as many as 3,87,935 polling stations. The most serious complaints that come to the notice of the Election Commission are that of booth capturing. According to one study, 58 such reports were received. If, in as large a number as 3,87,935, only 58 cases of booth capturing are reported, the break up has been given as Bihar-38, UP-14 and Andhra Pradesh-6, it is not such a big anomaly or you can say a catastrophe that we should cry a lot over it.

Similarly there are many other things which go wrong. Sometimes somewhere there is use of money power or there is use of muscle power but in spite of all this what I want to say is that the system has come to stay. Therefore, whatever the faults may be there, we should consider to have reforms within that system so that it becomes more efficient and more reflective of the will of the people.

Sir, the first thing is the limitation of constituencies and preparation of electoral rolls. The founders of the Constitution had taken care to see that the limitation of constituencies is not kept within the purview of the courts. It is an important thing otherwise there would not have been any agreement of this issue of limitation of constituencies. I find some protests have been raised here that a large number of constituencies have been reserved for a pretty long time. I think that this matter is under the consideration of the Government and Government can take whatever decision it likes after elaborate exercise of consulting various shades of political thought.

Sir, one of the important things that has always been painful is that the election of the people to the State or Central legislatures is set aside for no fault of their own but for the fault of certain officials. Supposing the nomination papers of a

candidate are wrongfully accepted or wrongfully rejected, both are the grounds for a petition. What is the fault of the candidate who has been elected by the people? Since one officer made a wrongful entry in acceptance or rejection, the election is set aside. The election to Mandi Assembly constituency in Himachal Pradesh wherefrom, Mr. Sukh Ram was elected some time back, his election was declared invalid on this very ground. This is no fault of the candidate. So, I think, the legal process should take into account that the offender should get the punishment and not the victim of the offence. I suggest the person who is ultimately responsible for wrongfully accepting or rejecting the nomination papers should be punished. Wrongful acceptance or rejection should not be made a ground for declaring an election void. No election should be set aside on this score and these grounds should be taken out of the purview of the petition.

Sir, in many countries of the world now there is a thinking that instead of putting the whole electoral process under the purview of the court we should take it out of the purview of the court and let the committee of the legislatures decide whether there were corrupt practices or not and then decide about it. When on the basis of Article 329 of the Constitution the limitation of constituencies is beyond the purview of the courts why should the electoral process be further subject to the strain of the courts? We know how people are subjected to this harassment. Sometime even after the full term of five years gets expired, the election of a person is set aside. The spokesman of the who should have attended to the nursing of the constituency has to run after the court with the result that the poor fellow gets very much harassed. He thinks it is easier to contest the election again rather than contest the petition. The limitation of constituencies, preparation of electoral rolls and consideration, whether election is valid or invalid should be taken out of the purview of the court and dealt with by the Committee of the legislatures so that the will of the people is not subjected to the purview of the court. I do not say that courts are good or bad. I express no opinion on that. But I say that the process should be delinked from that

Article 329 of the Constitution deems the limitation of the constituencies being considered by the courts and similar by the entire process is not subjected to the courts.

Now, I come to the limits of the whole expenditure. Now, it has been recently raised to 1.5 lakhs for certain States. In my own State, that is, Himachal Pradesh, the limit is Rs. 1.3 lakhs for parliamentary constituency. Now, I am surprised to know this. It is more necessary to increase this limit in a State like Nagaland, Himachal Pradesh or Ladakh where you have to travel thousands of kilometres and then the electoral verdict is obtained from the people. But, there the limit is Rs. 1.3 lakhs and in Delhi, the limit is Rs. 1.5 lakhs. Now, you can think that the entire area of the Union Territory of Chandigarh is 114 square kilometres. Now, this area of 114 square kilometres is one constituency and in Himachal Pradesh, for Mandi constituency and also for Ladakh parliamentary constituency, the area is 1700 square kilometres. So, you can just consider that there is more need for giving the upper limit to these States, that is, Himachal Pradesh, Nagaland and other hilly regions. Higher limit should be given to these States. But it is the other way round. Therefore, either there should be uniformity in the upper ceiling for expenditure or at least these hilly States should be given higher limit of expenditure. Similarly for MLAs also you should consider the actual expenditure. Now, according to the one estimate, about Rs. 5 lakhs are spent for every parliamentary seat. That was one view. But that can hardly be the valid view.

In practice, more money is spent. Actually the money is spent by the political party and the ceiling is applicable only to the personal expenditure by the candidate and not by any political party or his friends. This is only another indirect way of saying that you can invite your friends to spend for you and you don't sign the vouchers and receipts and keep the minimum and you are out of the dock. So, this is in one way controlling the expenditure. But fixing the ceiling is meaningless. There is more defiance than observance. Therefore, it should be looked into.

Sir, I would like to draw the attention of the House to one interesting thing. There are instances when candidates who lose the deposits also get elected to the House. Is it not a mockery of the political system? Is it not a mockery of the whole process of the electoral system that a candidate who is unable to get even 1/2 of the total votes polled in an election gets elected to the House simply because he has polled the largest number of votes? This has happened in the first Election in this country and one candidate in Azamgarh in Uttar Pradesh lost his deposit, but he was elected to the Assembly. It happened in so many cases. In Assam where elections were held two or three years ago, it happened. Therefore, you should prescribe a certain limit for winning the seat. Otherwise repoll should be held. In France, for instance, in an election where more than 80% of the votes were not cast in favour of a particular candidate, he was not declared elected and a run of poll was allowed on the second Sunday between the two top-most candidates. This is one way of registering the will of the people through lesser majority and not in a wavered manners. The other way is the proportional representation where not even single vote or a fraction of a single vote is wasted.

The third system is the List System. It is the cry of the time that we look into the system, mockery of the situation; when a candidate getting 2% votes gets elected to the Assembly simply because there was another candidate who got only one vote, though the electoral constituency had about 70,000 voters. But 2% voting is not an election at all? Is that an election? If a candidate is unable to get 1/6th of the votes polled to the House, he may belong to any party—I am not saying this party or that party—he should not be considered as having been elected. But the basic thing is that we must think of measures, corrective measures, so that it will not only help in strengthening the system but also establishing the rightful respect of the majority opinion expressed in ballot boxes. In many countries, ballot box has been replaced by the bullet. But the strength of the Indian democracy is that the ballot box has continued to stay. I have read the report of the Election Commission of India for the year 1985 and I am happy to learn

[Prof. Narain Chand Parashar]

that in one constituency, the Election Commission had ordered the repoll because more than ninety per cent votes had been polled. This happened to be a constituency in Andhra Pradesh with the name of Chandrayan Guta, No. 217 of Andhra Pradesh. The Chief Election Commissioner himself come to the conclusion that what had happened was that more than hundred per cent votes had been polled in certain polling stations. Therefore, a repoll was ordered and the polling had on 5th March was declared null and void and a repoll was held on 24 April in the subsequent month. This also proved that sometimes, the manipulations can go to such an extent that the involvement of the officers in the electoral process is very serious. One LIC officer in Punjab was charge-sheeted by the Election Commission for this because he involved himself in such a manner; he stamped the ballot papers in favour of a particular candidate.

The greatest weakness of the election system is not money power, muscle power, but because the Election Commission has not an independent machinery of its own. It has to depend on the State. In Andhra Pradesh again, according to the Report, the Central Government machinery was involved. The officers manning the polling stations were from the Central Services and the Central Public Undertakings, because it was thought that they would be more objective. Whether Central or State does not matter, but the dependence of the Election Commission on officers of the State Government, who are attached to ties of caste, colour or creed, and who will depend upon, for their promotion, the very Ministers whom they are electing to the State or the Centre, is the main weakness of our system. The Government should, therefore, think seriously in terms of providing an independent personnel to the Election Commission and for that matter some suggestions have also been made for example that the canvassing should be discontinued seventy-two hours earlier. I do not think that will help. Even when the loudspeakers are not deployed, when the meetings are not held, the canvassing goes on. In Japan, for example, if a candidate writes a letter, it is regarded as a corrupt practice, but if he

registers a telephone call, it is not, because there is no record.

State funding of elections can be considered; it is not a bad idea. Formerly, the Election Commission were against that, but they seem to have come round to the view that in some form or the other, there should be some provision of State funding of elections.

The allotment of symbols is the sign of illiteracy. In the advanced countries, there is no symbol, only names and the electronic voting. But the other day we had the example of setting aside an election because electronic voting had to be restored to and there was no provision in the Peoples' Representation Act. It happened in the Kerala Assembly. Therefore, I would plead in all earnestness that though we do not agree with the wording of the resolution; there is no large scale dominance of caste, or money power in this country, elections are still free and fair, yet there is enough room for electoral reforms and the earlier these reforms are discussed and decided upon, the better it is.

An idea has been thrown that voting age should be lowered to 18. I am all for it, because the child of today at the age of 18 has more wisdom than his forefathers had when they were 18. Therefore, we are all putting them into the dock; though at the age of 18, they cannot contest the elections, but they should be allowed to vote.

Therefore, lowering of the voting age, State funding of the elections and taking out the entire electoral process from the purview of the courts and election to the House Committees are the three suggestions that I would put forward for the consideration of the House as a package of the electoral reforms which are desired in this Resolution.

Though I do not agree with the Resolution, I would plead with the Government to consider electoral reforms.

MR. CHAIRMAN : Mr. Kamal Chaudhry.

SHRI S. JAIPAL REDDY...*rose*  
(Interruptions)

MR. CHAIRMAN : I would call you; you will get a chance.

SHRI PRIYA RANJAN DAS MUNSI : To Private Members Business, nobody, is treated as opposition and ruling party. All are private Members...*(Interruptions)*

MR. C. JANGA REDDY : We have to move the next Resolution...*(Interruptions)*

MR. CHAIRMAN : Please take your seat. You will get a chance. Mr. Kamal Chaudhry.

SHRI KAMAL CHAUDHRY (Hoshiarpur) : Respected Chairman Sir, I wish to add a few words, as far as the electoral reforms are concerned. Mine was a dramatic change over from a career of flying to this august House. When I started my election campaign about one year ago, I found that there were about 2200 villages to be covered and quite a few of them did not even have road to take me to those villages. When I planned my campaign I realised that by covering a maximum of 20 villages per day, I would be able to cover only 320 villages in 16 days. So, I suggest that more time should be allotted for campaigning through television and radio. Different frequencies or channels may be provided to be able to cover 8 to 10 hours a day during those days and various national parties should be given time accordingly. If possible, all the candidates should also be covered on the different channels.

SHRI S. JAIPAL REDDY : A very good suggestion.

SHRI KAMAL CHAUDHRY : Also, we should have polling through electronic machines, which would eliminate a lot of problems regarding administration, security and so on.

When I started my campaigning, I first started it on the scooter. There was a lot of pressure put on me and I had to start my campaigning with my own car. I campaigned with 8 vehicles in 9 constituencies and finally on the second last day and the last day, a maximum of 25 to 26 vehicles were required.

SHRI S. JAIPAL REDDY : Do not mention all that. It will go against you.

SHRI KAMAL CHAUDHRY : I am saying this because a limit should be put on the number of vehicles.

*(Interruptions)*

THE MINISTER OF PARLIAMENTARY AFFAIRS AND TOURISM (SHRI H. K. L. BHAGAT) : The vehicles were not put by him. Those were arranged by the organisation.

SHRI C. JANGA REDDY : It reminds us of the Allahabad High Court Judgment of 1975.

SHRI KAMAL CHAUDHRY : Regarding the ceiling on expenses, I would like to suggest that this ceiling should be increased one and a half or two times to make it more realistic. Because of the unrealistic limit of the ceiling, people are forced to give wrong information as far as the total expenditure is concerned. Hence it should be made more realistic.

My next point is regarding identity cards. All the citizens of the country should be provided with identity cards.

I would also like to submit here that the age limit should not be reduced from 21 to 18. The age group which is below or around 18 is very badly impressionable and there is a likelihood of the younger lot going wrong and getting carried away.

A code of conduct was prepared by all the political parties. However, unfortunately it was not given the shape of an Act. I would like to suggest that there should not be any political or character assassination of the candidates and personal attacks should not be made on the candidates. Points such as mentioned above should be put in the code of conduct and it should be made into an Act.

We have had 38 years since Independence and it is high time that we get rid of the communal parties. This alone can prevent the communal tension that is slowly building up in our country.

[Shri Kamal Chaudhry]

I would like to suggest that there should be a minimum educational qualification imposed. It should be either matriculation or intermediate and it may be further upgraded as and when desired.

(Interruptions)

Regarding security deposits, I would like to suggest just one point. I have come across candidates who had filled in their nomination papers so that they could have a couple of gunmen as escorts or they could have a vehicle or they could apply for a licence to carry a gun, as they were not permitted to carry a gun before. These are all non-serious candidates and their number is multiplying day by day. This limit should be Rs. 25,000 for the Lok Sabha. As far as Assembly is concerned, it should be Rs. 10,000. It could even be doubled to Rs. 50,000 in the case of Lok Sabha and Rs. 20,000 in the case of Assembly. If a candidate cannot get even the 1/6th of the total vote, I do not think that he should be permitted to file his nomination paper.

The polling time should be increased to about 12 hours during the summer and may be 10 hours or so during the winter. I had seen that people have to cover long distances for voting and at times it is not possible for them to cast their votes within the stipulated period. So the time, if it is 5 'o' clock or 6 'o' clock, should be extended by another two hours or so. Nomination papers should not be rejected on flimsy grounds and the District Magistrate should be the final authority and he should not be challenged even in the Supreme Court. Copies of the electoral rolls should be provided at nominal costs because most of the candidates have to get them cyclostyled or retyped. It should be made available to the Members as many as they are required. Police should be put at the disposal of the Election Commissioner so that the candidates cannot bulldoze their way through and use the police for their personal advantages.

Last but not the least, since the public is putting so much effect to elect a candi-

date to the Lok Sabha or the Assembly, there should also be a provision that they can recall the candidate who has not satisfied the public aspirations instead of waiting for five years when the Assembly or the Lok Sabha is to be dissolved.

With these words, I conclude.

**SHRI S. JAIPAL REDDY** (Mahbubnagar) : Mr. Chairman, Sir, at the outset, I congratulate my colleague Shri D. N. Reddy on his excellent and very relevant non-official Resolution. Sir, on this issue, there is an imperative need to lift the level of debate above the lines of a party. It is indeed a matter of pride that we as a nation have been able to retain our democratic system though we are a developing.

In spite of interminable series of enormous failures on the economic front, our democracy has not only survived but, I should add, has struck roots in our soils. I am not one of those who believe that the elections in our country have been completely marred or vitiated by the malpractices. But, we must realise that the electoral process in country is getting increasingly vitiated. And we must direct our efforts to meet this menace which is looming large on the democratic horizon of our nation. Sir, electoral reforms are no longer an academic issue to be debated in Symposia or Seminars. but a burning problem crying for instant action. Sir, Election Commission in its reports has talked of threat posed by three kind of powers, namely, the money power, the muscle power and the media power. These relevant references have been made by the election Commission with all sense of responsibility.

**MR. CHAIRMAN** : Is it the wish of the House that the time for this Resolution be extended ?

**SHRI H. K. L. BHAGAT** : Some people are yet to speak. So the time be extended by another two hours. I feel the Minister is yet to speak. It is an important subject. The time for this Resolution may be extended by two hours.

MR. CHAIRMAN : Is it the pleasure of the House to extend the time for this resolution ?

SHRI S. JAIPAL REDDY - No.

SHRI C. JANGA REDDY : No.

SHRI A. CHARLES (Trivandrum) : Yes. We want to speak on this very important subject. (Interruptions)

MR. CHAIRMAN : Please take your seats. Kindly take your seats. As per rules, unless the debate is over, I cannot allow any other resolution to be moved. Now the point is whether the time of the House for this resolution should be extended for two hours, if you like...

(Interruptions)

SHRI G. M. BANATWALLA : I have a suggestion to make.

SHRI S. JAIPAL REDDY : He has a lot of experience in this area.

SHRI G. M. BANATWALLA : I have one suggestion to make and that is the time may be extended with the proviso that the priority of the next resolution is protected. (Interruptions)

MR. CHAIRMAN : I cannot do it. Order please. I cannot do that unless the rule of the House is suspended.

(Interruptions)

MR. CHAIRMAN : Let us go by the rules of the House.

SHRI S. JAIPAL REDDY : I just want to make one submission. Last time when this very discussion was going on, when this resolution was being discussed, our Minister and the members of the ruling party were very keen that the debate on this resolution should come to an end on that day. But, suddenly, they had discovered a new fondness... (Interruptions) You have not allowed me to complete it.

Suddenly, they had discovered a new fondness for this resolution. (Interruptions) They want to scuttle the next resolution. (Interruptions)

MR. CHAIRMAN : It will not go on record.

(Interruptions)\*\*

MR. CHAIRMAN : The time has been extended taking the consent of the House. There is no question of going back.

(Interruptions)\*\*

SHRI S. JAIPAL REDDY : I think that case the House is only competent to suspend the rule. You can protect that resolution. (Interruptions)

MR. CHAIRMAN : I will take the consent of the House. It is for the House to reject it or to agree to it.

(Interruptions)

AN HON. MEMBER : There are so many other ways in which you can raise this matter.

(Interruptions)

AN HON. MEMBER : This is a very important subject. We want to speak on this subject. (Interruptions)

MR. CHAIRMAN : Is it the pleasure of the House that the time should be extended for two hours for this resolution ? Those in favour may say 'Aye'. Those against may say 'NO'.

SHRI A. CHARLES : 'Aye'.

SHRI S. JAIPAL REDDY : No.

SHRI C. JANGA REDDY : No.

SOME HON. MEMBERS : 'Ayes'.

MR. CHAIRMAN : I think the 'Ayes' have it, the 'Ayes' have it.

SHRI C. JANGA REDDY : No. We want a division.

MR. CHAIRMAN : Let the division bell be rung.

Now, the Lobbies have been cleared.

I will now put the question to the vote of the House.

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI SHIVRAJ V. PATIL) : We do not ask for the permission of the House to discuss the Resolution, entirely. The resolution is before the House. The hon. Member has been speaking.

MR. CHAIRMAN : What is the point ?

SHRI SHIVRAJ V. PATIL : My point is, are we trying to extend the time of the House ?

MR. CHAIRMAN : No further speeches please. I am putting it to the vote of the House.

MR. CHAIRMAN : The question is :

"That the time allotted to the Resolution moved by Shri D. N. Reddy on Electoral Reforms be extended by two hour."

*The Lok Sabha divided*

MR. CHAIRMAN : Subject to correction, the result of the division is Ayes : 37, Noes 6. Since there is no quorum, the House is adjourned to meet on Tuesday, 15 April, 1986 at 11 AM.

17.43 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, April 15, 1986/Chaitra 25, 1908 (Saka)*