

Sir, the price at which the food grains and other commercial crops are procured from the farmer is very low and unremunerative. Whereas, the big farmers who control huge funds, purchase all these commodities at a cheap price, hoard them and sell them when the price rises. In this way they are able to make huge profits. The purchasing agencies of the Government like the Jute Corporation and other Corporations do not make direct purchase from the growers at the minimum procurement price fixed by Government. If the foodgrains and other commercial crops are purchased directly from the farmers by the State then the interest of the farmers can be protected.

Sir, the production of fish and development of fisheries has assumed great importance keeping in view the high price of fish. But the unit of Central Fisheries Corporation at Madras has been closed down and their unit at Howrah in West Bengal is also going to be closed down. This is very unfortunate. The hon. Minister has been requested for its revival. If this is not revived, then I would request that there should not be any retrenchment. The staff should be absorbed in other undertakings.

18 hrs.

#### HALF AN HOUR DISCUSSION

##### DELAY IN DECLARATION OF RESULTS OF ASSEMBLY ELECTIONS IN BIHAR.

SHRI INDRAJIT GUPTA (Basirhat): Mr. Deputy-Speaker, Sir, due to certain circumstances over which we have no control, this discussion has, unfortunately, been delayed has been postponed twice. However, I am glad that this has come up now.

My purpose in bringing up this discussion is to try to highlight, in

this House, certain happenings which have marred the recent Assembly elections in Bihar not because it is a question of rivalry between different parties—that is not the point I wish to emphasize at all—but something has happened which is quite unprecedented and out of all proportion to anything that has ever been seen before in the elections in this country. I think, it is a matter which should be of concern to all of us irrespective of all parties because, if what has happened is permitted to be repeated again, I am afraid this whole election system and the election machinery itself will break down.

In answer to Starred Question No. 340 which was asked on that day, the Minister laid a statement on the Table of the House in which, according to his own admission, in 81 constituencies in Bihar the declaration of results had to be held back for reasons he has stated in brief which are practically common in all the cases, that is, capturing of booths, snatching away of ballot papers, stamping in favour of a particular candidate, etc. These are all the reasons which the Minister himself has stated. Most of them are the same, booth capturing, snatching away of ballot boxes, ballot papers, destruction of ballot boxes, snatching away of ballot papers by persons armed with lethal weapons and so on.

In the Bihar Assembly, the total number of seats is 324. 81 constituencies were so affected that the results could not be announced for a period of upto 10 or 12 days after the polling was over. It means exactly, almost mathematically, 25 per cent, one-fourth of the total number of constituencies were affected, according to the Minister's statement. I do not know whether the statement is comprehensive or not. Similar things took place in so many other places also.

Now, rigging and booth capturing is not anything new, of course, particularly in Bihar. We know that in many elections in the past also there has been a certain amount of rigging and booth capturing. But this time it has exceeded all proportions. If booth capturing can take place in 81 constituencies or in 25 per cent or one-fourth of the total number of constituencies, then the first question which arises in our minds is whether such a thing is possible, whether booth capturing on such a vast scale is possible without the active assistance of the officials, that is to say, the Returning Officers, the Presiding Officers, the Patrolling Magistrates and so on. It stands to commonsense that it is not possible unless the administration itself is actively involved in the whole affair. That is the point I am wishing to emphasize. Not that this is the first time there has been rigging and booth capturing. Nobody, no party, perhaps in Bihar can put its hand on its heart and say, they have never done it in the past.

What has happened this time is that it has been done on such a big scale which could not be possible and could not have happened unless the administration itself was actively colluding and involving themselves in this affair. That is the danger sign which we have to see this time in the Bihar elections.

Now, Sir, I have with me a memorandum which has been submitted to the Chief Election Commissioner

by the Bihar Committee of our Party, the Communist Party of India. I wish I could have read out this memorandum, but there is no time: it has gone into so much detail and has given so many facts. But I would just refer to one or two things. They say that in most cases these officials, in the past, used to be over-powered sometimes by armed gangsters and compelled by them to submit to the wishes of the squads which were capturing the booths. But this time what has happened is different. The officials, more often than not, have connived with the gangsters and facilitated the capturing of booths by the latter. This is a new feature which has taken place this time.

I can just quote from some of the leading newspapers in Bihar—which are certainly not Communist newspapers—as to what they have said. The *Times of India*, in its editorial of 6th June stated:

“The confusion in Bihar over the counting of votes is of a piece with the State’s record of frequent disruption of the electoral process”.

The *Times of India* said, on the 6th of June, that polling had already been completed by 21st May; yet the results were not declared in 35 constituencies, and nobody knows why.

Then, the *Indian Nation* of 14th June said in its editorial:

[Shri Indrajit Gupta]

"In many constituencies there were war-like scenes reminiscent of the battles between feudal lords in the medieval period."

Then, the *Aryavart* which perhaps you know is the premier Hindi Daily of Bihar, said in its editorial of 6th June:

"A group of twenty to twenty-five persons reach a polling station. They hurl a bomb or two. A few shots are fired in the air. Those who are standing therefrom before run away. The ballot papers are snatched away by force from the poll officials and they are intimidated into signing the ballot papers. Then speedily two or four persons stamp the ballot papers on a particular symbol and leaving a few ballot papers they shove the rest inside the ballot box. This done, within an hour or a half the gang leaves and reaches another polling station. Such incidents took place not in one polling station but in hundreds and thousands and thousands of polling stations in Bihar."

The quotation ends. This is from *Aryavart*.

On the eve of the elections everybody knows that large-scale transfers of officials had taken place—in violation of the normal norms which are supposed to be observed. Just on the eve of the elections—ten or fifteen days before polling—such large-scale transfer of officials

took place, against which protests were made and also telegrams were sent, but no heed was paid. This transfer of officials was obviously motivated and had a plan behind it and that plan unfolded itself when the actual polling took place.

Now, let me give you one or two examples and just show you what a helpless plight the Chief Election Commissioner was reduced to. There is a constituency by name Harlakhi in Madhubani District. Here, in one booth which is included in the list given by the Minister—Booth No. 75 in a place known as Belouna—votes had to be taken three times—first the original poll, then another repoll and then a second repoll. The contention of the Parties who had raised the dispute was that the Returning Officer in the Belouna Booth, who was an SDO (Sub-Divisional Officer) himself was standing there and organising this booth-capturing and stamping of ballot papers. He, along with his assistants, drove out the polling agents of the other Parties who were sitting there and did not allow them to remain in the booth. Under his directions they drove away the voters. The voters, as you know, carry some badges or symbols in their hands. They were driven away from the lines where they were standing and the SDO himself supervised the stamping of papers, which means capturing of the booth. Three times pollings were held in Belouna, and on the last occasion the Chief Election Commissioner himself ordered that four observers on behalf of the Chief Election Commissioner would be present at Belouna, two of them inside the booth and two of them outside the booth, to see that this thing was not repeated. And I regret to say that, in front of them, in front of the observers of the Chief Election Commissioner, that Returning Officer—the Returning Officer was not changed; the same SDO remained there again along with the CRP who was on duty there—pre-

viously we had been told that CRP would not be posted there; the BSF personnel would be guarding that booth; but the CRP was there along with the usual gang of anti-socials—again, on the third occasion, in front of these observers sent by the Chief Election Commissioner, did exactly the same thing, and the observers were helpless, could not do anything. After that, they won that seat, Harlakhi, by a margin of 240 votes or something like that...

AN HON. MEMBER: 138 votes.

SHRI INDRAJIT GUPTA: ...by 138 votes.

MR. DEPUTY-SPEAKER: Please do not go into the results. Then the discussion will take a different turn.

SHRI INDRAJIT GUPTA: Sir, you are taking up some of my time.

The Chief Election Commissioner this time has issued directives before the election that, if in any polling booth, when the counting takes place, an abnormal number or an overwhelming number of ballot papers are found to be stamped in favour of one particular candidate only, if, say 85 per cent or 90 per cent of the ballot papers coming out of the box are stamped in favour of one particular candidate—it does not matter to which Party he belongs—then that would be taken as a *prima facie* evidence that something is wrong or suspicious—because the normal voting cannot be like that—and if a complaint is made, he had ordered, the Returning Officer or the Presiding Officer should refer such cases to him and then he would decide whether it is necessary to have a repoll there or not. I regret to say that, in Bihar, this time this directive of the Chief Election Commissioner has been completely violated. In cases where there should have been a repoll, there was no repoll. But in cases where they were losing—the Congress-I Party particularly—they created a big hubbub, pandemonium, filed some complaints

and insisted that there should be a repoll. I can give you one or two examples.

In Constituency No. 211, Phulwari, it is found that the Congress-I polled in nine booths 92.2 per cent of the votes. According to the Chief Election Commissioner, this is a matter which should not have been taken at its face value, it should have been looked into whether it is normal or abnormal, whether it is *prima facie* evidence of stamping having been done. Protests were made, demands were made but no repoll was allowed.

In Constituency No. 260, Warsaliganj, in 32 booths which were captured, the Congress-I polled 22,774 votes out of the total votes there of 23,957. But no repoll was allowed in spite of demanding it.

In Constituency No. 246, Ghosi, in 28 booths—I have got the figures with me of all the booths; the whole list is here—100 per cent votes had been cast and in 50 booths over 90 per cent. There are one or two booths in which the number of votes cast is 103 per cent, three per cent more than the total number of votes allotted to that booth. No repoll was allowed. They won that seat by 7,000 odd votes.

In Constituency No. 117, Saharsa, in 63 booths over 90 per cent votes were cast. In four booths more than a 100 per cent votes were cast. I can give the names and the figures, if you like; but I have no time. But no repoll was allowed.

In Constituency No. 191, Sheikhpura, the total number of votes polled in 69 captured booths was 48,642, out of which the Congress-I is supposed to have polled 47,368. But no repoll was allowed.

[Shri Indrajit Gupta]

So, such things have taken place. Unfortunately I have no time. Otherwise, I could have given much more interesting facts of what had taken place. The whole point that I wish to bring out is this. I want to know whether the Chief Election Commissioner, in such cases, where 90 per cent, 99 per cent, 100 per cent or 103 per cent votes are being cast (Interruptions) will order a repoll... (Interruptions) You want to know 'Why?' I will show you if you give me one minute. I shall point out that. I have got all the figures here. (Interruptions).

एक माननीय सदस्य : गुप्ता जी, हाईकोर्ट में जाइए ।

श्री इन्द्र जीत गुप्त : हां, वह भी होगा । यह हाई कोर्ट नहीं है यह पार्लियामेंट है । यह हाई कोर्ट होती तो प्र.प यहां नहीं होते ।

In Saharsa constituency, booth No. 70, the total number of votes is 883; the votes polled were 886; it is 100.3 per cent (Interruptions). It may be anybody; it may be my party or your party or anybody doing this. What does this mean? It means the end of the electoral system.

In 77 booths, out of 511 votes, in that booth, the total number of votes cast was 513. Can such things be allowed? And nothing could be done about it? No repoll was held; no explanation was taken from the concerned Returning Officer. I think the Chief Election Commissioner should call for an explanation from such Returning Officers and Presiding Officers to explain how in violation of his earlier directive, these things were allowed to be done. No step was taken to correct them; no repoll was allowed; no enquiry was carried out. What I want to say is this. In this manner, the administration is pressed into the booth capturing busi-

ness by the ruling party. They will say that all these parties do these things. If all parties do these, then that is bad enough. But, if the then ruling party pressed the whole administrative machinery into this service to be active participants in this booth capturing and false voting, then all other parties, obviously, will not be able to compete even if they wanted to do. Also in poll rigging, they cannot compete if the entire administration, the magistrates, the presiding officers, the polling officers and the returning officers and the police are actively doing it for the ruling party, then obviously, the others were at a disadvantage and they cannot hope to do anything. It means the entire electoral system, as envisaged in our Constitution and in the Representation of the People Act, has just broken down (Interruptions) and that is why, even, during the process of counting, in many cases, the candidates were informed by the Returning Officer that they have won by so much—506 votes and, after two or three hours, it was announced that they had not won but lost. The whole counting was held up for 8 days, ten days or 12 days; the results are not declared; even where repolling has taken place, he was saying in answer to my question, that it takes time to have repoll and all that. But, I am challenging him; I am saying that in a number of constituencies where no repoll was taken, the results were not declared for 8 days, 10 days and 12 days. Why? Because, during the process of counting manipulation was done deliberately manipulation was done because they were not getting the majority. Even after all this, they have got a wafer thin majority in Bihar. Now defections are, of course being organised. On the day when the results were finally announced, it was found that in spite of all this, they somehow scraped home by the skin of their teeth. Otherwise, there was no way of getting the majority

in Bihar. That is why all these things were done and where results were held up because of protests and challenges by the Congress candidates who were losing, even, there, manipulation of counting was done.

So, what I want to say finally in this. This is a serious challenge to the entire system. It is also challenging, I should say, the *bonofides* of the Chief Election Commissioner. I do not know what is the use of the Chief Election Commissioner's Office after this. Even the directives given by him are flouted in this shameless way.

Therefore, Sir, I conclude by saying that some immediate steps are necessary. The Law Minister should at least consistent with the impartiality which should attach to his office see to it that some explanation. I am not going into the question of election petitions. Many candidates may have filed the election petition is called for consistent with the directive of the Chief Election Commissioner, from those concerned returning officers and presiding officers where these fantastic figures were shown of 90 per cent., 99 per cent, 100 per cent and 103 per cent. Why did they not refer those cases to the Chief Election Commissioner as they had been asked to? Why did they violate his directive? In such cases these officials should be hauled up and some disciplinary action should be taken against them if they cannot give any satisfactory explanation and such elections which have been vitiated by this kind of rigging should be annulled and re-election should take place there. I would also suggest that a special committee be set-up including the representatives of all the parties in India and let them have a serious discussion about this rigging and booth capturing. Otherwise if it is allowed to be closed over thinking that with the passage of time everybody should forget all these things, then I am afraid in future the credibility of the election system is going

to be broken. The Bihar experience this time is a serious warning of that and I would ask the Government to pay heed to it.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Mr. Deputy Speaker, Sir, I share the concern, anguish and anxiety expressed by Mr. Indrajit Gupta about the irregularities such as booth capturing, snatching of ballot papers, election material and forcible insertion of ballot papers and so on. But where I felt amazed and amused is that Mr. Indrajit Gupta and his party when various irregularities were committed in the Lok Sabha elections of 1977, in the State Assemblies elections of 1977 as also the Lok Sabha elections of 1980 they did not raise even a little finger against the various irregularities committed against which various articles were written in the newspapers and people had raised their voices. (*Interruptions*).

Mr. Deputy Speaker, Sir, I have heard him with rapt attention. You give me a chance to have my say. Mr. Deputy Speaker, Sir, in the Assembly elections merely because there was the Presidential rule in Bihar . . . And that on the occasion, these irregularities have taken place does not automatically mean, as Mr. Indrajit Gupta tries to say . . .

SHRI INDRAJIT GUPTA: 'Automatically' means what?

SHRI P. SHIV SHANKAR: This is exactly what you have gone to the extent of saying and you said, it is our party which was responsible for these irregularities. I regret for this comment. I may bring to your kind notice, Sir, that there is a section in the Representation of People Act Section 58. I would read a portion of it so the hon. Members may know as to the procedure that has got to be followed. Section 58 says:

"If at any election—

(a) any ballot box used at a polling station or at a place fixed

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for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained; or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll.

the returning officer shall forthwith report the matter to the Election Commission.

"Thereupon the Election Commission shall, after taking all material circumstances into account..."

I need not go into the details—

"... issue such directions to the returning officer as it may deem proper..."

Now, what has happened is this. With reference to 81 constituencies, about various irregularities, the returning officer sought the direction of the Chief Election Commissioner in terms of Section 58. I am only reading a specimen direction that was given by the Chief Election Commissioner and I will read only a part of it. It said:

"After the conclusion of the counting, if the difference between the votes secured by the leading candidate and the next candidate is more than the total number of votes assigned to the abovesaid affected polling station, declare result of election from these constituencies? If the difference is less, report immediately to Commission for further instruction."

So, generally, these were the directions that were issued in all the 81 cases where the directions were sought, within the meaning of Section 58 of the Representation of the People Act.

Now, thereupon, what had happened was this:

The elections took place on the 31st of May. The results were to be declared on 1st and 2nd after

the counting according to the schedule. Now, people sought the direction under Section 58,—that is, various returning officers. Replies were sent to them. As a result, the position is this. I will give you the analysis. In 13, out of 81 constituencies the results were declared on the very first day, that is 1st July, 1980; in 35 constituencies after receiving the directions on 2nd June, 1980; then in 7 constituencies on 3rd June 1980; in 4 constituencies on 4th June, 1980; one each on 5th and 6th June, 1980. So, the position is this: Out of 81, in 61 constituencies the results were declared by the 6th of June, out of which on 5th and 6th, one each. In fact, in 59 constituencies, out of 81, by the 4th of June, results were declared. If this 2 days' delay has taken place, it is because of the fact that the returning officer sought the direction from the Election Commission; and naturally 1 or 2 days are involved in the matter. Therefore, Sir you will kindly see . . .

SHRI INDRAJIT GUPTA: When was the last result declared?

SHRI P. SHIV SHANKAR: I am coming to that. I am giving you the analysis of the entire 81 constituencies. This only shows the hollow argument which you have advanced. You please listen to me. Out of 81, in 61 constituencies, the entire election results were declared. I have also given you the reason as to why delay of 2 or 3 days has occurred because of seeking directions. Then, Sir, with reference to the other 20 cases, the position is like this. As I said, according to the direction, if the difference is such that the result could not be declared then they should come again for further directions. Then, these Returning Officers, with reference to these 20 cases, had come with them saying "Sir, we would like to have your directions. It is not possible for us to declare the results having regard to the directions that you have issued because the difference is very

less". Now, in those circumstances, the Election Commission directed that in those Polling Stations "you go ahead with the repoll" and because of the direction of repoll, repoll was conducted.

SHRI INDRAJIT GUPTA: In how many stations?

SHRI P. SHIV SHANKAR: I will give you the details.

SHRI INDRAJIT GUPTA: Don't mislead the House because we have got all the figures.

SHRI P. SHIV SHANKAR: Yes, I know the consequences and I also know that I can speak much better too. Now, you can look into it. Now, Sir, in all these 29 cases, repoll was ordered and in the case of repoll, there was a slight delay. I may also tell you that except in one constituency, that is, Harlakhi, the result was declared on 14th and I may also tell you that in other constituencies, the results were declared on the 7th June, 1980 and in rest of 18 constituencies the results were declared on or before the 6th of June itself. Therefore that will be again within 2 to 3 days. Even after the Poll, in one case, that is, in the case of Jamui, the results were declared on the 7th June and in so far as Harlakhi is concerned, after the repoll was ordered again an objection was raised that this is the case where there are irregularities. My friend is right and this fact was brought to the notice of the Election Commission. The Election Commission sent their observers and in their presence the polling took place on 14th and on the same day the results were declared. The position as it stands is that out of 81 constituencies, in 80 constituencies by the 7th of June the results were declared and only in one constituency because of the repoll which was effected on 14th June, the result was declared on the same day.

Now, the position is this that my friend has suggested that there is

complicity of the officers. Well, I cannot go straight for the presumption, but I can bring it to the notice of the House . . .

SHRI INDRAJIT GUPTA: Have an inquiry.

SHRI P. SHIV SHANKAR: What happened is that the Election Commission which is an independent authority, under the law, has appointed—it has the constitutional authority—a special Cell and that Special Cell which has been created for this purpose is going into the question of the complicity of the officers. The matter is under the investigation of the Special Cell which has been created by the Election Commission and I am confident that if there is anything after the investigation and I feel that it has got to be brought to the notice of the House I will certainly bring the results to the notice of the House. What I am trying to submit is this that having regard to these facts which I have put forth before this House, I would like to ask whether our party is in any way responsible about which allegations have been made by my friend . . .

SHRI INDRAJIT GUPTA: Then who is responsible?

SHRI P. SHIV SHANKAR: The position is as he himself admitted that Bihar and U.P. are two places . . .

SHRI INDRAJIT GUPTA: I never mentioned about U.P.

SHRI P. SHIV SHANKAR: Bihar you have mentioned and I add U.P. on my own for your kind information, because these are two places where it is very usual for certain of the parties to capture booths. This is a very unfortunate affair and I concede it, but you cannot jump to the conclusion for a political jugglery that it is we who are responsible. Perhaps those who are responsible must also be going before the authorities and saying: "Look, these are the irregularities that have been



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committed", so that the other party should be taken unawares. It is possible. The matter is under investigation so far as the authorities are concerned and after a proper investigation, if there is anything, I shall come forth, as I have said already.

Having regard to this, I may straightway submit that the assumptions that have been made by Shri Indrajit Gupta are without any foundation. I cannot jump to the conclusion that the administration is entirely responsible, that it is the complicity of the administration because of which it has happened. It is the brute force that sometimes has its own operation and play and it will be too early to jump to any conclusion.

So far as my friends' allegations that no repoll was conducted in many cases where the results were declared late, I have given the actual data as to how the results were declared and nobody can say that there is any delay having regard to the fact that the directions were to be sought from the Election Commission. In these circumstances, I submit that there is no case for an allegation, and much less against us.

श्री रामावतार शास्त्री (पटना) : उपाध्यक्ष जी, भव से पहले तो मैं मंत्री जी के इस कथन का जोरदार शब्दों में खण्डन करना चाहता हूँ कि 1977 के चुनाव में... (व्यवधान)... तो मैं यह कह देना चाहता हूँ कि 1977 में जनता पार्टी ने भी उसी अस्त्र का इस्तेमाल किया था।

श्री पी० शिव शंकर : आप भी थे उस में।

श्री रामावतार शास्त्री : नहीं, बार बार आप कहते हैं, आप के लोग कहते हैं कि हम जनता पार्टी के साथ थे।

SHRI INDRAJIT GUPTA: I think, you have got some wrong ideas. Unfortunately in 1977 we were with you in some places and suffered because of that, and were not with the Janata Party.

श्री रामावतार शास्त्री : रांग प्राइडिया ले कर मत चलिए। उस समय भी रिगिंग हुआ था।... (व्यवधान)... और उपाध्यक्ष जी, कानून मंत्री जी को यह भी जानकारी होनी चाहिए कि सन् 1980 में जो इस साल लोक सभा के चुनाव हुए, उस में बहुत जगह रिगिंग करके आप ने अपनी शक्ति बढ़ा ली और 30 चुन कर आप आए। उस के बारे में एक क्वेश्चन का जवाब दिया गया था आप की तरफ से, जिस से आप को पता चल जाएगा कि कई कम्युनिस्ट पार्टी के लोगों ने शिकायत की थी। इसलिए महारानी कर के यह मत कहिए कि हम ने इस बारे में आवाज नहीं उठाई थी। हम लगातार बथ केपचरिंग के खिलाफ रहे हैं, आवाज उठाने रहे हैं और आज भी उठाएंगे। आप ने यह बात तो कह दी।... (व्यवधान)... आप अभी आ रहे हैं, जरा सीखिए। मेरे ख्याल से बिहार में ऐसा लगता है कि जनतंत्र नहीं है, वहाँ लाठी तंत्र है, बन्दूक तंत्र है वम तंत्र है और बुरा न मानिये तो गुण्डा तंत्र है। अगर यही तंत्र चलेगा, तो जनतंत्र कहां चलेगा, वह कराहता रहेगा। इसलिए आप को सारी बातों को देखना चाहिए। मेरी कांस्टीट्यूएन्सी में फुलवारी एक जगह है, उस की बात मैं जानता हूँ। कैसे कैसे वहाँ बथ केपचरिंग किया गया और यह भी सुन लिया कि कितने परसेंट वोट आए। फिर मेरी कांस्टीट्यूएन्सी में एक जगह दानापुर है, जिस की बात उन्होंने नहीं कही, जहाँ में कांग्रेस (इन्दिरा) के उम्मीदवार 1400 वोट से जीते हैं और अब लोक निर्माण विभाग के मिनिस्टर बन गये हैं। जब वहाँ काउंटिंग हो रही थी, तो काउंटिंग के समय रिटर्निंग ऑफिसर ने दूसरे तमाम दलों के एजेंटों को भगा दिया।... (व्यवधान)...

दानापुर कांस्टीट्यूएन्सी जो कि मेरी कांस्टीट्यूएन्सी है उस से तमाम काउंटिंग एजेंट्स को भगा दिया गया। क्या यह उचित था? क्या आप इसकी जांच करने के लिये तैयार हैं? इसकी शिकायत मैं कर रहा हूँ। वहाँ से विधान सभा के लिए जो आपका उम्मीदवार चुना गया है वह 14 सौ मतों से बिजयी हुआ है। यह जो काउंटिंग एजेंट्स को भगाया गया क्या ऐसा करना उस अधिकारी का अधिकार था?

इलेक्शन कमिश्नर ने हिदायत दी थी कि सी० एस० एफ० के लोग रहेंगे, फिर सी० आर० पी० के लोगों को वहाँ तैनात करने की किसने इजाजत दी? किसने उनको एम्प्लाय किया? (व्यवधान)

आपने इस बात का जवाब नहीं दिया कि भविष्य में ऐसी घटना न हो, इसको आप दिल से या बेदिल से रोकने के लिए तैयार हैं? क्या

आप सभो आल इंडिया रिक्कनाइज्ड पार्टियों की एक कमेटी बना कर इन तमाम पहलुओं को जांच करने के लिए तैयार हैं ? इसका भी आपने जराब नही दिया, इसे भी इवेक किया । क्या आप इस तरह की कमेटी बनाना चाहते है जिन्हें कि भविष्य में हम तरह की घटना नहीं घटे ?

ये मेरे स्पेसिफिक क्वेश्चन हैं ।

**SHRI NIREN GHOSH (Dum Dum):** It seems that the elections are becoming in our country very quickly like elections in Latin America. Very soon, people are losing faith in democracy, in the democratic structure, in the way that is being run by the Ruling Party. The process started in 1972 on a far more massive scale than we have seen in Bihar. That was done by the Ruling Party. There were 26 murders in Bihar, murders of political leaders in U.P. Since the Minister referred to U.P., I am also referring to it. All these things are making a mockery of parliamentary elections or parliamentary democracy. If it comes to strain the minds of the people, then it is neither good for you nor for the opposition. Opposition is opposition. They are thwarting the power. I dare to say that it is an evil for you also. In view of all those facts, all those admissions that the Minister has made, may I put questions to you? Why not elections be held in all those 81 constituencies? Why not a Committee of all parties be constituted? I insist on a committee of all parties, because the findings of that Committee will become the property of the Parliament; and then we will have an opportunity to discuss it threadbare. I demand a Committee of all parties. Thirdly, is he prepared to introduce the system of proportional representation. In that case, despite those riggings, the parties, cannot be completely barred of it. You cannot take all those constituencies for a straight ride so that nothing remains; that is not possible for you in India even now.

**SHRI P. SHIV SHANKAR:** Mr. Deputy-Speaker, I have already made

my submission to the House that so far as irregularities in the elections are concerned, of whatever nature they may be, they have got to be discouraged and condemned on all hands. My friend, Mr. Ramavatar Shastri, has given certain instances and has felt a little sympathetic towards the Congress (U) nominee who seems to have lost in his own constituency. I can only pity his sympathy; what else can I do for the loss of that candidate for whom he had sympathy in the elections?

A suggestion has been made with reference to a committee. May I bring to the kind notice of the House that the Election Commission is a constitutional authority? It has its independent working; it is not controlled by the Government at all in its working. When there are any irregularities in counting, the law takes its own course. There is a law; there is a procedure which has got to be necessarily followed. Notwithstanding all these constitutional provisions and the law, a suggestion has been made, and it is a matter which I shall consider, though it is not possible for me in a cut and dried fashion, to come to any conclusion with reference to that suggestion, because I have got to go into the implication as to whether such a committee would have any bearing on the constitutional provisions and how its working will be. This is a matter in which I cannot jump to a conclusion at this stage. The suggestion is a matter which I shall consider.

On the question of re-election in all the 81 constituencies as referred to by my other friend Shri Niren Ghosh, I may invite his attention to article 327 of the Constitution and the provisions in the representation of People Act. No election can be challenged except through the process of an election petition. I do not know by what reasoning anybody can nullify results of elections that have already taken place. It has got

[Shri P. Shiv Shankar]

to be done only through the process of law. After all, law must take its own course. This is a government of laws. And we follow it. If you like that a procedure otherwise than law has to be followed, it cannot happen. There is no procedure by virtue of which the election could be set aside except through the process of election petition. If election petitions have been filed, I cannot discuss it at this stage because it would be sub-judice in the High Court.

Then my friend referred to proportional representation. It would be beyond the purview of a short half an hour discussion. It is a matter which forms part of electoral reforms. I have already said in the House in a different context that all the electoral reforms are under consideration of the government. I have nothing more to say.

18.50 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, July 17, 1980/Asadha 26, 1902 (Saka),