

## LOK SABHA DEBATES

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### LOK SABHA

*Friday, December 22, 1989/Pausa 1, 1911  
(Saka)*

*The Lok Sabha met at Eleven of the Clock*

[MR. SPEAKER in the Chair]

#### ORAL ANSWERS TO QUESTIONS

[Translation]

#### State Funding of Election Expenses

\*1. SHRI HARISH RAWAT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government propose to amend the election laws to provide for State funding of elections; and

(b) if so, whether this proposal is likely to be implemented before the next Assembly elections?

[English]

AN HON. MEMBER: Maiden answer!

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): I hope there will be no supplementaries to the question.

(a) Government is examining seriously the question of State funding of elections to reduce influence of money power. Details, however, have not yet been worked out;

(b) No, Sir. This is unlikely.

[Translation]

SHRI HARISH RAWAT: Mr. Speaker, Sir, I thank you very much for giving me the opportunity to ask the first question of the Ninth Lok Sabha. Sir, I listened attentively to the reply given by the hon. Minister. It is regretful that the seriousness shown by the National Front, of which he is a partner, in its manifesto about the electoral reforms or in the statements made by the Hon. Prime Minister regarding the State funding of elections is not reflected in his reply. All that he has said is that it is under consideration. But State Assembly elections are likely to be held after three months. Therefore, I would like to know whether he would be able to say something about the position in that case? Mr. Speaker, Sir, keeping this point in view, I would like to know from the hon. Minister, who represents Assam Gana Parishad, whether a time-limit will be fixed in this regard by the Government, the existence of which is at the mercy of a number of parties. I am eager to know it because we doubt the stability of this Government. So, I would like to know whether any time-limit will be fixed regarding the final decision and what would be its modus operandi and whether other parties of this House will also be consulted in the matter?

[English]

SHRI DINESH GOSWAMI: We have made a commitment in our manifesto that we will implement the long pending proposals for public financing of elections to reduce money power. But at the same time the hon. member should realise that what they have not been able to do in 42 years cannot be done in four days. Therefore, we must be given some time.

SHRI MADHAVRAO SCINDIA: You

were part of us for 36 years out of those 42 years.

**SHRI DINESH GOSWAMI:** Therefore, I know the difficulty and I can assure him that if I could have carried it, I would have been very happy because my election is coming *(Interruptions)* Therefore, if I were to see this through, I would be the first person to be helped. But the point is that this is a question to which we have very seriously addressed ourselves. This question has been on the agenda from 1972. In fact, in the Joint Committee of Parliament for amendment of the Election Law in 1972, the report was that it should be accepted as a general principle that all election expenses should be a legitimate charge on public funds. Then in 1988 when we discussed the amendment to the Representation of the People Act many Members also suggested that there should be State funding. After all, in a country like ours, in a complex situation where so many candidates are there, it is not possible to go for whole State funding. Some limited State funding should be there. Now, I have stressed that the Election Commission has to make some study on it. I am now interacting with the Election Commission. I am also writing to the former Chief Election Commissioners, Mr. S.L. Shakhder, Mr. K.V.J. Sundaram, Mr. R.K. Trivedi, about their comments. I will also be interacting with the leaders of the opposition and the members of the opposition on this matter. After this interaction we will definitely try to come forth with a proposal. But you will appreciate that the Assembly elections will be taking place in February. Even if we try to do it as expeditiously as possible, obviously, it is not possible to do it before February. Therefore, my answer is not that we are not serious. We are definitely extremely serious for this proposal and as expeditiously as possible we will come before the House, after this interaction, with some positive proposals.

*[Translation]*

**SHRI HARISH RAWAT:** Not only the question of checking the misuse of money power is there, but stopping the misuse of

muscle power is also related with the electoral reforms. We have seen all that happened in the recent elections, in some parts of the country particularly in Rohtak, Bagpat...

*[English]*

**MR. SPEAKER:** I think, the Minister is competent to reply.

*[Translation]*

**SHRI HARISH RAWAT:** The way some people resorted to booth capturing and got elected and occupied important places in the Government, we are afraid whether use of money power and muscle power would be checked because most of the hon. Members sitting on that side have been elected through money power and muscle power. A number of suggestions have been received from time to time on the electoral reforms and several committees were appointed in the past, such as the L.P. Singh Committee and the committee appointed in 1977 on the behest of Shri Jaiprakash Narain to go into the matter. I would like to know from the hon. Minister, through you, whether another committee is proposed to be appointed for the electoral reforms or some other method is going to be adopted?

*[English]*

**SHRI DINESH GOSWAMI:** This question relates to the State funding of elections. I am prepared to answer because there is a specific question as Question No. 3 which deals with the question of booth capturing and muscle power. If you want me to answer this, I am prepared to answer. But I think, it would be fair if I answer it when that question comes up.

*[Translation]*

**SHRI L.K. ADVANI:** Mr. Speaker, Sir, I am very happy that the first question in the question hour of the first session of the new Lok Sabha is related to the electoral reforms. I am particularly happy because this question has been raised by a friend from the

Congress. It is only when one sits in the opposition that one can feel how painful it is to see malpractices in the elections. This is one question, but there are two aspects of it. One is related to money power and funding. The other dimension is that the electoral reforms should be introduced before the Assembly Elections. I fully agree with the reply of the hon. Minister that such an important proposal and important decision like State funding cannot be finalised in such a short time and that a comprehensive law is needed for it. But keeping in view the importance of the Assembly elections, there are some small matters which can be decided through an executive order. I would like to know whether the Government will consider them?

From time to time, the Election Commission has put forward a number of proposals, which were never accepted by the previous Government. There are suggestions which can be implemented through an executive order. I would like to ask whether Government will consider implementing those proposals which can be implemented before the Assembly elections through an executive order? The Assembly elections should be fair and priority of holding elections should not be diluted. This aspect is also related to it.

[English]

SHRIDINESH GOSWAMI: Sir, my own feeling is that in the matter of electoral reforms, we should not approach piecemeal because that does not help. Therefore, we will like to have a comprehensive review of the whole situation and come forward with a package of deals because even on these decisions which we can take by way of executive order, there will be differences of opinion and, therefore, I feel that it will be difficult for us to carry out any reforms before the Assembly elections. But if the hon. Member has any specific suggestion in mind, he can put it across to us and we will consider that.

SHRI SONTOSH MOHAN DEV: Sir, in

this august House—the Ninth Lok Sabha—except my good friend Dinesh Goswami, none of us, including yourself, Sir, is honest because everybody has spent more than the expenses allowed by the Election Commission...(Interruptions)

You may deny that but this is a reality...(Interruptions)

MR. SPEAKER: Sontosh Ji, this is the Question Hour. You put the question.

SHRI SONTOSH MOHAN DEV: So, Sir, I would like to know whether, when he is considering about State funding, he will consider to increase the limit of expenditure by the candidates also because this is a very vital problem considering the number of voters and the number of booths that have increased? I agree with Advani Ji that this sort of things should be done before the next Assembly elections.

SHRI DINESH GOSWAMI: Sir, I am in agreement with my hon. friend that the ceiling on election expense today, to some extent is unrealistic and needs a review. But, at the same time, there are other dimensions to it as to whether this ceiling on expense should be limited only to the expenditure incurred by a candidate or should also include expenses incurred by political parties...(Interruptions)

SHRI MADHAVRAO SCINDIA: Sir, is it correct that he has spent more than that?

SHRI DINESH GOSWAMI: I have not spent. But definitely we are having a look into the whole matter and we would like that the ceiling expense should not be so unrealistic that the Members, while entering the House, should commit a fraud on the Constitution.

[Translation]

SHRI VIJAY KUMAR MALHOTRA: Mr. Speaker, Sir, the hon. Minister said in his reply that there would not be piecemeal approach to the work of electoral reforms, but they would come forward with a pack-

age-deal and he spelt out a detailed programme in this regard. The package-deal will take long time. In my opinion it will not be practicable to implement the reforms, if the Government keeps on considering all the aspects. Since the elections to the Legislative Assemblies are at hand, I would like to know whether the hon. Minister can set some time-limit? I think if the Assembly elections are held under the existing election laws, it will not be proper because it will amount to going back from commitment made to the people. So the proposals, which can be implemented before the ensuing Assembly elections, should be accepted and there should not be any problem in their implementation. The things, which can be done by many of package deal, should also not be delayed and a time-limit should be set for the purpose.

[English]

SHRI DINESH GOSWAMI: Sir, I have never said that we will take a long time. I have only said that bringing a comprehensive Bill regarding electoral reforms will require some time because the consultations have to be there and it is not possible to bring such amendments before the next Assembly elections. Uptil now the two hon. Members, Shri L.K. Advani and Shri Malhotra, have not also spelt out about the amendments that we can carry out through executive orders. Therefore, if my friends have any suggestion, they can put it across to me and I can consider it. But I can't give an assurance today that I will carry it out unless I examine it thoroughly because this is a very serious matter.

[Translation]

SHRI YAMUNA PRASAD SHASTRI: Mr. Speaker, Sir, I would submit to the hon. Minister that one of the important reforms in this regard should be to provide identity cards to the voters. Bogus voting has become a malaise due to which the entire electoral exercise has been reduced to a mockery. To check this malpractice, it is necessary to provide identity cards bearing

photographs to the voters. Will the Government make an arrangement to issue identity cards carrying photographs to the voters before the Assembly elections?

[English]

SHRI DINESH GOSWAMI: This is another suggestion which has been mooted by the Election Commission. But you will appreciate that if we are to translate it into reality, the cost involved is not small. After all, we are dealing with millions of voters and the cost and the time-factor are there. Therefore, while we discuss with my friends on the Opposition and also amongst ourselves the question of electoral reforms this would be one subject which will be considered.

[Translation]

SHRI BANWARI LAL PUROHIT: Mr. Speaker, Sir, electoral law clearly prohibits appeals to the voters in the name of caste and religion during the elections. But this time in the whole country and particularly in my constituency, photographs of Lord Rama were put up in all the booths. 'Tilak' was put on the forehead of the voters who went to cast their votes. Such things flout the provisions of Constitution and are dangerous for our country. In the name of Ram Shila Puja and Ganga Jal... (Interruptions). I am asking a question about the malpractices that are there. What steps the Government is taking to stop things like collection of funds in the name of Ram Shila Puja, Ganga Jal and appealing for votes by putting up the photographs of Lord Rama?

[English]

SHRI DINESH GOSWAMI: Sir what the hon. Member has said is definitely of great importance and I think we who are in political parties must address ourselves and nobody is above it because we can't forget that Ram appeared even in Allahabad elections. The person who was very popular in the Ramayana appeared in the Allahabad elections. (Interruptions) I am not trying to score a debating point. I know the objective of the

Member which he is trying to impress upon. These are the aberrations and we must have interaction and these malpractices cannot be removed only by law. Unless there is a determined effort by the political parties to do away these malpractices, they cannot be removed by law alone. This is the reason why we will inter-act amongst ourselves because these malpractices may affect somebody on that side and somebody on this side and ultimately it will affect the whole system.

**SHRI SAIFUDDIN CHOUDHURY:** Mr. Speaker, Sir, though this question is related to State funding of election expenses, the question of muscle power has come and money also makes muscles. In this context, I want to know about what I heard some days ago that the Chief Election Commissioner has suggested that of those who will be proved to be involved in booth capturing and rigging the Ministers and the responsible M.Ps. will be debarred from contesting elections for 10 years. I want to know from the Minister whether in the package of electoral reforms this suggestion will be included or not.

**SHRI DINESH GOSWAMI:** Every suggestion that the Election Commission has made would be very seriously considered and on those suggestions I will interact with my friends of the Opposition and therefore, I can assure you that the comprehensive Bill that we intend to bring before the House at the earliest will include all these points.

**MR. SPEAKER:** Next Question—Q. No. 3—Shri Surya Narayan Singh.

[Translation]

**SHRI SAMRENDRA KUNDU:** Mr. Speaker, Sir, may I put The question in your name?

**MR. SPEAKER:** The question was in my name, which stands deleted.

[English]

**SHRI SAMARENDRA KUNDU:** If you

allow me...

**MR. SPEAKER:** How can I allow?

(Interruptions)

**MR. SPEAKER:** Mr. Kundu, you are a very experienced Member of the House. That question, you know, is deleted. You know why.

**SHRI SAIFUDDIN CHOUDHURY:** Please allow a Calling Attention on that. (Interruptions)

**MR. SPEAKER:** Shri Surya Narayan Singh.

### Booth Capturing and Rigging Incidents during Ninth Lok Sabha Elections

\*3. **SHRI SURYA NARAYAN SINGH:** Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of incidents of booth capturing and rigging during the recent Lok Sabha elections held in November, 1989 in Uttar Pradesh, Bihar and other States;

(b) if so, the details thereof;

(c) whether there are any proposals under consideration of Government to prevent booth capturing and rigging; and

(d) if so, the details thereof?

**THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI):** (a) to (d). According to the Election Commission, in the recent general elections to the House of the People and Legislative Assemblies of certain States, repoll had to be ordered due to booth capturing and other irregularities in as many as 1599 polling stations spread over different States. Though certain provisions exist in the Representation of the People Act, 1951, a study is being made to see whether there are any more loopholes to be plugged for preventing booth capturing and rigging. In fact the efficacy of any law lies