

[Shri C. Subramaniam]

thus maintaining the representative character of the sampling. It cannot be said that the American exporters keep the quality to the barest minimum since against contracts for supply of Grade II, they have also supplied wheat of Grade I. The question of appointing officers of the Government of India for inspection of quality at the loading points in the U.S.A. was fully considered. It was felt that our own inspection arrangements were unnecessary in view of the existing arrangements which had been found to be satisfactory.

8. *Foreign matter in PL-480 food-grains*: The samples of foreign matter brought to our notice so far support the presumption that these have come from the vessels and not from outside. I may also mention that in the United States grain is loaded through automatic weighing and loading machines and these cannot allow passage of heavy metal parts through them. The contention that this foreign matter is deliberately inserted by certain crooks appears to be without any substance.

13.26 hrs.

RE: RAIDS ON THE PREMISES OF ORR DIGNUM & CO.

**Mr. Speaker:** Then we take up further consideration of the....

**Shri Daji (Indore):** Before we proceed further, I want to seek clarification. Yesterday a very serious question was raised and you were good enough to take the papers and you said that you would give the ruling about Mr. Sachindra Chaudhuri....

**Mr. Speaker:** I have read that. Certain doubts have been raised—naturally they do arise—from the statements that were made. Probably some interference was made in the process of proceedings or enquiry that was made. I have asked the Minister that he should make a full statement on all the events that have happened. He should make that statement on Monday. The Finance Minister might be informed that he should make that statement on Monday.

**श्री मधु लिमये (मुंगेर):** अध्यक्ष महोदय, जब वह बयान देने वाले हैं तो एक बात आप उनके पास भेज देने की कृपा करें। वह जो दस्तावेज टेबिल पर रखा था.....

**अध्यक्ष महोदय:** आप जो चीज चाहते हैं, वह मुझे लिख दें।

**श्री मधु लिमये:** मैं चाहता था कि सदन को भी पता चल जाय। मैं ज्यादा समय नहीं लूंगा।

वह जो दस्तावेज रखा था, उसमें एक बात है। जो सचिव श्री आर० सी० दत्त साहब हैं, उन्होंने एन्फोर्समेंट डायरेक्टोरेट से मांग की कि वह निम्न बातों की रपट दे—

“The specific provisions of the law under which the searches were conducted to the extent, if any, to which the approval of the Headquarters was obtained.....”

इसका अर्थ हुआ कि इस छापे के लिये मंत्रालय की इजाजत ले ली गई है या नहीं। इसका नतीजा यह हुआ कि डा० तेजा को वे गिरफ्तार कर सकते थे, लेकिन डर के मारे उन्होंने मामला मंत्रालय के पास भेजा, जब कि कानून के अनुसार उनका पूरा अधिकार है। इस बात पर भी वे प्रकाश डालें।

13.28 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL—contd.

**Mr. Speaker:** We shall now proceed with the further consideration of the motion for reference of the Representation of the People (Amendment) Bill to a Joint Committee.

Mr. P. K. Deo.

**Shri Sezhiyan (Perambalur):** I want to make a submission. There is a printing error in the motion that has been circulated. In the last paragraph it has been stated:

“that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 10 members....”

**Mr. Speaker:** It ought to be 12. I shall get it corrected.

**Shri Hari Vishnu Kamath** (Hoshangabad): No time is fixed, I think.

**The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao):** The time may be extended up to 3 O'clock. We can take up the Private Members' business at 3 O'Clock.

**Mr. Speaker:** We may take one hour and thirty minutes. We begin the non-official business at 3 O'Clock.

**Shri Hari Vishnu Kamath:** Then we go upto 5-30 P.M.

**Mr. Speaker:** Yes.

13.29 hrs.

[*MR. DEPUTY-SPEAKER in the Chair*]

**Shri P. K. Deo** (Kalahandi): Yesterday I was pointing out how the defective election laws enable a minority government to be perpetuated all these years against the will of the people even though at the polls they were rejected by the majority. You must have seen that in every State it was the multiplicity of the parties, the multiplicity of the candidates, that helped the Congress to be returned to power . . .

**Shri Sinhasan Singh** (Gorakhpur): What is the time allotted?

**Mr. Deputy-Speaker:** We have to close the discussion on this before 3 O'Clock.

**Shri Gauri Shankar Kakkar** (Fatehpur): 1½ hours will not be sufficient for this Bill.

**Mr. Deputy-Speaker:** It is going to a Joint Committee. Just now the Speaker announced.

**Shri P. K. Deo:** I will take at least half an hour.

**Mr. Deputy-Speaker:** No; he cannot take half an hour. Then there will not be time for others to speak.

**Shri P. K. Deo:** It is a misfortune that so many parties are functioning in this country.

**Shri G. S. Pathak:** May I inform the House that 25 copies of the report of the Election Commission have been placed in the Library of the Lok Sabha? I could not get more; otherwise, I would have supplied a greater number. I have reserved a few copies, but a much lesser number, for Rajya Sabha.

**Shri Hari Vishnu Kamath:** Do better next time.

**Shri P. K. Deo:** It is a misfortune that so many parties are functioning in this country. The polarisation of parties on the basis of political ideologies has not yet taken place and it is however in the process of evolution. I hope that in course of time there would be proper polarisation because the ideal will be a two-party system or at best a three-party system. As you know, the Congress Party is a hotch-potch of all political ideologies, and people of divergent views have taken shelter under the umbrella of the Congress; and the only uniting factor is the lust for power. There are no two opinions on the fact that every right-thinking man should aim at the proper evolution of a two-party system or at best a three-party system. And rightly the Election Commission has made that recommendation.

At page 124 of the report, the Election Commission has said in para (i) that:

"If a clear verdict is to be obtained from the electorate grouped in single-member constituencies, it is essential that the contest should be limited to a few worthy candidates, and light-hearted participation by individuals who do not have any substantial electoral support must be checked."

In para h (iii) the Commission has stated that:

"In regard to the unduly large number of independent candidates

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it is common knowledge that many of them only stand with a view to striking a bargain with one or the other of the serious candidates and then withdrawing from the contest for a consideration or with a view to splitting the votes of a small section of the people on caste or communal grounds. These are tendencies which militate against fair democratic elections and should be eliminated."

I am sorry to state that this part of the recommendation has not been accepted by Government and they are not going to give effect to it in this Bill. I fail to understand why that should be the case. Perhaps, the jolly good reason is that the more the multiplicity of candidates and the multiplicity of parties, the more secure is their seat. I beg to submit that if they want that the will of the people should be properly reflected in the composition of this House then they should make laws providing for proportional representation for which purpose a radical change has to be made in the entire system.

Regarding electoral officers, the Election Commission has recommended that the chief electoral officer and the deputy chief electoral officer should be full-time men. But our experience is that at the State level, they are part-time officers; probably, they are secretaries or under-secretaries attached to some department and they are entrusted with the election work as part-time job. I beg to submit that they should be independent and they should be properly insulated against all sorts of official or governmental pressure. They should be responsible directly to the Election Commission. I would go one step further and say that these officers should be recruited from the judiciary or if possible they should be sent on delegation from the neighbouring States, for we all know the calibre of the officers at the State level who are entrusted with this election work in spite of the fact that we want free and fair elections.

The Election Commission has further recommended that there should be district election officers. Government have accepted this and they are going to have district election officers. We know very well the position regarding the district magistrates in the various districts, who act as returning officers for the parliamentary constituencies. To give them more power or to have district election officers from amongst them is a very dangerous proposition. I would like to draw the attention of the House to the decision of the learned tribunal in the case of *Dandekar vs. R. R. Gupta*. The learned tribunal had remarked in that case as follows:

"Mr. C. M. Nigam, district magistrate of Gonda, who acted as returning officer was instrumental in bringing about the success of Mr. Ram Ratan Gupta by corrupt connivance, and the *quid pro quo* was his promotion as Commissioner of Faizabad Division in November, 1962, after the election."

**Shri Gauri Shankar Kakkar:** An appeal is pending in the High Court regarding that.

**Shri P. K. Deo:** That still stands today.

**Shri Sinhasan Singh:** It has been challenged in the High Court.

**Shri P. K. Deo:** That still stands today. That does not preclude me from quoting the judgment of the tribunal because it stands today. Although he was previously superseded, in this case . . .

**Mr. Deputy-Speaker:** The point is that the matter is *sub judice*.

**Shri Sinhasan Singh:** An appeal is pending before the High Court, and, therefore, this reference should not be allowed.

**Shri P. K. Deo:** It cannot be *sub judice*. It is not a court; the election tribunal is never a court.

**Shri Ranga (Chittoor):** My hon. friend has already quoted from it. Now, let him go ahead with his speech.

**Shri Sinhasan Singh:** Now, the matter is pending before the High Court.

**Shri A. S. Saigal (Janjgir):** An appeal is pending before the High Court.

**Shri P. K. Deo:** That does not matter. This is the judgment of a tribunal only.

I beg to submit that only those officers, who do not depend for their promotions or for any favour, on the executive government should be entrusted with this kind of job.

Coming to Jammu and Kashmir, it is a good thing that henceforward we shall have representatives here from Jammu and Kashmir who will be duly elected, and the procedure of nomination will be put an end to. But at the same time I do not appreciate the argument why there should be two sets of electoral rolls for assembly elections and Parliament election for Jammu and Kashmir and not for the rest of the country. So far as Jammu and Kashmir is concerned, they say that the election to the Jammu and Kashmir Assembly is being conducted under the Representation of the people Act of Jammu and Kashmir, in which provision has been made for preparation of electoral rolls in that State on the basis of the test of permanent residence. So, the test of permanent residence is a qualification for a voter in Jammu and Kashmir whereas in the rest of India the criterion is only that of citizenship. I do not know why there should be different criteria for the voters in Jammu and Kashmir and those in the rest of India. So, I would submit that that anomaly should be removed.

Regarding the annual revision of the electoral rolls, I beg to submit that it should be done every year, because every year when a person attains the age of 25 he should have every right to be enrolled as a voter in the electoral rolls. So, I would submit that the recommendation in this regard need not be accepted.

**Shri Shinkre (Marmagoa):** Does not my hon. friend want a separate or different criterion in the case of Jammu and Kashmir where the situation is unstable and uncertain and there is an influx of new people all the time?

**Shri P. K. Deo:** My hon. friend need not take away my time.

Regarding corrupt practices, I beg to submit that I quite agree that the penalty for carrying voters by conveyance should be more rigorous and should be made cognizable. But I beg to submit that the biggest culprit in this regard is Government. The late lamented Prime Minister Shri Lal Bahadur Shastri had promised that all the Block jeeps would be withdrawn. But this has not been done. We know that at the time of the elections, all the Block jeeps are being used to provide conveyance to the party in power and to carry the voters to the booth.

**Shri Ranga:** And lorries also.

**Shri P. K. Deo:** I beg to submit that a firm assurance should be given in this House that all the jeeps of the various Blocks and the Administration would be immobilised at least three months prior to elections.

**Shri Ranga:** And also the lorries of the public undertakings.

**Shri P. K. Deo:** In this connection, I would like to point out a very damaging provision that is going to be made in the amending Bill, and that is regarding Government contractors. I would invite your attention to section 7(d) of the original Act which says that if there subsists a contract entered into in the course of a trade or business by him with the appropriate Government for supply of goods to, or for the execution of any work undertaken by, that Government, it will amount to a disqualification.

We want that it should be made more rigorous and this should be extended to those fields of public sector undertakings which are being taken

[Shri P. K. Deo]

under the appropriate government, so that those contractors who supply goods to public sector undertakings should also be barred from contesting elections. But instead of making it more rigorous, the provision is being slackened and watered down.

**Shri Ranga:** Otherwise the House will be full of contractors.

**Shri P. K. Deo:** In this amending Bill, they want to provide that if a contractor has fulfilled his part of the job, even though final payment has not been made and his bill is still pending, he becomes qualified to contest election. This is a shame. They want to keep these contractors in their own hands by withholding part of the payment, so that even if a contractor stands for election and comes through, Government will have a string with which to control him and they can make him dance in any way they like.

**Shri Tyagi:** (Dehra Dun): If he succeeds in appeal?

**Shri P. K. Deo:** Up till now, they have been depending on the contractors for their votes, but henceforth we will see that the entire House will be full of contractors . . .

**Mr. Deputy-Speaker:** His time is up.

**Shri P. K. Deo:** There have been many interruptions taking away my time. I have very many points to urge.

**Mr. Deputy-Speaker:** There are other parties also.

**Shri Ranga:** He has got to present our case on behalf of our Party and should be given at least 15 minutes. We cannot go on petitioning to you for more time.

**Mr. Deputy-Speaker:** There are other parties also.

**Shri Ranga:** We should have our full 15 minutes. Let others also have 15 minutes.

**Shri P. K. Deo:** I was saying that with this provision the House would be full of 'Jit Pauls' . . .

**Shri Ranga:** There must be some decent way of dealing with these things. My Party is the biggest in the Opposition and we should be given consideration on that score.

**Mr. Deputy-Speaker:** There are other parties also to be accommodated.

**Shri Ranga:** Otherwise, I am prepared to ask my hon. colleague to sit down in protest. We have a right to take at least 15 minutes on this very important Bill. You should be able to use your discretion in a sensible manner in these matters.

**Mr. Deputy-Speaker:** We have to close the discussion at 3 P.M. I want cooperation from all parties.

**Shri P. K. Deo:** I beg to submit that the canker of corruption originates from the panchayati raj. In the panchayati raj, we have seen that the Sarpanches act as contractors and the panchayat samiti chairman share profits with the contractors. Probably Government want that the same pattern should be extended here so that the House will be composed of contractors having contracts with Government.

Coming to removal of disqualification for standing in the elections, what was in the original section 144 has been reproduced as a carbon copy though in a separate clause and the wordings have been rearranged.

After the tribunal gives its findings—henceforth, the High Court will constitute the tribunal—I do not think the Election Commission should sit in judgment on it. It would make the position very ridiculous. No self-respecting High Court will ever take up these election cases if that be the position.

In this connection, I would like to point out what has been said in a judgment in the case of a Deputy

Minister. The finding of the High Court was that 'such a fellow is naturally a mean coward without any moral sense and cannot deserve the electors' vote'. With this remark, the election of Shri Vidya Charan Shukla was set aside by the High Court. This was upheld by the Supreme Court. But some underhand means influenced the Election Commission, the bar was withdrawn and he stood for re-election. Now a person who was barred from contesting for corrupt practices is presiding over a department fighting corruption, making all sorts of insinuations against various parties.

Regarding printing of ballot papers, they should be printed in the Nasik Security Press. Otherwise there is every chance of fake ballot papers being made use of at the time of elections.

**Shri Ranga:** They were used also.

**Shri P. K. Deo:** Regarding the election time-table, an important recommendation of the Election Commission that the entire election to parliamentary constituencies should be concluded in one day is not accepted. Identity cards should be supplied to voters at the cost of the Government and the polling agents should be supplied with a copy of the voters' list to check impersonation and things of that kind.

Clause 59 envisages that if a government officer acts as an election agent or polling agent, he will be fined Rs. 500. But there is no penalty for canvassing. All government officials should be debarred from canvassing for any particular candidate. Of course, we have given them the right of exercising their franchise and voting for candidates of their choice, but they should not go on canvassing for a particular candidate and there should be deterrent punishment for such default.

Another major point. The Government has to resign three months prior to the election and President's rule should be there.

**Shri Tyagi:** Either the time must be extended or other parties must also be given a chance. This is an important Bill. I propose that the time be extended.

**Mr. Deputy-Speaker:** He is on his legs.

**Shri P. K. Deo:** If Government are not prepared to accept this proposition and they are not going to resign, as a minimum they should not pass orders for promotion, allotment of lands, recognition of schools, sale of private property, withdrawal of pending cases and use of their discretionary grants, etc. These things should be stopped for three months prior to elections. Any executive order in these matters during that period should be treated as illegal.

Government officials should not accompany Ministers in their election campaigns. Shri Pratap Singh Kairon took with him a doctor during his tours. Even this was considered to be improper. But we know very well that government officers accompany Ministers and orders are also passed which smack of favouritism. These things should be stopped. The district officers should not dance attendance at the camp of the Ministers and try to distribute favours. In my constituency, a few days prior to polling, at midnight there was a foundation-laying ceremony of a school conducted by the District Magistrate under the auspices of Shri Biju Patnaik.

Lastly, I would refer to one very important thing, and that is political horse-trading. My experience in Orissa is that when MLAs are elected, immediately they are 'purchased' by distributing loaves and fishes. These favours are used as an instrument to snatch them away. These things should be stopped. There should be provision made to put a stop to this nefarious practice. There should be a provision to the effect that if an MLA elected on a certain ticket crosses the floor or changes his affiliation, he will

lose that elected seat. Unless this is done, there is every chance that whatever may be the will of the electorate, the result would be different because there is no right of recall. After the voters cast their votes, they become helpless and they are completely at the mercy of the elected candidate. So these things ought to be borne in mind and safeguards provided.

**Mr. Deputy-Speaker:** Shri Umanath.

**Shri Hari Vishnu Kamath:** Considering the importance of this measure in which the entire House irrespective of parties is vitally interested, I formally move under rule 292 that the time allocated to this Bill be extended to go on like this.

**Shri Tyagi:** I support this motion. The Speaker's ruling does not mean anything in this regard. It is for the House to decide. This cannot be allowed to go on like this.

**Shri Gauri Shankar Kakkar (Fatehpur):** I support the motion. We have to give our views to the members of the Joint Committee. Therefore, there should be sufficient time for a full discussion here at this stage.

**Shri Tyagi:** We cannot go on like this.

**Shri A. S. Saigal:** We are not Members of the Select Committee, we must get time.

**Shri Tyagi:** Moreover, it is the privilege of the House. No authority can command the House in the matter of discussion.

**Shri A. S. Saigal:** We must express our views.

**Shri Tyagi:** We are not subordinate to anybody.

**Mr. Deputy-Speaker:** Is it the pleasure of the House that this should be extended to total 3 hours....

**Shri Hari Vishnu Kamath:** Four hours if you want.

**Mr. Deputy-Speaker:** ..including the time taken?

**Shri Tyagi:** Even a day I would not mind.

**An hon. Member:** Today's discussion should be for three hours.

**Mr. Deputy-Speaker:** Is it the pleasure of the House that this should be extended by three hours?

**Hon. Members:** Yes.

**Mr. Deputy-Speaker:** We will take three hours including the time taken today.

**Shri Tyagi:** No, no. What was your amendment? You wanted to extend by three hours.

**Mr. Deputy-Speaker:** Order, order. We began at 1.30. It will be three hours from 1.30.

**Shri Hari Vishnu Kamath:** It will be finished tomorrow, not today.

**Mr. Deputy-Speaker:** Tomorrow. It was agreed to by the House that we would sit today still 3 O'Clock for Government business. We will go on till 3 O'Clock and the rest will be taken up tomorrow. Still, I would request the hon. Members to take as little time as possible, there are a number of other Members.

**Shri Kashi Ram Gupta (Alwar):** May I see a clarification? You say three hours including the time taken today. The point is that this Bill requires five hours ordinarily. Five plus three hours, it comes to 8 hours.

**Mr. Deputy-Speaker:** No, no. We began at 1.30 today. From 1.30 we will have three hours for this Bill.

**Shri Umanath (Pudukkottai):** The Government, by introducing this Bill, is making a posture that it is trying to democratise the procedure for elections still further. I do not agree. Though the posture is that, that is not the real thing, because the attitude of the Government on two crucial questions is the criterion to decide

whether the Government is really genuine on democratising the elections. And what are the two crucial questions? One is the question of exercise of governmental power to purchase votes. The second crucial question is payment of money to buy votes. On these two crucial questions, what is the attitude of the Government? On these two crucial questions what are the clauses or what are the provisions that have been brought forward by the Government to amend the Act further? That is the point.

I first take up the question of exercise of governmental power during the elections to purchase votes. A glaring example I gave...

**Dr. M. S. Aney (Nagpur):** I want to put a question. Is there any provision in the Act that the Government can buy votes?

**Shri Umanath:** There should not be any corrupt practices. Votes must just reflect your conscience, it should not be purchased by indirect or direct pressure, money or otherwise. So, the first question is the exercise of governmental powers to purchase votes. I give you a simple example.

In Pudukkottai, which is my constituency, during the 1962 election this is what happened. The Congress Committee publishes a handbill saying that Mr. Ramiah, who is a Minister, will tour the entire constituency, giving dates and places. That is the Congress committee notice about his tour programme. Two days afterwards, a circular is issued by the P.A. to the Minister, P.A. paid by the Government, saying that the Minister will tour the constituency on such and such a date and such and such places, and so the panchayat boards must give reception and all those things. One circular is by the Minister's P.A.,—nobody can challenge me on this—the other is a handbill printed by the Congress.

**Shri Tyagi:** Was it your own constituency?

**Shri Umanath:** Yes.

**Shri Tyagi:** And the Minister's constituency?

**Shri Umanath:** The Minister's constituency comes within the parliamentary constituency in which I stood. The point is, I compared the Congress handbill of election tour, and the P. A.'s Minister's tour circular, both the things were the same, the same date, the same place. So, the Congress committee's election tour programme is converted into a ministerial tour by the Minister's P.A. and panchayat boards are asked to give reception and all that. What is this excepting exercise of governmental power to bring the panchayat boards to canvass votes for the Congress Party which is being spearheaded by the Minister? Nobody can challenge this.

Secondly, take the question of the constitution of Pudukkottai into a district. For 20 years the people were demanding—it was an erstwhile native State—its constitution into a separate district, and the answer was that when the bifurcation of other districts is taken up, its case will also be considered. But just a year and a half back there was a by-election in Salem District in Dharmapuri, and there was a demand that Dharmapuri should be constituted into a separate district. For 20 years the Pudukkottai people are told that their bifurcation will be taken up when the general question of bifurcation is taken up, whereas during this by-election in Dharmapuri, those people were openly promised by Shri Kamaraj Nadar and other Ministers that if they were elected, it would be constituted into a separate District. The elections were over, Congress won, and immediately it was constituted into a district. Where was the emergency? Is this not corruption? I am not going into details. So, this question of using governmental power to purchase votes is not being opposed by the Congress Party because they want to have this corruption for their purposes.



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Secondly, the question of payment of money to the voters. It has been declared a corrupt practice, money should not be paid to the voter, but we know that even after its declaration as a corrupt practice, just the previous night to the election, a huge amount of money is being taken in a car from place to place, and in fact, we arranged a car to chase the other car, but we can afford only one car and to chase only one car.

**Shri K. C. Sharma (Sardhana):** That is an offence. You can go to a court of law.

**Shri Umanath:** My point is, notwithstanding the declaration of this as a corrupt practice, notwithstanding the fact that, as you say, it is an offence and we can take action for that, we know that throughout the country on a large scale this bribery is going on.

**Shri K. C. Sharma:** I protest. This is not a fact.

**Shri Umanath:** I am not prepared to give in. This Government has not been able to prevent this bribery. So, my point is this that this can be stopped only if there is a ban on companies' financial contributions to political parties, if the ban is enforced at the source of the money itself. Then it can be stopped, otherwise it cannot be stopped. But the Congress Party is not prepared to accept such a ban. Even the recommendations in this respect of the report on the Third General Elections by the Election Commission are not accepted here with regard to this money question. It is a very limited recommendation. At page 124 it says:

"The fact that the expenses incurred by the political parties on the electioneering campaign of individual candidates or groups of candidates do not require to be included in the accounts of the latter makes the prescribed maxima unreal and meaningless.

Then, they say:

"The two main defects in the existing law relating to accounts of election expenses, namely, limiting the period of accounting to the interval between the date of calling the election and the date of declaration of the result and not requiring the inclusion of expenditure incurred by political parties, should be removed by amending the law."

Then, they say:

"The legal provisions should be spelt out in greater detail so as to make them effective. In particular there should be a provision which prohibits election expenses being incurred by any person other than the candidate or his election agent unless authorised in writing by the candidate and which further provides that, where any such authorised person incurs expenses, he should furnish a detailed return of those expenses."

Even these three things are not being accepted by the Government. Next I come to the question of appeal to caste and creed.

This also has been declared to be a corrupt practice. The Election Commission's report says on this particular question at page 56;

"It could not, however, be said that election propaganda based on caste and communal prejudices was eliminated, or even appreciably reduced by reason of this amendment."

Again, they say:

"These were certainly appropriate and useful provisions to have in the statute book but it did not appear that they were enforced with any degree of strictness by the authorities concerned...."

Who has to enforce them? The enforcing agency is the Congress Party,

it is their Government. Notwithstanding this provision, they are not enforcing, why? They themselves want this weapon of caste and creed to purchase voters.

In my State of Madras what happened during the elections? One Minister, Mr. Venkataraman, is an Iyer. He is sent to the Iyer areas. Another Minister, Mr. Ramiah, belongs to the Kallar community. Where that community is largely concentrated, that Minister is sent. Another Minister, Mr. Kakkan, is a Harijan. He is sent to the Harijan. cheris. Another Minister, Mrs. Jyoti Venkatachalam, is a Christian. She is sent to the Christian voters. Like that, for each community a Minister is sent.

They are sent to the particular place in which these communities are concentrated. The Congress Party wants to use this appeal to cast and communalism. This is the reason why they are not prepared to accept the suggestion.. (Interruptions).

11.00 hrs.

**Shrimati Renuka Ray (Malda):** It is not so.

**Shri Umanath:** I am not yielding to anyone.

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Umanath:** I am finishing. There is the question about conveyance which they say they have accepted, that is, increasing the fine from 250 to 1000 and making free conveyance a cognisable offence. They say they accepted it. But to what extent could they prevent these practices? They could not. Notwithstanding these provisions, we know

what will happen. Voters will get free conveyance and if the police catch a driver, the voters will say: I have paid the driver from my own pocket; it is not free. That simply finishes it. What should we do if we want to prevent these corrupt practices really? On the polling day except the scheduled buses on those routes, all other conveyance must be banned or strictly regulated and restricted. The Election Commission's recommendations in this regard are total:

"The maximum fine of Rs. 250 now prescribed by the section should be increased to Rs. 1,000 and, in order to enable preventive or remedial action to be taken on the spot, the offence should be made cognizable by the police. It is also desirable that the use of public transport vehicles other than buses plying on a regular scheduled, particularly vehicles like motor trucks, taxicabs, motor scooters and cycle rickshaws, which are systematically employed in carrying voters to and from polling stations should either be completely prohibited, or else very strictly regulated on polling day."

This is the recommendation. But what has the Government done? It has taken the first two parts and deleted the other part because it does not want use these vehicles and indulge in this corrupt practice. On the one hand they want to indulge in this corrupt practice; on the other hand they want to show to the country that they have done more and more democratisation. While they want to show to the country like this by their actual conduct and in actual practice in regard to crucial questions, they are introducing elements of antidemocratic practices in elections and their attitude is the same old attitude so that they want to have these elections and adopt the same old practices and come to power ultimately.

**Mr. Deputy-Speaker:** Shrimati Subhadra Jhoshi.

**Shri Tyagi:** Are you proceeding by any list? I want to know because whenever you preside, I have come across this difficulty. I want to have this clarification from you. If there is a list, we have other business and we will go out.

**Shri A. S. Saigal:** We have already given our names.

**Shri Tyagi:** Are we required to send in our names?

**What rules are to be followed?**

**Mr. Deputy-Speaker:** It is not necessary. She caught my eye; she stood up.

**श्रीमती सुभद्रा जोशी (बलरामपुर) :** उपाध्यक्ष महोदय, इस बिल के आने से कुछ अच्छी बातें भी हुई हैं और बहुत कुछ निराशा भी हुई है। जहां तक ट्रिब्यूनल्स का संबंध है, ट्रिब्यूनल्स बहुत समय ले लेते हैं, उसको एबालिश् करके हाई कोर्ट के जजेज को जो अधिकार दिये गए हैं उसका मैं स्वागत करती हूं। पर मुझको इस बात में बहुत सन्देह है कि जजेज के पास इतना काम होता है, क्या इतनी जजेज की तादाद है कि वह फौरन जल्दी से जल्दी इन केसेज को खत्म कर सकेंगे? जहां ट्रिब्यूनल्स के सामने केसेज होते हैं, हमने देखा है कि हर प्वाइंट पर लॉग हाई कोर्ट और सुप्रीम कोर्ट तक चले जाते हैं और फिर जब वहां से वापस आता है तो पेटिशन शुरू होती है, इसमें वर्षों लग जाते हैं। तो जॉ प्राविजन अभी भी मैंने देखा उनसे मुझको यह नहीं लगता कि जजेज अगर उनकी जगह ले भी लेंगे तो वह पेटिशन का जल्दी फैसला करने वाले हैं।

एक्सप्रेसेज के रिटर्न के सवाल को भी मैं चाहती हूं कि मिनिस्टर साहब उसकी तरफ भाँ अच्छी तरह से ध्यान करें। जहां तक मैंने देखा उपाध्यक्ष महोदय, तीन चुनाव मैं लड़ी और जिस समय मैं अपना एक एक खाने पीने

चाय किराये आदि सबका वाउचर ले कर गई तो मालूम हुआ कि वह बिलकुल बेकार है और मैंने देखा आस पास के इलाकों में, अभी एक सदस्य महोदय जिक्र कर रहे थे गोंडा के चुनाव का जहां से राम रतन गुप्त और दंडेकर साहब चुनाव लड़े थे, अगर वहां जाकर शहर में कोई पूछ और मालूम करे तो जिन्होंने चुनाव देखा है या नहीं भी देखा है, वह बतायेंगे कि दोनों कैंडीडेट्स का कितने लाख रुपया वहां पर खर्च हुआ, उसका अन्दाज लगाना बहुत मुश्किल है। कितनी कन्वेंसेज दी गई, . . . . (व्यवधान) . . . किस तरह से साइकिलों का बटवारा हुआ, किस तरह से कपड़ों का बटवारा हुआ, क्या क्या नहीं हुआ? और वह लॉग न मालूम किस तरह से किस शकल में रिटर्न भरते हैं कि उनके रिटर्न पर कोई एनराज नहीं होता है और वह सब पास हो जाते हैं। तो जॉ प्राविजन इस एक्ट में हैं रिटर्न को दिखाने का मैं तो यह ख्याल करती हूं कि या तो इस चीज को बिल्कुल उड़ा देना चाहिये जो अपनी मर्जी से जितना रुपया खर्च करना चाहे, करे, करने दीजिए और या अगर उसका प्राविजन करते हैं तो उस के लिए कोई और तरीका होना चाहिए। हम अपना रिटर्न आप को दे दें और आप हिसाब किताब में कोई अरिथ-मेटिकल गलती निकाल कर उसको रिजेक्ट कर दें इस से साबित नहीं होता है कि कैंडीडेट ने कितना रुपया खर्च किया। इसलिए कोई और तरीका इस के लिए निकालना चाहिए।

डिस्कवालिफिकेशन के बारे में स्वतंत्र पार्टी की इस राय से मैं बिलकुल मुत्तफिक हूं कि ठेकेदारों को छूट देने के बजाय उन पर और सख्ती होनी चाहिए हालांकि कारण मैं जानती हूं। उनके कारण और मेरे कारण में फर्क है। उन का कारण मुझ को ऐसा लगता है कि स्वतंत्र पार्टी में उपाध्यक्ष महोदय

राजे हैं महाराजें हैं बड़े बड़े बिजनेस करने वाले हैं . . . (व्यवधान) रानियां हैं वहां कांटेक्टर्स की जरूरत नहीं पड़ती . . . (व्यवधान) जो ठेकेदार हैं वह धीरे-धीरे ठेके ले लेकर इन लोगों की जगह लेने वाले हैं । तो वह इस बात से जरूर डरते हैं कि ऐसा न हो कि ठेकेदार इस बदले हुए समय में राजाओं की जगह ले लें, रानियों की जगह ले लें, बड़े बड़े बिजनेसमेन की जगह ले लें । उनका डर तो इस कारण से है । मैं उपाध्यक्ष महोदय प्रार्थना करूंगी, मंत्री महोदय से कि कोई ऐसा भी प्राविजन इस बिल में लायें कि कोई इनकम ग्रुप ऐसी होनी चाहिए, यहां सीलिंग का बहुत दफा जिक्र होता है कि कभी गांव की जमीन पर सीलिंग लगा दो, कभी ग्ररबन प्रापर्टी पर सीलिंग लगा दो, कोई प्राविजन इस बिल में ऐसा होना चाहिए कि इतनी आमदनी के ऊपर वाले जो हैं, उन को इस चुनाव में लड़ने का अधिकार ही नहीं होना चाहिए । और उन को रोक देना चाहिए । यह नहीं हो सकता है का सवाल नहीं है । मैं यह कहती हूँ कि जब समाज में हम लोगों को कहा जाता है कि बराबर का मौका दिया जायगा चुनाव लड़ने में चाहे वोटर हो, चाहे कैंडीडेट हों तो मैं क्या मुकाबिला करूंगी । एक तरफ लाखों रुपया हैं लाखों रुपये का आमदनी है वोटर्स को कन्वेयस नहीं देनी चाहिए, पर उन का तो हर वोटर वोटर में जायगा वोट डालने के लिए, एक तरफ तो इतना लाखों रुपया और एक तरफ हम लोग कैसे चुनाव लड़ सकेंगे? पुराने जमाने में रोम में जैसा होता था कि शेर के ऐरेना में डाल दिया करते थे कि शेर के सामने आप भी जाइए और शेर का मुकाबिला करिए, बराबर का अधिकार है शेर का और इन्सान का, तो उस तरह से आज की जो यह पद्धति है चुनाव की, यह बड़े बड़े लोग जो हैं लोक सभा में और राज्य सभा में इन को नुमाइन्दगी देने में हमें एतराज नहीं है अगर उन को नुमाइन्दगी देने की जरूरत है तो मैं प्रार्थना करूंगी कि इस कानून में यह

प्राविजन होना चाहिए कि सरकार उन को नामिनेट कर दे उनको यह मौका नहीं मिलना चाहिए कि वह समाज और देश के गरीब लोगों को वोट खरीद खरीद कर के करप्ट कर सकें । इस चीज पर रुकावट होनी चाहिए । कोई प्राविजन इस ऐक्ट में ऐसा होना चाहिए ।

एक बात मैं और आप से कहना चाहती हूँ कि खर्चा कम से कम करवाने की कोशिश करनी चाहिए । जितना खर्चा अभी भी एक किताबों में कानून में लिखा रहता है कि कैंडीडेट पर कितना रुपया खर्च कर सकते हैं यह सचमुच सोचने की बात है कि वह कैंडीडेट उतना रुपया कहां से लाता है और कहां से हम सभी लाते हैं ? कम्पनीज दें या न दें, हमारे पास हो या न हो चाहे वह डाक्टर, लोहिया हों, चाहे सुभद्रा जोशी हों, चाहे कोई अमीर आदमी हो, अपने पैसे से जो बड़े बड़े बिजनेसमेन हैं वह शायद चुनाव लड़ सकें, हम लोग अपनी पार्लियामेंट की जो ताकतवाह मिलती है उस से तो कोई चुनाव नहीं लड़ा करते हैं हम कहां से लाते हैं, कहीं अपने फ्रेंड्स से लाते हैं, कहीं हमारी पार्टीज लाती हैं तब जाकर यह खर्च होता है । इस लिये मैं बड़े अदब से अर्ज करना चाहती हूँ इस खर्च को कम करने की कोशिश होनी चाहिये । सब से पहले तो स्लिप्स को ले लीजिये, हमारे मंत्री महोदय जरा इस तरफ ध्यान दें, ये स्लिप्स नाम और नम्बर लिख लिख कर वोटर्स को बांटी जाती है जिन के बगैर कि वह वोट नहीं दे सकता है, जब तक उसके पास अपना वोटर नम्बर न हो, वह वोट नहीं दे सकता है । ये स्लिपें हजारों और लाखों की तादाद में छावाई जाती हैं एक दफा वोटर्स को भेजी जाती हैं, फिर दूसरी दफा भेजी जाती हैं और फिर तीसरी दफा कैम्प में आदमी को बिठाकर वहीं पर बना कर दी जाती हैं—यह जो स्लिप देने का तरीका है, आइडेन्टिटी कार्ड का, इस सरकार को अपने हाथ में लेना चाहिये । इस के साथ ही सरकार को यह भी करना चाहिये कि जब कैंडीडेट्स लिस्ट फाइनलाइज हो जाय, तब

[श्रीमती सुभद्रा जोशी]

कैन्डिडेटस के नाम छपवा कर उसकी पब्लिसिटी का काम सरकार करे। इस प्रचार में यह जाहिर किया जाय कि फलां इलाकें से फलां फलां उम्मीदवार खड़े हुए हैं और उस के बाद अपनी नीति का प्रचार करने का काम पार्टीज का होना चाहिये। पार्टीज के कौन कौन उम्मीदवार खड़े हुए हैं उनके पास वोटर्स लिस्ट है या नहीं है, यह काम सरकार को अपने हाथ में लेना चाहिये। मंत्री महोदय जरा श्रद्धाञ्ज लगायें कि पार्लियामेन्टी कांस्टीचुएन्सी के लिये कितनी स्लिप्स छपवानी पड़ती हैं, उस के बाद कितने आदमी उनको लिखवाने के लिये होने चाहिये, फिर कितने आदमी उनको बांटने के लिये होने चाहिये, अगर इन सब का हिसाब किताब लगाया जाय, तो मुझे इस में शुब्हा है कि जिस कानून का प्राविजन आपने किया है कि वह इतना पैसा लगायें, वे उस में कर भी पायेंगे या नहीं? इस लिये इस काम को सरकार को अपने हाथ में लेना चाहिये। हमें उम्मीद थी कि इस किस्म का प्रविजन इस में होगा लेकिन इस में नहीं है।

मुझे इससे खुशी हुई कि इलैक्शन कमिशन अपने हाथ में ज्यादा से ज्यादा पावर्स ले रहे हैं। उसी केस में जिसका अभी यहां पर जिक्र हुआ है इलैक्शन कमिशनर साहब जब गोंडा गये, उपाध्यक्ष महोदय मैं उन चीजों का जिक्र यहां पर नहीं करना चाहती हूँ कि जिन के मुतालिक मुकदमा चल रहा है, मैंने इलैक्शन कमिशनर साहब से खुद कहा कि आप जो दोबारा कांउर्टिंग का आर्डर दे रहे हैं, यानी गोंडा कांस्टीचुएन्सी में और बलरामपुर कांस्टीचुएन्सी में जो दोबारा कांउर्टिंग का आर्डर दे रहे हैं यह इललीगल है, क्योंकि रिजल्ट पर दस्तखस्त हो चुके थे लेकिन उस के बाद भी इलैक्शन कमिशनर ने किसी की बात नहीं मानी। अगर इलैक्शन कमिशनर ही समझदारी से काम नहीं करेगा तो यह गड़बड़ दिन प्रतिदिन बढ़ती जायगी और इस से कोई फायदा होने वाला नहीं है। फिर भी जब वे इन पावर्स को अपने

हाथ में ले रहे हैं उनको मुबारिक हो और मुझे उम्मीद है कि वह इस में ज्यादा समझदारी का इस्तेमाल करेंगे, क्योंकि जब कभी कोई ऐसा हादसा हो जाता है तो छोटे लोगों का हमारे कार्यकर्ताओं का विश्वास चुनाव पर से कतई उठ जाता है, जबकि देखते-देखते इस तरह से अन्धेरगदी होने लगती है। मुझे आशा है कि मंत्री महोदय कम से कम स्लिप बांटने का काम अपने हाथ में लेकर इस का इन्तजाम करेंगे।

श्री त्यागी : श्रीमान जी, मैं एक बात के लिये विशेषरूप से ज़ोर देना चाहता हूँ और मैं समझता हूँ कि इस हाउस में इन बातों पर इस लिये भी पूर्ण रूप से चर्चा हानी चाहिये, ताकि सिलैक्ट कमेटी उन को पढ़ सके और जान सके कि मेम्बरों ने इसके बारे में हाउस में क्या क्या रायें जाहिर की थीं और उस के बाद वह अपना निश्चय करे।

एक बात, जिस के लिये कि मैं शरमिन्दा हूँ और कांग्रेस पार्टी पर भी उस के लिये थोड़ा हरफ़ आता है, कि इस बीच में ऐसा हुआ है कि बहुत जगहों पर कुछ लोगों ने सरकारी मशीनरी को पोलिटीकल कामों के लिये इस्तेमाल किया—इसमें कोई सन्देह नहीं है, इस लिये मैं मिनिस्टर साहब से कहना चाहता हूँ कि सिलैक्ट कमेटी में वह इस बात का ध्यान रखें कि इस बिल के मामले में अगर हमारा और विरोधी दल का कुछ मतभेद है, तो विरोधी दल की बात को मान लेना चाहिये, बजाये अपने बात के, क्योंकि जहाँ तक इलैक्शन या इस ला का सम्बन्ध है इस में विरोधी दल को पूरा सन्तोष होना चाहिये, ला ठीक बनना चाहिये, इस में हमारे सन्तोष की इतनी आवश्यकता नहीं है इस लिये मेरी आपसे प्रार्थना है कि विरोधी दल के एक एक कमेन्ट पर गौर किया जाय, क्योंकि इस वक्त जो कुछ वे कहते हैं वे पार्टी-परपज के लिये नहीं कहते हैं बल्कि इलैक्शन-ला के वास्ते कहते हैं। एक चीज, जिसमें मैं समझता हूँ कि डेमोक्रेसी

वाकई खतरे में पड़ गई है, वह है सरकारी अफसरों का इस्तेमाल। आपने बिल के आखिर में एक क्लॉज रखी है, जिस में यह कहा गया है कि—

“If any person in the service of the Government act as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with fine which may extent to five hundred rupees.”

इस में यह कहा गया है कि जो बाकायदा इलैक्शन एजेंट हो जाय, या काउंटिंग एजेंट हो जाय, चाहे वह डिप्टी कलेक्टर हो या कलेक्टर हो, उसके ऊपर 500 रु० तक फाइन हो सकता है लेकिन वही डिप्टी कलेक्टर या कलेक्टर पब्लिक में जा कर मेरी तरह से लेक्चर देने लगे कि त्यागी को वोट देनी चाहिये और वह मेरा वर्कर हो जाय, तो उस पर फाइन नहीं हो सकता, उस पर कोई कानून नहीं चलेगा, उस पर कोई रुकावट नहीं है।

श्री कृ० चं० शर्मा : उस के खिलाफ एक्शन लिया जाता है.

श्री उ० मू० त्रिवेदी: (मंदसौर) तरक्की होती है।

Shri K. C. Sharma: Nobody does it; why raise this question? Has any Deputy Collector gone to the polling booth as your agent? Why do you bring it?

श्री त्यागी: अगर आपको मतभेद है तो उसको जाहिर कर लीजिये। लेकिन जो मेरे मन के खिलाफ बात है, उस को मैं अपनी तरफ से अर्ज करना चाहता हूँ। इस लिये इस

के बारे में पूरा पूरा कानून इस प्रकार का बना देना चाहिये ताकि सरकारी मशीनरी का इस्तेमाल किसी भी पोलिटीकल पार्टी के हक में न हो सके कोई भी पोलिटीकल लीडर सरकारी मशीनरी का इस्तेमाल न कर सके। अगर डेमोक्रेसी में हम सरकारी मशीनरी की गैर जानिबदारी की पूरी तरह से गारन्टी नहीं कर सकते, गारन्टी नहीं दे सकते तो यह डेमोक्रेसी हिन्दुस्तान में नहीं रहेगी, थोड़े दिनों के बाद देखेंगे कि हर तरह के पोलिटीशियन्ज आयेंगे और इस में बहुत बड़ी रुकावटें इस लिए पैदा हो जायेंगी। He must also be sent to jail if he has allowed some officer to work for some candidate, or the other. ऐसी व्यवस्था के न होने से इस में गवर्नमेंट के ऊपर भी हारफ आता है।

Shri D. C. Sharma: (Gurdaspur): He wants to send Shri G. S. Pathak to jail!

श्री त्यागी : इसलिये हममें ऐसी प्रावीजन होना चाहिये कि जो पालिटीकल लीडर या पार्टी-मेन सरकारी अफसर या सरकारी मशीनरी का इस्तेमाल करता है, वह भी पनिशेबिल होना चाहिये। सरकारी अफसर ही अकेले पनिशेबिल न हों, बल्कि जो सरकारी अफसर का इस्तेमाल करता है, उसको भी सजा दी जाय। ज़माने की ही सजा नहीं बल्कि जेलखाने की सजा दी जायेगी तब जा कर काम चलेगा, वना थोड़े दिनों के बाद आप देखेंगे कि ऐसे किस्में बहुत से सामने आया करेंगे कि वोट्स को एंज कम्प में इकट्ठा किया, और उन से वोटें दिलवाई गईं। पीछे जो वाक्यात हुए हैं उनको सुन कर और देख कर शर्म आती है, क्योंकि मैं खुद पार्टी-इन-पावर का पार्टीसिपेन्ट हूँ और इन वाक्यात से शरमिन्दा हूँ। इसलिये मैं यह महसूस करता हूँ कि यह बात हम को अपोजीशन पर छोड़ देनी चाहिये, जो वह चाहते हैं उस किस्म का लो बनाया जाय।

[श्री त्यागी]

मुभद्रा जी ने एक बहुत अच्छी चीज कही है कि इलेक्शन के सारे खर्च का बोझ उम्मीदवारों पर पड़ता है। इसलिये इसमें कोई हर्ज नहीं है कि गवर्नमेंट बोटर्स को बता दे कि तुम्हारा यह नम्बर है और जो कैंडीडेट खड़े हों उनका परिचय गवर्नमेंट अपनी तरफ से बांट दे, यह नहीं कि वह किस को बोट दें, जिसको वे चाहें उसको बांट दें। उसमें सिर्फ यह बताया जाय कि फलां फलां कैंडीडेट खड़े हुए हैं, उनके फलां फलां निशान हैं और यह पर्चा सरकार बोटर्स को बांट दे। अगर यह काम सरकार अपने हाथ में ले ले तो इससे पोलिटिशियन्स का काफ़ी खर्च बच जायगा, वरना हर एक कैंडीडेट को वह पर्चा अलग अलग बांटना पड़ता है।

मैं ज्यादा वक्त नहीं लेना चाहता हूँ और मिनिस्टर साहब से अपील करता हूँ कि इस मामले में अपोजीशन की बात को मानना चाहिये।

**भी बड़े (खारगौन) :** उपाध्यक्ष महोदय, यह जो बिल विचार के लिये सामने आया है वह एलेक्शन कमीशन से आया है और उसने बहुत से सुधार इस कानून में करने की सिफारिश की है। लेकिन मैं कहना चाहता हूँ कि जो परमनेन्ट टाइप की या महत्वपूर्ण सिफारिशों की गई हैं वह नहीं मानी गईं। पहले इस कानून में लिखा हुआ था कि :

“After careful examination the Government have decided to accept those recommendations excepting those relating to election expenditure, increase in security deposit, multiplicity of candidates and deposit in connection with Presidential election.”

यह वास्तविक महत्व की बात थी, और इसको ज़रूर रखना चाहिये।

अब मैं एलेक्शन एक्सपेंडिचर के बारे में कहना चाहता हूँ। एलेक्शन एक्सपेंडिचर के वास्ते जो व्यवस्था है वह बिल्कुल बोगस है। हमारे देश में जितने आदिवासी हैं वह सब बेपढ़े लिखे हैं, इस देश की 80 प्रतिशत जनता में एजुकेशन नहीं है। उनके लिये अपना हिसाब वगैरह रखना मुश्किल है। एक महीने के अन्दर इधर उधर की चीजें इकट्ठी करके एलेक्शन कमीशन के सामने रख दी जाती हैं और एलेक्शन कमीशन सैटिसफाई हो जाता है। हमारे मध्य प्रदेश से 64 आदिवासी सीट्स हैं। उन लोग को लिखना पड़ना नहीं आता है। वह सिर्फ अंगूठा लगाया जानते हैं। वह किस तरह से एलेक्शन का हिसाब रख सकेंगे। इसलिये एलेक्शन एक्सपेंसेज का जो प्राविजन है वह बिल्कुल गलत है। मैं पूछना चाहता हूँ कि जो हिसाब ट्राइब्यूनल के सामने दिया जाता है या रिटर्निंग आफिसर के सामने दिया जाता है क्या वह करेक्ट होता है। क्या कांग्रेस पार्टी अपनी छाती पर हाथ रख कर कह सकती है कि जो हिसाब वह देती है, उतना ही खर्च वह करती है। आज या तो पार्टी खर्च करती है या कैंडीडेट खर्च करता है। मैं समझता हूँ कि इसके बजाय यह होना चाहिये कि कैंडीडेट जितना भी खर्च करना चाहता है वह गवर्नमेंट में डिपॉजिट कर दे, और गवर्नमेंट उसके वास्ते हर चीज का प्रबन्ध करे। गवर्नमेंट उसको वेहिकल्स की सुविधा दे या पैम्फलेट्स वगैरह दे। अगर कहीं पर कोई अच्छी बात हो तो हम को उसके लेने में आपत्ति नहीं होनी चाहिये। यू० ए० ए० आर० में, अमरीका और ब्रिटेन में इसके बारे में अच्छी व्यवस्थाएँ हैं। मैं आप को एक पुस्तक “एलेक्शन इन यू० ए० ए० आर०” में से पढ़ कर सुनाता हूँ कि वहाँ क्या तरीका है। वहाँ की प्राविजन बहुत अच्छी है। हम उसको न लेना चाहें यह बात दूसरी है। उसमें लिखा हुआ है कि :

"During elections candidates or the voters do not have to incur any expenses. All expenses in connection with the election are borne by the State."

एक तो आप को एलेक्शन एक्स्पेंसेज पर रोक लगानी चाहिये । उसको कंट्रोल में रखना चाहिये । स्वर्गीय डा० राजेन्द्र प्रसाद ने जो अपना आखिरी भाषण दिया था उसमें उन्होंने कहा था कि अगर एलेक्शन एक्स्पेंसेज इस तरह में बढ़ते चले जायेंगे तो गरीब आदमी के चुन कर आने का कोई रास्ता नहीं है । केवल बड़े बड़े उद्योगपति और पूंजीपतियों के कैंडिडेट्स ही चुन कर आ सकते हैं । राजे महाराजे जिनको कांग्रेस ने अपनी पाकेट में रखा हुआ है, जिनके प्रीवी पर्स कांग्रेस शासन के हाथ में हैं, वह कांग्रेस की तरफ से खड़े हो कर इन चीजों का फायदा उठाया करते हैं । मध्य प्रदेश में कम से कम डेढ़ सौ छोटे मोटे राजे महाराजे हैं । उनके प्रीवी पर्स कांग्रेस शासन के हाथ में हैं, उनकी दामी कांग्रेस शासन के हाथ में है । वह पहले कांग्रेस में नहीं थे, लेकिन जब उन्होंने देखा कि पूरी मशीनरी कांग्रेस के हाथ में है तब फिर वह कांग्रेस के साथ चले गये और कांग्रेस टिकट हासिल किया । मैंने सुना है कि ग्वालियर के महाराज, इन्दौर के महाराज, नरसिंहगढ़ के महाराजा, इन्दौर की उषा मलहोत्रा वगैरह भी कांग्रेस टिकट से खड़े होने वाले हैं । वैसे तो वह कांग्रेस वाले बनते हैं लेकिन वास्तव में वह जानते हैं कि उनकी रोजी रोटी उनका ब्रेड और बटर कांग्रेस के हाथ में है इसलिये कांग्रेस के साथ रह कर जितना चाहें उतना खर्च करते हैं । इस तरह से जो मंत्री, इंडस्ट्रियलिस्ट और बड़े बड़े पूंजीपति चुनाव में खड़े होते हैं उनके सामने गरीब आदमी कभी भी चुन कर नहीं आ सकता है । इस वास्ते जितना भी अमाउंट मंजूर किया गया है उसको गवर्नमेंट के पास जमा करा देना चाहिये । मान लीजिये कोई आदमी साढ़े सात

हजार खर्च करना चाहता है या वह तीन हजार रुपये खर्च करना चाहता है वह गवर्नमेंट में डिपॉजिट कर दे और गवर्नमेंट उसका सारा इन्तजाम चुनाव लड़ने का करे । तभी एलेक्शन ठीक हो सकते हैं नहीं तो इस डिमाण्डमी के अन्दर गरीब आदमी का आ पाना असम्भव है ।

कहा गया कि कैंडिडेट्स ज्यादा नहीं होने चाहियें । उसका कारण यह है कि आज 40 परसेन्ट वोट ले कर भी कांग्रेस शासन कर रही है । मैं तो चाहता हूँ कि जो भी कैंडिडेट चुनाव में खड़ा हो उसे कम से कम 50 परसेन्ट वोट्स मिलने चाहियें । मैं आप को एक मिसाल दूँ । मान लीजिये कि 100 वोट थे । उनमें से 40 प्रतिशत कांग्रेस को मिले, 30 प्रतिशत पी० एस० पी० को मिले और 30 प्रतिशत जन संघ को मिले । 60 प्रतिशत वोट अपोजीशन को मिलने के बाद भी यहां पर 40 प्रतिशत से कांग्रेस चुन कर आई । इसलिये इस तरह का प्राविजन होना चाहिये कि जिसको एलेक्शन में 50 परसेन्ट वोट्स न मिलें वह फिर से चुनाव लड़े । साथ ही जिसको 30 परसेन्ट से कम वोट्स मिलें उनको टिकट नहीं दिया जाना चाहिये । अगर ऐसा नहीं होगा तो माइनारिटी बंटन ले कर भी कांग्रेस राज्य करती रहेगा । कांग्रेस वाले क्या करते हैं कि पैसे दे कर दूसरे कैंडिडेट्स को खड़ा करवा देते हैं, जिसमें कि जो वोट्स उनको मिलते हैं उनके अलावा सारे वोट्स अलग अलग लोगों में बंट जाते हैं । परिणाम यह हो रहा है कि 40 परसेन्ट वोट्स लेकर वह शासन कर रहे हैं । मैं समझता हूँ कि यह जो प्राविजन है उसके लिये शासन को रास्ता निकालना चाहिये और ज्वार्येंट कमेटी को इस पर विचार करना चाहिये ।

इसके बाद मैं ब्राडकास्टिंग के बारे में कहना चाहता हूँ । जो रेडियो वगैरह से प्रचार हो सकता है उसके बारे में अपोजीशन



[श्री बड़े]

पार्टीज की मीटिंग बुलाई गई थी, लेकिन कांग्रेस को यह चीज मंजूर नहीं थी। य० एस० एस० आर० में इसलिये क्या होता है उसके बारे में लिखा है कि :

"In order to run the election campaign effectively all the facilities of radio broadcasts, the press, meeting halls, etc are placed free of charge at the disposal of the people and their organisations."

जब य० एस० एस० आर० में यह हो सकता है तो यहां तो डिमार्कसी है यहां अवश्य ही ब्राडकास्टिंग की सुविधा अपोजीशन पार्टीज को मिलनी चाहिये। ब्राडकास्टिंग की, रेडियो वगैरह के इस्तेमाल की सुविधा के बारे में इस कानून में कोई प्राविजन जरूर होना चाहिये और विरोधी दलों को इसका मौका मिलना चाहिये। जब तक ऐसा नहीं होता तब तक हम देखते हैं कि सिर्फ कांग्रेस वाले इस सुविधा को एक्स्प्लायड करते हैं।

इसके बाद मैं कहना चाहता हूँ कि मान लीजिये एक कैंडिडेट जन संघ के टिकट पर चुन कर आता है और एक कैंडिडेट कांग्रेस टिकट पर चुन कर आता है, या भले ही वह पी० एस० पी० टिकट से आता है। चुनाव के बाद अगर वह अपनी पार्टी बदल लेता है और दूसरी पार्टी ज्वाइन कर लेता है तो उसके लिये यह जरूरी होना चाहिये कि वह दुबारा चुनाव लड़े। बिना दूसरा चुनाव लड़े हुए वह कोई दूसरी पार्टी ज्वाइन न कर सके।

इसके बाद यह कि इस बिल को जम्मू और काश्मीर पर भी लागू किया गया है। लेकिन इसके साथ में क्या कोई भी मध्य प्रदेश का आदमी, जिसका नाम मध्य प्रदेश की वोटर्स लिस्ट में है, जम्मू काश्मीर से खड़ा हो सकता है। मेरे सामने सवाल यह है कि अगर मैं वोटर होने का सर्टिफिकेट ले जाऊँ कि अमुक अमुक डिस्ट्रिक्ट में मेरा नाम वोटर्स

लिस्ट में है तो क्या मैं जम्मू काश्मीर से खड़ा हो सकता हूँ। लेकिन जम्मू काश्मीर से यहां पर कोई भी खड़ा हो सकता है।

इसके बाद इसमें यह प्राविजन है कि एलेक्शन कमिश्नर किसी को भी डिस्क्वालिफाई कर सकता है। इसके सम्बन्ध में जो प्राविजन 171(ई) और 171(एफ) हैं उनमें दिया हुआ है कि :

171 (e): A case of bribery.

171 (f): A case of undue influence in election.

ऐसे आदमी के वास्ते 6 साल को डिस्क्वालिफिकेशन है। लेकिन पनिशमेंट क्या है। एक साल का। मैं जानना चाहता हूँ कि जब एक साल की सजा से उसका गुनाह वाश आफ हो जाता है तब 6 साल के डिस्क्वालिफिकेशन की बात क्यों रखी गई है। उसके बाद लिखा है कि :

"A person found guilty of corrupt practices shall be disqualified for a period of five years."  
Now it is six years.

आप ने एलेक्शन कमिश्नर को अधिकार दिया है लेकिन कोई रूल्स नहीं हैं कि एलेक्शन कमिश्नर किन कारणों से डिस्क्वालिफाई दूर कर सकता है। श्री विद्या चरण शुक्ल को, जो कि डिप्टी मिनिस्टर हैं, मध्य प्रदेश में करप्ट प्रैक्टिसेज के कारण डिस्क्वालिफाई किया गया, लेकिन जब वह एलेक्शन कमिश्नर के सामने गये तो उन्होंने उनकी डिस्क्वालिफिकेशन को रिमूव कर दिया। उनकी डिस्क्वालिफिकेशन को रिमूव कर दिया गया लेकिन दूसरे किसी भी डिस्क्वालिफिकेशन को रिमूव नहीं किया गया। इस लिये एलेक्शन कमिश्नर की खुशी की बात जो रखी गई है वह नहीं होनी चाहिये। वह जिस प्रकार से अरिस्ट्रेरी डिस्केशन इस्तेमाल करता है, एक के साथ एक डिस्केशन और दूसरे के साथ दूसरा डिस्केशन, यह ठीक नहीं है।

फिर इलेक्शन कमीशन कहते हैं कि वैलिड रीजंज नहीं है। फिर जो एप्लीकेंट होता है जैसे जनसंघ का ही एप्लीकेंट हुआ उसको देखना होता है कि कौन से रीजंज वैलिड हैं और कौन से नहीं हैं। श्री शुक्ल के बारे में जो जजमेंट हुआ था उसमें रीजंज लिखे हुए थे लेकिन कहा गया कि आप पर ये लागू नहीं होते हैं। फिर हम ने दूसरे रीजंज को ला कर देखा। इस तरह की जो चीज है यह नहीं होनी चाहिये। जो आर्बिट्रेटरी पावर्ज दी गई है वे नहीं दी जानी चाहिये। इसके बारे में कुछ क्लर होने चाहिये।

फिर सरकारी मशीनरी को इन्फ्रामाल करने का प्रश्न भी पैदा होता है। गवर्नमेंट सर्वेंट अगर् एजेंट बन गया तो उसके लिए तो पनिशमेंट है लेकिन व्हट एबाउट दी कैंडिडेट—कैंडिडेट के बारे में क्या होगा? उसके लिए यह कोई डिस्कवालिफिकेशन नहीं है। यह भी गलत बात है। बोय आर गिल्टी—दोनों गृहकार हैं। जो कैंडिडेट सरकारी आदमी को उपयोग में लाता या उसका उपयोग करता है वह भी गिल्टी है और उसके साथ साथ जो सरकारी आदमी है वह भी गिल्टी है। सरकारी आदमी के लिए तो आपने पनिशमेंट रखा हुआ है लेकिन कैंडिडेट के वास्ते नहीं। दोनों गिल्टी हैं।

इन शब्दों के साथ मैं चाहता हूँ कि ये सब जो बातें हैं इन पर ज्वायंट कमेटी विचार करे।

**Shri D. C. Sharma:** Mr. Deputy-Speaker, Sir, I must say, with due deference to the Minister of Law, that this Bill is an example of all the sins of omission and commission which any human organisation can be capable of. I must submit very respectfully that all the wholesome suggestions made by the Election Commission have been sabotaged by the Ministry of Law and only those

recommendations have come in the form of this Bill which, I should say, are of secondary importance and not first-rate importance.

For instance, why should the Ministry have fought shy of accepting the recommendation of the Election Commission about the ceiling on expenditure, or whatever it was? As every hon. Member who took part in this debate has pointed out, the question of expenditure concerns each one of us, whether we belong to the Congress Party or the Opposition, and it should have been the function of the Law Ministry to allocate the different kinds of expenditure which are to be met by the party to which a candidate belongs, those items of expenditure which a person can incur himself and also those items of expenditure which a person's friends can incur. After all, these are the only three parties to the expenditure. But nothing has been done, and the result is that our elections are going to be as heavily weighted in favour of money bags as they have always been. Are we living in a socialistic pattern of society? I think, if we have been living in that kind of atmosphere in this country, the Law Minister would have done something to reduce the expenditure.

**Shri K. C. Sharma:** The Law Minister himself is a money bag.

**Shri D. C. Sharma:** He should have done something to classify the kinds of expenditure. But he has done nothing of the kind. He has left the field open for those persons who have big purses, who have big bank posits, who have big holdings in terms of property, land and other things. I think this is a negation of democracy. I am very sorry the Law Minister has not had the courage or the time or the patience or, I should say, the tact or even the ability to tackle this very important problem. I think, if he had done that and done nothing else, his name would have gone down in history as a person who has introduced very

[Shri D. C. Sharma]

far-reaching reforms in the law of elections. But he has turned a blind eye to this very important thing and I am very sorry for it.

Then I come to the question of increase in security deposits. Do you know that there are some persons who put in their nomination papers only because they want to get some money out of this candidate or that candidate, only because they want to harass this party or that party, only because they want to put in some kind of pressure on this person or that person. I think the deposit should have been increased and it should have been kept within the purview of the party to which the candidate belongs. Of course, an independent candidate, if there is any independent candidate, could have taken care of himself as he has been taking care of himself all these years, and he will take care of himself till doomsday, but so far as other candidates are concerned something should have been done so that frivolous nominations could have been put an end to. But that has also not been done.

Then there is the question of multiplicity of candidates. What is happening now? I know of some constituencies where in order to pull down a Congress candidate—my hon. friends over there might say I am talking only of Congress—or a Communist candidate or a Jan Sangh candidate or even an independent candidate....

**Shri Gauri Shankar Kakkar:** I may tell my hon. friend that it is *vice versa* also.

**Shri D. C. Sharma:**...they try to put up candidates who, I should say, have neither the heart in the elections nor the will to fight the election nor even the desire to do anything of the kind. They are put up so that they can take away a big chunk of the votes of the person who is going to win. This is what is being done. This multiplicity of candidates

is there only because there are some parties, some persons, who want to minimise the chances of success of a person who is about to win. But nothing has been done about that because the Minister of Law wants this House to be ruled by mediocre persons, ruled by persons who do not have much standing in public life in this country and, therefore, he has put a premium upon the multiplicity of candidates. What a disheartening thing!

Again, there is the question of deposit in connection with Presidential Election. Do you know, Mr. Deputy-Speaker, that there is a gentleman who always stands for the election of the Presidentship of this country? He says, "Whatever may happen, I have to vote and, therefore, one vote is my own and then there is the vote of my brother-in-law on the wife's side". Something like that he says. Do you want that the President's election should be contaminated by such kind of nominations? I think the President's election is the most sacrosanct thing in our democratic apparatus, I think it is the most sacred thing in our democratic machinery. But what is happening now? I can stand for this election. I can go to, say, Shri Bhagwat Jha Azad and ask him to vote for me (*Interruption*). Therefore, some curb should have been put on this kind of nominations which diminish, destroy or dilute the sanctity of election to Presidentship. Nothing has however been done.

When actually has been done is this. The elections are going to be made a paradise for contractors. The example of U.K. has been quoted. In U.K. the contractor is a different type of person from the contractor whom we find in this country. I think this is the most undemocratic thing that the Ministry of Law has done, because these contractors who, on the one hand, make money out of this Government, who fatten on the purse of the Government will be able to fight elections also.

My third point is this. There is the annual revision of the voters' roll. In some places they see to it that the name of the prospective candidate is omitted from the list of voters. For instance, when I went to my constituency last time. I found that my name was omitted from the list of voters for the municipal elections. The same thing can happen when I am standing for the parliamentary election. This wholesome provision that the rolls should be revised every year has been rendered nugatory.

One good thing that we have done is, as it customary, the Government of India have tried to multiply the number of officers. We talk of population explosion. Here I am talking of the bureaucratic explosion. That explosion will continue as long as these persons are our masters.

**Shri Bhagwat Jha Azad** (Bhagalpur): They will hold the elections.

**Shri D. C. Sharma**: Something should have been done to prevent the multiplication of bureaucracy. It is now hanging like a millstone round our neck.

This Bill should be changed and it should be overhauled so that it can serve the interests of democracy, which the Minister has at heart, and I also have at heart.

**Shrimati Renu Chakravartty** (Barackpore): This amendment of the Representation of the People Act was long overdue. After the discussions which the Election Commission had with the various parties, I thought that a much more comprehensive amendment would be brought forward. But it has not been done.

The most important clause which is being introduced here is with regard to reduction of election expenses. I think every Member of the House will agree that it is a problem which is weighted so much more against the opposition. The question of money has become a moot point, as far as elec-

tions in India are concerned. We remember very well that in the first elections we did not require so much money. The second elections became more expensive but the third election, I may tell you, became almost impossible to fight. Perhaps, in the fourth election only millionaires or people supported by the millionaires would be returned to this House.

Reduction of election expenditure can be brought about only when the political parties, especially the ruling party, stop depending upon moneybags for elections. The contribution which one starts taking from the big companies, Rajas and Maharajas, cuts at the root of democratic procedure and appealing to the electorate. At the time of the elections there should be only meetings and nothing else.

We have seen again and again in this big country with its big electorate and big constituencies, that after we have covered the constituency through the machinery of propaganda, on the last seven days what happens is that money flows. And the way the money flows is nobody's business. One knows what happens on the last two days. Since this is the main difficulty. I am afraid no amendment to the Representation of the People Act is going to stop it, unless there is a clear understanding that we shall not bow to the moneybags for success in the elections. Without doing that, you cannot stop it.

On the question of expenditure, many of the points have been mentioned by Shri Sharma. For example, multiplicity of candidates is there. We know that people are set up, not because they are going to win the elections, but they are set up by moneyed people to draw away communal votes or to so divide the votes that the person who should win will not win. This is the way in which we are functioning in elections. Therefore, from this point of view, the election expenditure is something which has to be tackled at the grass roots. Since it has not been done, this clause is

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most unsatisfactory. It does not touch the root of the problem.

**Shri Harish Chandra Mathur** (Jalore): What is the positive suggestion?

**Shrimati Renu Chakravartty**: I would like the Joint Committee to go into this matter in detail. We have discussed some concrete proposals in this regard with the Election Commission. I have myself made some suggestions. For instance, the Government of India should undertake to supply the slips which we now give. As that involves huge expenditure, it should be done by the Government. Without pleading on behalf of any candidate, it should explain the various symbols, give the location of the polling booth and name and number of the candidate. It is a stupendous job which now takes away a good chunk of the money of the candidate. This is just one example. Then, there are other suggestions.

Coming to the use of vehicles, we have once again tried to deal with this problem. A new amendment has been brought in this time. I am afraid even that will not be very successful. Formerly, we could not hire vehicles. So people used to say that they were offering the vehicles free, out of love, without any payment. Now it is said that no vehicle can be used within an area which is a walking distance and you have to specify what is a walking distance. I do not know how you are going to do it. In the past, a number of jeeps, weapon carriers and bullock carts were used. We knew that they were hired. But they said: no, they belong to us; so there is no question of hiring or incurring any expenditure; it is given free to the candidates because of their love for him. This is another big item of expenditure for the elections, especially in the small towns. Then, one of the biggest problems is that you cannot get even a cycle rickshaw because the rival candidate has gone and hired all of them. How are you going to tackle this problem and cut out expenditure on this item? Then,

as I said, during the last two or three days before elections money flows, which we are unable to stop at present.

Coming to increasing the security deposit, even as it is, the amount of security deposit which we have to put in for a parliamentary constituency is quite a big amount, especially for the poorer parties. Suppose a party wants to put up 30, 40 or 50 candidates the total amount of security deposit which it has to make is quite big, especially when we remember that the entire amount has to be given by the party because the members are not in a position to pay it from their own pocket. On top of that, if you increase the security deposit, it will only mean that you will be putting difficulties and disadvantages in the way of the poorer parties. It will not in any way eliminate the dummy candidates put up by the bigger and richer parties, because they can afford to lose. Therefore, in my opinion, there should be no increase in the security deposit. I submit that the entire question of the reduction in election expenses should be gone into in a more detailed way by the Joint Committee.

With regard to the conviction clause whereby we are disqualifying Members because of corrupt practices, I am one with the Government and I would like this to be tightened further even more. But I want to say this specially on behalf of many of the Opposition parties that the question of disqualification arising out of criminal cases is going against us on several occasions. For example, one of the most outstanding political leaders of Jamshedpur could not be elected to this House because the Tatas got him involved in a conspiracy case after the great strike of 1960. He has now been disqualified. We went up to the Election Commission and said that he is now out of jail, everybody knows that it is a political case and that Kedar Das is one of the leading political figures in the State of Bihar; therefore, his disqualification may be

removed. It was not removed because it was a criminal charge under which he had served his sentence. But in the case of Shri V. C. Shukla, what happened? What are the strictures that have been given against him? It is disgraceful that we now have him as a deputy minister after such strictures have been given. In that case the Election Commission, we find, very kindly waived the disqualification clause.

So, today when political offences are being sought to be punished under the Penal Code on many occasions, this is something that we have got to take note of. Even this morning we have seen that criminal charges are made in case of offences which are basically political offences. Therefore I would like that when the amending clause is given, the particular clause with regard to criminal offences has to be suitably modified so that if political parties, specially the all-India parties, should bring up this question of allowing such candidates to stand for election before the Election Commission it should be given due weight by the Election Commission.

On the question of polls, when fresh polls are needed arising out of some difficulty in a particular polling area we are permitting the Election Commission to allow the counting to go on if it so thinks fit. I think, pending the taking of the ballot in a particular area the counting of the total poll which has taken place in other polling stations should be stopped because that has an effect on the final result. If the count of polls at various polling booths comes out, it affects the final poll of this particular booth. Therefore this should not be permitted and it should be stayed till the final polling of that particular area or particular booth is finished.

With regard to the Union territories of Laccadives, Andamans etc., we have made a provision for nomination in the vacancies. I think, it is time that for these little islands we should have elected representatives. Why should

we continue with this method of nominations for Laccadives Andamans and all the other small Union territories? They are no longer little backward penal colonies any more as they used to exist in the times of the British. They are growing areas where our Indian people are growing in number and who are our own flesh and blood. Why should we not allow them the full rights which are given to the rest of the citizens of this country? The bureaucratic rulers that are continuing in Andamans and other areas will go if we allow the people there to send elected representatives. Therefore the question of direct elected representatives is important.

With regard to the delimitation of constituencies, we have given rather wide powers to the Election Commission. It says here:—

“The Election Commission may... where the boundaries or name of any district or any territorial division mentioned in the Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.”

I think, we should not allow any delimitation order to be tampered by the Election Commission without a proper inquiry. Sometimes under just the power of making a technical revision certain very basic revisions are made and then it becomes very difficult because the Election Commission is supposed to be a very high statutory authority which cannot be touched by anybody. Therefore such powers should not be given to them unless we know clearly what it is that you are allowing them to amend *suo motu*.

Regarding the contractual clause whereby we are allowing people who are having contracts with Government to stand for elections if their part of the contract has been fulfilled by them but the Government has not fulfilled its part of the contract, I think, this is opening the door wide. We should not allow this clause. This should be examined carefully. It is

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said that everybody in some way or the other is connected with Government contracts. We are happy to say that we are not connected with Government contracts and we will not allow this amendment to be admitted unless much more potent arguments are put forward.

I have many more points but I do not want to add anything more just now. At a later stage we shall do that. But I hope that this Representation of the People (Amendment) Bill will be looked into very carefully because I feel that the amendments which have been sought to be made have not been gone into sufficiently carefully and they will not have the desired effect.

श्री रघुनाथ सिंह (वाराणसी): उपाध्यक्ष महोदय, मैं विधि मंत्री को धन्यवाद देना चाहता हूँ कि उन्होंने एक ऐसा विधेयक उपस्थित किया है कि जो जम्मू और काश्मीर स्टेट पर भी लागू होगा। इसी तरह से और भी जो विधि और विधेयक आप यहां उपस्थित करें वह सब जम्मू और काश्मीर के ऊपर लागू होना चाहिए। बीच में एक खाई रह गई है इसका ढह जाना अत्यन्त आवश्यक है। यह जितनी जल्दी ढह जाय उतना ही अच्छा है।

आप ने शिड्यूल में काश्मीर के वास्ते 6 लोक सभा की सीटें दी हैं। काश्मीर की आबादी 35 लाख है। लेकिन जो आक्यूपाइड काश्मीर है उसकी आबादी लगभग 12 लाख है। आक्यूपाइड काश्मीर इल्लीगली पाकिस्तान के द्वारा कब्जे में रखा गया है। वह भी हिन्दुस्तान का हिस्सा है। जब हिन्दुस्तान का हिस्सा है तो डीलिटिमेशन करें या जब सीटें एलाट करें तो आक्यूपाइड काश्मीर के वास्ते भी सीटें सुरक्षित रखी जायें। जब पार्टेशन हुआ था तो दस लाख की आबादी आक्यूपाइड काश्मीर की थी। मैं समझता हूँ कि अब उसकी आबादी करीब 12 लाख या 14 लाख हो गई होगी। आप ने जम्मू और काश्मीर स्टेट में जो लोक सभा की सीटें दी

हैं वह 6 लाख आदमियों पर एक सीट दी है। इस प्रकार के आक्यूपाइड काश्मीर के वास्ते आप को दो सीटें रिजर्व करनी चाहिए। शिड्यूल 1 में जिस प्रकार से रिजर्व सीटें रखते हैं इसी प्रकार से जम्मू काश्मीर के लिए 6 सीटें रखनी चाहिए और दो सीटें आक्यूपाइड काश्मीर के वास्ते रिजर्व की जानी चाहिए। नहीं तो पाकिस्तान आप से कहेगा कि आप डीलिटिमेशन करते हैं, आप कानून बनाते हैं, अगर आक्यूपाइड काश्मीर भी आपका हिस्सा है तो आप का कानून उस पर भी क्यों नहीं लागू होना चाहिए।

मुझे यही निवेदन करना है कि जब सेलेक्ट कमेटी के सामने यह बिल जाय तो सेलेक्ट कमेटी को यह ध्यान रखना चाहिए कि 12 लाख या 14 लाख की आबादी जो आक्यूपाइड काश्मीर की है उसका भी डीलिटिमेशन होना चाहिए और उसके वास्ते भी सीटें रिजर्व की जानी चाहिए क्योंकि एसेम्बली के लिये सीटें सुरक्षित रखी गई हैं। जब हम अपनी शक्ति से, अपने पौरुष से या यु० एन० प्रो० के वार्डिकट से आक्यूपाइड काश्मीर को ले लेंगे तो आप जो सीटें उनके वास्ते रिजर्व करेंगे उसके अनुसार उसका एलेक्शन हो जायगा।

बस मुझे यही कहना था।

14.59 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS  
NINETY-FIFTH REPORT

Shri A. S. Alva ((Mangalore): Sir, I beg to move:—

“That this House agrees with the Ninety-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 31st August, 1966.”

Mr. Deputy-Speaker: The question is:

“That this House agree with the Ninety-fifth Report of the Com-