

12.00 hrs.

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE**

CORRUPTION IN GONDA ELECTIONS

Shri S. M. Banerjee (Kanpur): Sir, I call the attention of the Minister of Law to the following matter of urgent public importance and I request that he may make a statement thereon:

"The judgment of the Election Tribunal nullifying the election of the Member of Lok Sabha from Gonda constituency and bringing out serious charges of corruption in the said election".

The Minister of Law (Shri A. K. Sen): At the General Elections held in 1962, Shri Ram Ratan Gupta was declared elected to the Lok Sabha from Gonda Parliamentary Constituency in the State of Uttar Pradesh. The result of the election was declared after a recount of votes, Shri N. Dandekar, one of the candidates in the election, filed an Election Petition calling in question the election of Shri Ram Ratan Gupta on various grounds. The Election Tribunal, which tried the Election Petition, held that 2166 ballot papers were tampered with between the first count and the recount. According to the Election Tribunal, 1930 votes which were counted as valid in favour of Shri N. Dandekar in the first count were improperly rejected on the recount as a result of tampering and that all these 1930 votes excepting two ought to have been counted as valid votes in favour of Shri N. Dandekar. Similarly, the Election Tribunal held that 238 votes polled in favour of Shri Ram Ratan Gupta ought to have been deducted from the votes which were counted in favour of Shri Ram Ratan Gupta, and they were rightly rejected in the first count. But they were tampered with after the first count in order to validate them and were counted as valid at the recount. In view of these findings, the Election

Petition filed by Shri N. Dandekar was allowed, the election of Shri Ram Ratan Gupta was declared void and set aside and Shri N. Dandekar was declared to have been duly elected.

In the course of its judgment, the Election Tribunal observed that Shri C. M. Nigam, the District Magistrate of Gonda, who was the Returning Officer for the Constituency was instrumental in bringing about the success of Shri Ram Ratan Gupta at the election by corrupt contrivance. The Election Tribunal also mentioned five other officers as having been involved in this affair, namely,

1. Shri R. B. Johri, District Election Officer, Gonda.
2. Shri A. S. Misra, Assistant Returning Officer, Gonda, East and Gonda West Segments.
3. Shri Krishna Madho Saran, Treasury Officer, Gonda.
4. Shri Kali Chander Johri, Nazir, Collectorate, Gonda.
5. Shri Maqbool Hussain, Election Inspector, Gonda.

The Election Tribunal further expressed the opinion that this was a fit case for inquiry under section 137 of the Representation of the People Act, 1951, against Shri Nigam and the above-mentioned five officials. There is, however, the following observation in the judgment regarding Shri Nigam:

"He was instrumental in bringing about the success of Shri Ram Ratan Gupta Respondent No. 1 by corrupt contrivance and the quid pro quo was his promotion as Commissioner of Faizabad in November 1962 after the election, although he was previously superseded".

The Government of Uttar Pradesh was not a party to the proceedings nor was it heard before this observation was made.

[Shri A. K. Sen]

The Election Tribunal has also held that Shri Nigam, the Returning Officer, violated rule 60 of the Conduct of Election Rules, 1961, by designedly and illegally refraining from completing the counting of votes by continuous counting and by failing to keep the ballot papers in safe custody and that there was breach of the official duty on the part of Shri Nigam which resulted in tampering of the ballot papers.

On the basis of the findings and observations of the Election Tribunal, the Election Commission has decided to cause necessary inquiries to be made with a view to considering whether prosecution should be instituted against all or any of the above-mentioned six officials for offences under section 129 (doing acts for furtherance of the prospects of the election of a candidate), section 134 (breach of official duty in connection with elections) and section 136 (tampering with ballot papers) of the Representation of the People Act, 1951.

The Government of Uttar Pradesh has already initiated disciplinary proceedings against Shri Nigam and has placed him under suspension.

Shri S. M. Banerjee: After the pronouncement of the Election Tribunal and after the thoughtless statement of the Chief Minister of Uttar Pradesh.

Mr. Speaker: Order, order. He should not say that.

Shri Nambiar (Tiruchirapalli): "Improper" statement.

Shrimati Renu Chakravartty (Barrackpore): Mrs. Kripalani says that she agreed that it was not a well-prepared statement.

Mr. Speaker: Then he can quote her. If she has admitted that, then that might be quoted.

Shri S. M. Banerjee: Only because she has admitted it, I quote. Then, Shri Lal Bahadur Shastri, the Prime Minister, and his Cabinet colleagues. It is reported, took a grave view of the disclosures made by the Election Tribunal . . .

Shri K. D. Malaviya (Basti): We are not able to hear; he is not audible. Will he kindly speak on the mike?

Mr. Speaker: There is something wrong with his throat, perhaps.

Shri S. M. Banerjee: I am choked with emotion.

Mr. Speaker: Probably he has strained himself too much.

Shrimati Renu Chakravartty: It is the cumulative effect!

Shri S. M. Banerjee: The Prime Minister and his colleagues took a grave view of this Judgement of the tribunal and it is said in the newspapers that since the statement made yesterday, that is, on the 5th by the Uttar Pradesh Chief Minister, Shrimati Sucheta Kripalani, does not agree with that information about the conduct of the official censured by the tribunal, the Prime Minister sent for all the relevant records before taking any further action in the matter. Then the report says that the Chief Election Commissioner went in Uttar Pradesh and so on. I would like to know whether the Central Government, especially the Home Minister who is out to root out corruption, is interested in setting up a Commission, a high-power Commission, to enquire into these affairs, which include the ex-Chief Minister of Uttar Pradesh; it has come out that everything was done with the connivance of Shri C. B. Gupta.

Mr. Speaker: The question is whether the Government has any intention of setting up a tribunal to enquire into the matter. (Interruption) Order, order. The only relevant question here is whether the Govern-

ment has any intention to set up a tribunal.

Shri Maurya (Aligarh): Did he have telephonic talk with Shri Nigam, before the recount? There is evidence to this fact before the Election Tribunal.

Mr. Speaker: Order, order. He cannot deliver a speech now. He is not allowed to do so. He might resume his seat. A question has been put and that has to be answered; let that be answered first.

श्री मौर्य : इस प्रकार की घटनाओं में लोकशाही लोप होती हुई नज़र आती है और अगर ऐसे ही चलता रहा तो लोगों का वलट पर से विश्वास उठ जायेगा...

अध्यक्ष महोदय : इस तरीके से आप बाधा नहीं डाल सकते हैं। अगर माननीय सदस्य इस पर विस्तार से डिस्कशन चाहते हैं तो वे इसके ऊपर डिस्कशन के लिए नोटिस दें और उस डिस्कशन के दौरान में जब उन्हें बोलने का मौका मिले तब वे बेशक इस पर बोलें लेकिन इस तरीके से बगैर बुलाये हुए बीच में वे बाधा न डालें।

Shri A. K. Sen: As the hon. House will recall, I have read out from the Judgement itself which shows that an enquiry under section 137 of the Representation of the People Act, should be initiated by the Chief Election Commissioner and he has already done so.

As I have said, there is no benefit in having multiplicity in the matter. The Chief Election Commissioner will no doubt take into consideration all the facts and also the allegation of any political influence being brought on the Returning Officer.

Shri S. M. Banerjee: My question has not been answered. After the pronouncement of the judgment and the statement of the Chief Minister, have the Prime Minister and his

Cabinet colleagues decided to have an impartial enquiry into the whole affair—that is my question. The Prime Minister is here; he can answer.

Mr. Speaker: The hon. Minister says that the Election Commissioner has initiated proceedings to make an enquiry. The Government does not think that there ought to be another enquiry as that would be duplication of proceedings.

Shri S. M. Banerjee: I want to know whether the Chief Election Commissioner, while making the enquiry, will take into account the flimsy role of the ex-Chief Minister?

Mr. Speaker: That would also include finding out if any political influence has been exercised in compelling the Returning Officer.

Shri S. M. Banerjee: The Election Commissioner cannot go into political matters.

Mr. Speaker: Government has no intention of setting up another enquiry.

Shri Hari Vishnu Kamath (Hoshangabad): Do the Government and the Election Commission fully realise that in a parliamentary democracy, if the sanctity of the ballot is not kept inviolate, the ballot will *per force* yield place to the bullet...

Mr. Speaker: Does he want to stop those who are interrupting him or those who are cheering him?

Shri Hari Vishnu Kamath: I want the Minister to be attentive and hear me. And, is it a fact that the then Prime Minister, Shri Jawaharlal Nehru wrote, according to certain excerpts recently read by the Chief Minister of U.P., to the Government of U.P. at that time, suspecting tampering with ballot papers in Gonda constituency election and if so, why was not any serious action taken on

[Shri Hari Vishnu Kamath].

that letter of the late Prime Minister, Shri Jawaharlal Nehru, and is the action taken now against Shri Nigam..

Mr. Speaker: If there are so many questions, there will be confusion. If he puts one question, he may get a precise answer.

Shri Hari Vishnu Kamath: Do the Government fully realise that in a parliamentary democracy, if the sanctity of the ballot is not kept inviolate, the ballot will *per force* yield place to the bullet and why was not any serious action taken on the letter of the late Prime Minister, Shri Jawaharlal Nehru? This coacophonous cackinnation is most untimely. They are laughing even at this murder of democracy.

Shri A. K. Sen: Government is second to none in their devotion to the cause of upholding the sanctity of our elections.

Mr. Speaker: What about the letter of Shri Jawaharlal Nehru? Has any action been taken on it?

Shri A. K. Sen: The present Prime Minister, who was Home Minister then, and our late Prime Minister were apprised of the allegations concerning this election. I met the late Prime Minister and informed him myself. I went to the present Prime Minister with the Chief Election Commissioner. These allegations were communicated to both the present Prime Minister and the late Prime Minister by the Chief Election Commissioner and by myself. Thereupon the late Prime Minister had written a letter informing the Chief Minister of U.P. about the serious allegations which have been made and expressing his concern. The reply has already been published in U.P. by the Chief Minister of U.P., in which the predecessor of the present Chief Minister had written to our late Prime Minister that he was very concerned himself and if there has

been any tampering with the election, it must be looked into carefully and the guilty must be punished. I do not recollect the exact words. The letter is there. But he said that under the law he was advised that the forum for having this matter determined would be the Election Tribunal which was set up immediately and all these allegations have been enquired into. The appointment of an impartial Election Tribunal shows the Government's determination to set up a really impartial tribunal to enquire into this matter, and the speed with which proceedings have been initiated against the persons who have been mentioned in the judgment of the Election Tribunal also shows the Government's concern in the matter to punish those against whom suspicion has been cast. But the hon. Member will agree that in a democratic set up it must proceed according to the procedure laid down.

Shri Hari Vishnu Kamath: May I request you, Sir, in view of the gravity of the matter, to direct the Government to lay on the Table of the House the letters to which he has been referring—the letters of Shri Jawaharlal Nehru—because I read from the papers that they were laid on the Table of the U.P. Legislatures?

Shri A. K. Sen: They have already been published.

Shri Hari Vishnu Kamath: Let them be laid on the Table. We have not seen them in the papers at all. Where have they been published?

Shri A. K. Sen: They have been published in all the papers.

श्री यशपाल सिंह (कैराना) : क्या इलैक्शन कमीशन को ऐसे ब्रह्मचर्य हैं कि वह राजनीतिक मामलों की तहकीकात कर सक ?

अध्यक्ष महोदय : माननीय सदस्य इस बात को कानून में देखें । शायद मिनिस्टर साहब की राय गलत हो । हम उसको क्यों एक्सेट करें ?