

Just now I have got the information about the installed capacity. It is 15.2 million tyres and the actual production is 10.5 million tyres. The capacity utilization is eighty per cent.

SHRI INDRAJIT GUPTA : These figures do not mean very much; they have to be analysed, whether they are the ordinary automobile tyres, truck tyres or cycle tyres etc. There must be some break-up.

These tyre manufacturers have got an association, the tyre manufacturers' association; it is not that all the tyre manufacturers are separate entities and cutting each other's throat; they are not that nice people. From what the Minister has explained at great length, it appears that they are at liberty to raise their prices whenever they like. Subsequently, the BICP examines their calculations and figures. Already, the price has gone up.

MR. SPEAKER : Is it not before that ?

SHRI INDRAJIT GUPTA : If the BICP finds that their escalation of price is not justified, then subsequently the Government has to resort to extreme methods like importing tyres from abroad. Was it not the practice that the BICP had to give approval beforehand ? The manufacturers had to come to the BICP and say "that for the following reasons, this is the price increase, which we consider is necessary" And BICP had to approve it, and without that approval they could not unilaterally increase that price. What is the position ?

SHRI VEERENDRA PATIL : The procedure that the Hon. Member is suggesting can be followed only if there is a control over the price and distribution. I made it clear that so far as tyres are concerned, there is no price control, there is no distribution control. We are referring this matter to BICP only to find out whether they are making any undue profit.

MR. SPEAKER : I think, this is a logical conclusion that when we can ask them afterwards, why can't we ask them before ? That is something logical and I think, you can take care on it.

SHRI VEERENDRA PATIL : If we want BICP to examine before they increase the price, that means, they have to approach the Government to obtain approval of the Government before they effect the increase in the price. That can be possible only if there is control over the price and distribution. If there is no control over price and distribution how can we ask them ?

Let me also add that if these manufacturers indulge in unfair practices, under the MRTP Act, we can take action against these manufacturers. That is why in order to find out whether they are indulging in unfair practices, we are asking BICP to make a study and report to us.

(Translation)

Complaints received by Election Commission on recent elections

*293. **SHRI C. JANGA REDDY :**

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DR. A. K. PATEL :

Will the Minister of LAW AND JUSTICE be pleased to state :

(a) The nature of the complaints received by the Election Commission from various States and Union Territories regarding elections to Lak Sabha and State Legislative Assemblies;

(b) The action taken or proposed to be taken on the said complaints; and

(c) Whether violation of code of conduct is proposed to be made punishable under the law ?

(English)

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN.) : (a) and (b). The responsibility for the conduct of all elections to Parliament and to State Legislatures vests in the Election Commission. Complaints received during the course of any election have also to be dealt with by the Commission in terms of the relevant provisions of election law and procedure. The Commission has informed that information regarding the complaints and action taken thereon is being compiled. On receipt of the information from the Commission, the same will be laid on the Table of the House.

(c) The Election Commission had earlier recommended that violation of the Code should be made as electoral offences. This recommendation of the Commission has been under consideration of the Government. Meanwhile, the Commission has recently informed that it is taking stock of the experience gained by it during the recent General Election to the Lok Sabha and elections to State Assemblies with a view to determining whether any of the earlier package of proposals for electoral reforms requires revision of alteration and that it will forward its views to the Government shortly. The question of making any statutory provision for the purpose of complying with the Model Code of Conduct can be considered only after the views of the Commission have been received, examined and final decision taken on this proposal after consultation with all concerned.

DR. A. K. PATEL : Mr Speaker, Sir, the Hon. Minister has replied to questions (a) and (b). I give the example of my State, Gujarat, especially Mehsana District, where my candidates could not enter the villages for propaganda and they could not place any agents in some polling stations. Some candidates have given applications in anticipation to give protection at some places. But nothing was done. Here is a copy of one application which I am submitting. That is why, I want to know why no actions were taken by the Election Commission Office of the State in this election.

SHRI A. K. SEN : I was just going to answer Question (c), but before that the Hon. member got up. The Hon. member stood up, so I sat down. I believe that both the members should not stand up, and so I sat down. Now, may I complete my answer and then reply the supplementary also ?

MR. SPEAKER : Now Sir, you do not sit down before you complete.

SHRI INDRAJIT GUPTA : There should be a rule about it, as to whether he can sit down before he finishes replying.

SHRI A. K. SEN : There should be a rule whether some one can stand up before the Minister completes giving his reply. I believe in sitting down if some-one else stands up. I sometimes yield my place also

as a matter of courtesy. Now Sir, let me reply to Question (c). The Election Commission had earlier recommended that violation of the Code should be made as electoral offences. This recommendation of the Commission has been under consideration of the Government. Meanwhile, the Commission has recently informed that it is taking stock of the experience gained by it during the recent General Election to the Lok Sabha and elections to State Assemblies with a view to determining whether any of the earlier package of proposals for electoral reforms requires revision of alteration and that it will forward its views to the Government shortly. The question of making any statutory provision for the purpose of complying with the Model Code of Conduct can be considered only after the views of the Commission have been received, examined and final decision taken on this proposal after consultation with all concerned.

May I now answer the supplementary ? About a particular place, where the Hon. member said that some disturbance or some interference took place, as soon as the Commission forwards the information and its recommendations to us, we shall certainly place them before the House. We cannot give any information now because no information has reached us yet.

DR. A. K. PATEL : In my constituency, one application was received on 25th February and it was submitted personally by the candidate to the Election Officer. But no action was taken at the time of elections, during the counting, bundles of ballot were counterfoils were detected from the ballot boxes. This has happened in Mehsana District in Vijaypur Constituency. I want to know why no action was taken ?

SHRI A. K. SEN : If the Hon. member puts a specific question about a particular place, I shall certainly answer it. But as I already said, if there has been any lapse on the part of any officer in charge of the conduct of the elections and if a complaint has been made to the Election Commission, then I think that the query should be made first with the Election Commission before it is addressed to us.

PROF. MADHU DANDAVATE : I would like to know from the Hon. Minister

whether with his wide knowledge of law, he has come across a single illustration in any part of the world where in a single constituency the Returning Officer has actually issued certificates to two members that they are already declared elected. Is he aware of the fact that such an extraordinary situation has arisen under their regime in Bihar in Islampur Constituency? There, one member was given a certificate by the Returning Officer that he was already declared elected. That man disappeared from the scene of course only from that scene. Afterwards another is called (Obviously he is a Congress candidate) and given another certificate that he was declared elected. Now Sir, I would like to know from the point of view of law what would be the position of the two members elected from that Constituency. Will there be coexistence of two Assembly members in the Assembly of Bihar whether they are going to resolve it? I would like to know the legal opinion.

SHRI A. K. SEN : I think that in the course of some other question, this question was put to me earlier, and I had requested the Hon. Member who had asked me that question, to put a specific question on that particular point, because it is a matter which certainly appears to be *sui generis* this particular incident.

PROF. MADHU DANDAVATE : Mine is specific.

SHRI A. K. SEN : That is what I say. When that question is put, I shall gather the information. It seems rather strange if simultaneously two candidates are declared elected. I would like notice on that.

PROF. MADHU DANDAVATE : Mr. Sen, very strange things are happening in your regime. Please take note of them.

SHRI A. K. SEN : There are more things in heaven or earth than are thought of by us.

MR. SPEAKER : For your knowledge, I can say that there was a voter, who tore her ballot paper into five pieces, and put one piece in each box. She did not want to displease any of the candidates.

PROF. MADHU DANDAVATE : I have got another experience. When a voter was asked to put the stamp on the 'Hand', that lady voter in my constituency went in, put a blank paper into the ballot box, came out and told the Congress agent. I have put the stamp on my hand. So, I have voted for the Congress. That also happens.

SHRI A. K. SEN : I have already yielded to the experience of Prof. Dandavate.

AN. HON. MEMBER : There is a separate chapter in the Indian Penal Code relating to election offences. But, unfortunately, under the Criminal Procedure Code, the sanction of the State Government is necessary to file any complaint or charge-sheet, relating to the electoral offences. Will the Minister consider amending the Criminal Procedure Code, so that an ordinary person is able to file straightway complaints relating to election offences against offenders?

SHRI A. K. SEN : In the Criminal Procedure Code, there are certain offences mentioned, but the electoral law has created certain electoral offences. If there is any infraction of those offences, then it is open to the Hon. Member or anybody else to take it to the court of law. (*Interruption*) May I request you to sit down because I have got up? Your colleague said that I should not sit down.

There are certain electoral offences created by the Election law. If there is any infraction of those offences, then they not only expose the offender to the rigours of the law but they also may expose him to disqualification. But if there are more offences to be created, that will depend upon the recommendations of the Election Commission, and then our consensus, because these matters are always decided by all the parties together. That has been our position.

MR. SPEAKER : Now Mr. Das Muni. He is not present. Now Mr. Vijayaraghavan, Question 295.

Financing of Elections

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*295. SHRI V.S. VIJAYARAGHAVAN:
PROF. P. J. KURIEN :

Will the Minister of LAW AND JUSTICE be pleased to state :