

MOTIONS RE. REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES

Mr. Deputy-Speaker: The House will now proceed with discussion of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956.

Shri M. L. Agarwal (Pilibhit Distt. cum Bareilly Distt.-East): What about the discussion of my Bill which was part discussed on the last day, Sir?

Mr. Deputy-Speaker: We decided this morning that we are not taking up any other business in connection with non-official business than the introduction of these Bills. Perhaps the hon. Member was not present at that time when the House took that decision. His part-discussed Bill will be taken when opportunity comes next time. When it will be, it is not known.

An Hon. Member: Is the Bill debarred?

Shri S. V. Ramaswamy (Salem): Would you advise the hon. Member to wait in hope?

Mr. Deputy-Speaker: That he will decide for himself.

We have allotted two hours for the discussion of these rules.

Shri Kamath (Hoshangabad): Will not the hon. Minister move a motion?

The Minister of Legal Affairs (Shri Pataskar): I have placed the rules on the Table.

Mr. Deputy-Speaker: The Members will move their motions proposing amendments to the Rules.

Shri Sadhan Gupta (Calcutta South East): I beg to move:

(i) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in

rule 11 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

"for clause (b) substitute:

"(b) supply two copies of each separate part of the electoral roll to every political party to which an election symbol has been allotted by the Election Commission or to a representative of any such political party who is authorized to receive the sum; and

(c) give such further publicity to the notice in Form 3 as he may consider necessary".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution:

(ii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (1) of rule 26 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

(i) in clause (a), for "ten rupees" substitute:

"two rupees"; and

(ii) in clause (b), for "one rupee" substitute:

"four annas".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (2) of rule 26 of the Representation of the People (Preparation of Electoral Rolls) Rules,

1956, laid on the Table on the 24th July, 1956, namely:

'for "sub-section" substitute:
"sub-rule".'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Shri K. K. Basu (Diamond Harbour): I beg to move:

(i) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

in clause (c), after "such person" insert:

"being a judicial or semi-judicial officer and not being an executive officer".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(ii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

in clause (c) after "appoint" insert:

"subject to the approval of the Election Commissioner".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (1) of rule 6 of the Representation of the People

(Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

omit "unless the chief electoral officer, subject to any general or special instructions issued by the Election Commission, determines in respect of any part that the alphabetical order is more convenient or that the names shall be arranged partly, in one way and partly in the other".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iv) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (1) of rule 6 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

after "Election Commission" insert:

"for reasons recorded in writing".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(v) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (1) of rule 6 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

omit "or that the names shall be arranged partly in one way and partly in the other".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(vi) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the

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following amendment be made in rule 10 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on Table on the 24th July, 1956, namely:

in sub-clause (b), for "at such place" substitute:

"at the local post office police station and/or any other public place".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Shri Kamath: I beg to move:

(i) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 10 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

after clause (b), add the following Sub-rule:

"(2) A copy of such draft roll shall be supplied without payment to the recognized parties and also such other important organisations of the area as may be prescribed by the Election Commission."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(ii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 12 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

for "21 days" substitute "42 days".

This House recommends to Rajya

Sabha that Rajya Sabha do concur in the said resolution.

(iii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 19 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

after sub-rule (2), add:

"Explanation.—Such places of enquiry shall not be at a distance of more than two miles from the places where the claimant objected to usually resides".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iv) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (1) of rule 26 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

in clause (a), for "ten rupees" substitute:
"five rupees".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(v) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (1) of rule 27 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

in clause (b), for "ten rupees" substitute:
"five rupees"

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(vi) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (2) of rule 33 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

add at the end:

"Provided that at every general election or bye-election every contesting candidate shall be supplied two copies free and not more than six copies at one-half of the selling price".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Shri Dabhi (Kaira North): I beg to move:

(i) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 8 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

for "may" substitute "shall".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(ii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 8 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

after "send" insert:

"either by registered post

or through the staff employed for the purpose".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following proviso be added to sub-rule (2) of rule 33 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

"Provided that the State Government may supply, free of cost, one or more copies of the electoral roll to the candidates to the elections concerned."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iv) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (2) of rule 33 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

add at the end:

"Provided that at every general election or bye-election every contesting candidate shall be supplied three copies free of cost."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(v) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (2) of rule 33 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

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add at the end:

"Provided that at every general election or bye-election every contesting candidate shall be supplied four copies free of cost."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Shri Shree Narayan Das (Darbhanga Central): I beg to move:

(i) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendments be made in rule 26 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

(i) for sub-rule (1), substitute:

"(1) Every application under sub-section (1) of section 23 shall be made in duplicate in Form 4 (Part I)."; and

(ii) omit sub-rule (2).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(ii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in sub-rule (1) of rule 27 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

in clause (b),—

omit "and a fee of ten rupees to be paid in non-judicial stamps".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Mr. Deputy-Speaker: All these motions are now before the House along with the Rules.

Shri Sadhan Gupta: My amendments are to rules 11 and 26. Rule 11 is a very important rule, because it deals with publicity to the draft electoral rolls. The importance of publicity is that it enables persons, who are entitled to be included on the electoral roll but whose names have been omitted for some reason or other, to get their names included. In a country like ours where there are so many difficulties in enlisting electors, the proper framing of this rule is absolutely essential. First of all, we have a lot of people who are perhaps not conscious about their franchise due to illiteracy, perhaps due to ignorance, and it is necessary to evolve some process by which their names could be enlisted on the electoral roll.

Secondly, due to illiteracy, many of the people are not in a position to check up the rolls themselves and to ascertain whether their names have been included on the electoral rolls or not. Under these circumstances, unless some mechanism was evolved for including their names, they would be deprived of their franchise. With this end in view, I have suggested an amendment to rule 11 for proper publicity and for proper facility for inclusion of names in the electoral roll. Now, the mode of further publicity suggested by Rule 11 is, firstly to make a copy of each separate part of the electoral roll together with the copy of the notice in Form 3 available for inspection at a specified place, accessible to the public and in or near the area to which that part relates; and, secondly, give such further publicity to that notice in Form 3 as he—the Electoral Registration Officer—may think.....

Shri Kamath: On a point of order; I am sure, you will agree that when we are discussing an important election law, we must have a quorum in the House.

Mr. Deputy-Speaker: Certainly, I was taken by surprise by the tone and language. At first I anticipated that it was about quorum and then when I heard, 'I would agree', I thought it was something else. (*Interruption*). I am having the bell rung.—Now, there is quorum. Shri Sadhan Gupta may proceed.

Shri Sadhan Gupta: I was submitting that the two modes of publicity which are provided are inadequate. Firstly, making copies available for inspection by the public in a place nearabout the area to which the part relates and, secondly, such further publicity as the Electoral Registration Officer may consider necessary. This kind of publicity does not provide for the inclusion of the names of those who are unable to read the electoral rolls or who find it difficult or who, due to ignorance, do not come to the place where the roll can be inspected and ascertain whether their names are included in the rolls. We must make an effort to include the names of all those persons in the rolls to confer the franchise and not to deprive the ignorant or, perhaps, the lethargic or those who otherwise find it difficult to enquire and take steps for the purpose of getting their names included in the electoral roll.

What would be the best way of publicity and the best way of ensuring that the names are included in the electoral rolls? We cannot leave it to the bureaucratic machinery alone. There might be good enumerators; there might be bad enumerators. We have had plenty of examples of enumerators not going to the houses at all or just paying a perfunctory visit and not caring to verify how many people there were in the house and enumerating only those people whom they found in the houses and not taking notice of others. It may even be that the enumerator does not find it possible to visit every house more than once or twice and in all those visits he may miss certain persons. To remedy all these, it is necessary that organisa-

tions who volunteer to assist in the preparation of the electoral rolls, organisations who volunteer to bring forward claims on behalf of other persons, those organisations have free scope.

By amendment No. 1, I have suggested that for this purpose two copies of each separate part of the electoral roll should be supplied to every political party to which an election symbol has been allotted by the Election Commission or to a representative of any such party who is authorised to receive the same. I would prefer Shri Basu's amendment which goes further and suggests that other organisations, in the discretion of the Election Commission, may also be given copies of the electoral rolls. For instance, there may be a club in a village which is concerned with all kinds of activities in the village, social and other activities, which includes the activity of facilitating the inclusion of the names of electors from the village in the electoral rolls. So, in the discretion of the Election Commission, such an organisation may be provided with a free copy. But, it is absolutely essential that political parties to which election symbols have been allotted and who, therefore, necessarily command the support of huge masses of the people should have a copy of the electoral roll and should be enabled to verify its correctness.

Today the electoral rolls are available for inspection in post offices or in police stations or in such other places. If representatives of any organisation including political parties want to verify the correctness, what they have to do is to go there and glance through the rolls and make notes and then come to the different houses and verify, which is an impossible matter. You cannot possibly take notes of the entire electoral roll and verify the correctness of it. On the other hand, if a copy of the draft rolls, or two copies of the draft rolls better still, are provided to them free of charge, then, they

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can take the draft rolls from house to house—divide a part of the rolls between their volunteers and ask them to—go from house to house and thereby verify the accuracy of the draft rolls. They will be in a much better position to verify because the volunteers would be men of the locality and that way they would succeed in verifying the correctness much better than any enumerator. Therefore, this furnishing copies of the draft rolls is a very essential matter for the purpose of the accurate registration of the electors.

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The next two amendments which I propose are in respect of sub-rules (1) and (2) of Rule 26. In 26(1) it is provided that every application under sub-section (1) of section 23 shall be made in duplicate in Form 4 (Part I) and shall be accompanied, when it is to the Chief Electoral Officer, by a fee of Rs. 10/- and when it is to the Electoral Registration Officer, by a fee of Re. 1/-. Ours is a poor country. What section 23 aims at is to enable the electors to be registered who have not succeeded in getting themselves registered during the time when the electoral roll was under preparation. It is a very important section because it enables those electors who have been omitted, to exercise their franchise. You know that in a country like the U.S.S.R. the rule is that even the day before the election, a person is entitled to get himself registered and to exercise his franchise. Therefore, section 23 is a very important one, but it loses its utility to a considerable extent by providing a very high fee for registration. It is said that when a notification for an election is given in a constituency, the application is to be made to the Chief Electoral Officer, and for such an application the fee is Rs. 10/-. How many electors can pay Rs. 10/- and get themselves registered? Yet in our country the urge for registration will naturally come when a notification is

issued. I have, therefore, tried to reduce this sum of Rs. 10/- to Rs. 2/-. The Report of the Committee on Subordinate Legislation says that it should be reduced to Rs. 5/-, but the reasons they give lend greater support to a reduction further. Personally I think there is no reason to keep any fee at all, but if you want to keep a fee, let it be Rs. 2/-, and not more.

Shri Pataskar: I am prepared to accept the suggestion of the Committee, that is, I accept the fee of Rs. 5/-.

Shri Sadhan Gupta: That is something.

Shri K. K. Basu: Some small mercy.

Shri Sadhan Gupta: The next thing is regarding the application to the Electoral Registration Officer. That application is to be made when no notification is issued for election from that constituency. In that case the charge is Re. 1/-. It is hard on people in our country to pay Re. 1/-. I have suggested four annas, that is, a nominal charge, even that to distinguish it from the ordinary preparation of the rolls. Let those who have not succeeded in getting themselves registered on the rolls when they were under preparation pay four annas, but let them not have to pay more because in that way many people might be excluded. I think the Committee on Subordinate Legislation has recommended eight annas, and the reasons they give would apply with greater force to four annas. I do not know whether the Minister will accept it. But in the interests of democracy, that should be accepted. Re. 1/- is too high for most people in our country to register, considering the fact that in many cases whole families may have to register and the price to be paid will be probably quite a number of rupees; if there are four people, it will be Rs. 4/-; if there are more, it will be more rupees. So, it is absolutely necessary that this

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fee should be reduced to a nominal amount and the registration should be facilitated.

I commend these amendments to the acceptance of the House, and I also support the other amendments which have been moved, particularly, the amendment for the grant of copies of the electoral rolls to candidates.

We know that one of the greatest difficulties of candidates at a parliamentary election is the fact that the price of the rolls is prohibitive. If you want the functioning of democracy, you should not place all these clogs in the way of a candidate for Parliament. The greatest difficulty is to procure the rolls. I know that during the last general elections there were many candidates to Parliament, at least from our party, who could not afford even to buy a copy of the electoral rolls and had to fight the election without one. That is a scandalous state of affairs and that should not be permitted. Sufficient number of rolls ought to be granted free to the candidates, and the candidates should be allowed to buy further numbers of rolls, if they require, at a concessional price.

Shri K. K. Basu: I have moved a number of amendments to the Representation of the People (Preparation of Electoral Rolls) Rules, as amended this year. We all know that in our country we had a unique experience of parliamentary democracy functioning, with possibly the largest number of voters in one State. Even in the first election we had a novel experience, for which I think the common man of India should be congratulated, and every section of the people must feel proud of the way in which they exercised their franchise. We feel that if we want to make our parliamentary democracy function properly and quite in consonance with the desires of the common man, it should be our effort to see that the voters' list should be made as fool-proof as possible and it should be our endeavour to find out and to help every citizen of India to be

enrolled as a voter. The duty of the Government and the election machinery which is set up to prepare the voters' list is that they should see that no citizen eligible to vote is left out of the list so that he cannot exercise his franchise at the time of the election. Therefore, I have tried to move these amendments in the spirit and with the idea that we should improve the preparation of the electoral rolls in such a way that it will help the growth and functioning of the democratic system that is prevailing in this country.

I have moved amendment No. 4 in list No. 2 in respect of rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, laid before the House. Here I seek to move an amendment in respect of the definition of Revising Authority. Under the old Rules, the Revising Authority was to have been appointed by the State Government subject to any general or special instructions issued by the Election Commissioner in respect of those Revising Authorities. Unfortunately, in the Rules that have now been enacted, the Revising Authority has been defined as "such person as a State Government or any authority authorised by the State Government in this behalf may appoint as Revising Authority". We know that in respect of State Electoral Officers, in most cases if not in all cases, they are part-time officers; they are either Joint Secretaries or Deputy Secretaries of the State Governments and they are, in addition, doing the function of the Chief Electoral Officer. So, they are largely under the influence of the Government of the particular State. When we have in this country parliamentary democracy, naturally one party may form a government in a particular State and there are bound to be large parties in opposition who may not see eye to eye with the party government. We know full well in this form of government the ministerial party can largely influence the bureaucratic machinery or the

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permanent administration of the particular State. Therefore, I feel that it should be our duty to see that no person or no party should feel that in the case of revising the rolls of a particular constituency, there should be scope for doubts, scope for mistrust and scope for suspicion. I do not say that all the Chief Electoral Officers as such will succumb to the influences or other forms of indirect pressure of the party government of a particular State. My amendment says that this Revising Authority should not be an executive officer, because I know that in some of the States, Deputy Magistrates or men of a similar rank are often appointed as Revising Authorities. These persons are in day to day touch with the party that runs the administration or forms the government of the particular State. They are susceptible to the pressure of the party in power. So, I have sought to put in a qualifying clause at the end of rule 2(c) that he should be a judicial or semi-judicial officer and not an executive officer. I am fully alive to the difficulties. If all of them are to be judicial officers, it may be difficult from the administrative point of view to release so many officers. So, I have included the quasi-judicial officers. But, I have made it specific that it should not be an executive officer. In some States, there are persons like the sub-registrar of assurances or officers in the co-operative department and they are not so much connected with executive work as the sub-divisional officers or the taluk officers, or whatever they may be called. So, I want the Government to appoint such judicial or quasi-judicial officers and not the executive officers. If munsifs, and other judicial officers are not available in large numbers, the other quasi-judicial officers who may not directly be connected with the Government may be appointed.

I have also tried to incorporate the provision that was there in the old

Act. I have tried to move an amendment here which reads: "subject to the approval of the Election Commissioner." As it reads: "subject to the general and special instruction...". The Election Commissioner is a constitutional authority outside the influence of the party in power. I do not want the appointment should be left completely to the Government machinery. All these should be subject to the approval of the Election Commissioner. It will help him to see that they are outside the influence of the party in power. I hope the Government will accept this amendment about the definition of the expression, 'revising authority'.

Rule 6 deals with the manner in which the rolls are to be prepared and published. The electoral rolls shall be arranged according to the house numbers, unless the Chief Electoral Officer, subject to any general or special instructions issued by the Election Commission, determines in respect of any part that the alphabetical order is more convenient or that the names shall be arranged partly, in one way and partly in the other. That is my amendment. I wish all these rolls to be prepared according to the house numbers. I had to do a good deal of election work on behalf of my party and so, from personal experience, I know that, despite the directive of the Election Commissioner, some State Electoral Officers took a different view. They have said that they had a different form and that they did not want to deviate from it; they also said that there were not numbers on houses. Because of the union or board tax or cess or the panchayat tax that may be coming in almost all the States every hut in India has some mark. Even at the time of the census, every house is given some mark and it is not at all difficult from the administrative point of view to prepare rolls like that.

Otherwise, what happens in the rural areas? In one hut, a husband and his adult son is living. If the

rolls are prepared according to the alphabetical order, they are allotted a particular polling booth. It may happen that his wife or widowed grandmother or sister or some women members of the family are allotted a different booth, one or two miles away. It is very difficult for a woman of our country in rural areas to go to distant places of their own accord, to places where their menfolk do not go to vote. Therefore, large sections of our people do not exercise their franchise. It happened last time. So, the rolls should be prepared according to the house number. If, in a special case, the Election Commissioner has reasons to deviate from this practice, the reasons should be recorded in writing. I want them to be recorded for this reason. We have to deal with the chief electoral officers who are mostly State officials and we have a feeling that they are some what under the influence and pressure of the Government. They do not disclose real facts. We get an impression from the discussion that we have with the Election Commissioner here but when we go to the State, the officials there raise some administrative problem, this and that which, according to them, could not be solved. So, in these special cases, the Election Commissioner, for reasons recorded in writing, may allow in a particular State the electoral rolls to be prepared in some other form than according to the house numbers, say alphabetically, etc.

I am very much opposed to the last clause or part of the rule which says that the names shall be arranged partly in one way and partly in the other. This should not be allowed. The roll of a particular constituency should be only in one way. There may be urban and rural areas in one constituency itself and in the case of towns there may be one form and in the case of villages, there may be a different form. That is what they say. This argument may have some force. But, the balance of advantage is not in this mixed arrangement. It works

very much against the proper functioning of the election machinery. This should not be allowed.

Mr. Deputy-Speaker: The hon. Member has eleven amendments.

Shri K. K. Basu: I can go rapidly but the Government will not hear me.

Rule 10 deals with the publication of the draft electoral rolls. There is one amendment to rule 11 by my hon. friend about the issue of draft electoral rolls free to recognised parties and other important institutions. Sir, you are a leader of a particular party. You know full well that the bureaucratic machinery can never make a full and complete electoral roll. They appoint temporary persons; they appoint part-time people who may be working in villages or some where else. Even in urban areas, they appoint officers who work for two or three hours to take these lists. When they go to a particular place in the morning, the man might have gone out. In my State, the names of MLAs of certain areas have been omitted. The name of a sitting Member of Parliament was not included in a State simply because he was not in his house, but in Delhi attending the Parliament session, when the officer went to his house. The Election Commissioner issued some directives to improve upon this sort of a position. The provision here reads: "...at such places in the constituency as may be specified by him for the purpose....". This is a discretionary power and it has often been misused. I know of a specific instance in a rural area in the 24 Parganas. There, a notification issued and people went to the union board president's office. In spite of the best efforts of the villagers, they did not have access to that. The president of that union board was asked to put up the list in respect of that particular area. Quite a good number of eligible voters had been in attendance at the office of the union board. Everytime the president has been saying that he has got the electoral roll but he never puts it or

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hangs it publicly. It is with me, he says; for weeks he said like that. It is impossible for these persons to walk one mile or two miles every day and dance attendance on such persons to check up the list.

Therefore, my suggestion is that every party and every important non-official organisation should be given a copy free. I gave some examples of such non-official organisations. There may be a village organisation like the Palli Mangal Samithi that we have in our parts. I am sure there must be such organisations in all parts of India. There may be what is called "Gramodyoga Samithi". Whatever it may be, I am sure there must be such organisations who are interested in working among the rural people. Even in towns or industrial areas there may be trade unions or kisan samithis or similar popular organisations. It must be left to the discretionary power of the Election Commission to find out whether a particular organisation can be relied upon and then to give a free copy to it. Each recognised political party to which symbols are granted must be given the draft rolls free, because it is in their interest to see whether any names have been left out. If we want to see that the right to vote is effective, then it is absolutely necessary that every political party is given a copy free. I do not know what the attitude of the Government on this matter is. In the conference that we had with the Election Commissioner we tried to impress this point.

Shri Pataskar: May I just interrupt the hon. Member? I asked the Draftsman to draft an amendment accepting this point. We will put it thus: "supply free of cost two copies of each separate part of the electoral roll to every political party to which a symbol has been allotted by the Election Commissioner". I think in substance he means the same thing.

Shri K. K. Basu: Then I do not want to dilate that point. But one

thing I will request and that is about the publicity. The rolls must be hung at a public place like the local post office or the police station. As I cited an example, it is hung up at the office or the house of the president of the Union Board. He may be interested in the future election and he tries to unnecessarily give trouble to real eligible voters by not allowing them to see the lists. Therefore, I would urge upon the Government to see that these are hung up at the local post office or police station, or at any other public place where an ordinary citizen can go and find out whether his name appears there.

Sir, I am very glad that the hon. Minister has accepted the proposition in respect of issuing free electoral rolls.

Mr. Deputy-Speaker: Now the other amendments may be left to his colleagues to deal with.

Shri K. K. Basu: I will finish very soon, Sir; I hardly find anybody here. Then, in respect of applications to be made for revision of the rolls, I have suggested that 21 days is too short a period. Though I know that even if there are small powers they go on expanding them, I think as a rule it should be six weeks, that is 42 days. This much time should be allowed within which application for revision can be made.

In respect of enquiry, Sir, I have made one suggestion; of course, if the hon. Minister thinks that it cannot be put in the rules, then I suggest that it can be done through executive action. In respect of enquiries to find out whether eligible voters are entitled to become voters, the system nowadays is to hold these enquiries at the taluk headquarters or, in most cases, the sub-divisional headquarters. For example I will take the case of my constituency. There are parts of my constituency which are nearly 24 miles away from the sub-divisional headquarters. One has to go on foot,

go in a bus by boat or by any other conveyance available, for such enquiries. In these cases it is very difficult for the ordinary voters. We know the poverty in our country and we know it will be very difficult for an ordinary citizen to spend Rs. 5 or Rs. 10 to get himself enrolled as a voter. It is due to the failure of the Government that his name is not there. Therefore, I would suggest to the Government that efforts should be made, if it is not possible to make a provision in the rules themselves at least through the executive machinery and executive directives should be issued that all these enquiries should be held within one mile or two miles from the place where the voter resides. Taluk or smaller units may be taken for this purpose. It is not necessary that these should be done by big officials. Also, in the course of their circuits these officers can hold these enquiries. I hope the Government will keep this in mind.

Lastly, there is one very important amendment to which even the Committee on Subordinate Legislation has fully given its support. I also find that there a number of amendments on this point moved by my hon. friend over there. I must thank the hon. Minister for reducing the fees. I hope the fee of Rs. 5 applies to both the cases.

Shri Pataskar: Yes, to both the cases.

Shri K. K. Basu: I am very glad. Then I come to the last motion and that is with regard to the supply of copies free of cost to the candidates. My friend Shri Sadhan Gupta has also stressed that point. I am told, during the last elections—Shri S. S. More was telling us—in the Bombay State each candidate got the copies at concessional rates. Otherwise, especially if it is a double-member constituency, with one electoral roll it will be nearly impossible for any person, unless he has tons of money to buy copies, to conduct the election. If you compare the reimbursement that the

Government gets for the investment that it makes in the preparation of the electoral rolls, it is practically negligible. I am told in some of the States heaps of electoral rolls were lying waste because nobody could buy at the price at which they were sold. Had the prices been reduced, certainly a large number of prospective candidates would have bought them. Therefore, I urge upon the Minister to at least accept this amendment. When we requested the Election Commissioner he said that it is left to the Minister to do it. Each candidate should be given two copies free of cost and a certain number of copies at concessional rates. I hope the hon. Minister will agree to this and also issue proper directives to the States concerned.

Shri Ramachandra Reddi (Nellore):

Sir, I have only a very few observations and suggestions to make with regard to these rules. In rule 4 it is provided that the electoral rolls for each constituency shall be prepared "in such form and in such language or languages as the Election Commission may direct". It so happens in certain places that the electoral rolls—I mean especially in the bilingual areas—are printed and made up-to-date only in one language and the other language is usually neglected for the simple reason that the people of that language are not very much vocal. Recently we have heard in the by-election in Bellary that the electoral rolls in Kannada were readily available and up-to-date, but the electoral rolls in Telugu were not made available. Therefore, we would suggest that the Election Commission may be directed to get ready electoral rolls in both the languages in a bilingual area and make them up-to-date.

In rule 26 provision is made for the registration on payment of certain fees. I think there is some concession shown by the hon. Minister for Legal Affairs and some reduction is thought of. It is to be noticed, in sub-clause (2) of rule 26 it is said that the fees specified in sub-clause (1) shall be

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paid by means of non-judicial stamps. This is a matter which requires some attention. Non-judicial stamps are available either at the premises of civil courts or the registration offices, and the registration offices will not be very many; for each group of 15 to 20 villages there will be a registration office and men have to go a long distance to obtain a non-judicial stamp. If there is any other method possible to get the registration by payment of the necessary money, not necessarily by non-judicial stamps, it would have to be considered. I would suggest that in each village where there is a Village Officer, or there is a panchayat where there is an executive officer, certain receipts and application forms might be kept ready with them so that they can take the necessary registration fee and issue a receipt, and with the receipt the application will be submitted to the authority concerned. That will, to a large extent, cease down the difficulty of securing non-judicial stamps, and if they do not get it readily they will naturally forego the opportunity of being an elector.

Then, the printing of electoral rolls in several cases is not done correctly. It is often noticed that in the column of the female, the male is entered and in the column of the male the female is entered. It so happens sometimes that in the column of the female there will be a male's name and in the column of the husband there will be the wife's name. That makes a very difficult position, with the result that there can be an objection raised while giving voting papers to such voters because there is an error in printing. For that, the voters should not be penalised.

It is also seen that in certain cases the names of dead persons are noted down in the electoral rolls and also the fact that he is dead is entered there. I do not know why a dead person should be noted there and also mentioned as dead. It is, therefore, necessary that in the preparation of

these electoral rolls, more care is bestowed and more attention paid in the matter of correct noting of the names in the several columns.

As regards the supply of the electoral rolls, I also agree with the other Members who preceded me in suggesting that the price of the electoral rolls should be reduced. Especially, in double-member constituencies for Parliament, the electoral roll will be a very huge bundle and the cost of it would be prohibitive. In the case of double-member constituencies, where the Scheduled Caste candidates are poor, some concession would be given to them, but, instead of making concessions to only one community, it is much better that the electoral rolls are given at a concession rate at least to those people who are found in the final valid list of candidates.

The hon. Minister was saying that copies of the electoral rolls will be given to political parties. There might be people who do not belong to any political party and they may stand as independents. So, the same kind of facility as is given to the political parties should be given to such of the candidates as are standing for the election or contesting the election as independents, once a symbol has been granted to them.

With regard to the printing of the electoral rolls, I have got another suggestion to make. It is this. Let the rolls be printed only on one side of the page and not on either side. If it is printed only on one side, it is easily detachable and distributable to the several workers on behalf of the candidates or of the political parties. Otherwise, since the electoral rolls are very costly, manuscripts will have to be made ready and that will not only entail cost and extra labour but also delay. If the electoral rolls are printed on only one side and if the cost is also reduced, there will be a larger number of copies sold and the Government would not be incurring much loss.

Further, when the Government is the direct purchaser of the stationery for this purpose of printing the electoral rolls, the electoral rolls need not necessarily be very costly, because the paper that is required for the printing of electoral rolls can be easily secured by the Government direct, and the other charges that will accrue if they are sold by the wholesaler or the retailer, can be avoided.

Another suggestion I would make is this. While printing these electoral rolls, they may be printed separately for each village or each ward in a municipality, so that it would be easy for the distribution purposes after detachment of the particular lists, and it would facilitate speedy movement and canvassing.

These are the few suggestions that I wanted to make.

Shri Shree Narayan Das, Mr. Deputy Speaker, Sir, I am one of those who feel that in the elections money should not count at any stage of the elections. Either in the matter of enrolment or in the matter of other expenditure, money should not play any important part in the elections.

Firstly, I would request the hon. Minister to see that it is the duty of the Government to see that every qualified person is enrolled as elector. If any names are left out, then also, it is the duty of the State to see that every facility is given to those whose names have been left out for having their names enrolled. I see from the rules that when a person's name is not in the draft electoral roll that is initially published, that person will have to apply. At that stage also, it is the duty of the Government to see that fresh efforts are made by the election machinery for getting those persons enrolled.

In the case of those persons whose names have been left out, I think the revising authority should go to the area concerned and find out from where the applications for inclusion of the names have been made. Generally it is seen that those who

apply for enrolment or for the inclusion of their names are asked to come from their villages to the sub-divisional headquarters and not even to the thana headquarters. This will cost much. Therefore, it is the duty of the Government to send the revising authorities to the places of the applicants and see that the names are enrolled.

As has been suggested by my hon. friend, Shri K. K. Basu, provisions to this effect are included in the rules and if it is not possible for them to do so, the Election Commission should issue instructions to the Chief Election Officers or the electoral registration officers to see that no applicant is asked to come for more than two miles to present his case to the revising authority.

Next, I should say that no fee should be charged at any stage. As is provided in section 23 of the Act, when the notification about the elections is issued, and if anyone finds that his name has been left out and desires that his name be included in the rolls, he will have to apply to the Chief Electoral Officer and he will have to pay Rs. 10. When the Government fails to enrol his name, or when the election machinery fails to enrol his name, why should that person be asked to pay a sum? It is sufficient that he has found out that his name has not been included in the rolls, and if he files an application with the Chief Electoral Officer that his name should be included, and if he is otherwise qualified, his name should be enrolled without any fee for this purpose.

I heard that this sum has since been reduced to Rs. 5. It is good. But then, I think that is not also just. Why should a person be punished for the non-inclusion of his name in the rolls? It may be that a person might not have been present at the place when the election staff enrolled the voters. If he was not present, why should he be punished for that? It is not fair a person should be punished if his name has been left out because he has

[Shri Shree Narayan Das]

not been alert at the time of the preparation of the electoral rolls or at the time when the draft rolls were published. Why should a poor man be punished? He might have had no money at that time. Why should the facility of getting his name enrolled be denied to him for his being poor, and why should that facility of enrolling names be given to the rich men because the rich men have got money? Because a person is poor, he should not be punished. We should see that equal opportunity is given to all at least in the matter of elections. I think the directive principles of the Constitution should be adhered to by the Government. No person, if he is entitled to or is qualified to vote, should be penalised at any stage.

In my own constituency, in some villages, I found that some names had been left out from the electoral rolls. I asked them to get their names enrolled. They said that everyone of them would have to pay Re. 1 and that it was not possible for them to pay. I humbly request and appeal to the hon. Minister that at no stage before the election should any person be asked to pay anything, except that he should be required to put in an application. It is the duty of the Government to see that his name is there in the electoral list; but, if his name is left out, it is sufficient that he comes forward and applies to the prescribed authority for the registration of his name. I hope the hon. Minister will consider this matter favourably and see that this provision for the payment of money is deleted.

With regard to the supply of electoral rolls, as has been pointed out by some hon. friends, it is the duty of the Government to supply them freely. There may be persons who can afford to buy hundreds of copies, but there are also persons who find it very difficult to find Rs. 25 or Rs. 50 to buy a copy of the electoral rolls. Last time for a parliamentary constituency in the State of Bihar, the price of a copy was fixed at Rs. 50 and it was

impossible for some persons to purchase it. Therefore, at least 5 copies should be given free to every contesting candidate. If any candidate requires more than 5 copies, a small fee should be charged. I heard that last time 6 copies were supplied free to every contesting candidate in the State of Bombay. That method should be followed by other States also and at least 5 copies should be supplied free.

With regard to the publication of notifications etc. in the newspapers, I do not think more than 5 per cent. of our people read newspapers. So, every notification should be published in the form of small leaflets and distributed throughout the area, so that it may reach every village. At least such persons who can read will tell their friends that such and such notification has been issued. So, publication in the newspapers or even in the post offices is no good. When the draft electoral rolls are published, it should be notified through small leaflets. After all, it will not cost much to the Government and everybody will know whether his name has been included or not.

I oppose the amendment that instead of executive officers, judicial officers should be entrusted with the task of revision, instead of executive officers appointed by the Government. I think executive officers will do, because they come into contact with the people daily.

As far as the period prescribed is concerned, I think if not six weeks, at least a month should be given within which those persons whose names have been left out should apply for the inclusion of their names.

I do not know about other States, but in the State of Bihar, the names have not been entered in the alphabetical order, but according to the number of the houses. Some numbers were given at the time the census was taken and people do not know whether it is the same number here

also or whether some other procedure has been followed. Whatever procedure is followed in this regard should be announced clearly, so that the people may know what it is. Otherwise, at the time of the election even the parties will not be able to find out the names easily from the electoral rolls, unless they are told in time that the number has been given in this way or that way. Therefore, this difficulty should be removed.

In conclusion, I would again emphasise my amendment that if any names have been left out, no money should be charged from any person who applies for the inclusion of his name, because it is the duty of the Government to include all the names and for the failure of the Government those persons whose names have been left out should not be penalised. No fees should be charged at any stage, either after the notification is issued or after the application is sent to the chief electoral officer for the enrolment of names that have been left out. I think the Government will consider this matter favourably. Reducing the fee from Rs. 10 to Rs. 5 is not sufficient; it should be removed altogether, so that at least in matters of election, money will not count and all people, whether rich or poor, will have equal opportunities. There was a suggestion in the Joint Committee and also in this House from Mr. More that every elector should be compelled to vote, as is the practice in some countries. When we think of making voting compulsory whether it is proper that in cases where names have been left out of the list, so that persons should have to pay for a fee for inclusion of their name. I think in order to make democracy a success in this country and in order to give equal opportunities to all, rich and poor alike, money should not count at least in matters of election.

Shri Dabhi: I have given amendments Nos. 16, 17, 18, 24 and 25. I shall first take up amendments Nos. 16 and 17 to rule 8. If my amend-

ments are accepted, rule 8, as amended, will read as follows:

"The electoral registration officer shall, for the purpose of preparing the electoral roll, send, either by registered post or through the staff employed for the purpose, letters of request in Form 2 to the occupants of dwelling houses in the constituency or any part thereof; and every person receiving such letter shall furnish information called for therein to the best of his ability."

You will see that the present rule provides that the list may be sent to certain individuals. I do not understand why only selected individuals will be sent such lists. On the contrary, ordinary illiterate people require such lists. You will see that the constant complaint about the electoral rolls is that they contain several material errors. With all the care that is taken to see that the electoral rolls are correct, still we know that they contain several material errors. In some cases females are mentioned as males and vice versa. So we must see that no error creeps into it.

What is the cause of the creeping in of these errors? The cause is this. Ordinarily, while in towns and cities the municipal staff like clerks are employed for preparing the rolls, in the villages and rural areas the *talatis* or village accountants are employed. What happens? None of them goes to the houses of the electorates. They prepare the electoral rolls from their houses or offices and that is why so many errors are found. Therefore, I suggest that letters in printed forms should be sent not only to particular individuals but should be sent to all the occupants of the house in the constituencies concerned. It is not difficult because the form is there and the staff can visit the houses with the printed forms and then gather information. There would be no difficulty whatsoever for that. It need not be sent through post. The forms can be printed and the staff

[Shri Dabhi]

concerned can go and give it to the occupants.

I can give the instance in the Bombay State. There in cities and towns electoral rolls have been prepared by visiting every house. There will practically be no difficulty for that. The difficulty arises only in the rural areas. The *talatis* do not go to the houses of the persons concerned and they make several mistakes. The only thing they have to do is to visit the houses and then prepare the electoral rolls. Because it is not done, these mistakes are occurring frequently. Of course, it is true that under rule 12 any person whose name is not entered in the electoral roll can lodge a complaint. Again, under rules 12, 22 and 23, the electoral registration officer can *suo motu* make such amendments, if necessary, in the electoral rolls. But most of the people are illiterate in the villages and you cannot expect them, everyone of them, to apply for that. So the only method, the cheap method and the safe method to see that all electoral rolls are correct and no material errors have crept in is to accept my amendment and I think there would be no difficulty in accepting this amendment.

Then I come to my amendments 18, 25 and 24. All these three motions are alternative amendments to rule 33. Motion No. 25 says that every candidate should be supplied with four copies of the electoral rolls free of cost while my motion No. 24 says that if not four copies, at least three copies should be supplied free of cost. As my hon. friend, Shri Shree Narayan Das, has stated, there should be no difficulty for that. In the Bombay State, during the last elections, every candidate whether he was a candidate for the State Legislature or for Parliament, was supplied with six copies free of cost; not a single pie was charged. And that too was supplied without our demand. So, there would not be any

difficulty in accepting that four copies should be given free of cost. So, I would request you to accept my amendment No. 25 or at least 24. But I have moved my amendment No. 18 for this purpose. It may be that States like Bombay may wish to give six copies and if we limit it to four copies or three copies, perhaps they may also say: why should we supply four copies? Therefore, if the Government are not going to accept either of these amendments then at least let it be mentioned that if State Government wants to supply any copies free of cost, it may supply. Perhaps, it may not be possible for all State Governments to supply six copies. These rules are meant for all the States. But if the hon. Minister will oblige us, then we are prepared to accept six also. We require many copies because we have to give one copy to the nominee, one copy to the agent and we require it for other purposes also. So, at least four copies must be supplied. That is the least that every State should supply to every candidate. I hope there will be no difficulty in doing so because we have the example of the Bombay Government which has, as I have just now stated, supplied six copies. So, it will not be difficult at all to accept my amendment.

Shri Kamath: I support the amendments that have already been moved by my hon. friend, Mr. Basu, and I particularly refer to amendments No. 10, 12, 14 and 15, I shall confine my observations to those four amendments only because I do not wish to take up much of time of the House and I would, therefore, press the points that have been incorporated in these three or four amendments.

I am glad to learn—I am sorry I was out for a short while, but my friend Mr. Basu told me—that the hon. Minister has promised to give sympathetic, nay, favourable consideration to the proposal made in our joint amendment No. 14 with regard

to the reduction of the fee from Rs. 10/- to Rs. 5/-. That is good as far as it goes.

I will now come to the other two amendments, which are more or less of a similar character, amendment Nos. 10 and 15, which relate to the supply of copies of the draft roll and subsequently the final roll to the parties concerned.

5 P.M.

Amendment No. 10 relates to the supply of a copy of the draft electoral roll to the recognised parties. I would here like to make it clear that I would be very happy indeed if they are supplied not merely to the recognised parties, but also,—if I may use the term—non-recognised political parties. After all, that is a distinction made by the Election Commission. We should not go strictly by the distinction made by the Election Commission. There are many democratic parties. It is but meet and proper that we should continue to recognise those parties though the Election Commission, for reasons best known to themselves, have made the distinction. The Government ought not to make such a distinction as regards the supply of electoral rolls. All parties whether recognised at the provincial or all-India level must be given this right and accorded this facilities of persuing and scrutinizing the draft electoral roll, so that the electoral rolls could be made up-to-date and correct, in the interests of fair and free elections, which are the corner stone, the foundation stone of a live and kicking democracy.

There is another aspect to this matter which is embodied in amendment No. 15 which proposes that every contesting candidate should be supplied free of cost two copies of the electoral roll and another half a dozen copies at a concession rate, maybe half the price or one-third of the price—we have said half the sale price. This is a matter of detail and we may make it one-third if the House agrees. It is said,—our Government spokesmen are never tired of repeating—that we want to make the

elections so free and fair that the poorest in the land should be able to fight or oppose the richest in the land. This, I suppose, I hope and trust, is the ideal that the Government is striving to achieve or attain. That reminds me of what a great political thinker of England, Harold Laski, in his inimitable manner once said, talking of the equality before the law of the rich and the poor. He said it is like saying that "the Ritz hotel in London is open to the rich and the poor alike." How can the poor man go to that; he cannot afford that. We can similarly say that the Taj in Bombay or the Ambassador Hotel in Delhi or the new Asoka Hotel springing up in Chanakyapuri is open to the rich and the poor alike. But, I suppose the poor man could not even have a peep into the Hotel. That is going to be the condition of our democracy if things do not improve. We have already had a lot of discussion during the passage of the big Bill, which is now an Act, the Representation of the People Act, 1951. It was not merely alleged, but almost substantiated by the Opposition that the ruling party is busy, overbusy nowadays, to garner funds, by all means at their disposal, by hook or by crook, more by crook than by hook, so that the scales naturally will be tilted in favour of the rich contesting candidates. Government always talks of sympathy for the Scheduled Castes and Scheduled Tribes. In this state of affairs, when the ruling party can put forth Rs. 10 crores in the field, how many Scheduled Castes and Scheduled Tribes Candidates of the opposition, not of the ruling party,—they will get their need from out of the Rs. 10 crores—how many Scheduled Castes and Scheduled Tribes candidates and the poor of other castes and communities also can stand in opposition? People whose badge is poverty, if I may use that expression, whose only asset before the electorate is their poverty and honesty which often go together how many of these poor candidates can fight or dare to fight the ruling party's rich candidates, unless of course, the electorate is

[Shri Kamath]

educated, unless the electorate is literate, unless the electorate is conscious. Then of course all your money begs may not work, will not go a long way because I myself had experience of this lately in some constituencies and the electorate is conscious now, I am glad to see that. Their votes cannot be purchased by money. We used a slogan very effectively in some recent by-elections:

नोट लो उतका बोट दो हमको ।

That was the slogan used and.....

Mr. Deputy-Speaker: In the hon. Member's constituency?

Shri Kamath: I will not specify constituencies, but that slogan has been used very effectively in many constituencies, and certainly with encouraging results—encouraging for the opposition, encouraging for democracy, for a true and live democracy which I hope and trust the Government also is aspiring to build in the country. I am not so sure their desire, but I hope they are trying to do so. Therefore, I suggest that as far as possible the scales must be even as between the rich and the poor contesting candidates, but I am afraid that—even at the very outset, *ab initio*, the pitch is queered for the candidates. It is very unfortunate that in a poor country like India with a *per capita* income of how much, Sir—I am sorry, I want to be enlightened by you—I think Rs. 250 per annum, a Candidate for a parliamentary constituency has got to pay about Rs. 600 to Rs. 700 for one copy of the electoral roll, that is to say, in Madhya Pradesh. Hon. Member Sardar Saigal is also well aware, but I know he can afford to pay.

Sardar A. S. Saigal (Bilaspur): Not like you.

Mr. Deputy-Speaker: Those who work the averages do not go in for elections!

Shri Kamath: I am thankful to you for your illuminating observation. My hon. friend Sardar Saigal need not worry. His party will, where neces-

sary, come to the aid of their candidates.

What I am pointing out is this. If you want really to make the elections free and fair, I doubt if the Government wants to make the elections free and fair but assuming for the sake of argument that they really want to have the elections free and fair,—the first test of their *bona fides*, the earnest of their intentions will come at the very outset. Do you want to see those electoral rolls without which no candidate can fight the elections properly and fairly, supplied free or not to the candidates? You get the security deposit and all that. That itself was debated in the House some time ago that it should be reduced, but I do not think it was accepted. Now, the candidate who wants to fight the election, who perhaps with his other qualities is eminently suited for Parliament or the Assembly, is handicapped because he has no money. Even to buy one copy of the electoral roll it costs Rs. 600 to Rs. 700 in Madhya Pradesh. I am sure therefore that you will agree, and my hon. colleagues in this House also will agree, that the first thing that the Government should do is to provide two copies at least free to every contesting candidate in every constituency.

Shri Ramachandra Reddi: Certified.

Shri Kamath: Certified, of course. Uncertified copies we do not want.

Sardar A. S. Saigal: You will get certified copies.

Shri Kamath: That goes without saying.

Mr. Deputy-Speaker: Every copy will be certified.

Shri Kamath: If they are not certified, we will return them.

My amendment 15 also suggests that additional copies might be supplied at half the price. Now, the objection that might be raised by the Treasury Benches is perhaps the actual cost of production of these electoral rolls. I would like my hon. friend, right hon. friend, the Minister

of Legal Affairs to tell the House, if not today, at least tomorrow, when he replies—perhaps, it is too late today—as to how much it really costs Government to produce these electoral rolls, per page. He may requisition or request the services of the Finance Ministry. I do not know whether it could be done, but I think it could be calculated within half an hour, if he cares to.

Shri Pataskar: The hon. Member wants the cost of printing?

Shri Kamath: Cost of printing is there, of course. I want to know the cost of production, that is, the cost of paper plus the cost of printing—that, I suppose, is the cost of production, and nothing more.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Including printing mistakes.

Shri Kamath: Mistakes will be detected by very careful observers like my hon. friend Shri Jaipal Singh.

I would, therefore, request the Minister to let us know what the actual cost of production was, so far as the last general elections were concerned. I think the sale price was less than one-fourth of the cost of the production, or roundabout that. If Government could sacrifice that much, I believe they could sacrifice a little more, so as to make the elections free and fair, so far as that first step is concerned. Of course, there are many more things that have to be done to make the elections fair and free. I do not think they will be done by Government at all. At least, they can take this little first step, and see that the electoral rolls are supplied free, that is to say, true copies are supplied free, to every candidate.

I would like to refer to amendment No. 12 in conclusion. The import of that amendment is very brief, namely, that the place of enquiry shall be situated not at a long distance, but within a convenient distance, say, two or three miles, from the place of residence of the claimants.

I shall deal with just one more point and I have done. About a month or

so ago, answering a question in this House, the Minister referred to the astonishing or rather the mysterious reduction of the electorate in Madhya Pradesh, Madhya Bharat and Bhopal, that is, nearly three-fourths of the new Madhya Pradesh. I do not know why Madhya Pradesh has suffered in this manner. Compared to the electoral roll of 1951, the electorate today according to the 1955 rolls is much less; it appears the population has gone up but the electorate has gone down, that is to say, the total number of electors has gone down. This needed some explanation.

When the question was repeated in this House after a few days, the Minister was content to say that instructions had been given to the officers concerned to avoid the mistakes that might have occurred in the past, and to correctly prepare the electoral rolls for 1956. But how this electorate was reduced, from what it was in 1951, suddenly by a few lakhs, in 1955 was not explained.

I do not think there has been any large-scale migration or exodus from Bhopal or from Madhya Bharat or Madhya Pradesh to Bengal or Punjab or elsewhere. There might have been an exodus the other way, for, today we were told that some families from Travancore-Cochin have been settled in Bhopal. That means, the electoral population must have gone up, they must have got themselves registered there, and the electorate should have gone up. But instead of that, we find that the electorate has gone down, that is to say, the total number of electors has considerably decreased in these three units of the new Madhya Pradesh.

Since we are dealing with electoral rolls, which is the matter under discussion now, I hope the Minister will look into this matter again and try to probe this mystery of the disappearance of a large number of electors, while the population has been reinforced, and try to arrive at a very satisfactory solution of this question.

[Shri Kamath]

I would in the end request the Minister to give very serious consideration to this matter of the electoral rolls and to see that copies of draft electoral rolls are at first supplied to the parties concerned for their scrutiny so that they may be corrected and revised fully, and later on to the candidates.

The other day we had a conference with the Chief Election Commissioner at which all the four political parties were represented by two members from each party. I also happened to represent my party along with my friend, Shri Triloki Singh. There this matter was not specifically taken up, but we were told that the Election Commissioner was already moving in the matter and Government would give very serious consideration to this important question and have it solved to the satisfaction of all parties concerned. I hope it will be done. I will again repeat my request to the Minister to give very sympathetic consideration to this question.

Shri K. L. More (Kolhapur cum Satara—Reserved—Sch. Castes): I do not wish to take up the time of the House except to bring one fact to the notice of the House. That is with regard to electoral rolls. Some of my hon. friends have moved for the supply of free copies to every contesting candidate. That would be a very good thing, if done. But if it is impossible to supply free copies to each and every contesting candidate, I wish to submit that free copies should at least be supplied to every candidate contesting a reserved seat, reserved for the Scheduled Castes and Scheduled Tribes.

Shrimati A. Gale (Nagpur): Also to women.

Shri Kamath: The Backward Classes Commission has dubbed them backward.

Mr. Deputy-Speaker: Only caste males are to be made untouchables?

Shri K. L. More: Many people realise the difficulty of purchasing copies. So I am in agreement with

Shri Dabhi's amendment. But I wish to say that if that is not possible, at least some concession should be shown to Scheduled Castes and Scheduled Tribes contesting candidates by supplying them at least one or two free copies.

सरदार अ० सि० सहगल : माननीय उपाध्यक्ष महोदय, यह जो रिप्रिजेंटेशन बिल दी पीपल रूल्स (लोक प्रतिनिधान नियम) में एमेंडमेंट करने की मोशन है जिस को कि माननीय मंत्री जी ने पेश किया है, इस पार में अपने विचार रखना चाहता हूँ। आज ही माननीय मंत्री रिप्रिजेंटेशन बिल दी पीपल एमेंडमेंट बिल लाये थे जिस के जरिये से डिस्प्लेड परसंस (विस्थापित व्यक्तियों) को वोट देने का हक वह देना चाहते थे। ये जो सिटिजनशिप रूल्स (नागरिता अधिनियम) हैं ये ७ जुलाई १९५६ से फॉर्म में आ गए हैं। इस बिल के मुताबिक ये लोग हिन्दुस्तान के सिटिजन बन सकेंगे और अपना नाम एज वोटर रिजिस्टर करा सकेंगे

उपाध्यक्ष-महोदय : माननीय सदस्य उस बिल का हवाला दे रहे हैं जो कि पास हो चुका है। अब दूसरी चीज पर गौर हो रहा है।

सरदार अ० सि० सहगल : मैं उस बिल का हवाला इस लिए दे रहा हूँ कि उस बिल के मुताबिक जो लोग ७ जुलाई १९५६ तक यहाँ आ चुके थे वे भारत के सिटिजन हो जायेंगे और उनको वोटिंग (मतदान) के राइट (अधिकार) देने या नहीं देने हैं, अब इसका फैसला होना है। इसके बारे में भेरी यह राय है कि यह अच्छी चीज है कि हम उन लोगों को वोट देने का हक दे रहे हैं।

इसके अलावा जो इलैक्टोरल रोल (निर्वाचक नामावलियाँ) होते हैं उनके बारे में मैं थोड़ा सा कहना चाहता हूँ। ये रोल हर प्रान्त में तैयार किए जाते हैं। यदि आप इन रोल को देखें तो आपको पता चलेगा कि जिन के नाम उनमें दर्ज होते हैं, उनकी बलवियत नाम तौर पर मत दर्ज कर दी

जाती है। जब तक जो कैंडीडेट (उम्मीदवार) है वह इस चीज को जाकर ठीक नहीं करता है, यह ठीक नहीं होती है। जब वह आदमी अपना वोट देने के लिये जाता है, उसको इस लिए वोट देने का हक नहीं दिया जाता है कि जो बलदियत लिखी हुई होती है वह गलत होती है। इस वास्ते में कहना चाहता हूँ कि जो इलेक्टोरल रोल्स हैं, इनको बनाने वक्त जरा ज्यादा ध्यान से काम लिया जाना चाहिए। जो प्रान्तीय सरकारें हैं तथा जो जिले के अधिकारी हैं और जो अफसर हैं उनको प्रान्तीय सरकारों के जरिये ये आदेश दिए जाने चाहियें कि इन रोल्स को बनाने वक्त वे इस ओर खास तवज्जह दें।

इसके साथ ही साथ मैं यह भी कहना चाहता हूँ कि जो मतदाता सूचियां होती हैं उनके बारे में अभी कहा गया और अग्रेमैंट भी पेश किए गए हैं कि इन को शैड्यूल्ड कास्ट कैंडीडेट्स (अनुसूचित जातियों के उम्मीदवार) को तथा शैड्यूल्ड ट्राइब कैंडीडेट्स को मुक्त दिया जाना चाहिये। मेरी एक माननीय बहन ने अभी यह कहा है कि इन सूचियों को औरतों को भी सप्लाई कर देना चाहिये। तो जो दूसरे भेम्बर्स हैं, जो दूसरे कैंडिडेट्स खड़े होना चाहते हैं, आखिर उन्होंने कौन सा अपराध किया है कि दूसरों को तो वोटर्स लिस्ट (मतदाता सूची) मिले, लेकिन उन को न मिले। मैं कहूंगा जो श्री डाभी का अग्रेमैंट है, उस के मूलाबिक जरूर अग्रेमैंट को लिस्ट सप्लाई करनी चाहिये। जिस तरह से बम्बई सरकार अपने यहां के कैंडिडेट्स को, जो कि एलेक्शन कंटेस्ट करते हैं, वोटर्स लिस्ट देती है, उसी तरह से अग्रेमैंट आफ इंडिया अपने कानून में तरमीम कर के अपने यहां के आफिस को इस बात का आदेश दे कि जो कैंडिडेट्स हों, चाहे वह शैड्यूल्ड कास्ट्स के हों, चाहे शैड्यूल्ड ट्राइब (अनुसूचित आदिम जातियों) के हों, चाहे श्री समाज के हों, सब को वह एलेक्टोरल रोल की कापियां दे।

इस के साथ साथ मैं यह अजें करना चाहता हूँ कि जो घरों पर नम्बर दिये जाते हैं

म्युनिसिपैलिटी (नगरपालिका) की तरफ से, वह परमनेंट तरीके से दिये जायें ताकि जो घरवाले हों, उन को मालूम रहे कि हमारे घर का परमनेंट नम्बर यह है। आज तो यह होता है कि जब चुनाव नजदीक होता है तो हर एक घर के ऊपर नम्बर दिया जाता है, जब चुनाव खत्म हो जाता है तो उन नम्बरों को पोत दिया जाता है। अगर परमनेंट नम्बर दिया जायेगा तो उस से बड़ी आसानी हो जायेगी। हर एक आदमी यह समझ सकेगा कि मैं फलां मोहल्ले का रहूँगा बांला हूँ और मेरे ब्लाक और मेरे घर का नम्बर यह है। इसलिये चाहे म्युनिसिपैलिटी हो, चाहे नोटिफाइड एरिया हो, चाहे देहात हो, हर जगह पर परमनेंट नम्बर होना चाहिये। इस से यह होमा कि जब एलेक्टोरल रोल बनेगा तो वह बड़ी आसानी से देखा जा सकेगा। इस लिये मैं इस तरमीम की भी ताईद करता हूँ।

अभी एक मित्र कह रहे थे सन् १९५१ में मध्य भारत में, भोपाल में और दूसरी जगहों पर मर्दम शुमारी में संख्यायें कम दिखाई गई हैं, मैं नहीं कह सकता कि यह कहां तक सच है और इसलिये मैं इस पर अधिक कुछ नहीं कहना चाहता। लेकिन इतना जरूर कहूंगा कि दूसरी जगहों पर भी जा कर देखें और अगर यह पायें कि एलेक्टोरल रोल्स के बनाने में कोई कमी रह गई है, तो उस को दूर करें। आप की मर्दम शुमारी में और एलेक्टोरल रोल्स के बनाने में खासियां जरूर हैं, मैं नहीं कहता कि वह जान बूझ कर की गई हैं, लेकिन यह जरूर होना चाहिये कि जब फाइनल एलेक्टोरल रोल बनता है तो वहां पर कोई जिम्मेदार अफसर जा कर देखे कि जो एलेक्टोरल रोल बनाये गये हैं वह ठीक बनाये गये हैं या नहीं, और अगर कोई कमी पाई जाय तो उस को फौरन ठीक किया जाय।

इन शब्दों के साथ जो तरमीम रक्खी गई है, मैं उसका समर्थन करता हूँ।

श्रीमती शिवराजबती नरहू (जिला लखनऊ मध्य) : माननीय उपाध्यक्ष-महोदय, जो कुछ हमारे माननीय सदस्य ने कहा, मैं उन में से बहुत सी बातों का समर्थन करती हूँ। मैं भी इस बात को कहना चाहती हूँ कि हमारे शहरों में और देहातों में जब एलेक्टोरल रोल बनते हैं तो वहाँ पर मर्दों के सिवा, स्त्रियों के नाम बहुत कम आ पाते हैं, उन को ऐसे ही छोड़ दिया जाता है। बात यह है कि रित्रवां स्वयम् कुछ बताती नहीं हैं और पुरुष इस बात की परवाह नहीं करते कि वह अपने यहाँ की स्त्रियों के नाम लिखवायें। एलेक्टोरल रोल बनाने वाले खाली मर्दों के नाम लिख कर चले आते हैं। मोहल्लों मोहल्लों में ऐसा होता है कि सिर्फ आधे निवासियों के नाम एलेक्टोरल रोल में आ पाते हैं। होता यह है कि युनिवर्सिटीज के लड़के या दूसरी जगहों के लड़के ३०, ३० रुपयों पर रख लिये जाते हैं ताकि वह मोहल्लों में जा कर सब लोगों के नाम लिख लें। उन को किस बात की चिंता हो सकती है, वह इधर उधर थोड़ा बहुत घूम घाम आते हैं और आ कर कह देते हैं कि हम ने फलां मोहल्ला पूरा कर लिया। लेकिन अगर उन मोहल्लों में जा कर देखा जाय तो आधे से भी कम नाम ऐसे होते हैं जो कि एलेक्टोरल रोल पर आ पाते हैं। इस की ओर ध्यान दिया जाना चाहिये।

दूसरी बात मैं यह कहना चाहती हूँ कि जब शहरों की आबादी बढ़ती चली जाती है, तो मेरी समझ में नहीं आता कि एलेक्टोरल रोल के वोटर्स की संख्या क्यों नहीं बढ़ती, वह संख्या उतनी की उतनी ही बनी रहती है। सच बात तो यह है कि जो पुराने एलेक्टोरल रोल होते हैं, उन की ही नकल कर ली जाती है जब कि पुराने आदमियों में से हजारों आदमी बाहर चले गये होते हैं, हजारों मर चुके होते हैं, और जब चुनाव होता है तो थोड़े से लोग ही ऐसे निकलते हैं जो कि सच्चे वोट डालने वाले होते हैं। उन में से भी किसी का पता गलत लिखा होता है, किसी की माता का नाम गलत होता है, किसी के पिता का नाम गलत

होता है। इसलिये उन में से भी बहुत से वोटर्स बेकार हो जाते हैं। इसलिये मैं चाहती हूँ कि जो चुनाव आ रहे हैं, उन में लिस्ट बहुत एहतियात से बनाई जाय और अच्छी तरह से लोगों को यह सूचना दे दी जाय कि वोटर्स लिस्ट बन कर तैयार हो गई है, लोग आयें और आ कर देख लें। जिस किसी का नाम उस में न हो, वह अपने नाम उस में दर्ज करवा लें। जब एलेक्शन बहुत नजदीक आ जाते हैं, उस पर अगर कोई शक अपना नाम ठीक करवाना चाहता है तो उस को ५० रु० देने पड़ते हैं, इस लिये जरूरत है कि वह अपना नाम जल्दी से जल्दी ठीक करवा ले, तभी उस को पैसा नहीं देना पड़ेगा। बहुत से ऐसे लोग होते हैं कि ५० रु० दे कर के अपना नाम नहीं लिखवाना चाहेंगे। नतीजा यह होगा कि उन का नाम लिस्ट में नहीं आ पायेगा।

इस के साथ ही मैं यह कहना चाहती हूँ कि जो वोटर्स लिस्ट बने, वह सब कैंडिडेट्स को दी जाय तो अच्छा है क्योंकि जितने लोग खड़े होते हैं उन को बड़ी मुश्किलें होती हैं। सब कैंडिडेट्स को वोटर्स लिस्ट तो चाहिये हो। अगर उनको वह नहीं मिलती है तो उन को पैसा दे कर उस को लेना पड़ता है। इस लिये अगर यह निर्णय हो जाय कि वोटर्स लिस्ट हर कैंडिडेट को मिलेगी तो प्रसन्नता की ही बात होगी। मैं भी इस का स्वागत करूंगी।

इन शब्दों के साथ मैं इन तमाम बातों का समर्थन करती हूँ।

Shri Jaipal Singh: Sir, I have been listening with much respect to the views that have been expressed in regard to the preparation of electoral rolls. I am, as you know, concerned more with the jungle areas that are wide and scattered, where these rules of putting up the draft electoral rolls in a thana or magistrate's office have no-meaning whatsoever. You cannot give the excuse of having put things in the Official Gazette of the State calling upon electors to see the rolls, find out for themselves whether they have been included or whether they have been wrongly entered. There is

no meaning in it. In an area where one cannot read the language exhibited to them, this sort of argument does not hold any water.

I maintain that just as it is the responsibility of the Government to collect the taxes, so also in return for taking revenue from the electorate it is the duty, alone of the Government, to see to it that no adult in this country is left out. It should be a penal offence for anyone who is making the electoral rolls to be subjected to severe punishment if any elector is left out. It is easy enough for people who are urban to find out things for themselves. I am thinking of rural India, and democracy, if it is to have any meaning whatever, if it is to function in this country, should function in the rural area. If it does not function in the rural area, it will be a sad day for this country.

Today every argument seems to be dominated by spokesmen who are inherently urban; they may represent rural areas but they are urban people, and their outlook seems to be not of the rural point of view but of town-dwellers. I maintain that every village has a chowkidar or whatever other name we give him. In the different parts of India the village headman, the village chowkidar, the village *pradhan* or whatever it is, is there and it is his responsibility to keep the affairs of the village *au courant* with the thana or the subdivision or the district. It should be his responsibility to ensure that no one who is entitled to exercise his franchise is left out. I have only recently been to my own home area and I found that as much as twenty-five per cent. of the electors were left out. The figure is as high as that. And, may I tell my hon. friend over there how it has happened?

A couple of years back, we had what we called the village panchayat elections. Parties contest these elections. In one village, it may be that Mr. A's party wins and in the other, Mr. B's party wins and so on. When the task of making the electoral rolls is entrusted to Mr. A he sees to it that

his followers are definitely and certainly on the rolls and the others, beautifully left out. That is happening. I can only talk with personal knowledge and if I may say so, with authority and say that it is definitely happening in the jungle tracts.

We talk of school-masters and the like, being committed with the task of making the electoral rolls. In my own home area, there are far flung areas; areas thirty miles away from the main places. Do you expect an urban school-master to walk thirty miles into the jungle. Half-way he will be swallowed up by a tiger. Supposing on a market day he visits my village, there will be no one. He will say: Yes, I went to the village and only four people were present and I have done my job. If they are not there, it is their default and it is not my job.

But, what happens when I have to pay taxes? It is not a question of whether I am in my house or not. Government sees to it that whatever is due from me is realised.

And, I may tell that we have done, on the whole, well in the last general elections. It was a wonderful experiment. Certainly, the jungle tracts showed the way of discipline and of exercising the franchise more than any other place. Statistics are there for the whole country to see as to how the jungle folk responded to this tremendous power that the Constitution had given them.

But, they were also sorely disappointed. They went to the polling booths, everyone of them, thinking that they were voters. Many of them were not in the rolls. It is not a question of whether a man is on the electoral rolls or not. It is sheer waste of money to print these rolls. Why not the elections take place in every village? There is the village authority. Why must people be asked to go ten miles or twenty miles and like to cast their votes? Why not in the village itself? It is rural India. Surely, you know that it is the villagers you can trust more than

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the lawyer type of people who come from the towns to conduct these things there. If voting could take place in the village itself or a group of a certain number of villages, I assure you that you can economise crores of rupees. Crores are spent.

One hon. Member from Bombay told us that in his State, every contestant was given half a dozen copies of electoral rolls. No wonder that they could not give text-books to the schools. You know what happened. Only last year, schools in Bombay had no text-books. There was no paper. We want to face a situation like that when all the paper is going to be thrown away on the printing of electoral rolls and the like and the educational institutions will be starved of the wherewithal of knowledge.

I know I am taking a revolutionary view. But, I do think that it is about time we trusted ourselves. We are relying too much on what is printed—what is wrong. We know what is printed is wrong. I ask my hon. friend to come to my own village. I will prove it to him and show him how the names are mis-spelt, how the ages of ladies who are so much younger are put down much more than what they are. It is grossly unfair. All that we are interested in seeing is that the man or woman has attained the eligible age. That is all that matters. I cannot, for the life of me, understand why we are wasting so much paper, so much ink, and so much on printing expenditure, when all these could be obviated by having faith in ourselves. Trust our own people and get rid of all these. Let every village be a polling centre, because, after all, it is the chowkidar who is responsible for the village and for any omission he may make let him be punished. Who is punished at present? May I inform you, Sir, that last time my name was not on the electoral rolls

Pandit Thakur Das Bhargava (Gurson): My name also was not there.

Shri Jaipal Singh: I am very glad that I am in very good company. My hon. friend Pandit Thakur Das Bhargava says that his name also was not there. Neither he nor I grudge giving the Government Rs. 10 or Rs. 50, whatever it is that they want. That is not the point. The point is, do we want democracy to function or not? What is democracy? Does democracy mean the functioning of electors who can afford to pay Rs. 5 or Rs. 10? Democracy means that everyone, even the humblest must be in a position to exercise his franchise, even the poorest man must be in a position to stand. That is why, particularly, if I may stress, in the jungle areas we have got to be very very careful, where the load of finance must not go against the very essence of democracy.

With regard to the question of buying electoral rolls, in some States we have heard that as much as Rs. 600 for one copy has to be paid. What a monstrous figure it is! To my mind, as I have already said, it seems it would be much better if we do away with all these electoral rolls. Each village must be taken as a unit. The village chowkidar knows the villagers. There can be no imposters as there can be when people go in burkas and the like and when the same person comes in twenty times as a woman. This has been happening. I have seen it happen before my own eyes. None of that monstrosity would be there if we have faith in our villagers. We talk a lot about the villagers, but we do nothing to go to the villagers.

As I have already said I think much money could be saved if we really have faith in our villagers. Similarly, when you go to the town, you need not have such a very big area. You can have one block where everybody knows everybody else. There is no question of importing voters from outside.

So, to end up, I would request the Government to make this question of

perfecting the electoral rolls as simple and as costless as possible, because, now, as things are, it seems that only money can put things right. I think that is going against the spirit of democracy. As my friend from Bihar said, up to the very last minute it should be possible for an elector to be able to have his name put into the electoral rolls. After all, who is the man who is witness to the fact that he is or he is not an elector? It is the village chowkidar. Again, as I said, for this purpose it seems to me that the village headman or the village chowkidar—whatever name it is, because the names are different in different parts of India—should be, to my mind, the basis of the edifice of democracy that we intend building.

So, I would once again request that the Government should not put any hindrances to anyone in the exercise of his franchise, because then alone can we say we are heading to a truly representative and democratic government in this country.

Shri Pataskar: Sir, instead of replying in detail to every hon. Member I will try to reply to the main points which have been urged and which are more or less common for Members coming from different States. I would first refer to the point that was raised by Shri Dabhi through his amendment. He has also been supported by several other Members. The fact of the matter is that so far as the question of supplying free copies of the final electoral rolls to the contesting candidates is concerned, it has to be considered very carefully. I have tried to collect some information. The system is this. The rolls are printed by different State Governments in their own States and they make their own arrangements. As regards cost, it is shared between the State Governments and the Central Government. They have fixed a certain price, that is to say, the State Governments fix the price in consultation with the Election Commission, and the Central Government does not come into the picture.

The figures relating to prices are interesting. I have also found that so far as the old prices—those relating to 1952 to 1955—are concerned, there is a good deal of variation between the prices fixed by one State as against the price fixed by another State. For instance, in Assam, it was three annas per page. In Bihar, it was six pies per page.

Shri Kamath: It is 'pies' or 'pice'?

Shri Pataskar: They have put dashes. Anyway, why worry about it? In Bihar, it was six pies per page. Their proposal now is to keep the same price. In Bombay, it was six pies per page, and as yet, the Bombay Government have not yet intimated as to what price they would like to fix now. In Madhya Pradesh, it was two annas per page. They have proposed that it should now be reduced to one anna three pies. In Madras, it was three annas per form of four pages. It is not calculated as per page. They have not as yet intimated as to what they would charge now. In Orissa, per ten pages or fraction thereof, it was six annas six pies. Now, they have not intimated as to what price they would like to fix. In Punjab, it was one anna per page. They have not yet intimated about the future price. In Uttar Pradesh, it was two annas per page of 100 entries. So, the basis is different. They have not intimated about the future price. In West Bengal, it was Rs. 20 for single-member mofussil Assembly constituency. So, it is not per page. It was Rs. 40 for single-member Calcutta Assembly Constituency; Rs. 40 for double-member mofussil Assembly constituency and Rs. 80 for double-member Calcutta Assembly constituency. In Madhya Bharat, it was one anna per page. Now, they propose to charge six pies per 100 entries. In Mysore, they were charging three pies per page, and even now they propose to adhere to the same price. In PEPSU, it was one anna six pies per page. Now, they propose to charge at one anna per 100 entries. In Rajasthan, it was six pies per page and the

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same price is suggested now. In Saurashtra, it was six pies per page. They have not yet intimated as to the future price. Obviously, they will merge into Bombay. In Travancore-Cochin, it was three pies per page plus sales-tax.

Shri Kamath: Sales-tax? It is monstrous.

Shri Pataskar: They have not yet intimated their proposal for the future price. In Ajmer, it was six pies per page. It will continue the same price. In Bhopal, it was six pies per page. They want to reduce it to three pies per page. In Coorg, it was one anna six pies per sheet. They have not yet intimated the future price.

Pandit Thakur Das Bhargava: If the price of the electoral rolls for the Parliamentary constituency is given, it would be appreciated better. In the Punjab, it is Rs. 350.

Shri Pataskar: Please hear what I propose to do. This is previous history.

Shri Kamath: When was the sales-tax imposed for this purpose in Travancore-Cochin? In which year was it?

Shri Pataskar: Let us be a little more serious.

Shri Kamath: Of course we are.

Shri Pataskar: I have given the price in the various States only by way of information. I am in full sympathy with the object that something should be done in order that there may be some sort of uniformity in price. There should be some method by which it is done. We will also examine whether we could or could not supply any free copies....

Shri Kamath: We are trying to help you.

Shri Pataskar: I think the basis on which the prices were fixed last time requires some modifications. I will exert myself to see what best I can do. After all, the expenses are being shared by both the Central Government and the State Governments.

can visualise that the costs of printing are not likely to be uniform in all the States, but in spite of that, there need not be so much variation in price from State to State. I have heard what hon. Members had to say and I will try my best to see that there is some sort of uniformity, if not absolute uniformity, in the matter of price.

The next point is about supply of free copies. It is true that the Bombay Government supplied some copies free last time. If I remember aright, I had to purchase the first copy myself. After that, they supplied some copies to the contesting candidates. Anyhow, I can assure the hon. Members of this House that I shall try to bring about some uniformity between the various States. Naturally, I would not like to commit myself here to any price or to fixing a particular number of copies to be supplied free. But at that level I will try to enter into discussion and correspondence and see that whatever possible is done, after taking into consideration the views of hon. Members, whether they belong to this party or that party.

Shri K. K. Basu: I hope your intention is to have uniformity with the Bombay Government and not with the other Governments.

Shri Kamath: On a point of order, Sir, I fear that the hon. Minister is trying to water down the provisions of article 324 of the Constitution. Article 324 vests the work of preparation and revision of electoral rolls in the Election Commission. I submit that the Election Commission alone should have the power, and not the Central Government or the State Governments, to fix the price also. There should be one single authority and that authority should fix the price of the electoral rolls also uniformly, and determine whether any copies should be supplied free to the candidates or not. They should be given the powers and not the State Government or the Central Government, under article 324.

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Shri Pataskar: I was also a Member of the Constituent Assembly along with my friend and I have not still forgotten it. I hope the hon. Member will realise the limitations of the Government and the functions of the Election Commission. It will be far from me ever to try to violate the Constitution. Suggestions have been made in this House and the Election Commissioner is not a Member of this House. I do not mean that the Government will assume the powers of the Election Commission, but just as Members have got the right to express their views, I have also the right, without violating the Constitution, to make certain suggestions, after taking into consideration the views of hon. Members here, to the Election Commission and the State Governments. I don't think there is any such question and I would leave the matter at that.

Then, with respect to the amendments to the rules, there are so many amendments and I have already indicated as to which of the amendments I would like to accept. But, of course, they will have to be put in a little different form.

Shri Kamath: Your decision, Sir, on the point of order?

Mr. Deputy-Speaker: In view of the statement made by the hon. Minister it becomes a hypothetical question. There is nothing that I should decide. If a question arises then it will be seen as to what decision is to be given. There is nothing before me that I can decide.

Shri Pataskar: With respect to the actual amendments, I have already indicated as to which of them or parts of them I shall accept and I have tried to put them in a form in which they will have to go to the other House for confirmation.

The first one is with respect to rule 2. In clause (c), after "may" (that is the amendment of Mr. Sadhan Gupta though it contains other things also) insert "subject to the approval of the Election Commission". Then it will read:

"revising authority" means such person as the State Government or an officer authorised by the State Government in this behalf may subject to the approval of the Election Commission appoint as the revising authority in respect of a constituency or part of a constituency;"

As the hon. Members are aware, the hon. Member, Mr. Basu, naturally had expressed some concern with respect to appointment being made by a State Government. As it was just pointed out that Election Commission is the final authority, I accept the amendment of Mr. Sadhan Gupta. I have tried to put it in this form.

Then the next one relates to rule 11. There we have made certain verbal amendments besides one of substance. Our amendment is:

In clause (a) omit 'and' at the end and in clause (b) add at the end 'and' and after clause (b) add another clause, namely, clause (c): "(c) two copies of each separate part of the electoral roll to every political party to which a symbol has been allotted by the Election Commission."

I think this in substance is the amendment which was given notice of by several hon. Members and I have already indicated that I will accept this. This is how it has been put in. Along with that I have tried to correct some mistakes.

Then there is another amendment in rule 26 where we have agreed to reduce the fee from Rs. 10 to Rs. 5. The amendment will read:

In clause (a) of sub-rule (1), for "ten rupees" substitute "five rupees"; and

in sub-rule (2), for "sub-section (1)" substitute "sub-rule (1)".

The use of the expression "sub-section (1)" is a printing mistake. It ought to be "sub-rule (1)". So, that has been corrected.

Then there is another amendment to rule 27. In sub-clause (b) of sub-rule (1), for "ten rupees" substitute "five

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rupees" because there also the fee of Rs. 10 will be reduced to Rs. 5.

Therefore, I would like to point out that so far as supply of draft rolls to the recognised parties who have been allotted symbols are concerned the amendment has been accepted and I think that will remove many of the difficulties.

Shri Shree Narayan Das: Regarding the two copies of the draft rolls that will be made available to each party, will it be at various levels or to the central party only? If it is supplied to the head office only then no purpose will be served at which level?

Shri K. K. Basu: That is a working arrangement.

Shri Pataskar: I think these are the only rules which we are going to frame. I am sure, whatever is necessary will be done in a proper spirit of seeing that the elections are, as far as possible very fair and hardships are minimised. We cannot put everything in the rules. These are the amendments which I am inclined to accept. As I have already said, with respect to the question raised in this House about the free supply of electoral rolls to the candidates, that is a matter which the Election Commission, the State Governments and others will take into consideration at a proper level and whatever is possible for the Government will be done.

With respect to the other comments I think there has been a general discussion as to whether the rules are proper, how they should be published, etc. I think the rules themselves make quite ample provisions. We should not try to expand them. With regard to the work of the Election Commission, I find from the speeches of the hon. Members opposite that they are appreciating the way in which it is proceeding and I do not think that there is any ground for supposing that things which are legitimate, reasonable and proper would not be done by it.

Shri Dabni: What is the difficulty in accepting my amendment to rule 8?

Shri Pataskar: What is that? Free supply of copies?

Mr. Deputy-Speaker: Order, order. Now, I will put the Government amendments.

Mr. Deputy-Speaker: Order, order. Sir, I invite your attention to rule 338 of the Rules of Procedure. You will recollect that the hon. Minister himself, when I asked at the outset whether he would move the motion on his own, said that the initiative was with us, who have given notices of motions here with regard to the Electoral Rolls rules and that we on this side of this House were to move the motions standing in our respective names. According to rule 338(3), a Member who has moved a motion—we have moved our motions—may speak again by way of reply, and if the motion is moved by a private Member, the Minister concerned may, with the permission of the Speaker, speak—permission is not necessary for us; in this case, your permission is necessary for the Minister. I want the right of reply. We have moved our motions. I request you to allow us two or three minutes. We do not want to speak at great length. A couple of minutes for each of us.

Mr. Deputy-Speaker: I would not object to it, certainly. But, really they are in the form of amendments, and the usual procedure that we normally follow is that amendments are moved by hon. Members and then the Minister makes a reply to them.

Shri Kamath: If you will kindly see here, Sir, usually, in the Order Paper, when amendments are moved, it is described as 'notice of amendment'. Here for the electoral rolls Rules to day, it is notice of motion, not notice of amendment.

Mr. Deputy-Speaker: They are notices of motions. I agree that technically they are notices of motions.

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Shri Kamath: A motion is a motion according to the rules.

Mr. Deputy-Speaker: If the hon. Member persists that he wants to have two or three minutes for reply, I have no objection.

Shri Pataskar: I have also no objection.

Shri Kamath: I won't take more than two minutes.

Some Hon. Members: We also want a few minutes.

Shri Kamath: Mr. Deputy-Speaker, I am grateful to you that I am reluctant to say that unlike what happened yesterday, the rules have been observed today.

Mr. Deputy-Speaker: He should come to the point straightway.

Shri Kamath: I would only submit that in regard to our joint motion No. 15, the hon. Minister has gone, I would not say half way, but perhaps only a quarter way to meet our demands, and I wish he had gone a little farther to meet the just demands that the Opposition has made with respect to this important matter of electoral rolls. He has given an assurance, however, that this matter would be looked into. I would have been happier if the House had decided this matter here itself once for all as to whether every candidate would be entitled to get two copies of the rolls free. Even now, I would like to have an assurance from the hon. Minister as to whether.....

Mr. Deputy-Speaker: Now there will be no time for him to give an assurance.

Shri Kamath: With your permission, he can. If you do not want to give him a chance, I will not ask for an assurance again because it would be futile.

Mr. Deputy-Speaker: He would have no chance.

Shri Sadhan Gupta: He can interpose an assurance at this stage.

Shri Kamath: If he cannot give an assurance on this matter, I would not like to say anything further except to

state that I am sorry that this matter has not been given the earnest consideration that it deserved and that the Government is not really anxious to promote fair and free elections in our country.

Shri K. K. Basu: I will not say much. I am really thankful to the Minister that he has accepted some of the amendments in spirit. I only request that in respect of our amendments 8, 9, 11 and 12 he should at least forward the discussions and the point of view we have expressed to the Election Commissioner, because many of these things I think can be done through executive direction if the Minister wants to improve the preparation of the electoral rolls and it would be helpful. I only urge again in respect of amendment 15 regarding the supply of free copies that even the Committee on Subordinate Legislation has unanimously endorsed this view that free copies should be supplied. I hope the hon. Minister will keep it in view that a Committee of Parliament has unanimously suggested it, and will so define his policies that the spirit of this recommendation is accepted.

Mr. Deputy-Speaker: We shall first dispose of Government's motions.

Motions adopted:

(i) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

In clause (c), after "may" insert:

"subject to the approval of the Election Commission".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(ii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the

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following amendments be made in rule 11 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

(i) in clause (a), omit "and" at the end;

(ii) in clause (b), add at the end "and"; and

(iii) after clause (b), add:

"(c) supply free of cost two copies of each separate part of the electoral roll to every political party to which a symbol has been allotted by the Election Commission."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iii) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendments be made in rule 28 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

(i) in clause (a) of sub-rule (1), for "ten rupees" substitute "five rupees"; and

(ii) in sub-rule (2), for "sub-section (1)" substitute "sub-rule (1)".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(iv) This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 27 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

in clause (b) of sub-rule (1), for "ten rupees" substitute "five rupees".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

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Mr. Deputy-Speaker: Shall I have to put every other motion?

Shri Sadhan Gupta: Some of them are barred.

Shri K. K. Basu: In response to the spirit in which he has replied, we do not want to press our amendments and beg leave to withdraw them.

Mr. Deputy-Speaker: Shri Kamath also follows the same course, I suppose.

Shri Kamath: I think so.

Mr. Deputy-Speaker: Hon. Member there.

Shri Shree Narayan Das: I do not press and beg leave to withdraw them.

Mr. Deputy-Speaker: So, the motions of these Members are withdrawn.

The motions were, by leave, withdrawn.

Mr. Deputy-Speaker: Shri Dabhi has already gone.

Shri Shree Narayan Das: In the absence of the hon. Member I think his motions may be put to vote.

Mr. Deputy-Speaker: Then I put motions 16, 17, 18, 24 and 25 to the vote of the House.

The question is:

This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 8 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:—

for "may" substitute "shall".

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This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following amendment be made in rule 8 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:—

after "send" insert:

"either by registered post or through the staff employed for the purpose".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950, the following proviso be added to sub-rule (2) of rule 33 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:—

"Provided that the State Government may supply, free of cost one or more copies of the electoral roll to the candidates to the elections concerned."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950 the following amendment be made in sub-rule (2) of rule 33 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

add at the end:

"Provided that at every general election or bye-election every contesting candidate shall be supplied three copies free of cost."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

This House resolves that in pursuance of sub-section (3) of section 28 of the Representation of the People Act, 1950 the following amendment be made in sub-rule (2) of rule 33 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, laid on the Table on the 24th July, 1956, namely:

add at the end:

"Provided that at every general election or bye-election every contesting candidate shall be supplied four copies free of cost."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

The motion was negatived.

6-05 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday the 8th September, 1956.