

times it happens that only coarse grain is given? For example, if the distribution of the ration shops has to be done on the basis of wheat and milo, for a week only milo is given and not wheat. This kind of discrimination has been noticed from State to State and also within the State. May I know whether Government has formulated any policy that if any distribution is made, at least mixed grain should be distributed through the ration shops on an equitable basis?

Shri Anasahib Shinde: In the rationed cities, broadly, the quantum of different types of grain which are to be distributed through the ration shops is fixed; we are trying to see that supplies are made available on that basis. If any specific complaint can be brought to the notice of the Government by the hon. lady Member, we shall enquire into it.

Mr. Speaker: Question 231. Shri Yashpal Singh.

Shri J. M. Biswas: Regarding food I wanted to put a question.

Mr. Speaker: I have called the next question.

Shri Chintamani Pamigrahi: Please allow us on this side also to put some questions.

Mr. Speaker: Question 231; you are not Yashpal Singh. (Interruption). Members on either side naturally want to put questions. If one question can be answered for one hour, I will be able to satisfy all the Members. Tomorrow, you may make it a rule to that effect. I have no objection.

Shri Hem Barua: You have meticulously avoided calling the old Members.

Mr. Speaker: Don't you think that I should give a chance to the new Members also? Shri Hem Barua's name is known very well for the last 10 years; he has been putting supplementaries; what happens to the other Members far behind?

Noting of number of Ballot Papers in Voters' Lists

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*231. Shri Yashpal Singh:
Shri Onkar Lal Berwa:

Will the Minister of Law be pleased to state:

(a) whether it is a fact that the numbers of ballot papers were noted against the names of voters during the Fourth General Elections throughout the country;

(b) if so, the reasons therefor;

(c) whether it is also a fact that it is against the Election Law which enjoins the ballot to be secret; and

(d) if so, the action proposed to be taken in the matter to safeguard the secrecy of the ballot in future?

The Deputy Minister in the Ministry of Law (Shri D. R. Chavan): (a) and (b). Under sub-rule (2) of rule 38 of the Conduct of Elections Rules 1961, at the time of issuing a ballot paper to the elector the polling officer shall record the serial number thereof against the entry relating to the elector in the marked copy of the electoral roll as defined in clause (gg) of rule 2(1) of the said Rules. The object of this rule is to make it possible to detect and trace any foul play or malpractice at a polling station. In case of an election dispute where the result of an election is challenged on grounds of impersonation by certain voters, the information furnished in the marked copy of the electoral roll would be necessary and useful.

(c) No, Sir.

(d) Does not arise.

श्री यशपाल सिंह: जबकि हम ने सीक्रेट बॉलट का बादा किया हुआ है तो सीक्रेट बॉलट तो इस में रहता नहीं है और चुनाव की सिक्रिटी नष्ट हो जाती है। यह भी ध्यान जानते हैं कि इस बार कॉमिंग पार्टी ने कस कर बक्के लिये हैं। अगर मतपत्र पर संख्या न होती तो कॉमिंग पार्टी को यह बौका न होता कि वह

बल्के से बाये । मैं जानना चाहता हूँ कि इसके लिये क्या उपाय किया गया है ।

Shri D. R. Chavan: It is not correct to say that it violates the secrecy of voting. As a matter of fact, if all the relevant sections under the Representation of the People Act, 1951 and the Conduct of Election Rules made thereunder are carefully gone into, it will be found that there is no violation of secrecy.

श्री कल्याण सिंह : क्या सरकार ने यह क्या किया है कि अगर मतपत्र पर संख्या न हो तो भी एनेक्शन उसके बगैर बड़े सुचारु ढंग से चलाये जा सकते हैं, और चुनाव की सैक्टिटी कायम रह सकती है । सरकार ने यह नहीं बतलाया कि किस लिये यह सख्या डाली गई है ।

Shri D. R. Chavan: In my main reply I have said:

"The object of this rule is to make it possible to detect and trace any foul play or malpractice at a polling station in case of an election dispute where the result of an election is challenged on grounds of impersonation by certain voters, the information furnished in the marked copy of the electoral roll would be necessary and useful"

That is the object

श्री श्रीकार लाल बेरवा : पोस्टल बॉलट पर दो कार्ड दिये जाते हैं । दो लिफाफे होते हैं । दोनों लिफाफों में से एक नम्बर इस पर है और एक नम्बर उस पर है । एक पर सीरियल नम्बर है और दूसरे पर नाम और सीरियल नम्बर दोनों हैं । मैं जानना चाहता हूँ कि पोस्टल बॉलट जितने दिये गये वे प्रफसरों को क्या वह सारे झा गये हैं । अगर नहीं ध्राये हैं तो क्या वह सीक्रेट रहते हैं जब कि दोनों के नाम और दोनों के नम्बर दोनों लिफाफों के ऊपर छाप कर रखे जाते हैं ?

Shri D. R. Chavan: I shall explain the position. The hon. Member is

somewhat confused. The ballot paper is issued to the elector. There is a serial number.

श्री श्रीकार लाल बेरवा : पोस्टल बॉलट पर, बॉलट पेपर पर नहीं ।

Mr. Speaker: He is asking about postal ballot

Shri D. R. Chavan: About the postal ballot also, there is no violation of secrecy.

श्री श्रीकार लाल बेरवा : अध्यक्ष महोदय, मैं प्रश्न का जवाब चाहता हूँ कि किस तरह से उसकी सीक्रेसी बनी रही । अगर मन्त्री महोदय ने देखा हो तो बनलाये । उन्होंने शायद देखा ही नहीं है कि किस तरह से ध्राते हैं, दो लिफाफे होते हैं या एक होता है । यह बतलाये । उन्होंने देखा ही नहीं है ।

Mr. Speaker: I agree you may not be convinced, but he has given the answer

श्री तुलसीदास जायब : 1957 के वर्ष में जब वोटिंग होती थी तो वोटर को एक चिट दी जाती थी और वह बाक्स में डाल कर चला जाता था । उस समय वह उस को बाहर भी ले जा सकता था । इसलिये उस पद्धति को बदल कर अब बॉलट पेपर दिया जाता है और उसके नाम पर उसका नम्बर लिखा जाता है । लेकिन यह बॉलट पेपर किस को दे या किस को न दे, दूसरा धादमी भी जाकर के उसके नाम पर वोट दे सकता है । यानी ए के स्थान पर बी बॉलट पेपर को ए के नम्बर पर लेकर जा सकता है । इसलिये जो धादमी ध्राता है उसके नाम के ध्राये उसके सिग्नेचर लेने या झगडा लगाने की पद्धति होने से ठीक से काम हो सकता है । मैं जानना चाहता हूँ सरकार से कि ऐसा हो सकता है या नहीं ?

Mr. Speaker: This question is about secrecy. You are asking something else.

श्री तुलसीदास जायब : सीक्रेसी पर सवाल जरूर है । लेकिन ए पर अगर बी डाले तो सीक्रेसी कैसे रहेगी ?

Dr. Ramesh Sen: During the first two elections, as far as I remember, this rule was not framed in those days. As a result of that, Government servants in each State and also Central Government servants could fearlessly vote according to their choice. This time it was found out that in certain areas the government servants were terribly afraid of voting according to their choice. May I know, if that was so, what was the reason. (Interruption). In Kerala there was no Government; it was under the President's Rule I was saying, if that was so, would the Government see that such rules are done away with as early as possible?

Shri D. E. Chavan: I have mentioned what is the object of the rule that has been incorporated in the rules framed under the Representation of the People Act. I have mentioned that there is no violation of the secrecy

An hon. Member: How?

Shri D. E. Chavan: There is no violation of the secrecy for the simple reason that no sooner a ballot paper is given to a voter than an entry is made in the marked copy of the electoral roll. The marked copy of the electoral roll remains with the Presiding Officer. After the polling is over that marked copy of the electoral roll is sealed. Signatures of the polling agents of the candidates, if they are present and if they are desirous of affixing their signatures, are also taken. Immediately after that the paper is returned to the Returning Officer. The Returning Officer keeps those papers in his custody and that sealed packet cannot be opened except under an order of the Election Commission or an order of the competent court is obtained.

Dr. Ramesh Sen: The Presiding Officer makes a note and then it is returned to the Returning Officer.

Shri D. E. Chavan: He makes an entry. After that it is sealed and returned to the Returning Officer.

The Minister of Law (Shri Govinda Menon): May I add, Sir, that this is not a new rule? This was in existence in the elections in 1952, 1957 and 1962 and also in the elections before independence. Secrecy is not violated because only in an election court, when there is need to look into this matter, are these packets opened.

Shri J. M. Biswas: While casting votes by postal ballot the secrecy is not maintained. Why I am saying this is, a postal ballot is opened by the Returning Officer in the presence of the Assistant Returning Officer and three or four other people of the staff who are assisting the Returning Officer. From a postal ballot one can easily understand in whose favour a particular government employee has cast his vote. Therefore, I would like to know if the hon. Minister is considering the question of implementing some other devices for the government employees to cast their votes so that nobody can understand as to who has cast votes in whose favour?

Shri Govinda Menon: When the postal ballot paper is opened the name of the person who cast the vote on that particular ballot paper will not be understood unless an investigation is conducted.

Shri J. M. Biswas: That means he has also not seen a postal ballot paper. Anybody can understand from a postal ballot paper who has cast the vote and in whose favour.

Shri D. C. Sharma: Is it not a fact that the secrecy of the ballot was so well protected at these elections that the government servants in almost all the States of India, from the highest to the lowest, voted against the Ruling Party?

Shri Govinda Menon: Secrecy of the ballot has been perfectly maintained in this election.

Shri Surendranath Dwivedy: The very fact that the hon. Minister admitted that the serial number is noted against the name of a particular voter by the Presiding Officer shows that it is within his knowledge or he knows who has voted for whom. Therefore, would the Government think seriously about devising some other method in order to detect any impersonation because it is a fact that many government employees did not vote on account of the fear that their names may be disclosed?

Shri D. E. Chavan: I will explain the point that has been made by the hon. Member. When the ballot paper is issued, the serial number of the ballot paper is entered into the roll....

Shri Surendranath Dwivedy: That is all known.

Mr. Speaker: He need not give the whole history of it.

Shri Surendranath Dwivedy: Let the senior Minister reply if he cannot do it.

Shri Govinda Menon: If there was any fear in the mind of any Government servant that the party or the candidate to whom he cast his vote would be detected at the time of counting, it was an unfounded fear because there is absolutely no method of knowing the person who voted unless the matter is investigated and that is not done.

Shri C. K. Bhattacharyya: Has it not been brought to the notice of the Government that in the last elections in many places Government servants were found openly canvassing in the cars of non-Congress and anti-Congress parties?

Mr. Speaker: Shri Humayun Kabir.

Shri Humayun Kabir: Conceding that under the present rules such noting of the ballot number is permitted and also conceding that to a very large extent the secrecy of the ballot is observed, is the Hon'ble Minister aware that there is a general impression among large sections of the voters, particularly in rural areas that this

noting of the ballot number interferes with the secrecy of the ballot?

Shri Govinda Menon: That impression is unfounded and it is up to all of us to see that that impression is removed.

Shri Bal Raj Madhok: The hon. Minister just now said that this impression is unfounded, but does he know that during the elections the people of the ruling party were deliberately going about and telling Government servants that it would be possible for them to detect for whom they had voted and, therefore, they must not vote for the Opposition? This kind of propaganda was made consistently; it is another thing that in spite of this propaganda people voted against the ruling party. Therefore, what steps are going to be taken to see that this kind of a thing would not be there in future?

Shri Govinda Menon: I am not aware of this.

Shri Kamalansyan Bajaj: While by and large it is true that the secrecy of the ballot is not revealed, if somebody really wanted to know how a particular gentleman has voted that can be found out for the simple reason that you can tell your agent that when a particular person, X, comes to vote and the voting paper is given to him note down that number and when that number is noted down, at the time of counting your counting agent can locate that particular ballot paper and see how he has voted. That is how in a limited way secrecy is revealed. I would like to know from the Minister whether this could be done or not.

Shri Govinda Menon: I do not think it is possible.

Shri G. Viswanathan: Are Government aware of the fact that in some places superior officers of the Police Department collected votes compulsorily of the constables; if so, what steps are Government going to take to stop this?

Shri D. R. Chavan: That is a different question.

चुनाव संबंधी व्यय के ख़ाते

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* 232. श्री विभूति निम्ब :

श्री क० ना० तिवारी :

श्री एस० के० सम्बन्धन :

क्या विधि मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस बात का पता है कि समद सदस्यों को अपने विस्तृत निर्वाचन खेती में अपने जोरदार चुनाव अभियान के दौरान अपने चुनाव सम्बन्धी व्यय का ठीक ठीक हिसाब रखना कठिन होता है ; और

(ख) यदि हा, तो क्या सरकार का विचार चुनाव सम्बन्धी व्यय के नियमों को समान करने प्रयत्न उनमें संशोधन करने का है ?

The Deputy Minister in the Ministry of Law (Shri D. R. Chavan):

(a) The requirement to maintain an account of election expenses from day to day and to lodge a copy of the account with the appropriate election officer within the prescribed period has been in the Election Law from the beginning. No special difficulty in this respect has been brought to the notice of Government

(b) Does not arise.

श्री विभूति निम्ब : आपके ऊपर लिखा हुआ है "धर्म चक्र प्रवर्तनाय" । हम सभी लोक सभा के लिए चुन कर आए हैं । क्या हम में से कोई भादमी ईमानदारी के साथ कह सकता है कि जिस तरह से चुनाव की सरगर्मी रहती है उस सरगर्मी में चाहे उम्मीदवार के लिए और चाहे उनके जो भादमी रहते हैं, उनके लिए यह सम्भव रहता है कि वे खर्च का हिसाब रख सकें ? यदि नहीं रख सकते हैं तो क्या यह सही नहीं है कि धर्म चक्र प्रवर्तनाय के सामने हमें सब को झूठ बोलना पड़ता है ?

इन कठिनाइयों को देखते हुए क्या सरकार इलेक्शन एक्सपेंसिस शामिल करने का जो रिवाज है उसको हटा देना उचित नहीं समझती है ?

Shri D. R. Chavan: No, Sir.

श्री विभूति निम्ब : क्या सरकार हलको रख कर सभी सदस्यों को जो चुनाव लड़ते हैं झूठे रिटर्न दाखिल करने के लिए प्रोत्साहित नहीं कर रही है ?

Shri D. R. Chavan: It is not correct to say that the candidates contesting in the election would be instigated to lodge false returns.

श्री विभूति निम्ब : अध्यक्ष महोदय, मैं पूछना हूँ कि यह सही नहीं है कि बड़े बड़े लोग एच. नाथ दो लाख तक खर्च कर देते हैं लेकिन रिटर्न में

अध्यक्ष महोदय : सब लोगों को यह मानना है । लेकिन क्या किया जा सकता है । श्री तिवारी ।

श्री क० ना० तिवारी : जब सब लोग करते हैं और सरकार एम्बेड नहीं कर पा रही है तो मुझे कोई सवाल नहीं पूछना है ।

श्री कबर लाल गुप्त : प्रायः कहने के बाद में ममझता हूँ कि अब और सवाल पूछने की जरूरत नहीं रह जाती है ।

Mr. Speaker: They will have to devise ways and means to stop it. Now you know it and they also know it that the expenses go beyond that limit

Shri Kanwarlal Gupta: He is denying it.

Shri S. K. Sambandhan: Since everybody knows that the election expenses are much more than the limit prescribed, why should we allow this false thing and mockery which is to continue? Why not Government realise the position and come out to do away with the submission of the return of election expenses?