

### Amendment of Election Law

\*580. SHRI SHRI CHAND GOYAL : Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) whether the draft of the Bill seeking to amend the election law is ready ;

(b) whether it will be introduced in Parliament in the current session ; and

(c) the main features of the amending measure ?

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI K. HANUMANTHAIYA) : (a) and (b). No, Sir.

(c) Two statements containing the main recommendations of the Election Commission for amending the election law were laid on the Table of the House on the 24th February, 1970, in reply to Starred Question No. 50. The recommendations are being examined.

SHRI SHRI CHAND GOYAL : We have been hearing from time to time that they are being examined. I would like to know as to when these recommendations were made by the Election Commission. Is it not a fact that the Election Commission itself have furnished you with a draft of this amendment to Election Law ? It is mainly on the basis of these recommendations brought out from the experience of the General Elections of 1967 and the Mid-term elections which took place in 1968 and 1969 that the Election Commission furnished you with that draft. So, I want to know whether you have considered that draft and whether you have considered it necessary to adopt the same or whether you want to amend it and, if so, what the reasons are, which are responsible for non-consideration of this amended draft for such a long time.

SHRI K. HANUMANTHAIYA : He is right that the Election Commission has given certain suggestions and these are being considered at length. They are proposed to be put in the form of an enactment and brought before the House. It is a question of time.

AN HON. MEMBER : When ?

SHRI LOBO PRABHU : Before the next elections or not ?

SHRI K. HANUMANTHAIYA : Before the elections certainly. If not in this session, in the next session we are trying to introduce this Bill.

SHRI SHRI CHAND GOYAL : Sir, two very important matters were brought before the House. One was, the voters were prevented from exercising their franchises by the richer and more powerful sections of the society and then the Government had said that more mobile polling stations would be set up so that the intimidation and other such activities are not practised on the voters. So, I want to know what the Government is going to do in that respect.

And, my second question is this.

SHRI K. HANUMANTHAIYA : One by one. Let me answer the first point. That is a very good recommendation. I hope the House will accept it. We shall place it before the House.

SHRI SHRI CHAND GOYAL : The question of the elections becoming very expensive has been agitating the minds of all Members for a considerable time..

AN HON. MEMBER : This is the third question.

MR. SPEAKER : The leader of his party is also going to ask some questions.

SHRI SHRI CHAND GOYAL : He has so many questions to ask.

SHRI ATAL BIHARI VAJPAYEE : I am going to ask only one.

SHRI SHRI CHAND GOYAL : My difficulty was that the hon. Minister prevented me from completing my question and that is why I am just completing my question.

These elections are becoming very expensive, and one of the recommendations was

that all the expenses incurred by a candidate, whether before the elections or after the elections, should be accounted for and the expenses incurred by the political parties also should be taken into consideration, and the filing of wrong return of election expenses should be made a corrupt practice and an offence. What is Government going to do in this regard ?

**SHRI K. HANUMANTHAIYA :** I think we shall accept most of the recommendations.

**श्री अटल बिहारी वाजपेयी :** अध्यक्ष महोदय, जब स्वर्गीय श्री गोविन्द मेनन जीवित थे तो उन्होंने विधि मंत्री के रूप में सदन में यह आश्वासन दिया था कि युनाइटेड किंगडम के ढांचे पर वह स्पीकर की अध्यक्षता में एलेक्शन ला को संशोधित करने के हेतु उस पर विचार करने के लिये एक सर्वदलीय सम्मेलन बुलायेंगे। मैं जानना चाहता हूँ कि सरकार क्या अपने उस आश्वासन का पालन करने का इरादा नहीं रखती या उसको स्पीकर महोदय पर विश्वास नहीं है ?

**SHRI K. HANUMANTHAIYA :** There is no question of Government not trusting the Speaker. We have full trust in the Speaker's judgment and impartiality. If the hon. Members want you to preside over such a meeting, I for one will be very happy, if you find time.

**SHRI ATAL BIHARI VAJPADEE :** That is not the question. A similar assurance was given by the former Law Minister that an all-party conference would be called, but it was never called. What has happened to that assurance ?

**SHRI HEM BARUA :** Sir, the ball is in your court now.

**SHRI K. HANUMANTHAIYA :** I cannot compel the Speaker..

**SHRI KANWAR LAL GUPTA :** Has the hon. Minister written to him ?

**SHRI K. HANUMANTHAIYA :** I am wholly in favour of the suggestion made. There is no difference between me and the hon. Members on this point. The only thing is that we have to ascertain the wishes and convenience of the Speaker..

**SHRI KANWAR LAL GUPTA :** Has he written to him ?

**SHRI K. HANUMANTHAIYA :** It is as good as writing to him, because we are now telling to his face.

**SHRI NATH PAI :** Sir, now what do you do ?

**SHRI KANWAR LAL GUPTA :** Sir, you have to decide and call a meeting as quickly as possible.

**SHRI HEM BARUA :** Now, the ball has been put in your court, Sir.

**SHRI NATH PAI :** We would like to know whether you are ready.

**SHRI KANWAR LAL GUPTA :** The question is now addressed to you, Sir. What is your reaction ?

**MR. SPEAKER :** So far, it has not come to me. But if the House would so desire, where is the question of my refusing ? It will be done.

**श्री मोल्लू प्रसाद :** अध्यक्ष महोदय, मैं आपके माध्यम से विधि मंत्री जी से जानना चाहता हूँ कि कुछ दिन पहले श्री एम० चेन्ना रेड्डी के बारे में आंध्र उच्च न्यायालय ने जो निर्णय दिया था कि चुनावों के 6 महीने पहले मंत्रियों को अपने पद त्याग देने चाहिए क्योंकि चुनावों में अपने पदों का दुरुपयोग करते हैं तो क्या निर्वाचन विधि में संशोधन करते समय आंध्र उच्च न्यायालय के उस निर्णय को भी ध्यान में रक्खा जायेगा ?

SHRI K. HANUMANTHAIYA : If I have understood the Hindi version correctly..

AN HON. MEMBER : The English translation is there.

SHRI K. HANUMANTHAIYA : I could not get the English translation.

If Ministers have to resign six months before the elections..

SHRI NATH PAI : The Ministry or the Government should resign.

SHRI K. HANUMANTHAIYA : That is a proposition which is being made now and then by some individuals. It does not obtain in any democracy, and I do not think that I shall subscribe to that view.

श्री मोलहू प्रसाद : यह तो आन्ध्र प्रदेश के उच्च न्यायालय का कहना है...

SHRI K. HANUMANTHAIYA : So far as the Andhra Pradesh High Court's remark is concerned, it is an *obiter dictum* and it has no force of a judicial pronouncement.

DR. RAM SUBHAG SINGH : May I know whether the draft Bill contains a clause saying that no body will use government planes or vehicles while on election tours ?

SHRI K. HANUMANTHAIYA : I do not think there is any such provision. If the reference is to the Prime Minister, as the hon. Member knows, rules were framed on the subject a decade ago and they are being followed. This was made applicable to the Prime Minister and the Deputy Prime Minister..

SHRI KANWAR LAL GUPTA : Rs. 34 lakhs were spent on the Prime Minister.

SHRI K. HANUMANTHAIYA : Therefore, nothing unusual is being done. Therefore, there is no question of revision of that at all.

श्री प्रकाशवीर शास्त्री : अभी पीछे राजस्थान में इसी तरह का एक केस हुआ है श्री नाथू राम मिर्षा के सिलसिले में जिसमें राजस्थान की हाई कोर्ट में और सुप्रीम कोर्ट में भी वह चीज आई कि जो रिटनिंग अफसर था उन्होंने बाद में डबल सील लगा कर जो जीतने वाला कैंडीडेट था, उसको हराया और उनको जिताना चाहा और इसको लेकर हाई कोर्ट ने बहुत ही एक तरह से उनके खिलाफ टिप्पणी की। मैं जानना चाहता हूं कि सरकार जो इन चुनाव नियमों में संशोधन करने जा रही है तो कोई ऐसा प्रश्न भी उसके सामने विचाराधीन है कि जिस पोलिंग स्टेशन पर वोटिंग हो, उस जगह वोटिंग समाप्त होने के तत्काल बाद वहां पर वे वोट गिन लिये जायें और वह रिपोर्ट जो है वह पहुंच जाये ताकि इन वोटों को फिर से बदला न जा सके और उनमें किसी प्रकार की हेरफेर न हो सके ?

SHRI K. HANUMANTHAIYA : These, are good suggestions which have to be considered and incorporated in the Bill.

SHRI NATH PAI : Fair elections presuppose that all the parties contesting them get fair opportunities to put across their points of view to the electorate. Two things count as of supreme importance in this—the means of mass communications and means of transport. In our country, it so happens that the Governments, both at the State and the Centre, monopolise these two main means of approach to the people. The radio network is monopolised and used for government propaganda during elections and transport and communications are also used in a similar way. In order to ensure that the 1972 election, if there is not one earlier—I do not know what is his thinking about it—when it comes will be a fairer one, if aeroplanes are provided to one particular party leader, will they be made available to other parties also and will the AIR give equal opportunities to the leaders of national parties to put forth their points of view ? Will the hon. Minister initiate efforts in this direction ?

SHRI K. HANUMANTHAIYA : As for equal opportunities in the matter of propaganda, I think it is a right attitude to take. I am wholly with him.

Regarding the provision of facilities like aeroplane to one individual, namely, the Prime Minister, I have already explained that these rules were made a long time back. As to what should be done in the matter of broadcast or transport facilities, it is not under my jurisdiction.

SHRI NATH PAI : This is a very vital issue. It is not a question of some other Minister being in charge. The issue is whether at the time of elections, equal opportunities will be given to other political parties, apart from the ruling party. While he is sympathetic, his reply is brilliantly evasive. Chief Ministers hop from place to place in helicopters during election tours. The election law is his concern, not that of the Ministry of I and B or Civil Aviation. Will he be a little more forthright and tell us what his thinking about it is ?

SHRI K. HANUMANTHAIYA : I have made the position quite clear. Equal facilities apply to all including Ministers except the Prime Minister and Deputy Prime Minister who are governed by a set of rules framed a long time back.

SHRI NATH PAI : These are archaic rules.

श्री रणबीर सिंह : हमारे देश में करोड़ों आदमी राय देहिन्दगी से महरूम हैं और वे लोग हैं जिनकी उम्र 18 साल है और जो बालिग हैं। मैं जानना चाहता हूँ कि आपने 21 साल की जो आयु इसके लिए रखी हुई है, उसको घटा कर 18 बरस करेंगे ताकि तमाम तुलबा और यूथ वोट कर सकें और उनको वोटिंग राइट मिल जाए ?

करप्शन को कम करने के लिये और इलेक्शन में जो खर्चा होता है, उसको कम करने के लिये यह जो नोटिफिकेशन के बाद

दो महीने का प्रोसीजरल बातों के लिये आपने समय बना रखा है, क्या इसको कम करके आप दस पंद्रह दिन करेंगे जैसे यू० के० आदि देशों में होता है ताकि गरीब आदमी भी इलेक्शन लड़ सकें ?

SHRI K. HANUMANTHAIYA : These are suggestions which are contained in the Note that has already been placed before the House, we will take into consideration all the suggestions my hon. friend has made.

SHRI LOBO PRABHU : I have gone through the suggestions of the Election Commissioner and I have heard the Minister say that the Bill will be brought very soon. Considering the complexity and number of suggestions, considering the fact that this Bill may have to go to the Select Committee and considering that after Parliament passes the Bill various adjustments in the election procedures will be necessary for the candidates and the Government, may I enquire from the Minister whether he will give an assurance that the Bill will be brought during the next session ?

SHRI K. HANUMANTHAIYA : I think I will be able to introduce the Bill.

श्री राम चरण : हिन्दुस्तान में बैकवर्डनेस के कारण दस पंद्रह परसेंट लोग ऐसे रह जाते हैं जिनका वोटर्ज लिस्ट में नाम नहीं होता है और दस पंद्रह परसेंट ऐसे होते हैं जिनके नाम के आगे बोगस एंटरीज होती है, फादर वगैरह का नाम कुछ और ही लिख दिया जाता है। मैं जानना चाहता हूँ कि क्या ऐसा प्रोवाइड करेंगे। जिससे जो वोट देने का अधिकारी है, उसका नाम ओमिट न हो सके और अगर कोई अधिकारी उसके नाम को ओमिट करता है तो उसके खिलाफ कार्रवाई की जा सके ?

SHRI K. HANUMANTHAIYA : The provisions are already there in the existing enactment and the rules framed thereunder so that no name can be omitted or distorted. But we

will take a stricter view of the matter and see that the electoral rolls are as correct as is humbly possible.

**अध्यक्ष महोदय :** नैक्स्ट क्वेश्चन ।

**श्री रामावतार शास्त्री :** उस पर मेरा प्वाइंट आफ आर्डर है ।

**अध्यक्ष महोदय :** क्वेश्चन आवर में प्वाइंट आफ आर्डर नहीं होता है ।

**श्री रामावतार शास्त्री :** मैंने भी यह सवाल किया था । इसमें मेरा नाम नहीं है । मैं जानना चाहता हूँ कि क्या मिसप्रिट तो नहीं है ? मेरा नाम कहाँ गया ?

**अध्यक्ष महोदय :** उनका नाम बैलट में आया होगा ।

**श्री रामावतार शास्त्री :** मेरा नाम क्लब तो हो सकता था । मैंने सवाल दिया था । कहीं भी मेरा नाम नहीं है । अनस्टाईड में भी नहीं आया है ।

**अध्यक्ष महोदय :** आपका नाम बैलट में नहीं आया होगा ।

**Threat of resignation by Officers against decision to condone absence of striking staff of Northeast Frontier Railway**

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\*583. SHRI RAM AVTAR SHARMA:  
SHRI BISWANARAYAN  
SHASTRI:

Will the Minister of RAILWAYS be pleased to state :

(a) whether it is a fact that the Officers of the Northeast Frontier Railway have threatened to resign in protest against the decision to condone the absence of striking staff of the said Railway, who participated in the recent wild-cat strike ;

(b) if so, the details thereof ; and

(c) the reaction of Government thereto ?

THE DEPUTY MINISTER IN THE  
MINISTRY OF RAILWAYS (SHRI M.  
YUNUS SALEEM) : (a) No, Sir.

(b) and (c). Do not arise.

**श्री रामावतार शर्मा :** मंत्री महोदय ने सब बातों से इन्कार किया है । जहाँ तक मेरी जानकारी है, वहाँ हड़ताल हुई थी और हिंसात्मक कार्रवाई हुई थी । अगर नहीं हुई थी तो यह धमकी इन अधिकारियों ने कैसे दे दी ? उनसे समझौता कर लिया गया, उनको क्षमा कर दिया गया । मैं जानना चाहता हूँ कि क्या ये सब बातें गलत हैं ?

**श्री मु० युनुस सलीम :** स्ट्राइक हुई थी और उनको रेलवे मिनिस्टर के इंटरफीयर करने की वजह से विदड्डा कर लिया गया था । तसफिया यह हुआ था कि क्योंकि स्ट्राइक इलीगल थी इसलिए जिन लोगों ने उसमें हिस्सा लिया उनके साथ यह किया जाएगा कि वे ड्यूटी पर शुमार नहीं किए जाएंगे और उनको उसकी कोई सजा नहीं दी जाएगी । चूँकि उसी के बमुजिम अमल किया गया, इस वास्ते जो सवाल का जवाब दिया गया है, वह बिल्कुल सही दिया गया है ।

**श्री रामावतार शर्मा :** मैं जानना चाहता हूँ कि इस हड़ताल के कारण कितने की हानि हुई है ? हड़ताल हिंसात्मक होने के बाद भी इस प्रकार से उन लोगों को क्षमा कर दिया जाए और कोई बंड न दिया जाए, यह कहाँ तक न्यायोचित है ?

यह हड़ताल किन लोगों के द्वारा कराई गई थी और उसमें कौन कौन सी पार्टियाँ सम्मिलित थीं और क्षमा कर देने का कारण क्या था ? चूँकि उनको क्षमा कर दिया गया है, क्या इस कारण से अधिकारियों में असंतोष नहीं है ?