

MR. SPEAKER: Which one, Sir?

PROF. MADHU DANDAVATE: This aspersion, regarding using shoulder

MR. SPEAKER: It is no aspersion. Look here, Dr. Venkatesh. This question where public finance or public interest comes in, you are as good a Member as he is, and he is as good a Member as you are. So, both of you should be concerned for the welfare of the people. And you are going to have a concrete dialogue and then come out with something. So, no problem. (*Interruptions*)

SHRI S. JAIPAL REDDY: I would like to know whether these are a part of destabilization. (*Interruptions*)

SHRI CHANDRA PRATAP NARAIN SINGH: Psychiatrists feel that fishing is very good for the nerves. I would recommend that the questioner and the Minister take to fishing. It would be a healthy approach and a calmer Parliament.

[*Translation*]

MR. SPEAKER: I will send him to Dal-lake.

SHRI BASUDEB ACHARIA: Send both of them.

[*English*]

DR. V. VENKATESH: The hon. Member is referring to fishing. (*Interruptions*)

MR. SPEAKER: I have other questions now.

DR. V. VENKATESH: He is referring to fishing. Therefore, I say Last time also, the same firm has supplied some cranes...

MR. SPEAKER: It might be so. Now put a question, if you like.

DR. V VENKATESH: Now the same Minister in the same Government has come out with this...

MR. SPEAKER: Don't believe these firms also.

DR. V.VENKATESH: The same Minister in the same Government has said that this firm has to be black-listed. He has said it on the floor of this same House. He had certified that that firm was a bad firm. And the same Minister, in the same Government is saying now that this firm is a very good firm. What is this, Sir- this double-stand-ard? He met me here on the floor of this House...

MR. SPEAKER: You give anything which is substantiated. Then I will put it.

DR. V VENKATESH: The same Minister of the same Government had said that.

SHRI VASANT SATHE: I deny this allegation altogether. I would only say that the hon. Member should get assistance from some senior Members like Mr. Jaipal Reddy and Mr Madhu Dandavate... (*Interruptions*)

PROF. MADHU DANDAVATE: We cannot convert black into white.

Electronic Voting Machines

910. SHRI JAGANNATH

PATNAIK

SHRI H.B. PATIL

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

(a) whether Government have experimented on the use of electronic voting machines in some recent elections;

(b) if so, the assessment made out of this experiment;

(c) whether Government propose to procure some more machines for use in the country; and

(d) if so, the details regarding the plan of Government in this regard?

THE MINISTER OF STATE IN THE MINIS-

TRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No, Sir.

(b) Does not arise.

(c) No such decision has been taken so far.

(d) Does not arise.

SHRI JAGANNATH PATTNAIK: Sir, if I am correct, we have experience of this electronic voting machine system in a by-election in Kerala in 1982. There was a case in the Supreme Court also— A.C. Jose vs Seven Pilai, in Parur. The hon. Supreme Court's judgement was that the use of the electronic machine in elections was *ultra vires* and illegal, under the law. Mostly, it was based on two considerations: one, the constitutional powers and position of the Election Commission; and two, the meaning of the word 'ballot' as allowed by the 1951 Act. So, I think it is not correct to say that we have no experience of this system. Keeping the Supreme Court's judgement in view, the Election Commission has also recommended suitable amendment of the laws; and the Law Ministry itself, and the Political Affairs Committee of the Central Government have agreed to introduce this system as a part of the total electoral reform. So, keeping this in view, I want to know from the hon. Minister whether there is any effort to change or amend the laws, and to introduce this system in the next General Elections.

SHRI H. R. BHARDWAJ: If I may refer to the question of the hon. member, the question is whether voting machine was used in the recent election. By 1982, I don't think, by any stretch of imagination, can be recent election, because we had recent election now in Kerala. However, voting machine was used in 50 polling stations in May 1982 in Kerala and 10 polling stations in November 1983. Thereafter, as the hon. member pointed out, the Supreme Court took a decision in 1984. The Supreme Court case reported in 91 AC Jose, V/s Seven Pilai that since this voting was not in accordance with the conduct of election

rules which need to be amended. So the voting machine experiment which was going on was withdrawn. Now after the present decision of the government to go in for voting machine in the election, we are thinking in terms of amending the relevant law. But as the hon. Member pointed out that this is a package of electoral reforms proposals, these have to be discussed with the political parties and then a decision will be taken.

PROF. MADHU DANDAVATE: Let him do it before Haryana election.

MR. SPEAKER: Can it be done?

SHRI JAGANNATH PATTNAIK: What is the expenditure at present per parliamentary constituency with the existing voting system and what will be the expenditure if we introduce this electronic machine? What will be the difference between the two? Has any study been made about its merits and demerits also? Now we are thinking of introducing this machine. Before that, infrastructure and proper training to the voters are also needed? So, regarding all those measures, I want to know whether any decision has been taken or not.

SHRI H.R. BHARDWAJ: So far as election expenditure on per constituency is concerned, this is not with me. But there will be a lot of saving per constituency if the voting machines are introduced; and this experiment has been conveyed by the Election Commission. The Election Commissioner has summed up 14 operational and administrative advantages in the use of electronic voting machine; and this will lead to a saving of several crores of rupees. All these informations are to the advantage of using of the voting machine.

SHRI S. JAIPAL REDDY: As the hon. Minister knows full well, the electoral reforms are a continuous process. I don't think that this particular thing need to be confounded with the whole range of reforms. Both the government and the Election Commission have expressed

themselves in favour of introduction of the electronic machine. Now what is needed in the light of the Supreme Court judgement is a simple amendment which can be adopted in less than an hour in this House. Will the Minister assure the House as to the time frame within which this amendment will be brought forward?

SHRI H.R. BHARDWAJ: I very much agree. So far as voting machines are concerned, in principle, the government has taken a decision to introduce them before the next election. So far as the provision of law is concerned, I beg to differ with the hon. member. You will not find any provisions in the existing rules when you are operating a voting machine, what happens to a tendered vote? If you kindly study this aspect, you will find that this is substantially important thing that when somebody has cast somebody else's vote and the other real voter goes to the polling station, he says, "my vote has been wrongly cast." Thereafter, the Presiding Officer has to allow a tendered vote and keep it separately. There is an election petition that if those tendered votes are taken into consideration vis-a-vis votes polled: and if the difference is marginal, then the election is materially affected. So, in a voting system by the machine, you cannot find out the vote cast, in relation to the tendered votes. All these things we are considering in consultation with the Election Commission; and our anxiety is no less than yours. But the question is not as simple as you are saying. All these amendments relating to the conduct of the election, preparation of electoral rolls, will have to be evolved; and I don't expect that we should amend one part of the law today and another part tomorrow without discussing it with you. So, we are waiting for a calm atmosphere to prevail so that we will be able to discuss it.

SHRI S. JAIPAL REDDY: When will you discuss it?

SHRI H.R. BHARDWAJ: You are not in a mood to discuss.

SHRI S. JAIPAL REDDY: You have been offering to discuss for the last two years, but have not come so far.

SHRI H.R. BHARDWAJ: Okay. With great respect to Mr. Jaipal Reddy, I am prepared to discuss with him when we can meet.

SHRI S. JAIPAL REDDY: Am I also to meet him in his Chamber?

AN HON. MEMBER: Go and meet him in his chamber.

SHRI SOMNATH RATH: In principle the Government has decided to have machines for counting and voting. And in other countries it is being adopted. So, having agreed in principle and as the Opposition parties have no objection and as the system of introducing voting and counting machines is good, I would like to know from the hon. Minister, whether in the coming session they will introduce an amendment if necessary and adopt the system of voting and counting by machines.

MR. SPEAKER: I think he has already replied.

SHRI H.R. BHARDWAJ: As I submitted earlier, it is our Government's desire to use voting machines in the next general elections and for that we are preparing, and seeing what type of mechanism will be necessary, because the machine may go out of order, you will have some mechanical defects all these aspects will have to be gone into because it will affect the elections in the whole country.

MR. SPEAKER: Shri Ananta Prasad Sethi. No?

SHRI ANANTA PRASAD SETHI: I am here, Sir.

MR. SPEAKER: Changed your seat?