

bility to carry on the business of the House and I have also been a Member of this House for a sufficiently long time. This is my third term. I have never given an occasion to the Chair to feel hurt. So, in all sincerity, I am very sorry that I gave you an occasion to feel hurt. Thank you.

MR. CHAIRMAN: Mr. Advani will make a statement on that.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Sir, on the 15th of July, 1998...*(interruptions)*...

SHRI S.M. KRISHNA (Karnataka): Sir, before the hon. Minister makes a statement, I would like to submit that certain references were made during...*(interruption)*...

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Why are you referring again to all those things? ...*(interruption)*...

SHRI S.M. KRISHNA: Sir, he used a phrase, "attitude." That has to be expunged...*(interruptions)*...

श्री संजय निरूपमः यह वर्ड एक्सपंज नहीं होना चाहिए। ...*(व्यवधान)*

PROF. VIJAY KUMAR MALHOTRA (Delhi): There is nothing unparliamentary. ...*(interruptions)*...

SHRI S.M. KRISHNA: Mr. Chairman, Sir. ...*(interruptions)*...

श्री सभापति: क्या है। ...*(interruptions)*...  
Let me tell you and explain this thing. Earlier also \* word was not used in this House for anybody. It is a bad word. When Some people from this side were saying \* to other side, I expunged it; when Members from the other side say \* to this side, I will expunge it.

श्री मोहम्मद सलीम: मल्होत्रा जी का यह कहना कि \* वर्ड अन-पार्लियामेन्टरी नहीं है, तो इसके क्या मायने हैं।

الاشرفی محمد سلیم: مہلڑوڑ جی کا کہنا ہے کہ \* ورڈ ان پارلیامینٹری نہیں ہے۔  
تو اسے کیا معنی ہیں۔

## STATEMENT BY MINISTER

### Staging of a Marathi Play in Mumbai

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Mr Chairman, Sir, on the 15th of July, 1998, even while I was present in the House, serious concern was expressed by some hon. Members in Rajya Sabha on the alleged glorification of Nathuram Godse in a Marathi Play—"Mee Nathuram Godse Boltoya". The House was assured that the Government would look into it.

The matter was taken up with the Government of Maharashtra. According to information received from the State Government, the play in question was cleared for performance by the Maharashtra Stage Performance Scrutiny Board, an autonomous body of the State Government. The play was certified as 'U' category for viewership. The play was staged on the 10th of July, 1998 in Shivaji Mandir Theatre, Mumbai.

Keeping in view the reported intent of the play, the Central Government has advised the State Government to prohibit its performance. We also take this opportunity to emphasise that this Government strongly disapproves of anything that denigrates the haloed memory of Mahatma Gandhi, and belittles the unique role he played in leading the nation to freedom from colonial rule.

MR. CHAIRMAN: That is all, No clarifications are required. Now, the Private Member's Business (Resolutions).

## RESOLUTION RE. NEED TO REVIEW THE ELECTROL SYSTEM (Contd.)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): Mr. Chairman, Sir, I am very grateful to Shri Ramdas Agarwal for raising the important issue of electoral reforms through his Resolution.

(The Deputy Chairman in the Chair)

Madam, during the discussion most of our hon. Members participated in the

discussion and gave their valuable suggestions. (Interruptions)

श्री संघ प्रिय गौतम (उत्तर प्रदेश): मैडम, मेरा एक व्यवस्था का प्रश्न है।

उपसभापति: आपका क्या व्यवस्था का प्रश्न है? You can ask the Minister to allow you ... (Interruptions)...

SHRI M. THAMBI DURAI: Madam, how can I allow him in the middle? ... (Interruptions)...

THE DEPUTY CHAIRMAN: I just wanted to find out what is his difficulty. After that you can continue. Yes, what is your difficulty?

श्री संघ प्रिय गौतम: मैडम, इस प्रस्ताव का सार है कि इस तथ्य के दृष्टिगत कि हम इस संसार के वृहत्तम जनतंत्र हैं और हमारे यहां 12 आम चुनाव सफलतापूर्वक हो चुके हैं, जब यह कहा गया है तो फिर इसको रिव्यू करने की क्या आवश्यकता है? यही मेरा व्यवस्था का प्रश्न है।

When we have succeeded in holding twelve elections successfully in the past, and our democracy has been fruitful what is the need for reforms?

श्री रामदास अग्रवाल (राजस्थान): जब यह रिजोल्यूशन रखा गया था तब आप यहां नहीं थे।

श्री मोहम्मद सलीम (पश्चिमी बंगाल): मैडम, ये सदस्य बाद में चुनकर आए। जब 15 दिन पहले यह रिजोल्यूशन रखा गया था, उसके बाद ये चुनकर आए हैं। तो क्या हम इनकी रिट्रोस्पेक्टिव स्वीच लेंगे?

SHRI NILOTPAL BASU (West Bengal): Madam, we have already lost half-an-hour. Why should the private Member be penalised ... (Interruptions)...

THE DEPUTY CHAIRMAN: We will allow half-an-hour extra. The time will not be cut from the allotted time of two-and-a-half hours.

SHRI M. THAMBI DURAI: Madam, the hon. Member asked what was the need of electoral reforms, when we have successfully conducted twelve elections. When we enacted laws for elections, the situation was different. But, when we conducted so many elections, we faced some problems. Based on that so many

Members, belonging to both the Houses, gave certain recommendations. The Election Commission also recommended a certain procedure. Therefore, it is a continuous process. As we have crossed fifty years after independence, it is natural that there may be certain things which we have to modify. In the present circumstances also the same thing is going on. Therefore, when Shri Ramdas Agarwal brought this Resolution, it was his good intention to discuss this matter. In the past elections we have come across so many problems, and so many complaints have also been coming. When our forefathers thought all these things, the situation then was different. Now, the situa-

\*Expunged as ordered by the Chair.

Transliteration in Arabic script. tion is changing. For that only we are discussing this matter. As I said, I am very grateful to Shri Ramdas Agarwal for raising this important issue of electoral reforms through his Resolution. When he brought this Resolution, the House had the opportunity to discuss this issue and most of our colleagues, Shri George Fernandes, Shri Ram Nath Kovind, Shri Ramachandran Pillai, Shri Negendra Nath Ojha, Shrimati Urmilaben Chimanbhai Patel, Shri Raghavji, Shri Ahluwalia, Shri Yadav, Shri Onkar Singh, Shri Virendra Kateria.... (interruption)

THE DEPUTY CHAIRMAN: All the names are there on the list.

SHRI M. THAMBI DURAI: and Shri Wasim Ahmed, participated actively and gave many suggestions. This has given a valuable opportunity to the House to once again discuss the issues and suggest measures for further strengthening our democratic set-up and to ensure free and fair elections. I am also grateful to various speakers who have given valuable suggestions in this regard.

Madam, my Government is fully committed to electoral reforms. This commitment is reflected in our National

Agenda for Governance, wherein we have committed ourselves to introducing the national electoral reforms so as to deal with the malaise of defection, corruption, criminalisation of politics and to prevent electoral malpractices.

Soon after coming into power, my Government took up electoral reforms as a high priority issue. A meeting of leaders of various political parties was held on 22nd May 1998, and a number of proposals on electoral reforms were discussed in that meeting.

In this meeting an important decision was taken to move in the direction of state funding of elections. For that purpose, a seven member committee under the chairmanship of Shri Indrajit Gupta has already been constituted. Most of the Members want to reduce the election expenses. The accusation from our Members is that as all the political parties are raising a lot of funds from various firms or companies in the name of donations, the election has become very costly. There are some genuine independent Members who want to contest elections, but due to the high cost of elections, they are not in a position to face this kind of elections. That is another point which they have raised. And for that only we have constituted this Committee. This Committee will see that Government itself comes forward and meets the election expenses. That is one of the proposals given to the Committee. They are considering this.

The Committee would largely examine the pattern of State funding in other countries where the State funding is in vogue and suggest concrete proposals for providing State funding to recognized political parties. During the debate some of the hon. Members also stressed the need for providing State funding to political parties. The Committee would also consider the proposals relating to maintenance of accounts by political parties and audit thereof, ban on donation by companies to political parties inclusion of expenses of political parties

in the election expenses of the candidate. For the purpose of ceiling and empowering, the Election Commission would fix a ceiling on election expenses before every General Election.

Some of the hon. Members, who took part in the debate had made valuable suggestions with regard to issues which are under consideration of the Indrajit Gupta Committee. And the Government hopes that while finalising the recommendations, the Committee would take into account the suggestions made by hon. Members.

The Committee is likely to submit its report in the end of August, 1998. Madam, electoral reform is a continuous process and from time to time the Representation of the People Act 1950, has been amended to give effect to the proposals of Electoral Reforms. Recently, a number of recommendations of the Dinesh Goswami Committee were given effect to with the enactment of the Representation of People (Amendment) Act, 1996.

Madam, some of the points raised by hon. Members were also discussed in the meeting of political parties held on the 22nd May, 1998. The question of making voting mandatory was also discussed in that meeting. But political parties have not favoured the proposal due to many problems that our country is facing. We have people who are not fully literate, and they may not know how to go and vote. That is another reason why they are not practically able to implement the scheme. But, in due course, this point will also be considered.

Some Members have raised the issue of delimitation of constituencies. Madam, at present, there is a constitutional embargo on taking a fresh delimitation till the figures of the first census taken after the year 2000 are published. In the meeting of political parties, it was felt that as the year 2000 was close by and as a fresh delimitation as per the existing constitutional provisions would become a mandatory requirement in a few years

from now, we should not amend the Constitution-at this stage.

Some Members raised the issue of use of electronic voting machines. Madam, I want to mention here that we have spent nearly Rs. 75 crores to purchase the electronic voting machines, but the Election Commission has not fully utilised them. We have suggested to the Election Commission to use the machines wherever possible when elections take place. The Government in May, 1993 requested the Election Commission to use the existing 1.5 lakh electronic voting machines in by-elections or elections to the State Legislatures, wherever possible. The Election Commission, however has not used these machines so far. It has informed the Government that it intends to use these machines in some elections in the near future.

The issue of use of caste and religion for electoral gains has also been raised. Madam, this is a very sensitive issue. I can also understand it. But most of the Members are having an apprehension. They want to say that we must not use caste, religion or worshipping places for political gains, but, practically, a different thing is happening. If we look at the names of most of the members not only of this House but also of the Lok Sabha and even the Assemblies, the names denote the caste signs. But, in the South, especially in Tamil Nadu, because of so many political developments, that system is going down. Especially, if you take the new generation, most people are not all having the caste names. That impact has been created in Tamil Nadu, parts of Kerala and other places. But in many other places, if you take the names, the caste names are still there. "Mishra" denotes the caste. Names like "Verma" "Sharma" "Reddy" or "Naidu" are still there. Therefore, we have to see how we can stop the use of caste name. When you are putting a candidate's name, say, "Reddy", it means that he belongs to that community. Therefore, we are using the caste there. That way this is still going

on. Therefore, we have to see how we can denounce the use of the caste names and hold elections without using the caste names. That is most important. This is where we have to do something. A number of provisions already exist to ensure that caste or religion is not used for electoral gains in elections. It is both a corrupt practice and an electoral offence. A person found guilty of use of caste or religion for electoral gains can be disqualified for a period of six years. The election of a returned candidate can be challenged when he has committed a corrupt practice like use of caste or religion in elections for electoral gains. It is an offence under the IPC also. However, despite these provisions, increasing use of caste and religion in elections is a matter of concern. Government would consider taking further steps to prevent use of caste and religion in elections.

A number of hon. Members have suggested that criminals should be prevented from contesting elections. At present, a person who is convicted of an offence mentioned in sub-sections (1) and (2) of section 8 of the Representation of People Act, 1951, gets disqualified for some period of time.

Subsection (3) of the said Section provides for disqualification of a person, who is convicted of any offence and sentenced to imprisonment for not less than two years. Madam, I accept that in the existing provision there are so many contradictions regarding how to prevent criminals from contesting the elections. In certain clauses it is said that whenever the punishment is given or conviction is awarded for more than six months or when the person is imprisoned, from that day onwards for six years he is not eligible. That provision is there. But in some other clauses a minimum period of two years has been stipulated. The Government intends to bring in a uniform rule, making the provision that if any person is convicted for more than six months, he will be disqualified along with the imprisonment and punishment period

for a further six years' period. We intend to bring in a legislation in that regard. Certain further provisions in this behalf are also being examined.

A concern has been expressed over the delay in the disposal of election petitions. The law provides that endeavour should be made to conclude trial on an election petition within a period of six months. But, it is a fact that most of the cases are not disposed of early and the cases go on for three years, four years or five years. The Ministry is thinking of ways on how to speed up such cases and dispose them of within six months. We propose to create some forums and hope to soon bring in a legislation to see that those cases can be disposed of within the stipulated period. The Government have asked the Law Commission to make a comprehensive study and to suggest measures for early disposal of election petitions. Report of the Law Commission is expected shortly.

Hon. Members have also pointed out the inadequacy of the anti-defection law to completely prevent defections. The Government is aware of the need for further strengthening the anti-defection law. This issue, in fact was also considered in the meeting of the political parties, but it was decided that the issue would be taken up at the next meeting of the political parties.

Madam, I have taken note of the various suggestions made by hon. Members. After the Inderjit Gupta Committee Report is received, the Government would hold further discussion with the political parties and would bring forward a bill to give effect to such proposals on which a consensus emerges amongst the political parties.

As the Government has already initiated steps to bring necessary changes in the electoral laws to strengthen our democratic structure and the Government is fully committed to electoral reforms, I would request Shri Ramdas Agarwal to withdraw his Resolution.

SHRI JOHN F. FERNANDES (Goa): Madam, I spoke on the subject on two occasions. Once I spoke on the Private Member's Bill concerning the P.I.L. Last time also I spoke on the Bill. In both the speeches I referred to the report of the Law Commission. I had asked whether the Law Commission had referred any report to the Central Government. When we talk of democratic institutions, it also includes judiciary. I would like to know whether the model code of conduct given by the Government to the judiciary has been returned to the Government with its comments. For the last five years nothing has come out of it. Last time also I had asked the hon. Minister to find out as to what had happened to the model code of conduct for the judiciary.

SHRI M. THAMBI DURAI: We are considering that.

SHRI JOHN F. FERNANDES: You are considering that for the last five years.

SHRI M. THAMBI DURAI: The election Commission had objected to certain things. We had written a letter. Today also we have received a letter. They have said implementation of it in regard to judiciary was creating a problem. But still, as the hon. Member has suggested, I would ask the Law Commission to consider that. We assure you that we would try to bring a legislation.

श्री संघ प्रिय गौतम: मैडम, मैं फिर निवेदन करूंगा कि हमारी जनतांत्रिक संरचना को सशक्त बनाने, धन-बल और बाहुबल का उपयोग किए बिना स्वतंत्र और निष्पक्ष निर्वाचन सम्पन्न हों। निर्वाचित प्रतिनिधि निचले स्तर से आएँ, यह सुनिश्चित करने का कोई भी इस तरह का, जहां तक मैंने सुना है न कोई बयान आया है और न ही कोई सुझाव है। जो इस प्रस्ताव की रूढ़ि है। हम एक विशेष प्रस्ताव की यहां पर चर्चा कर रहे हैं। पहले यह आना चाहिए था कि इस तरह की दूषित प्रणाली हो गई है इसलिए इसको दूर करने के लिए रिव्यू करना बहुत जरूरी है। यहां तो एक सुनिश्चित भाषा है। इसके बारे में न तो कोई सजेशन है और न मंत्री जो का कोई एक्जॉरिस है, यही मेरा कहना है।

**THE DEPUTY CHAIRMAN:** Mr. Minister, he is very concerned about the use of money power and muscle power. The money power and muscle power were limited to the direct elections, but these have entered into the indirect elections also. You might have seen in the press about this in the recent elections to the Rajya Sabha.

**SHRI M. THAMBI DURAI:** As I said earlier in my intervention, in an all-party meeting we have considered as to how the State can come forward to fund the whole elections. Then, this money power can be stopped to some extent. We have also considered as to how we can stop collection of donations from various companies and other agencies by various political parties for the purpose of elections. There is also a proposal to include all the expenditure of the political parties for the ceiling purpose for the election of candidates. Therefore, that way we have tried to see that money power does not play a vital role in the elections. That is one factor.

Regarding muscle power and criminalisation in elections, we are taking necessary steps. The Election Commission have already prescribed a model code of conduct and so many other procedures. They are misusing it in such a way that they are blocking the election of other Members, good Members. They can challenge it in the court or any other forum.

**THE DEPUTY CHAIRMAN:** By the time the decision comes, it will be too late. The next elections will come.

**SHRI M. THAMBI DURAI:** That is why we are going to bring in some kind of a legislation to create some kind of a forum or tribunal or special courts wherein these cases can be disposed of speedily.

**THE DEPUTY CHAIRMAN:** What about the use of money in the indirect elections? It has been reported in the press also. Are you thinking of bringing in more transparency into it?

**SHRI M. THAMBI DURAI:** Yes, Madam, the Election Commission is considering this point to bring in more transparency.

**THE DEPUTY CHAIRMAN:** How?

**SHRI M. THAMBI DURAI:** Various political parties are giving suggestions. We will take them into consideration.

**SHRI TRILOKINATH CHATURVEDI (Uttar Pradesh):** Madam, you have raised a very important question of money power in indirect elections. I think the Minister should consider this question. This evil phenomenon has arisen recently. It is increasing more and more in our political life, in the indirect elections also. How can this evil be checked? This should form an important plan of the electoral reforms. So far this point has been ignored, but they have a pronounced effect in the recent elections. There has been a complaint by the Election Commission also. I think this matter has to be taken into account seriously and how to prevent it. They should take preventive action at the earliest. According to our Constitution, according to the laws of the country, this is an aspect which needs greater attention.

**SHRI KAPIL SIBAL (Bihar):** I just want to seek a clarification. The hon. Minister has just now mentioned that the Government is thinking of bringing about some special legislation for transferring the jurisdiction of election disputes from High Courts to special tribunals. Perhaps, the Minister must be aware that earlier election disputes were decided by special tribunals, this jurisdiction was later transferred to High Courts. Does he want to go back to transfer election disputes back to the tribunals or is there some other scheme that the Government is thinking of?

**SHRI M. THAMBI DURAI:** We want these institutions to give decisions before a certain time-limit. The Supreme Court and High Courts do not have facilities. We are looking into that. ...*(Interruptions)*...

DR. JAGANNATH MISRA (Bihar): You can have five or six Judges from High Courts in these tribunals for speedy disposal of election disputes.

SHRI TRILOKINATH CHATURVEDI: There are various alternatives which may be explored.

SHRI KAPIL SIBAL : Madam, if you look at various High Courts in the country, all of them are running at half their strength. The problem, therefore, is piling up of cases. The Government and the Courts should appoint Judges at the right time. Courts are aware as to when vacancies fall due. And if that problem is solved, we may not have this problem of transferring election disputes to special tribunals many jurisdictions like the CEGAT & CAT have been transferred and we know the quality of the judgments that emerge considering this is the Supreme Court has recently held that against the decisions of tribunals, an article 226 petition will lie to the High Court. We are not really dealing with the problem in proper fashion. So, the hon. Minister should look into this matter more carefully. Thank you.

THE DEPUTY CHAIRMAN: Mr. Minister, what I feel is this. I have read the whole discussion which has taken place in the House and the sentiments of Members. My own feeling is that surely, there are less Judges and there are more cases. There are not only election cases. There are other cases which are getting delayed. It takes a long time. Here it happens because successive elections come quickly. Previously, next elections were coming in five years. Now they are coming earlier. So, it really has no meaning. In many cases it happens. Sometimes a person dies as it happened in a case in Bombay. There was an election petition and the person who filed the petition died. He could not get the benefit of it. Are you thinking of having separate courts only for election purposes? If you want our democracy to function properly, honestly, then you should. Are you thinking in that way? Or are you going

back to the tribunals? You need not have tribunals. You can have special courts.

SHRI M. THAMBI DURAI: Madam, two points are raised by our hon. Member. One is regarding the existing vacancies in High Courts and the Supreme Court. Half the number of vacancies are not filled. He wants to know the actual position. Madam, that is a fact. We are taking all the necessary steps to see that all the vacancies are filled up. As far as our Ministries concerned, whatever proposals we have received, we have gone through and we have already taken the necessary steps. There is no file pending with me on that.

The second thing is regarding the special forums to settle these cases, to see that election cases are quickly disposed of as, otherwise, there is no point in taking up these cases. I accept that it is a very serious matter. Cases are going on for 5-6 years. Justice cannot be given. Justice delayed means justice is not given. For that, as I said, there is a provision that it has to be disposed of within six months. But practically, it is not happening. For that, we have sought suggestions from the Law Commission as to what forums we can create or form specially for these election cases and how we can dispose of them. We are thinking in that direction of creating some kind of special courts or tribunals whichever they feel are better. Soon, we are bringing a legislation also on that.

SHRI RANGANATH MISRA (Orissa): Madam, some time back, retired Judges were called for election trials. When Government of India decided that that should be done. It was to be very convenient and retired Judges came exclusively for election cases. Something of that kind can be again tried. There is no difficulty. But if tribunals are to be set up again for election work, it would not work. We experimented with it for two elections. We found that nothing was being done. It should take six months for the original trial and three months for the appeal. That is how it is provided in the

existing law. But on account of the fact that there is paucity of Judges, it is not being worked out. We had a bluebook issued from the British time. According to that, vacancies in High Courts were being filled up. That a Judge would be retiring on a particular day was a known event. Unless there was a vacancy on account of resignation or death. Six months before the vacancy was arising, the file was supposed to move. Nothing that way is being done. The system should be streamlined that way, six months ahead of retirement, things should move—one Judge goes out at 4 o'clock one day on retirement and next morning, at 10 o'clock, the new Judge should come in his vacancy. That is how it was being done. It can still be done. If the Government is interested, it can be streamlined that way.

**THE DEPUTY CHAIRMAN:** Not only that. But with the increase in population and with the increase in the number of disputes, you need to have many more Benches with many more judges. If the vacancies are not filled up, them that is one problem. But there is another problem. The increase in the number of Benches is not proportionate to the increase in the number of disputes. There are not enough Benches of the High Courts or the Lower Courts. That is another point.

**SHRI SANGH PRIYA GAUTAM:** Madam, those Tribunals are nothing but District Judges.

**THE DEPUTY CHAIRMAN:** We are not having another debate now. आप बोलिये अग्रवाल जी, आपका रिप्लाय होना है। (व्यवधान)

**श्री त्रिलोकी नाथ चतुर्वेदी:** महोदय, ... (व्यवधान)

**उपसभापति:** अग्रवाल जी रिप्लाय करेंगे। ... (व्यवधान)

**श्री जगन्नाथ मिश्र:** डिबेट होने दीजिये, दूसरा विषय आने दीजिये (व्यवधान)

**श्री त्रिलोकी नाथ चतुर्वेदी:** मिश्रा जी, जब आप बोलते हैं तो मैं कुछ नहीं बोलता हूँ।... (व्यवधान)

**श्री जगन्नाथ मिश्र:** नया संकल्प आ रहा है, आने दीजिये... (व्यवधान)

**SHRI TRILOKI NATH CHATURVEDI:** Madam, Deputy Chairman, the Election Commission has formulated a model code of conduct. Most of the parties subscribed to it. It would be better if we give it a legislative and legal sanction so that after coming into operation, it can take care in advance of many of the things which are there. This was also the suggestion about which the Minister has not said anything.

**श्री रामदास अग्रवाल (उज्जयिन):** उपसभापति जी, जो संकल्प मैंने 5 जून को प्रस्तुत किया था, उसके बाद माननीय सांसदों ने इस विषय में जिस प्रकार की गम्भीरता और विचारों में साम्यता का प्रदर्शन किया। वास्तव में वह बहुत ही अधिक मेरे लिए प्रोत्साहन करने वाला विषय है। मैं आपारी हूँ सभी माननीय सांसदों का, वरिष्ठ सांसदों का और कुछ तरुण सांसदों का जिन्होंने इस संकल्प में अपने विचार बड़े खुले दिमाग से प्रस्तुत किये। यह संकल्प प्रस्तुत करने का मूल उद्देश्य भी यही था कि हम लोग जब कोई चीज़ डिसकस करते हैं उस समय कई प्रकार के हमारे ऊपर बंधन होते हैं और उन बंधनों से मुक्त हो कर डिसकशन करने में कठिनाइयाँ आती हैं लेकिन मुझे इस बात की खुशी है कि हमने चुनाव सुधारों के संबंध में बड़े उन्मुक्त ढंग से अपने विचार रखे।

महोदय, अभी गौतम जी ने एक प्रश्न खड़ा किया था और माननीय श्री प्रणव मुखर्जी जी ने जब मैंने प्रस्ताव रखा था उस समय उन्होंने मेरे इस रेजोल्यूशन का जो लास्ट पैराग्राफ है, उसे बड़ा महत्वपूर्ण बताया। वह यह था—

Raise the level of discussions both in Parliament and State Assemblies and the reputation of the Parliament and State Legislatures.

यह एक अलग विषय था चुनाव सुधार से। अभी यह प्रस्ताव आज हम यहाँ डिसकस कर रहे हैं और इसका आज अन्तिम संस्कार हम लोग करेंगे। ... (व्यवधान)

**उपसभापति:** अन्तिम संस्कार नहीं करेंगे, शुरूआत करेंगे।... (व्यवधान)

**श्री जगन्नाथ मिश्र:** हतोत्साहित मत होइये, मिनिस्टर ने पोजिटिव कहा है।... (व्यवधान)



श्री रामदास अग्रवाल: मुझे लगता है कि हम बहुत बार डिसकस कर चुके हैं। 8 साल तो मुझे हो गये और 15 साल से मैं अखबारों में पढ़ता आया हूँ कि चुनाव सुधारों के बारे में जो भी सरकारें आईं उन्होंने बड़ी गम्भीरता से इस पर मनन किया और वह मनन, चिन्तन सब कुछ होते होते आज चुनाव की जो स्थिति बन गई है, वह हमारे सामने है। महोदया, आप तो अभी स्वयं भी राज्य सभा का चुनाव जीत कर यहां पधारी हैं। मैं केवल एक उदाहरण आपके सामने रखना चाहता हूँ। मैंने उस दिन भी अपने भाषण में यह बात कही थी कि जनबल को इस समय धनबल और बाहुबल रौंद रहा है। अगर यही स्थिति रही आम चुनावों में जहां जनता लाखों की होती है, हजारों की होती है वहां पर इसका प्रभाव है लेकिन मुझे कहते हुए अपने सदन में और कई बार अपने मन में अफसोस होता है कि जहां विधायकों को ही खुद चुनना है राज्यसभा का सदस्य, वहां पर भी बाहुबल न सही, धनबल ने अपना प्रताप दिखाया है।

महोदया, मुम्बई में कोई हार गया किसी पार्टी का, तो राजस्थान में दूसरी पार्टी का हार गया। हमने पूछा क्यों हार गया? धनबल! यह क्यों हो रहा है? हम सुधार करना चाहते हैं सारी व्यवस्था में। हम चाहते हैं कि यह प्रभाव कम हो लेकिन कठिनाई यह है कि कम होने की बजाए ये मामले बढ़ते जा रहे हैं।

महोदया, जैसा मैंने कहा कि आज हम आखिर में इसको डिसकस कर रहे हैं। लेकिन अभी चार दिन से हम क्या देख रहे हैं हमारे दोनों सदनों में? मैंने यह बात इसलिए रखी थी कि हम जब विचार करते हैं कि संसदन में डिसकशन का स्तर ऊंचा हो तो वह स्तर ऊंचा होने का आभास क्या हमको दिखाई देता है। क्या हम समझ रहे हैं कि हमारे सदनों में चाहे लेजिस्लेटिव असेम्बलीज हों चाहे पार्लियामेंट के दोनों सदन हों क्या उनमें हमारे डिसकशन का स्तर ऊंचा हो रहा है? क्या यह हमारे लिए चिंता का विषय नहीं है? बहुत अच्छे-अच्छे पुराने मुख्य मंत्री रहे हुए लोग, पुराने मंत्री रहे हुए लोग और भी पुराने वरिष्ठ केन्द्र के मंत्री रहे लोग आज सदन में खड़े होकर अपने आचरण के लिए माफी मांगते हैं। ऐसे आचरण की बात होती है। सवाल यह है कि माफी मांगने से एक संदेश नहीं जाएगा दुनिया में। इसलिए आवश्यक यह है कि हम अपने सदन की गरिमाओं को किस प्रकार से ऊंचा करें इसके लिए माननीय मंत्री महोदय को इस बारे में और कुछ ऐसी व्यवस्था करनी चाहिए ताकि हम सदन की गरिमाओं के प्रति स्वाभिमान से दुनिया में कह सकें। यह मेरा एक प्वाइंट था जिसको माननीय मंत्री जी ने अपने सामने नहीं रखा।

मंत्री जी ने मेरी कुछ बातों पर बड़ा गौर किया है। माननीय सदस्यों ने जो बातें की थीं उन पर भी बड़ी गंभीरतापूर्वक उन्होंने सोचने का आभास दिया है। उन्होंने कहा है कि 26.5 को जो श्रीमन इन्द्रजीत गुप्ता की अध्यक्षता में एक कमेटी बनी है वह विचार करेगी। मैं निवेदन यह करना चाहता हूँ कि इसे पहले भी चुनाव सुधारों के लिए बहुत सारी कमेटियां बनी थीं और उन्होंने अपने रिक्मेंडेशंस दिए थे। लेकिन कमेटीज के सुझाव कार्य रूप में परिणति नहीं हुए। वे सुझाव केवल काले अक्षर बनकर किताबों में रह गए। आगे उनकी परिणति नहीं हुई। आग्रह पूर्वक और खास तौर से मेरा यह सदन में प्रस्ताव लाने का जो मकसद था वह यह था कि हम अब केवल वादे न करें। इस मामले को टालें नहीं। हम इसको कार्यरूप में परिणित करने का संकल्प लें। इस आधार पर यह संकल्प मैंने सदन में प्रस्तुत किया था।

महोदया, आज परिस्थिति यह बन गयी है कि हम सब पार्टियां, जितने राजनीतिक दल हैं स्वयं प्रताडित है कई प्रकार की जो घटनाएं घटती हैं उनसे। दल-बदल के बारे में हम सब परेशान हैं। कभी हमको डर लगता है कि हमारे विधान सभा का सदस्य कोई गड़बड़ न कर दे, कभी हमको डर लगता है कि लोक सभा का सदस्य गड़बड़ न कर दे। वोटिंग के टाइम पर सबका ब्लड प्रेशर हाई रहता है। ये सारी की सारी स्थितियां क्यों होनी चाहिए। जो संसद चुनकर आया है जिसके पीछे 15 लाख लोग हैं, इस देश की जवता है, उसके आचरण पर इतना संदेह। क्या उसके आचरण पर हम प्रश्नचिह्न लगाएं? क्या हम जवाबदेह नहीं हैं? महोदया, यह एक ऐसा प्रश्न है जो केवल कानून से नहीं सुलटेगा। केवल कानून के आधार पर आप इसका निर्णय नहीं करा पाएंगे। इसके लिए अभी जैसा माननीय चतुर्वेदी जी ने कहा कि माडल कोड आफ कंडक्ट जो बना हुआ है इसको भी हमें कानूनी जामा पहनाना पड़ेगा। जब तक हम इसको कानूनी जामा नहीं पहनाएंगे, हम राजनैतिक पार्टियों या हम राजनीति में काम करने वाले चुने हुए व्यक्तियों के लिए यह सख्ती से लागू नहीं होगा तब तक हम शायद माडल कोड आफ कंडक्ट को केवल एक एन्टीजेटर में बहुत ठीक ढंग से संजोकर रखनेवाला तो बना सकते हैं लेकिन उसकी कोई कानूनी वक्त नहीं होगी, उसका कोई महत्व नहीं होगा। मैं कहना चाहता हूँ कि सरकार को इस बारे में कोई कमिटमेंट करना चाहिए कि वह माडल कोड आफ कंडक्ट को भी, आचारसंहिता को भी कानूनी जामा पहनाने के लिए मन में संकल्पित है और उसके लिए आवश्यक कार्यवाही करेगी। क्योंकि महोदया, यह जो दल-बदल का कानून है इसके अंदर

मैं एक बहुत स्पष्ट सुझाव दिया है। मैं नहीं चाहता हूँ कि इसमें बहुत लम्बी धाराएँ बनायी जाएँ। मैं तो केवल एक ही धारा चाहता हूँ और वह तो शायद हमारे सारे माननीय सदस्यों ने अपने वक्तव्यों में कहीं जिक्रने इस दल-बदल के बारे में बोला। महोदय, आप उस समय नहीं थी इसलिए मैं आपके ध्यान में लाना चाहता हूँ कि उन्होंने सबने यह कहा कि ज्यादा अच्छा केवल यही होगा कि जो व्यक्ति जिस पार्टी के टिकट पर जनता के द्वारा चुना गया है अगर उसका दिल बदल गया है, उसके संस्कार बदल गए हैं, उसके अंदर मानों एक नयी चेतना पैदा हो गयी है और वह जिस विचारधारा से चुनकर आया है और जिस पार्टी के टिकट पर चुनकर आया है उसको बदलने का उसने मन में संकल्प ले लिया है तो मैं चाहता हूँ कि कानून की धारा सिर्फ इतनी हो कि तुमको दल बदलना है, विचार बदलना है, नेतृत्व बदलना है, जो बदलना है, बदलो, तुम स्वतंत्र हो उसके लिए, लेकिन तुमको जनता में फिर जाना चाहिए। ऐसा एक सीधा कानून होना चाहिए जिसमें कोई बट नहीं हो। तुमको पार्टी नहीं जमती है तो छोड़ दो। दोबारा चुनाव लड़ो और फिर मैदान में आकर जनता तुम्हें जो भी पाठ पढ़ाए उसे स्वीकार करो। तुम जीत कर आते हो तो ठीक है, वरना हार गए सो हार गए। जो होगा, सो होगा।

महोदय, मैं इसलिए निवेदन करना चाहता हूँ कि आज हम सारे पार्टियाँ इस दल-बदल के कानून से प्रताड़ित हैं हम सब इस बात से परेशान हैं। हम सब मन में यह सोचते हैं कि यह कानून कठोर होना चाहिए। पहले आप लोगों ने, फिर हम लोगों ने .....(व्यवधान)

श्री जगन्नाथ मिश्र: अगला बिल नहीं आएगा?

श्री रामदास अग्रवाल: अगला बिल कहाँ है?

उपसभापति: जी है, आप अगर बोलना बंद करेंगे तो दूसरा रेजोल्यूशन आएगा।... (व्यवधान)

श्री रामदास अग्रवाल: केवल 5 मिनट।

उपसभापति: अग्रवाल जी, इस पर काफी चर्चा हुई है।... (व्यवधान) यह निर्णय हुआ है कि ढाई घंटे के अंदर रेजोल्यूशन खत्म करना है।... (व्यवधान) एक मिनट जाए आप चुप रहेंगे तो मेरी आवाज़ उन तक जाएगी। आप इस पर काफी बोल चुके हैं। बहुत लोगों ने बोला है। अब इस बात की महत्ता पर किसी को कुछ एतराज नहीं है। कृपया आप थोड़ा कन्क्लूड कर दीजिए, ताकि प्राइस गइज़ के बारे में... (व्यवधान)

श्री रामदास अग्रवाल: हाँ, मैं कन्क्लूड करता हूँ। महोदय, मैं हमेशा आप के आदेश की पालना करता हूँ।

THE DEPUTY CHAIRMAN: Very good. I am obliged.

श्री रामदास अग्रवाल: महोदय, मैं अंतिम बात कर रहा हूँ। जैसा मैं निवेदन कर रहा था कि हम सब चाहते हुए भी कुछ कर नहीं पा रहे हैं। आखिर इस मज़बूरी के अंदर मैं से कैसे निकलेंगे, इसका रास्ता बताना चाहिए। कमेटी ने यह तय किया है कि 30 अगस्त तक उस का निर्णय होगा। यह अच्छी बात है। टाइम बाउंड अगर आपने कमेटी बनाई है तो यह जरूर निश्चित रूप से हमें निर्णय तक पहुंचाने में मदद करेगी। लेकिन इसका टाइम बाउंड प्रोग्राम बने और उसमें फिर चुनाव सुधारों के बारे में अगर आवश्यकता होती है तो सदन में और सदन के बाह्र डिबेट हो और उसका फैसला हो। मैं मंत्री महोदय से निवेदन करना चाहता हूँ कि इस सदन में जो विचार और जो भावनाएँ व्यक्त की गई हैं उसके अनुकूल वे एक कंप्रीहेंसिव बिल सदन में प्रस्तुत करें और चुनाव सुधारों को ठीक ढंग से लागू करें। तो हम, जो हमारा देश एक विशालतम जनतंत्र कहलाता है वह आगे चल कर एक महानतम जनतंत्र भी कहला सके, ऐसा गौरव हमको प्राप्त हो और इस दृष्टि से आप प्रयत्नशील हों। यही मेरा आप से आग्रह है।

उपसभापति: यह तो आपने आग्रह कर लेकिन मैं आपसे आग्रह कर रही हूँ कि आप विद्वज्ञ करेंगे या वोटिंग करवेंगे?

श्री संघ प्रिय गौतम: यह तो मंत्री जी से पूछिए।... (व्यवधान)

THE DEPUTY CHAIRMAN: The Minister need not reply to this.

SHRI M. THAMBI DURAI: Madam, I have already requested him to withdraw the Resolution.

THE DEPUTY CHAIRMAN: The Minister's reply is over. He doesn't have to reply now.

श्री रामदास अग्रवाल: महोदय, मैं इस बात को जानता हूँ कि मुझे इसे विद्वज्ञ करना है, क्योंकि... (व्यवधान) आप सब ने समर्थन किया है इसलिए मैं आपसे भी जानना चाहूँगा।... (व्यवधान)

उपसभापति: हाँ, तो वे आपको सपोर्ट कर रहे हैं, आप विद्वज्ञ कर लें।

श्री रामदास अग्रवाल: ठीक है, मैं विद्वान् करता हूँ।

*The Resolution was, by leave, withdrawn.*

**RESOLUTION RE. STEEPLYRISING  
PRICES OF ESSENTIAL  
COMMODITIES AND THE NEED TO  
STRENGTHEN PUBLIC  
DISTRIBUTION SYSTEM.**

SHRI KHAGEN DAS (Tripura):  
Madam, Deputy Chairman, I beg to  
move the following Resolution:

"That this House disapproves the  
total in action of the Government in  
tackling the very sharp rise in the  
prices of essential commodities like  
cereals, vegetables, edible oils, etc.,  
and urges upon the Government to  
immediately intervene to roll back the  
prices of essential commodities and  
strengthen the public distribution sys-  
tem to protect particularly the  
economically vulnerable sections of  
the society."

Madam, at the outset I want to say  
that when the devastating fire, engulfs  
the markets, big or small, in rural and  
urban areas throughout the length and  
breadth of the country because of skyroc-  
keting of prices of essential commodities  
and when crores and crores of people  
eliving below the poverty line are langu-  
ishing....

the BJP led Gvoernment like King  
Nero—we all know that while Rome was  
burning King Nero was playing with  
flute—is also busy in playing with flute.  
किस लिए? वह तो जयललिता, यमता, समता और जो  
पार्टनर्स हैं, उन का मान-भंजन करने के लिए...

THE DEPUTY CHAIRMAN: Please  
don't take the names of those who are  
not Members of this House. Neither Ms.  
Mamata Banerjee nor Ms. Jayalalitha nor  
even Samata are members of this House.

SHRI KHAGEN DAS: I stand cor-  
rected.

THE DEPUTY CHAIRMAN: You re-  
fer to political parties, not to those who  
are not Members of this House.

श्री खगेन दास: उस के पार्टनर्स का मान-भंजन  
करने के लिए।

The Government is playing a danger-  
ous game with the lives of common  
people. They have no concern for the  
people or for the country—let the coun-  
try go to hell. Their only concern is how  
to continue in power for some days at the  
expense of the millions and millions of  
people. They must see the writing on the  
wall. Those who deceive people and bet-  
ray people, are not tolerated or are not  
spared by people. This is the lesson of  
history. It is indeed a national tragedy  
that while the prices of essential com-  
modities and items which are required for  
daily use are increasing by leaps and  
bounds, the Government has been totally  
indifferent towards the miseries and into-  
lerable hardships faced by the people.  
Actually, 'indifferent' is not the right  
expression. The Government had  
adopted a policy of masterly inactivity  
because it is the traders who are bene-  
fited out of the price-rise. The whole  
nation know the relation of the ruling  
party with the trading community. It is an  
established fact that farmers or producers  
are not benefitted out of the price-rise.  
All the benefit is being pocketed by  
middlemen. It is not my intention to  
waste the time of the House by mention-  
ing statistical details about the price-rise.  
But some of the figures available with me  
are so startling that the mention of them  
becomes imperative. The annual rate of  
inflation has shot up to 7 per cent to  
reach 70 weeks high of 7.41 per cent, for  
the week ending 27 June. As per Govern-  
ment's admission, the prices of primary  
food articles have risen by 9.72 per cent  
while that of vegetables have risen by  
54.95 per cent. These statistical details,  
however, are not reflective of the actual  
ground situation.

I would just mention the price of some of  
the items of common use before the  
Budget and after the Budget. The price  
of onion was Rs. 6 per kg before the  
Budget, and it is Rs. 20 per kg. after the  
Budget. The price of potato was Rs. 8