

I. CONSTITUTION (SIXTY-SECOND AMENDMENT) BILL, 1988.

II. REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1988— Contd.

SHRI A. G. KULKARNI (Maharashtra): Madam Deputy Chairman, I am greatful to you for calling me to participate in the debate on this historic Bill which has been brought in the House.

Madam Deputy Chairman, I am also happy that the Congress Party which has in its manifesto talked of many issues like the Anti-defection Bill, the electoral reforms has brought this Bill before the House for consideration. And many questions were raised in this House by the Congress Members and the Opposition Members that this type of a Bill should be brought before this House. Has the Guard been changed or not?

[The Vice-Chairman (Shri Jagesh Desai) in the Chair]

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Yes. It is just a consultation.

SHRI A. G. KULKARNI: So, Mr. Vice-Chairman, Sir, I am all along mentioning that lowering of the age and bringing in the youth to the legislative process is in the right direction. Sir, why I am very much interested in this Bill is that the youth of this country are under a great stress. I am aware that they are under a strain. Unemployment is there, poverty is there and many other constraints are there. But, Sir what I feel is that if they are brought into the mainstream of legislative discussion, debate, voting, etc., perhaps, they will understand the gigantic problems which this country is facing.

Mr. Vice-Chairman Sir, I am also happy that the Prime Minister when intervening in the debate as well as in Lok Sabha had taken great pains to emphasise the importance of debate with all those concerned regarding these electoral reforms. Sir, I am also very much enamoured of certain provisions in this Bill. Apart from lowering the voting age, there are other features which also require consideration by all the political parties. This is not the responsibility of either the Congress Party or the Opposition Parties alone. It is the responsibility of all the political parties. It was a demand put forward by all of them in their own interest and in the interests of democracy, demand for such type of changes that these reforms are taking place in the electoral system.

Mr. Vice-Chairman, Sir, I am not going to take much time. These Bills were discussed on the 16th on which day I am not present. But I am mentioning very briefly certain points, which I am consciously feeling that they should be debated and that is why, Sir, with the permission of my Minister of Parliamentary Affairs, I am taking part in this debate.

Mr. Vice-Chairman, Sir, there were many objections and many issues raised during the course of the debate in the Lok Sabha and in this House on the 16th. These Bills have also been discussed on a wide spectrum in the country and the media has also taken note of them and the legal experts, sociologists and economists have also written on them. What I feel is that there are certain issues on which the ruling party and the opposition parties have not agreed and they must have misunderstood the issues which this party had brought forth. There are three or four issues which attract attention. Out of them one is regarding broadening

[Shri A. G. Kulkarni]

the Election Commission. Our party has appointed a cell or a core group. It was also discussed in the AICC. There also it was said that it should be broadened. The Government in its own wisdom, I think want to assess the past experience and also gain some more experience and then within a year or two or three years consider the question of broadening of the Commission and also whether it can be given another status etc.

Then, Sir, I feel that the issue of the State officers being under the control of the Election Commission during elections is the right thing. Why the Opposition political parties are opposing, I do not understand, because unless there is coordination, things will not move on smoothly. Suppose they continue to be under the State authority, as they are now, the difficulty arises when decisions are to be given in the matter of say rigging, or misusing the electronic machines, or booth capturing, and such other things. All these things require a decision, a co-ordinated decision. For these reasons I do support the views expressed by the Government that State officers should be under the control of the Election Commission. Many Opposition parties, not opposition parties only, but many political parties have suggested that this would amount to the weakening of the State authority. But I do feel that unless the Election Commission itself is strengthened, these things cannot follow. I do not deny that there is no necessity for it. I personally do not deny. I think all these things are necessary. This is the fortyfirst year of freedom. All these things come up and they will be discussed and in due course the Government may come up with their experience and tell us what best can be done. About the Doordarshan and the AIR, there is this oft-repeated demand and everytime the Minister of Information and Broadcasting has given statistics which show that opportunities have been given to the

opposition political parties along with the Congress party. Position of the Prime Minister is on a different pedestal because he as the head of the Government has to portray certain views and therefore this should not be looked at from a narrow angle.

There are two or three points more.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Three minutes.

SHRI A. G. KULKARNI: No, I said, three points. It may take ten minutes. Don't fight with me.

One point is about the definition of the political party, the statutory definition. I feel very much disturbed that after 40 years, a person like me who is in the political life for the last 45 years, should feel so much frustrated. In the Gandhi-Nehru era, Pandit Nehru and Gandhiji had asserted that the country is one; there should be no political party based on religion. But now what do we find? I am so much concerned about this particular point of what is known as *ekatmakta*. This is the basic point which, after 40 years, is raising its head. Mr. Vice-Chairman, there are different types of religious innovations, religious intrusions into the political system in different States. I come from Maharashtra and I am very much concerned with communal organisations, like the Shiv Sena which says: '*Garv se kaho hum Hindu hain.*' I am ashamed at it. They should say: '*Garv se kaho hum Bhartiya hain.*' I am ashamed that a chauvinist rank communalist party with its cross method of stick, is threatening the fabric of the integration of this country, and I would like to know from the Minister whether there is any provision in the definition to curb it. I cannot say *garv se hum Hindu hain*; I will say *hum Bhartiya hain*. I am an Indian and will die and Indian and will be Indian for all times to come, not as Hindu.

Then this chauvinist organisation says that saffron flag will be flown on Maharashtra Assembly. Why a saffron flag? I do not understand it. India has got one flag and that will be there whatever government comes to power. Because there cannot be a parochial attitude in these matters. I would like to know if the Government will have strong political teeth in dealing with such affronts to our Constitution. Why do I say this? Mr. Vice-Chairman, I am a little older than you, I have been in politics for more than forty years. Why did I come to politics? Why did I fight? What was the reasons? What was the motive? My motive was not to become a Minister here or a Minister there. My motive was that India should be free. For this purpose, I would appeal to all the political parties. It is a matter of shame—I do not know the feelings of my friend, the General—that Mr. Barnala was tied to a pole and given the job of polishing the shoes.

SHRI DHARANIDHAR BASUMATARI (Assam): In the name of religion.

SHRI A. G. KULKARNI: What is it if not religious fanaticism? Are you prepared to include this in the Bill for the purpose of disqualification? Of course, Mr. Barnala is a gentleman. He might have done this to obey his Gurus or whatever it is. But religious fanaticism and politics cannot be mixed. If religion is allowed to have its sway over politics, democracy will be in danger. A united India which is the result of the efforts of Pandit Jawaharlal Nehru and Gandhiji is threatened by such religious fanatics whether they are the Shiva Sena people in Maharashtra or in Punjab. Of course, I appreciate the contribution of the left parties in this regard. They have denounced such religious fanaticism and the intrusion of religion in politics, whether it is by the Shiva Sena in Maharashtra or Punjab or by the other Senas which are growing.

I welcome the provision which provides for disqualification of those who are convicted in respect of offences relating to foreign exchange and other antisocial acts. Mr. Vice-Chairman, I am not only frustrated but am also ashamed of myself and my country that such religious fanaticism is taking root. But along with it, another danger zone, another red light, is the influence of money in elections. I am very much disturbed about the influence of money in elections. No body can take solace. I can quote extensively in regard to other political parties as to how black money takes precedence in elections. They need not show their finger at the ruling party. I can show mine, not one but ten fingers, at the other parties.

श्रीमती रेणुका चौधरी (आन्ध्र प्रदेश): हाथ तो आपका निशान है और हाथ में पांच उंगलियां होती हैं। आप लोग तो हाथ फैलाते हैं।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Keep it for some other occasion.

SHRI A. G. KULKARNI: I have got ten fingers. Out of them, one will be at Rama Rao. Do not worry about that.

SHRIMATI RENUKA CHOWDHURY: You show all the ten fingers at Rama Rao आप इतनी मदद करते हैं तो हमें कोई फिक्र नहीं है।

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Mr. Kulkarni, why do you have a closed mind? At this age, kindly be impartial and do not be like any other Member.

SHRI A. K. KULKARNI: Mr. Reddy, you are my old colleague. These are Parliamentary repartees. Do not go to that extent. When a fair lady, when a beautiful lady, makes some comments, I must also encourage her to make more comments.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Do not make many comments now.

(Interruptions)

SHRI A. G. KULKARNI: I am old by age but fresh at heart.

(Interruptions)

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Therefore, you welcome such repartees?

(Interruptions)

SHRI A. G. KULKARNI: Sir, my time is being wasted (Interruptions)

I was on the point of influence of money in elections. Every party indulges in this. I do not want to name any party.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Do not do it now, not necessary.

SHRI A. G. KULKARNI: Influence of money in political circles, in political parties is tremendous. I can quote extensively from various industrial houses. (Interruptions). You are laughing. That means you are also sharing my views. Sir, this influence of money is playing havoc with our democracy. Another havoc is being created—with due respect to all leaders—by these actors and actresses. What role have they to play? We fought the Britishers. Where were those actors and actresses? Rai Sahibs and Rai Bahadurs were there.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Prithvi Raj Kapoor and others were there, they also fought.

SHRI A. G. KULKARNI: So, I say that the influence of money has to be dealt with the strongest possible methods by the Government, whichever maybe the Government. Today perhaps the opposition parties are thinking that the Congress Party is ruling and, therefore, they have better opportunities, but there are many opposition party Governments in States also, like in Karnataka, West Bengal,

Kerala, Andhra. They have their own skeletons in the cupboard. I can quote various instances against Chandan Basu.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Not now. Keep them for future.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Keep them in your own compartment.

SHRI A. G. KULKARNI: Even my Karnataka friend Hegde I am not mentioning, it is no use mentioning, what is the use of mentioning? This arrack business, this business and that business, what is the use?

So, I want to emphasize that influence of money will only give winning satisfaction, it will not strengthen democracy. The nexus between politician and money bag has to be broken. Influence of money has to be driven out of the country. Otherwise, there is no hope for our country.

So, in case of religious parties I have already said that Manu Smritis have no role to play in this country. It is Baba Ambedkar's smriti which has a role. The Government has to make efforts to remove social evils, remove poverty. These are more important. Lastly, I say that the points like influence of money, religious parties, fanaticism, have to be taken up seriously. When we think of money matters... (Interruptions). Ram Awadhesji, allow me to speak. Now I want to make my last point. Recently, Mr. Sathe, the Union Minister, made a speech in Nagpur where he said that the level of discussion in legislatures is going down. Mr. Sathe alone knows how it is going down, I do not know, I can only read in the newspapers. So, when we are discussing electoral rolls, all such problems, whether they are religious problems, black money problems. This has to be taken care of and for that purpose, unless the Government takes cognizance of defining "political

party" properly, this issue cannot be settled.

Mr. Vice-Chairman, our efforts of 45 years are bearing fruits, though slowly. Our friends might say that it is a political issue. But to me, to our party, it is an issue of building the nation and for that purpose it requires a political will and desire to ruthlessly put down these communal parties and the influence of black money on the elections. Thank you, Sir.

SHRI LAL K. ADVANI (Madhya Pradesh): Mr. Vice-Chairman, Sir, I rise to support the Constitution (Sixty-second Amendment) Bill, 1988, and to express, at the same time, my utter disappointment with the Representation of the People (Amendment) Bill, 1988.

I recall that in January 1985, the Prime Minister had invited representatives of various political parties one by one, just to discuss with him the important issues that, he felt, confronted the nation. In that first meeting I had with him, he had mentioned Punjab, he had mentioned Assam and he had mentioned Centre-State relations as the three important issues on which he would like to have my party's opinion. During that talk I remember I mentioned to him one subject that had long been agitating my mind and he was kind enough to listen to my views on electoral reforms. I emphasised that it had been my conviction ever since I have been in politics that if democracy is to succeed, we should try to make the electoral system as clean as possible. I am fully aware that laws by themselves are no solutions.

Before I come to the Bill itself, I would say that on that day, his response raised high hopes in me. Furthermore, when ten days later the President's Address was made to Parliament in which it was categorically stated that the Government was com-

mitted to a clean polity and therefore it would soon initiate discussions with the Opposition on the issue of electoral reforms, I felt very happy, very glad, very elated. So when two or three months back, it was once again announced that a bill is coming, though I had expected it during the last four years, these hopes were revived. From the publicity that preceded it, with the AICC undertaking so many exercises at various levels and workshops being organised and all that, I thought it would really something. But here I find a Representation of the People (Amendment) Bill, which, to use a little phrase, is a mountain in labour producing a mouse. What can I say about it except to express my sore disappointment. I would not like to make any comment just to score some debating point. Sir, it may not be possible for me to do justice to this subject in the short time that is due to me on the strength of my party and I would seek your indulgence and the indulgence of the House to allow me some more time.

I would briefly narrate the history of this issue of poll reform. It was in 1969 that my senior colleague, Shri Atal Bihari Vajpayee, first raised this issue in the Lok Sabha and suggested that just as in Britain there is, after every General Election, a Speaker's Conference—and that Speaker's Conference is not the Speakers' Conference of the kind that we have in India where all the Presiding Officers assemble—but is a conference of all parties presided over by the Speaker, and in which, on the basis of the experience of the last elections, electoral reform is considered. This issue of electoral reform is thus periodically considered in Britain. So, he suggested why could we not have a similar, institutionalized arrangement in India also, where a Speaker's Conference could consider electoral reform after every election. The then Law Minister, Mr. P. Govinda Menon, responded immediately and positively to the suggestion.

SHRI DHARANIDHAR BASUMATARI: He was the best Law Minister.

SHRI LAL K. ADVANI: Mr. Govinda Menon said that he would welcome such a move, and if the Speaker was willing to associate himself, he would very much like it. But he fully appreciated the need for examining the problem of electoral reform. This happened in 1969. In 1970, Parliament set up a Joint Parliamentary Committee on amendments to election law. In 1970 I had the privilege of being elected to this House. Since then I have been a Member of this House and, for all these 19 years, if any one subject has been foremost on my mind and on which I have been raising questions, raising discussions, pressing points, whether it is in this House or in a Committee—I was for quite some time a Member of the Consultative Committee for Law—it is electoral reform. This joint Committee was formed. My senior colleague, Mr. Vajpayee and I, both of us, served on this Committee. But, as everyone knows, in December 1970 the House was dissolved and so with that the life of this Committee also came to an end. In 1971, a new Lok Sabha came. Mr. Vajpayee raised the issue once again and once again a Joint Committee was formed, in 1971. At that time the Law Minister was Mr. Mr. Gokhale. Under the Chairmanship of Mr. Jagannath Rao, this Committee did expeditious work and by 1972, within one or 1/1-2 years, it submitted a report—a good report, I would say. I have it with me. It is a report in two parts, and that report has been with the Government since that time, since 1972. One of the important recommendations of that Committee was that voting age be lowered from 21 years to 18 years. That was in 1972. And, in 1988 when anyone says, “We are going to lower the voting age” and on that account tries to project to the people as if an earth-shaking announcement has been made, I am amazed. There is nothing surprising about it, though I have always regar-

ded as anomalous, as an inherent contradiction, in the situation that a young man of 18 years should be thought mature enough to sign a valid contract, to join the Army, to sell and buy property....

SHRI A. G. KULKARNI: But a good thing has happened.

SHRI LAL K. ADVANI: Yes, he is not allowed to marry—I know that. But that is not on grounds of maturity

SHRI KAMAL MORARKA (Rajasthan): Marriage is always....

... (Interruptions) ...

SHRI LAL K. ADVANI: Mr. Vice-Chairman, so, this was long overdue. If it has come 16 years late, even then, belatedly though it be as I said at the outset, I support the measure unreservedly. But, on the other recommendations there is no attempt even to tackle them, even to deal with them. Now, I am sure that in this House also replies would be given to Mr. Gurupadasamy, replies would be given to Upendraj, replies would be given to Advani. But my humble submission to the Government here is, let him reply to the Joint Committee, let him comment on the Joint Committee's recommendations, let him comment on the recommendations made by the Election Commission. I was literally taken aback....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Then, others would say, we have not been replied. That difficulty also we face.

SHRI LAL K. ADVANI: I am not saying that our points should not be covered. Suppose, for instance, someone from among the Opposition parties says that a multi-member Commission is necessary because we cannot trust one man. Suppose. You pick up on that and say that a multi-

member Commission is being demanded because you do not trust the Election Commission. So, you pick up on just one stray comment and answer that. Therefore, when the Prime Minister said that, I had to stand up and intervene at that very point and affirm that when I demand a multi-member Commission, my premise, my starting point is not that I do not trust one man, but my logic is different. Here is the Joint Committee Report which spells out the rationale for a multi-member Commission. Mind you, in 1972 or 1971 there was no kind of distrust in the Election Commission or in the Chief Election Commissioner at that time. The Joint Committee says:

"The immensity of the task of the Election Commission and the complexities of the duties it is called upon to discharge are too obvious and do not require any elaboration. It is too great a burden for a single person to exercise supervision, direction and control over elections effectively, and consequently he is likely to be exposed and vulnerable to charges of arbitrariness and partiality. The Committee, therefore, recommends that the Election Commission should be a multi-member body as envisaged in article 324(2) of the Constitution."

This is the rationale which has been given—it is in order to ensure that the Chief Election Commissioner does not become vulnerable to charges of arbitrariness. As it happens today, I think, the Prime Minister said or someone else from the other side said, "After all we do not agree with the decisions of the Election Commissioner. Sometimes you don't agree, sometimes we don't agree."

SHRI SATYA PRAKASH MALAVIYA (Uttar Praesh): Yes, the Prime Minister said it.

SHRI LAL K. ADVANI: But when it is one man, then, such charges become more likely. If it is a body, then, we are saving that particular institution from these charges. So, I

would like the Government to answer this. I was surprised to hear this kind of argument, particularly against the background of the fact that the AICC itself had demanded a multi-member Commission. Was the AICC charging the present Election Commission or the Chief Election Commissioner of being partisan? Was it distrusting him? But this was the argument that was given from that side. Therefore, I point out that on some of the things there has been a broad consensus all along.

I am aware that the Election Commission has not been always happy with this, the Election Commission itself has been resistant. But mind you, the Joint Committee on this particular recommendation, was unanimous. The Law Minister, Mr. Gokhale was also there. On some cases, for instance, lowering of the voting age, the Joint Committee was not unanimous. It was by a majority vote that it decided that the voting age be lowered, and the Government put it on record, "We have not taken a decision in this regard." This is also on record in the Committee's report that the Government had not committed itself to lowering the voting age. But on the question of multi-member Commission the committee was unanimous.

I would not deal with the other recommendations. But I do feel, as Kulkarniji, the last speaker, just now was saying, that this problem of black money has to be tackled. "This problem is not a problem for which you can point your accusing finger only at the ruling party and I can point out my accusing finger only at the Opposition parties," he said. I think he is perfectly right. I would not deny anything. I would say that today the money-bags seek to control Indian politics through the election funds that they give. This is a vicious circle. These election funds that are contributed are essentially in the nature of black money. They pollute the polity and in turn they generate more black money and so pollute the

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economy. Now, I have been trying to listen to every single speech that has been made from the Congress side and which concentrates on telling me the loopholes in my suggestion for public funding. No scheme is without loopholes. There are loopholes in every scheme. But my basic question to the Government is, does it recognise that the role of money power has been growing over a period of time and gradually it has been corroding the polity. It has become a problem. Does Government recognise that? There was a time after 1971 when the Election Commissioner, Mr. Sen Verma, gave a report in which he said that money power is no problem. He said that. In the Election Commission's report it was said that it is no problem; it is being exaggerated. He said that over a period of time the number of election petitions on grounds of corruption have been going down and therefore, obviously corruption has been decreasing. That was his view. Subsequent Election Commissions have not taken that view at all. In fact, I remember in 1984, participating in a Seminar organised by the Institute of Constitutional and Parliamentary Studies here in which the keynote address was delivered by the then Chief Election Commissioner, Mr. R. K. Trivedi, he spoke about money power and said—I regard this as a warning, a warning to the whole nation, a warning to the Government, a warning to all political parties—that “political corruption would continue to grow in geometric progression unless draconian steps are taken to eliminate chances of indiscriminate spending of huge amounts on elections and thus remove dependence on money power.” Now, you may reject our proposal which we have given unitedly. At the conference that was convened by Shri N. T. Rama Rao, in which all political parties except the Congress participated and in which all of us were agreed that public funding must be accepted in principle, you reject it, but then you come out with your

own proposals, with your own solution saying that you propose to tackle money power this way. Otherwise I have a feeling that you are making the people reconcile with corruption. As Mr. Bhandare was saying the other day.

“अरे क्या होगा, इससे कुछ नहीं होगा।”

After all, even if you bring in public funding, he said, all that it would mean is that it would increase the cost of elections. It may not decrease the cost of elections and corruption will grow. Sir, I think this cynicism is very dangerous for democracy as this cynicism strengthens the viewpoint of some of my colleagues on this side, who hold that in Parliamentary democracy money will continue to play a role; you cannot remove it unless you discard the whole system and you replace this ‘bourgeois democracy’ by some kind of ‘people’s democracy’ There is going to be no solution. This cynicism which was voiced by many on the treasury benches would strengthen this view. I have been a student of electoral reforms history in Britain. I must say that I am all praise for the manner in which they have gone about it. We need not ape them, we need not follow them. Even they don’t have public funding till today. But there was a time in the 18th and 19th century when British elections were hundred times more corrupt, more costly than anything that we have in India today. They were absolutely corrupt. Compared to those elections in Britain in the 18th century, perhaps I would say our elections are as pure as Ganga jal. Absolutely, pure I have with me here a very interesting anecdote which I read when I was a Minister. A BBC series was published on how the House of Commons works. In that series they gave description of the 18th century House of Commons. Some constituents wrote to a Member of the House of Commons saying that a particular excise proposal must be opposed. A written letter was sent to

the constituents. I read the letter it may be of interest to some. The M.P. replied "I have received your letter about the excise, and I am surprised at your insolence in writing to me at all. You know and I know that I bought this constituency. You know and I know that I am now determined to sell this constituency. And you know what you think I do not know that you are now looking for another buyer; and I know what you certainly do not know that I have found another constituency to buy." This is on record. This is a BBC series which I read at length. Not only that but I have seen a publication of the House of Commons which says that buying and selling was the common practice in the 18th century, constituencies were literally auctioned, publicly auctioned. Sometimes...

SHRI M. S. GURUPADASWAMY (Karnataka): There were days of pocket boroughs.

SHRI LAL K. ADVANI: Yes, Pocket Boroughs and all that. There were cases where the person who controlled a constituency. He would say that "I have decided not to sell it outright for four years. I am going to lease it out on an annual basis." This was the state of affairs in the 18th century in Britain in so far as electoral purity is concerned and from that point to this point, it is incredible really that since 1926, perhaps, till this day, for more than 60 years, there has not been a single election petition in Britain on grounds of corruption. No one complained about it. No one talks about money power. How has the sea-change come about? This sea-change has come about, first of all because there was no such cynicism of the kind that we see here. This cynicism is on both sides. I know that. We may talk about public funding but privately some of us say,

होगा कुछ नहीं भाई, इससे कुछ होता नहीं है। कहने की बात है, इसलिए करली है।

I regard this cynicism as dangerous to democracy. I believe that public funding can be accepted in principle. I do not know if the Law Minister has gone through the Joint Committee report. It was not a unanimous view. But the Joint Committee discussed the question of ceiling on election expenses. After discussing the question of ceiling on election expenses, this is what the Joint Committee observed:

"The mounting election expenses incurred by the candidates and the political parties during the last four General Elections and mid-term elections in India has been the subject of considerable concern. The Committee, however, considered that basically the problem of election expenses which has not only agitated the minds of the candidates and the thinking of the political parties but also of the general public can be solved only if it is accepted in principle that all election expenses ought to be legitimately charged on the public fund and efforts should be made to achieve that end. The Committee feel that a process should be initiated whereby the burden of legitimate election expenses at present borne by the candidate or the political party would be progressively shifted to the State."

This is the majority recommendation of the Joint Committee. What has the Government to say about this? Does it propose to move in this direction or you are saying that public funding is of no use public funding

will increase the cost of elections? For myself, I would say that when I proposed public funding I am of the view, there should be no private funding at all. We cannot afford to follow West Germany. We cannot afford to follow some of the countries where both public funding as well as private funding is permitted. In

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India, public funding should mean a fullstop to private funding.

It is only that the present nexus between the money bags and politicians can be snapped. Of course, it is not very easy. The scheme must be supplemented with strict curbs, very strict checks on the exterior props of electioneering. Why should there be these processions? Why should there be these peripatetic loudspeakers which create a nuisance for the whole citizenry. (Interruptions) So many things are prohibited but it is admitted that they go on. Thus though it is a crime to take voters to the polling booth, it has become a general practice and therefore, in that Joint Committee itself, I had suggested that on polling days, all vehicles should be off the road. After all, there as curfews at times and in a curfew, all vehicles have to be put off the road curfew passes have to be issued. Why can't we, for the sake of electoral purity, subject citizens to this much amount of inconvenience and discomfort that those who have vehicles would put them off, walk to the polling station, every one will walk to the polling station and not even a person who owns a motor vehicle should go in a vehicle? Let him go on foot.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): How much time you will take Mr. Advani?

SHRI LAL K. ADVANI: As much as you can permit, Sir.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): 25 minutes are already over.

SHRI DHARANIDHAR BASUMATARI: What is the lunch hour?

SHRI LAL K. ADVANI: There is no lunch hour. Sir, I will try to conclude. Yet another issue on which a lot has been said is the List System. Ruling Party members have been

trying to find loopholes and drawbacks in our proposal for the List System, on which I and my Communist colleagues think alike though others may have some reservations. I have been of the view that in India when we adopted this majority system of elections, it was with the hope that over a period of time, this system would yield a two party set-up. We in India have a fascination for the two-party set-up, as in Britain, as in America, not realising that Britain is by and large a homogeneous society. It is not a pluralistic society like ours where there are different levels of political development. There are different regions which have their own problems and so, regional parties are also inevitable, particularly if the national parties do not grow at the rate at which the people expect them to grow. These facts have to be taken into account and when you take these facts into account, I am strongly of the view that this majority system of elections that we have today has accentuated the community and the caste factor. The Indian polity has not moved to a two-party system. What has been happening is that the Indian polity, as a result of this system, has been oscillating between single party stagnancy and multi-party instability. Either it is single party stagnancy or then, you will have multi-party instability and this kind of pendulum swinging goes on and on. In a country like India, let us aim at a stable multi-party system. I was surprised when Shri Vishwajit P. Singh was recounting on the T.V. how many Jan Sangh candidates were there, how many lost their deposits etc., and that this kind of list system was adopted, they would get so many seats etc. etc. He did not quite realise that whenever we have mentioned this, we have said that there has to be a threshold, that below a certain percentage of votes, no party would be entitled to have representation. Even in respect of public funding the same argument was brought in. Let any number of

candidates stand up; only those candidates would be eligible for public funding who are able to save their security deposits. And security deposits also can be increased. There is no problem about that. But the basic concept has to be appreciated and accepted. Today, when you see this Bill, you feel that the Government has come to the conclusion that so far as the money power problem is concerned, it should not be touched. It thinks, "Let us not touch it. Let it remain as it is." It is therefore that I feel that this reluctance to touch that problem is because a vested interest has developed. However, I am sure that your attitude will change just as it has with regard to the problem of rigging. After all this problem of both capturing and the pro has not arisen in 1988. This has been there with us for nearly a decade and a half or two. It started in Bihar.

It started there and now it is spreading.

श्री राम अवधेश सिंह (बिहार) :
मैं तो इसका शिकार हो गया (व्यवधान)

श्री लाल कृष्ण आडवाणी :
हां, हां, सभी शिकार होंगे ।
It started there. The Election Commission, mind you, has been making recommendations of the kind now incorporated in the law, that it should be empowered to order complete repolling in the whole constituency if a sizable number of cases of booth-capturing come to its notice. It has been asking for this for a long time. But this has never been accepted. And when in 1988 suddenly this is accepted is it not proper for someone to infer that it is only because of Faridabad that this kind of a Bill has come up? Of course, I am all in favour of this. I am strongly in support of any move that stops this kind of evil practice. Our problem is to make elections free and fair. Here, there are no elections. Where there is

booth-capturing, there is just no election. There is no question of any fair election. But then, I would draw a distinction between what happened...

श्री राम अवधेश सिंह : काउंटिंग
पण्डाल भी अब कैचरड हो रहा है
(व्यवधान)

श्री लाल कृष्ण आडवाणी : श्री
काउंटिंग के लिए भी इलेक्ट्रॉनिक वोटिंग
मशीन सहायक होगी कि कम से कम
इलेक्ट्रॉनिक वोटिंग मशीन से (व्यवधान)
But there is a difference between what
happened in Faridabad and what
happened in Udhampur. There is a
marked difference between the two.
In Faridabad, there were at last forty-
one presiding officers who reported to
the Election Commission that in their
polling stations mobs came and cap-
tured their polling booths and so the
election should be annulled and re-
polling should be held. From Udh-
ampur there was no complaint of any
kind, absolutely no complaint from a
single presiding officer or returning
officer. It is this that has caused us
greater concern. And therefore,
when the Government thought in
terms of strengthening the election
Commission, I felt very happy. The
Election Commission has to be streng-
thened. People do not know that the
Election Commission has described
itself as "the weakest pillar of demo-
cracy". These are words used by the
Election Commission itself in a reply
given to me in the year 1982. I had
asked about the general recommenda-
tions made to the Government by the
Election Commission and in the
course of the reply, the Election Com-
mission said:

"The Election Commission, though
a mainstay of the edifice on which
the democratic structure of the
country is built up, is very often
described as the weakest pillar of
democracy because its secretariat
and staff are not completely insula-

[श्री लाल कृष्ण अडवाणी]

ted against the executive. In order to ensure the free working of the Commission, the proposed changes in the Constitution are considered absolutely necessary to strengthen the Constitutional status of the Commission.

(कृष्ण)

Now, what are the proposed changes? The Election Commission has said that "the Election Commission should enjoy, by suitable amendments to the Constitution, the same privileges and safeguards, in the matter of its secretariat and staff as are provided in the Constitution to the other Constitutional bodies and authorities like Parliament, Supreme Court, Comptroller and Auditor General of India and Union Public Service Commission." People are not aware of this. Perhaps the Prime Minister himself was not aware of this. He should have been briefed properly because he has kept on repeating that the Election Commission is an independent body. The Election Commission, under the Constitution, is not an independent body. Under the Constitution the Chief Election Commissioner the person, has been provided with certain safeguards. That once appointed, he cannot be removed except by a certain procedure applying 2.00 P.M. to the Supreme Court Judges, etc. etc. But so far as Election Commission is concerned, the Chief Election Commissioner himself has no control over his clerks. Then, the Chief Election Commissioner, except to the extent that any head of a department anywhere in any Government department has control over his clerks. Therefore, practically the Election Commission is a subordinate wing of the Law Ministry. And it is, therefore, that when the proposal came that these Returning Officers, these Chief Electoral Officers, should be deemed to be on deputation to the Election Commission, I felt that the Election Commissions name is used as a smoke

screen to bring them on deputation to the Central Government and this I cannot agree to. I cannot agree to, because I think there is need to strengthen the Election Commission vis-a-vis both the Central Government as well as the State Government. I would not say that the State Governments do not abuse their powers. They do abuse their powers. It is inherent in the situation. Just as the Central Government abuses its powers, the State Governments also do abuse their powers. And, therefore, if there is any proposal for honest electoral reform, it should unhesitatingly accept the constitutional recommendation that has been made by the Election Commission. You forget Advani, you forget the other Opposition parties. Tell us what you have to say about the Election Commission's recommendations. Take Parliament Secretariat. Mr. Sudarshan Agarwal has independence. There on the Lok Sabha side Dr. Kashyap has independence. The Parliament Secretariat is independent, the UPSC is independent, but not the Election Commission. The Constitution has elaborate provisions in respect of the Secretariats of all these bodies and it is thereby that these bodies have become independent. But there is nothing in the case of the Election Commission.

Finally, as I said, I was disappointed with the Bill, but I was even more disappointed with the speech made by the Prime Minister. It was short on logic, it was inaccurate on facts and insofar as the tone is concerned, it was flippant. You call it a historic occasion! My friend, Shri Kulkarni, repeated the word 'historic'. What is historic about it? What is historic about it except that we have delayed something for so long and therefore, we have made history? This should have been done in 1973 immediately after the Joint Committee's recommendations. In 1973 the voting age should have been lowered immediately thereafter. You do it after 18

years and call it historic! So far as lowering the age is concerned, I do not quarrel with it. So far as the other part is concerned, I see nothing in it, absolutely nothing. Do you think that the problems of communalism, the problems of fundamentalism, are going to be solved by making an amendment to the Election Law? Who is going to say 'I don't subscribe to the Constitution, I don't subscribe to this that, everything'? Let us not deceive ourselves. It may be a talking point for someone, but this is no way of electoral reform. That needs a deeper commitment than I find existing in the Government here. Therefore, I say let this not be the last word. You should know that we are totally dissatisfied with it because even if the draft had been shown to us, we could have suggested improvement. Even the discussions that went on seemed to be like going through the motion of discussion simply to show that we have been consulted. When I suggested that you introduce compulsory voting I was complimented that this is the first time that we know that there can be compulsory voting also. There are countries where there is compulsory voting. My own view is that in India voting till now has been regarded as a right. Let it become a duty. Let every single citizen be made to vote. It should be mandatory. Today what happens? After all education is an important input for the electoral process, for democracy. Today at the lower levels of education, where education is the lowest, perhaps the percentage of polling is the highest. As we go up the educational ladder, the polling percentage goes on decreasing. Is this a happy situation? And, I feel that if you introduce this small measure—it is a small thing and Australia has it and Italy has it and several other countries have it—and if you impose a small fine of Rs. 250/- on a person who does not vote, immediately there will be a large percentage of voting, because a large number of people who do not vote do not do so simple because of apathy,

indifference, gross indolence or laziness and this at least would be solved.

I once again appeal to the Law Minister here to reconsider the whole thing in a proper perspective and at the earliest bring forward a comprehensive electoral reforms Bill. Thank you.

SHRI VISHVJIT P. SINGH (Maharashtra): Mr. Vice Chairman, Sir, I rise to support the two amendment Bills.

Sir, to say that a measure which was long overdue loses its historic importance just because it has been debated and discussed for many years before being introduced is, I think, wrong. A measure is historic by its very nature; it is the nature of the measure which makes it important and historic. By reducing the voting age, you are increasing the number of voters and the vast number of new voters who will be enrolled are the youths of this country who have been demanding this. So, to say, in respect of a measure for them, that this is not a historic measure is, I think, a travesty. We must accept the fact that today we are enacting a historic measure and it is really a historic measure. There is no argument against it. All parties have accepted it. Let us take it in good grace rather than criticise it for its delay. The reasons for the delay were that we wanted consideration, we wanted consultation, we wanted consensus, we wanted everybody to agree to it, we wanted everybody to understand its implications, we wanted to create a certain awareness and that we wanted to create a certain atmosphere of acceptance. The Opposition parties—here I am a little bit charitable—did not bring this measure when they were in the Government, also for the very same reasons. I give them this credit also that they did not probably bring forward this for the same reasons and

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they must understand that it was because of those things that this was delayed. This is long overdue and our own party has been saying it for many years.

Sir, my elder colleague, Shri Advani from the Opposition has made various points about his opposition in principle to the various measures which have been enacted and various measures which have been left out, according to him, in the amendment to the Representation of the People Act. I will deal with them one by one.

One of the recommendations made by the AICC(I) was for a multi-member Election Commission. Agreed. It was a recommendation of the AICC(I); it was a recommendation of the party. It was again a recommendation by a majority, not by unanimity. It was a recommendation by a majority. What was the key part of that recommendation? The key part of that recommendation said that this will have to be in consultation. In consultation with whom? In consultation with the Opposition parties. And this is most important, Sir. (Interruption) I would beg for your attention, Sir. At least the Law Minister is here listening to me with intensity. The most important part was in consultation with the Election Commission itself. There is no measure which this Government has brought, which this party has recommended, which has been done contrary to the wishes of the Election Commission. The final measure or any particular enactment is of the person or the institution which is actually going to implement it, which is actually going to be involved in the infrastructural dissemination of the legislative decision. Let me tell you, Sir, that every successive Election Commissioner has been against the idea of a multi-member Election Commission. They have categorically said, and I would bring this on record including the present Election

Commissioner, that there is no need for a multimember Election Commission. What there is need for and which has been provided for, is more powers for the Election Commission, more infrastructural facilities to be available to the Election Commission, the staff of the Election Commission to be strengthened—correct—the financial resources available to the Election Commission to be strengthened—correct. But under no circumstances a multi-member Election Commission. The Election Commission itself has been against this proposal. And we are not going to bring in any measure without consensus. We are not going to bring any measure which is not acceptable to the Election Commission itself. We have too much respect for the Election Commission. We may disagree with the Election Commission. We have disagreed with them on various occasions. We have our differences. Let me say, as a party man I personally feel that I have differences with the present Election Commissioner himself. But that does not mean that I show no respect to the institution. The institution of the Election Commissioner is what is important.

Going further, about the powers which have been delegated I find that it is rather a specious argument that the Election Commission is not independent. How is it not independent? It is as independent as any body else. Today you turn around and criticize the Election Commission and say yes, the Election Commissioner himself is protected under the Constitution but the institution is not. I find this a very specious argument. It is as good as saying that the Chief Justice of India is protected but he has of course control over his staff...

SHRI LAL K. ADVANI: May I explain? There are provisions that the Parliament Secretariat is separate from the Parliament. There are provisions for the UPSC secretariat, for the Judi-

ary, and so on. But there is no provision in the Constitution in respect of the Chief Election Commissioner's secretariat.

SHRI VISHVJIT P. SINGH: I tell you what is specious. Mr. Advani also said that he has control over his department like any other departmental head. It is very important that the officers who are deputed for election work in the various States should not only conduct their work but also they should be made responsible for it. And the only way that can be made responsible is that they are deemed to be so and they must have some powers. They must be responsible and they must also have powers. No dyarchical situation should be created. Under these circumstances the only way this can be done is by deeming them to be on deputation to the Election Commission during the tenure of their work for the Election Commission. This is the only way this could be done. Let me tell you there is no bad intention on the part of the Government as far as this is concerned. This is not taking away the powers of any State. This is not taking away the powers of anything. As Mr. Advani has very correctly pointed out, it was the Election Commission which had the officers deputed for the elections and which had made the complaint about Faridabad.

श्री लाल कृष्ण आडवाणी : मैं आपकी बात मान लूंगा अगर डाइरेक्टर जनरल ए.आई.आर. और डाइरेक्टर जनरल दूरदर्शन को भी आप डेपुटेशन पर मान लें तो मैं आपके पूरे प्रोवीजन को मान लूंगा। आई विल अक्सेप्ट इट। दोनों तरफ से मान लूंगा।

SHRI VISHVJIT P. SINGH: Director-General, Doordarshan and Director General, A.I.R.?

SHRI LAL K. ADVANI: They should be deemed to be on deputation

to the Election Commission during the pendency of elections.

SHRI VISHVJIT P. SINGH: This is very strange. On the one hand, Mr. Advani says that the Election Commission is not independent. Then he wants the Heads of the media...

SHRI LAL K. ADVANI: According to you, it is very strong and it is very independent. So, do the same thing.

SHRI VISHVJIT P. SINGH: We might surprise you next time. Mr. Advani, this is not the last measure on electoral reforms. As the hon. Prime Minister has made it very clear, this is just the first step or rather the second step which we have taken. We will take other steps. Why not? This is an on-going process. This is not a process which is going to end here.

SHRI LAL K. ADVANI: He said that what we propose to bring in will make the Election Commission's proposals look like chicken feed. Actually this is chicken feed compared to the Election Commission proposals.

SHRI VISHVJIT P. SINGH: Sir, I am afraid I cannot speak if I am interrupted all the time. I have full respect for my elder colleague, Mr. Advani. But I cannot be interrupted like this. I would rather sit down and let him have his say.

SHRI LAL K. ADVANI: The floor is with you.

SHRI VISHVJIT P. SINGH: I think you for your indulgence. Further, if these officers are held to be on deputation they will themselves come under particular constraints of discipline, particular constraints of honesty, of integrity. They will have to report to the Election Commission. They will be under the proper control of the Election Commission and they will then function properly. The sort of complaints that Mr. Advani

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made just now will not come. That is why, we have said that these omcers who are working for the Election Commission during the elections should be treated as on deputation to the Election Commission.

Sir, I will go further and talk about funding. A lot has been said by various political parties about State funding. They have said that there should be State funding of elections. Mr. Advani has now come out and said that he is against any kind of multiple system where there is private funding as well as there is State funding. He wants that there should only be state funding. I would like to explain that in no country in the world there is total State funding. Wherever there is State funding, it is of a mixed variety. Nowhere in the world has it succeeded in getting rid of the spectre of corruption in elections. Nowhere in the world. It has been an unhappy experience everywhere. Wherever you have brought in State funding, it has not really succeeded in curbing this evil. For what purpose do you want to bring in State funding? You want to bring in State funding (1) to curtail election expenses, (2) to curtail the role of black money and money power in elections and (3) to cleanse public life. Will these objectives be achieved by State funding. And what is the cost which we will have to pay? Today, there is an unrealistic ceiling on election expenses. We are all aware of it. Mr. Ganesan has made a study about it. I am sure everybody is aware of it. It has been quoted in this House. He has said in his study that at a minimum level of State funding at 1982 prices or 1986 prices, the expenses would be something like 90 crores of rupees for every election with 540 constituencies and with three candidates per constituency. What do you do about independent candidates?

THE VICE-CHAIRMAN (SHRI JAGESH DSEAI): Only 90 crores.

SHRI VISHVJIT P. SINGH: Yes 90 crores. Let me go further.

SHRI LAL K. ADVANI: Rs. 90 crores is a pittance considering our economy.

SHRI V. NARAYANASAMY (Pondicherry): What about independent candidates?

SHRI VISHVJIT P. SINGH: Going further, it comes to thousands of crores of rupees. The question that we should consider is whether State funding can be introduced or not. But it can be introduced only on the basis of percentages, as Mr. Advani has also stated. Now, how do you handle the situation where there are three candidates or five candidates, one wins the election and becomes a Member of the Legislative Assembly or a Member of Parliament, and the balance of the candidates get votes very close to the winner but do not win the election? We have the first past the post system here. Sir, I am going to say something which is quite interesting. What do you do with the balance? Do you give them the money also. Do you give them money in proportion to the amount of votes they have got because that is the only way you are able to do in this system. There is no other way... (Interruptions) Suppose there are five candidates in a constituency who do not lose their deposit but they cross the threshold forgetting the State fund

श्री-राम अवधेश सिंह: ऐसा कभी नहीं हो सकता...

श्री विश्वजित पश्वोजित सिंह: क्यों नहीं हो सकता। राम अवधेश जी आप दो मिनट सुन लीजिए। (व्यवधान)

उपसभाध्यक्ष (श्री जगेश देसाई): ऐसा होता है भाई। (व्यवधान)

श्री लाल कृष्ण आडवाणी: वैसे स्टेटिक्स वर्क आऊट किये हैं।

Right from the beginning till to-day, the number of candidates who saved their deposit in a Lok Sabha constituency is 234, and rarely he third candidate saves his deposit. Those are the statistics till now. But once you accept the principle, we can work out. (Interruptions)

SHRI VISHVJIT P. SINGH: Let me go further, Sir. The money has to be given according to the percentages of votes you get in the election. In other words, you will be funding people who lose the election by large margins, you are funding the election of the person who wins the election. How do you handle the situation? You may have a political party which is not capable of getting even a single person elected to Parliament or to a State Legislature. But because they have not lost their deposit, they get the State funding and they get it for years together.

श्री राम अरवि सिंह : क्यों नहीं मिलेगा ?

श्री विश्वजित पंचवीर सिंह : क्यों मिलेगा, यह हमारा कहता है।

श्री राम अरवि सिंह : वह वाई चांस आपके वोटिंग सिस्टम के अनुसार जीता नहीं, अगर वह मेकेंड है तो उसको निश्चित तौर पर (व्यवधान)।

ठाकुर जगतपाल सिंह (मध्य प्रदेश) : उनको अपनी बात कहने दीजिए। आप भी अपनी बात कह लीजियेगा। इसमें परेशानी की क्या बात है ?

उपसभाध्यक्ष (श्री जगेश देसाई) : एक बात यह भी हो सकती है उनको पैसा तो बाद में मिलेगा।

श्री लाल कृष्ण आडवाणी : कहीं पहले मिलता है, कहीं बाद में मिलता है, अलग अलग व्यवस्था है।

SHRI VISHVJIT P. SINGH: Mr. Vice-Chairman, Sir, State funding

in a small measure succeeded in those situations where the lists system operates and nowhere else, and not in parliamentary democracies of the Westminster model which we have in India. And, Sir, we find that the lists system itself has been found to be defective. It is all very well for Mr. Advani to say with great panache of the single party stagnation in India an multi-party stability. And he wants, what he calls, the multi-party stability. Sir, let me assure him that there is no such thing as multi-party stability. It is always multi-party instability. We see, Sir, just now even with the imaginations that are going on at the moment the kind of combinations and permutations which are being worked out by the various leaders of the Opposition for unity. That itself shows you what multi-party system creates. Let me tell you, Sir, the experience of France, of Italy, of Israel at the moment when you did not have a Government for a few days because there was no way to form a Government. It is still going on and that kind of situation, Sir we do not have and we cannot have in India. There is no way we can have that in India. In this country, Sir, the one thing we have is stability the one thing we need is stability. The need of the hour is stability. We cannot afford to allow ourselves to be misled into this morass of a list system in this country. I would like to give one quotation and I think this is an important quotation from a great scholar David Butler of Oxford University. He has done a study of Indian electoral system. He says and I am quoting....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You have only five minutes now. Please try to conclude.

SHRI VISHVJIT P. SINGH: Sir, I will take only two minutes, not even five. In fact I am going to end with this quotation. I have already made the point that funding can only be connected to the system. The system

[Shri Vishvjit P. Singh] *House of*

cannot be change. Funding is impracticable. It has been found to be ineffective everywhere in the world. Nowhere in the world has it succeeded in rooting out the corruption and that is what we want, to root out that corruption. Sir, I would come to that later that corruption can only be rooted out by a change in our ethos. not by any change in the system, not by any changes on the statute book, because every change in law is as strong or as weak as the persons who are going to implement it. It is we who have to search within our hearts and find a way out by looking at things properly. It is we who have to change ourselves, we as a nation, we as a people, as I was talking and saying a little earlier when one Member of the House was interrupting the proceedings of the House and creating a scene, and I could see that every important leader of the opposition was sitting quiet. It is that kind of a thing that has to be changed when we do not look for the tiny gains for today, when we look for the sake of the country to the future, that is what is required. And, Sir, let me voice a note of caution, and I would like to end by the quotation of Mr. David Butler:

"Indian democracy is a far cry from Britain's. It has a low level of literacy and its constituencies each contain over a million people. Yet it continues to have a competitive party system. Relatively free voting and a genuine choice of Government exist in few developing countries. The survival of Indian democracy, spectacularly demonstrated in the alterations of 1977 and 1980, may be a tribute to the electoral system. The sub-continent is not easy to rule and, without the clear majorities that first-past-the-post voting so consistently produced, it is possible that political chaos would have been on a scale to provoke even the Indian Army into attempting a take-over of a sort to frequently seen elsewhere."

Therefore, Sir, I say to all these advocates of different systems, please search within your hearts and let us change ourselves rather than change the system because that will only lead to chaos and chaos is one thing which we do not want at any stage in our country. Thank you.

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) :

उपसभाध्यक्ष महोदय सन् 1972 ईस्वी में संसद के दोनों सदनों की प्रवर समिति में मतदाताओं की आयु 21 वर्ष से घटा कर 18 वर्ष किये जाने की संस्तुति की थी। सन् 1972 से अब तक वह पड़ी रही। 1975 ईस्वी में स्वर्गीय लोकबायक जयप्रकाश नारायण जी ने जस्टिस नार-कुण्डे की अध्यक्षता में एक कमेटी का निर्माण किया। उस कमेटी ने भी अपनी संस्तुति की कि 21 वर्ष से मतदाताओं की आयु घटाकर 18 वर्ष की जाये। सन् 1975 के पश्चात् वह भी पड़ी रही। सन् 1985 में 17 जनवरी को दोनों सदनों को सम्बोधित करते हुए तत्कालीन राष्ट्रपति महोदय ने चुनाव सुधारों को लाये जाने की घोषणा की। सन् 1985 से करीब पौने चार साल तक उन पर भी कोई विचार नहीं हुआ और माननीय न्याय मंत्री जी को जानकारी होगी कि 18 जनवरी, 1985 में जिस दिन राष्ट्रपति जी ने हार्डसेज में यहाँ घोषणा की उसके अगले ही दिन मुख्य चुनाव आयुक्त ने सभी राजनैतिक दलों को यह पत्र लिखा कि चुनाव सुधारों के सिलसिले में वह अपने सुझाव भेजें। उन्होंने सन् 1985 में ही अपने सुझाव भी भेज दिए। वह भी रही को टोकरी में पड़े रहे। 1985 से अब तक रही को टोकरी में पड़े रहे। मान्यवर, 27 फरवरी, 1987 जिसको पौने दो वर्ष होते हैं, माननीय सत्य प्रकाश मालवीय जी ने इसी सदन में एक बिल पेश किया। बिल नम्बर 1, 87 दिनांक 27-2-87 माननीय न्याय मंत्री जी सत्य प्रकाश जी के बिल को उठाकर देखें जो बिल उन्होंने यहाँ पेश किया 18 वर्ष की आयु के सिलसिले में सत्य प्रकाश मालवीय जी के बिल की यह हू-ब-हू नकल है। यह पौने दो साल पेशावर पेश हुआ था। यही नहीं,

मुख्य चुनाव आयुक्त ने अपनी कई संस्तुतियाँ भी सरकार के सामने भेजीं। हमने भी यहाँ पर प्रश्न पूछे और माननीय न्याय मंत्री जी यही उत्तर देते थे कि वह सरकार के विचाराधीन हैं। कई साल तक सरकार के विचाराधीन रही। सब आपोजीशन पार्टियों की सिफारिशें, सब प्रवर समितियों की और कमेटियों की संस्तुतियाँ सरकार के विचाराधीन रही। खैर, देर आयद दुस्त आयद, सरकार ने चुनाव सुधारों के सिलसिले में अपना बिल पेश किया है, उसका मैं स्वागत करता हूँ। किन्तु अच्छा होता अगर पूरे चुनाव सुधार एक ही साथ लाए जाते, क्योंकि चुनाव सुधार पूरे नहीं लाए हैं, अधूरे लाये हैं, उनमें भी हमें शिकायतें हैं, इसलिए कुछ सुझाव माननीय मंत्री जी के सामने, आपको आज्ञा से रखना इस दृष्टि से चाहूंगा कि वह अपने भाषण में उन पर प्रकाश डालने की कृपा करेंगे कि इन सुधारों को लाने में क्या रुकावटें थीं?

मान्यवर, मेरा पहला सुझाव यह है कि सन् 1961 को मतगणना के आधार पर वर्तमान पार्लियामेंट और विधान सभाओं के क्षेत्रों का परिसीमन किया गया जिनको 28 वर्ष हो जाते हैं। इन 28 वर्षों में बहुत बड़े परिवर्तन हो चुके हैं। सरकार दो हजार ईस्वी तक पार्लियामेंट की और असेंबलियों की सीटों की संख्या इतनी ही रखती, लेकिन परिसीमन 1981 की जनसंख्या के आधार पर लाना चाहिए था। यह कहने लगे कि अब कम टाइम रह गया। इसे एक साल पहले ले आते। हम दो साल पहले से इस बात की मांग कर रहे हैं, तीन साल पहले से मांग कर रहे हैं कि परिसीमन कराया जाए। लेकिन नहीं लाये। अब भी मैं माननीय न्याय मंत्री जी से निवेदन करूंगा कि एक नहीं, चाहे दो आयोग बैठायें, लेकिन परिसीमन कराएं और जल्दी से जल्दी इस व्यवस्था को प्रारम्भ करें।

मान्यवर, अगला मेरा सुझाव है, पिछले 38 वर्षों से अनुसूचित जातियों को एक ही सीट चलो आ रही है, किसी कांस्टीट्यूएन्सी में 22 फीस दी अनुसूचित

जाति के लोग हैं और किसी में 21 फीसदी हैं। 22 फीसदी वाले तो 38 साल से उसका फायदा उठा रहे हैं, लेकिन जिनमें 21 और 20 फीसदी हैं वहाँ अनुसूचित जाति के आदिमियों को भी खड़ा होने का अधिकार नहीं। इन कांस्टीट्यूएन्सी में जो 78 फीसदी जनरल वोट है इन्हें यहाँ खड़ा होने का 38 वर्षों से कोई अधिकार नहीं रह गया है। इसलिए मेरा सुझाव यह है कि रोटेशन किया जाय अनुसूचित जातियों के क्षेत्रों का। प्रतिवर्ष सरकार इस पर विचार करे और अगर कोई कठिनाई हो तो उसको बताए।

एक माननीय सदस्य: प्रतिवर्ष का मतलब क्या है?

श्री बीरेन्द्र वर्मा: प्रतिवर्ष नहीं, प्रति पांच वर्ष, प्रत्येक इलेक्शन के बाद। पहचान पत्र के संबंध में आपकी आगामी व्यवस्था ऐसी होनी चाहिए कि प्रत्येक व्यक्ति के पास पहचान पत्र हो, पहचान पत्र अनिवार्यतः प्रोवाइड कराया जाय और पहचान-पत्र लेकर जब आदमी मतदान में जाय तो उसके हस्ताक्षर लिए जायें, साथ ही जो प्रीसाइडिंग आफिसर हो उसके भी हरेक बलेट पेपर के पृष्ठ पर हस्ताक्षर हों। मुझे जानकारी है कि कानून होते हुए भी, आदेश होते हुए भी ऐसे बहुत बलेट पेपर जबरदस्ती लोगों ने ले लिए उस पर प्रीसाइडिंग आफिसर के हस्ताक्षर नहीं, उनको डाल दिया और मान लिया गया। तो उनको अवैध घोषित किया जाय, जिन पर प्रीसाइडिंग आफिसर के हस्ताक्षर न हों। बलेट पेपर को प्राप्त करते हुए मतदाता के हस्ताक्षर न हों। अगर कोई कठिनाई होगी तो मान्यवर बताने की कृपा करेंगे।

इलेक्ट्रोनिक मशीन को मान लिया आपने। किन्तु यह प्रयास होना चाहिए कि चाहे विदेश से बनवा कर मंगवानी पड़े या देश में बनानी पड़े आपने खरीब विदेशों से बनवा कर मंगवाई

[श्री वीरेन्द्र वर्मा]

है, आगामी चुनाव इलेक्ट्रॉनिक वोटिंग के माध्यम से ही कराए जायेंगे।

निर्दलीय उम्मीदवार के बारे में मैं कहूंगा कि, इरादतन पैसा देकर उम्मीदवारों को खड़ा किया जाता है दूसरों के वोट काटने के लिए बहुत से उम्मीदवार इरादतन खड़े होते हैं कि मैं पैसा लेकर के बैठ जाऊंगा, चंदा इकट्ठा करने के लिए खड़े होते हैं। तो जिस तरह में आप निरुत्साहित करेंगे इंडिपेंडेंट कैंडिडेट को इसके ऊपर आप प्रकाश डालें। इस संबंध में मेरा यह सुझाव है कि जिन लोगों की जमानत जप्त हो जाए, सेंट-परसेंट नहीं 9.9 परसेंट तो इंडिपेंडेंट कैंडिडेट की जमानत जप्त होती है और कोई सौ में एक ही जीत जाता है, तो चाहे पार्टी का कैंडिडेट हो या निर्दलीय जिनकी जमानत जप्त हो जाए, उनका अगले दो चुनावों के लिए खड़े होना अनिवार्य घोषित कर दीजिए। केवल एवमात्र तरीका है निर्दलीय उम्मीदवार या बमजोर उम्मीदवार को निरुत्साहित करने का। जहां तक राजनीतिक उम्मीदवारों का है, उनको आप प्रोत्साहन दीजिए। बहुत योग्यता के साथ माननीय आडवार्ण जी ने अपने विचार रखे हैं, उनकी डिटेल् में मैं नहीं जाना चाहता। लेकिन थोड़ा यह जरूर कहना चाहता हूं कि वोटर-स्लिप जो मतदाताओं को दी जाती है, हर कैंडिडेट अपनी अलग-अलग स्लिप बनाता है और उनको देता है। इसके लिए मैं विनम्र निवेदन करूंगा माननीय न्यायमूर्ति से कि सरकार ही वोटर स्लिप अपनी दे, इससे कामज भी बचेगा और अकारण जो खर्च उम्मीदवारों का होता है, वह भी बचेगा। राजनीतिक पार्टियों के उम्मीदवारों को अतिरिक्त आप दो वोटर स्लिप भी दें, दूसरा मेटेरीयल भी आप उनको दें, जिस प्रकार से भी आप दे सकें। इस प्रकार से राजनीतिक पार्टियों के

उम्मीदवारों को प्रोत्साहन मिलेगा और निर्दलीय उम्मीदवार निरुत्साहित होंगे।

मोबाइल पोलिंग बूथ के संबंध में मैं कहना चाहूंगा कि निर्धन मतदाताओं के लिए आर्मंड गार्ड के साथ मोबाइल पोलिंग स्टेशन हर गांव में भेजे जायें जिससे कि वह उनके वोट को ले, मतदाता वोट डालें अपने किसी स्थान पर और स्वतंत्रता के साथ उनका मतदान हो जाय। एक प्रत्याशी दो स्थान से ज्यादा खड़ा नहीं हो सकता क्या दिक्कत थी आप जो अमंडमेंट या संशोधन लाए हैं, इसमें रखने में मेरा सुझाव यह है कि एक प्रत्याशी को दो स्थानों से अधिक खड़ा होने की इजाजत न दी जाय।

हिस्टी-शॉर्टिंग, माफियाज स्मगलर्स, जानेमाने गुण्डे, जानेमाने बातिल ब्रैड करैक्टर्स आज भी उत्तर प्रदेश की एमेंली में तैय्य हैं। बिहार के बारे में यहीं 16 तारीख में बताया गया था। वह आतमी जो बहुत जानेमाने कुख्यात बदमाश है, वह चुनाव में खड़े होते हैं। माननीय मंत्रीजी यह बताने की कोशिश करें कि इन बदमाशों को, जिनके सामने गवाही देने की भी आदमी हिम्मत नहीं करते, ऐसे आदमियों को आप कैसे रोकेंगे? जैसाकि प्रधान मंत्रीजी ने कहा है "डिगारिंग सोशल एंड इकानोमिक आफेंडर्स" तो ऐसे आदमियों को आप कैसे रोकेंगे? उत्तर प्रदेश में तो एम० एल० ए० बने पड़े हैं बिहार के एम० एल० बता ही रहे थे। तो इसके बारे में भी आप बताइएगा कि आप क्या करेंगे?

श्री राम अवधेश सिंह : बिहार में आठ एम० एल० एज० है।

श्री वीरेन्द्र वर्मा : वह बता रहे हैं कि बिहार में आठ एम० एल० एज० हैं। तो आप इसे कैसे रोकेंगे, इस पर कृपया प्रकाश डालें। सिर्फ ऐसा ही नहीं है, जो बहुत खतरनाक आतंकवादी है, जेल में हैं बहुत प्रत्याशी कोशिश कर के उनको जेल

से परोल पर छुड़वाते हैं। चुनाव के दौरान एक महीने को छुड़ा लिया और एक महीने के बाद फिर वहां चले जाते हैं मेरा माननीय न्याय मंत्रीजी से दिनम निवेदन है कि ऐसी व्यवस्था करें कि नोटिफिकेशन जिस दिन हो उस दिन से चुनाव संपन्न होने और रिजल्ट आउट हो जाने के पश्चात तक कोई भी आदमी उस बीच परोल पर न छोड़ा जाए। उसके पहले और बाद में छोड़ दिए जाएं जितने लोगों के पास आर्म्स हैं, हथियार हैं चुनाव के दौरान हर किसी आदमी के हथियार जमा हो जाना चाहिए। वह आदमी चाहे आपकी पार्टी का हो, चाहे अग्रेजेशन का हो, सिवाय जो प्रत्याशा है या उसके अंगरक्षक है, जिसको पुलिस अंगरक्षक लिखित आदेश देगे उनको छोड़कर सभी के हथियार जमा हो जाने चाहिए जिससे कि किसी को डराया न जा सके।

मान्यवर, राष्ट्रपिता महात्मा गांधी ने तो शराब की खातिर सत्याग्रह घेराव शब्द तो अब आ गया है भूख हड़ताल सभी कुछ किया था। लेकिन आज अपनी आय बढ़ाने के लिए सभी प्रदेश सरकारें शराब की दुकानों पर दुकानें खोल रही हैं। मैं आपके माध्यम से न्याय मंत्रीजी से दिनम निवेदन करना चाहूंगा कि खुदा की खातिर, डेमोक्रेसी को पनपाने की खातिर शराब की बिक्री जिस दिन नोटिफिकेशन हो और जिस दिन तक रिजल्ट आउट हो, उस बीच में बिल्कुल बन्द कर दें।

मान्यवर, मनेस आफ बूथ कैप्चरिंग की बहुत चर्चा है। अपने इस लिए कुछ काम भी उठाए हैं। यह उचित है क्योंकि आप केवल हरियाणा को कह दें मैं उत्तर प्रदेश को कह दूंगा या बिहार को कह दूंगा। मुझे जानकारी है जब विज-नौर में इलेक्शन हुआ, तथा हरिद्वार में इलेक्शन हुआ जब उधमपुर में वाइ-इलेक्शन हुआ।

श्री राम अवधेश सिंह : आमठी में भी तो बूथ कैप्चरिंग हुआ।

श्री वीरेन्द्र वर्मा : मान्यवर, उत्तर प्रदेश में बिहार में और सब जगह होता है। यह शुरूआत बिहार से हुई थी

और यह हवा फैलती चली जा रही है। सब जानते हैं कि यह बीमारी बिहार से प्रारम्भ हुई और फैलते-फैलते उधमपुर और हरिद्वार तक पहुंच गयी। आमेठी में भी बताते हैं फैल गयी। उधमपुर, विज-नौर का तो मुझे व्यक्तिगत जानकारी है। मैं नाम नहीं लेना चाहता कि आदमियों की मौजूदगी में सरकार के, वहां पर बूथ कैप्चरिंग हुई, विज-नौर में और हरिद्वार में। इसलिये इस तरफ भी मैं आपका ध्यान आकर्षित करना चाहता था और मेरा यह सुझाव है कि जिन पोलिंग स्टेशनों पर 75 फीसदी से एक पक्ष को मिलें और 80 और 100 मत भी किसी दूसरे उम्मीदवार को न मिलें और दूसरे उम्मीदवारों के एजेंट तथा वह खुद शिवायन करे कि मेरे वोट नहीं डालने दिये, और पोलिंग आफिसर अपनी डायरी में स्पेसिफिकली यह न लिखे कि यहां बूथ कैप्चरिंग हुई है, यहां पर गड़बड़ हुई है, वह सेक्टर मजिस्ट्रेट को भी न बताये तो सम्झ लीजियेगा कि उस आदमी की कोनाइवेंस थी और यह सारी बदमाशी उसी के माध्यम से हुई है। मान्यवर, मेरा सुझाव यह है कि कर्ण्ट प्रेक्टिस, इस पर स्पेसिफिकली माननीय मंत्री जी बताने की कृपा करेंगे। अष्टाचार जो होता है कि चुनाव से दो महीने पेशतर बजट के बाहर, बजट में तो कोई प्राविजन है नहीं और घोषणायें कर रहे हैं कि कि यहां पुल बनेगा, यहां सड़क बनेगी यहां बिजली लगेगी, यहां टयबवैल लगेंगे, चुनाव से दो महीने पेशतर, चाहे प्रधान मंत्री है, चाहे किसी भी प्रदेश के मुख्य मंत्री हैं, चाहे मंत्री हैं, ये घोषणायें अगर करते हैं कि यहां पर यह काम होगा, यहां पर वह काम होगा तो यह भी एक बजट प्रेक्टिस समझी जायेगी, अष्टाचार समझा जायेगा। इसको रोका जाना चाहिये। जहां तक साम्प्रदायिक पार्टियों पर प्रतिबंध लगाने का सवाल है, यह स्वागत योग्य है। प्रधान मंत्री जी ने इसी सदन में यह कहा कि वह धर्मनिरपेक्षता को मजबूत करना चाहते हैं, बहुत मूनामिब है। लेकिन तमिलनाडू में मुस्लिम लीग से, केरल में मुस्लिम लोग से तालमेल करें

[श्री वीरेन्द्र वर्मा]

चुनाव का और मुस्लिम लीग घोर साम्प्रदायिक संस्था है, जिसने धर्म के नाम पर देश का बंटवारा किया, तो धर्मनिरपेक्षता को कैसे मजबूत आप कर लेंगे, इस पर भी जरा प्रकाश आप डाल दीजिये।

एक बड़ी चर्चा कि (समय की घंटी) चोफ इलेक्शन कमीशन मल्टी मेंबर नहीं होना चाहिये। क्या उस पर अविश्वास है, यह प्रधान मंत्री जी कह रहे थे। बिल्कुल अविश्वास नहीं। यह तो संविधान के निर्माताओं ने मल्टी मेंबर कमीशन बसाये जाने की घोषणा लिखी है, तो उनकी कोई अविश्वास था। हमारा भी सुझाव केवल इस वजह से कि मल्टी मेंबर कमीशन में दक्षता बढ़ेगी, शीघ्रता आयेगी, विलम्ब दूर होगा। अगर एक बीमार हो जाय तो भी कार्य में कोई रुकावट नहीं आयेगी और मान्यवर, यह मेरा सुझाव है कि प्रधान मंत्री मुख्य न्यायाधीश और विपक्षी दलों का एक-एक व्यक्ति या विपक्षी अगर पार्टी बड़ी है तो उसका नेता, या विपक्षी दलों का एक प्रतिनिधि मिलकर के न्यायधीशों में से किसी को बनायें और जब रिटायर होने लगे तो लाभ के किसी भी पद पर उसको नियुक्त न किया जाये। हम यह देख रहे हैं कि लाभ के पद पर मुख्य चुनाव आयुक्त को नियुक्त किया जाता है यह बहुत उचित और मनासिब नहीं। जहां तक टी.वी. और रेडियो की बात है

(व्यवधान)

उप सभाध्यक्ष (श्री जगेश देसाई) : वह बात हो गई है।

श्री वीरेन्द्र वर्मा : खतम कर रहा हूं। जहां तक टी.वी. और रेडियो की बात है, मान्यवर, उस सिलसिले में सिर्फ यह कहना चाहूंगा कि आपने यह सुझाव दिया है कि जितने भी सरकारी कर्मचारी हैं वे सारे अधीन रहेंगे, नियंत्रण में रहेंगे चुनाव आयोग के। तो क्या दिक्कत है? चुनाव आयुक्त, अगर ऐसा ही विश्वास-

पात्र है, ... अगर वे निष्पक्ष हों तो जितने भी बाइ इलेक्शन पड़ हुये हैं, एसेम्बली के और पार्लियामेंट के, उनको भी साथ साथ कराते। क्यों नहीं उन्होंने ये बाइ इलेक्शन कराये? उसके लिये क्या आर्गुमेंट उन्होंने दिया है? वे सरकार के इशारे पर काम करते हैं। इसीलिये वे निष्पक्ष नहीं हैं। अगर आप उन्हें निष्पक्ष मानते हैं और उनके नियंत्रण में सरकारा अधिकारियों को देते हैं तो टी.वी. और रेडियो के अधिकारियों को भी उनके नियंत्रण में कम से कम चुनाव के समय पर दें, केवल उस पेरियड में उनके सुपुर्द करे जो पेरियड चुनाव के लिये एलाट किया गया है। (समय की घंटी)।

श्रीमन आखिरी बात कहकर समाप्त करता हूं। माननीय मंत्री जी यह बताने की कृपा करेंगे कि चुनाव के बाद उम्मीदवार इलेक्शन पिटीशन करता है। पांच साल तक वह लंबित रहता है और अगला चुनाव भी हो जाता है, लेकिन उसके पिटीशन का फैसला नहीं होता। क्या माननीय मंत्री जी चुनाव याचिकाओं की संख्या के आधार पर केवल इसी काम के लिये एक या अधिक जजों की नियुक्ति का आदेश देंगे या कानून बनायेंगे कि एक वर्ष के अन्दर चुनाव याचिका का निर्णय अनिवार्यतः हो जायेगा या हो जाना चाहिये? अगर ऐसा करा सकेंगे तो मैं समझूंगा कि आप क्रांतिकारी और हिस्टोरिक निर्णय लेकर इस सदन में आये हैं। मगर मुझे यह जंचता है कि न यह कदम आपका हिस्टोरिक है, न यह क्रांतिकारी है। इसलिये जो कुछ मैंने आपको यहां सुझाव दिये हैं, अपने उत्तर में माननीय मंत्री जी उन पर प्रकाश डालने की कोशिश करें।

धन्यवाद।

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman, Sir, free and fair elections denote the very basic concept, constitute the fundamental principle, and provide the impelling force of a vibrant

democracy. Convinced of this truth, we incorporated an exclusive chapter on elections in the Constitution, providing for elections to the Lok Sabha and the Legislative Assemblies on the basis of universal adult suffrage. It earned us the distinction of being the largest democracy in the world.

But, Sir, our concept of adulthood has been somewhat incongruous. While the age of reckoning for many other purposes has been 18 years, it was fixed at 21 for the grant of the right of franchise. Now this momentous decision has been taken to reduce the voting age to 18 years because the Prime Minister, Shri Rajiv Gandhi, has an unremitting faith in the youth of the country. He has abounding confidence in their maturity and wisdom. This decision, Sir, would instil in the youth a sense of true participation in the political mainstream of the country and accord them a meaningful and decisive role in national affairs.

Sir, in this context, my honourable friend, Shri P. Upendra and many honourable Members on the other side expressed, this morning, an apprehension that this provision would not be implemented in time for the next election and they were rather critical of the Government that it does not really mean to bring about such reforms for the next election. Sir, with all humility I would like to say that this Amendment to the Constitution would not require ratification by the State Legislative Assemblies.

[The Vice-Chairman (Shri Satya Prakash Malaviya in the Chair).]

Secondly, Sir, though there is a provision in the Representation of the People Act of 1950, section 19, that a person will be eligible to be enrolled as a voter if he is not less than 21 years of age on the qualifying date, I think, after we have agreed in principle and accorded this unanimous approval to the reduction in the voting age, this provision would not lead to any delay for the simple reason that

after the Constitution (Amendment) Bill becomes law, the Government can immediately make an amendment in section 19 of the Act of 1950 by means of an ordinance, and immediately thereafter the Election Commission can go ahead with fresh preparation of the rolls including therein people who are of 18 years of age.

Sir, coming to the other aspects of the matter, by and large, our electoral system has worked well. But, of late, some aberrations have crept in, and some disturbing trends have emerged which reflect a marked deterioration in the standards of public life and administration. The elections have been increasingly vitiated by violence. Voters belonging to weaker sections of society have been terrorised and threatened not to venture out of their homes to cast their votes. The polling booths are forcibly occupied. The ballot papers are marked *en masse* in favour of a particular candidate with impunity. Such activities have polluted the purity of elections and have tended to shatter our very democratic process. Now the Government has addressed itself to this problem and has introduced many amendments to check the menace of booth-capturing effectively.

Sir, section 8 of the Representation of the People Act of 1951 has also been widened to disqualify candidates with criminal records. This demonstrates the Government's determination not only to cleanse the public life but also to pursue vigorously its relentless struggle against all forms of social evils and economic offences.

Sir, we all agree that the party system needs to be strengthened in our democracy and that religion should be separated from politics. The anti-defection law was enacted as a part of the Constitution to cleanse public life. But, now, Sir, when another step is sought to be taken to define and provide for the registration of a political party, there is this voice of discord, this voice of opposition to

[Shri Pawan Kumar Bansal]

such a move. Sir, perhaps there is a justification from the other side because quite a few hon. Members may have difficulty in furnishing the name of their political party and the numerical strength of that party. And what may be still more exact—
3 00 p.m. ing for them is the requirement of furnishing particulars about any change that may come about in the name of the party or the office-bearers etc., because situation may arise where another change may be forced on them before the particulars of the first change are communicated to the Election Commission. That difficulty of theirs I understand, but I do not understand their objection to the inclusion of the nationally accepted concepts of secularism, socialism and democracy to be included in party constitutions:

There has been a strong demand for the introduction of some sort of proportional representation through varied forms of list system. My friend, Mr. Vishvjit Singh referred to some specious arguments of the hon. Members from the other side. With respect I want to say that in any case I find this argument to be a specious one. We know that the present system is a very simple one which is understood by even the illiterate people of the country and it has worked well. On the other hand the list system could lead to oligarchical tendencies within the parties and the relationship between the legislature and the electorate could weaken. Further an unpopular candidate, who may not be able to win on his own standing if he were to contest individually, as a party candidate, of course, from a single-member constituency, may be able to win if he manages to have his name at the top in the party list, whereas a genuine and popular independent candidate may be deprived the chance to contest and represent the people who want him to represent them in the Assembly or in the Parliament. Then, with the list system

we would also be unable to fix the responsibility of a corrupt practice which may have been committed in a particular area. What would be most disturbing in the case of list system is that the tendency to form political parties purely on communal lines would surface.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Please conclude.

SHRI PAWAN KUMAR BANSAL: All right, Sir.

If communal parties were to be formed, then our legislatures contrary to our avowed lofty ideals and objects would, in fact, become confederations of religions, of castes and of sub-castes, because the endeavour of such a party would be to garner all the scattered votes of people owing allegiance to that party and belonging to that caste, religion etc. This would seriously threaten our national unity and integrity.

To cut short this argument, I would only like to give one example. In a race, say, six runners compete. The winner would be declared even if he is ahead of the second runner by only a hair's breadth and all other five runners cannot join to claim that they also ran and as such should be declared winners.

A strong plea has been made for public funding. Because of your directive to conclude, I cannot dwell on this at length, but I do want to very briefly refer to Mr. Advani's observations and say that our apprehensions about the success of the introduction of public funding does not stem from any form of cynicism but is based on realities. Sir, a country like West Germany has tried to introduce State funding but they have admitted that they have failed to check private funding also. Sir, there is a major catch in this argument and that is about the initial funding of expenses. There are proposals that part of the funds should be provided before the elections and part of the funds should be provided after the declaration of the

results and there is also a suggestion that independent candidates may be allowed to rise loans to contest elections, to furnish the required security deposits. Sir, I am afraid, if without a thorough discussion on this, we hasten to incorporate a provision like this, it would only prove counter-productive. Statistics have been given. I would differ with Mr. Advani when he says that Rs. 100 crores would be a mere pittance. Sir, with Rs. 100 crores housing sites can be provided a million of poor people. Sir, you can encourage, you can strengthen the Public Distribution system with that amount and particularly when you cannot check effective private funding, we should not think of introducing State funding at this time.

Sir, the question of electoral reforms is an ongoing process. Mr. Advani himself referred to a period of 200 years that Britain has taken to bring about the necessary reforms in their electoral system. He referred to one particular anecdote. Quite a few others had put the then British system in bad light. It speaks well of the democracy that they have brought about these reforms. A sincere effort is going on in our country to bring about necessary reforms and at no time has anybody from the Government side said that this present Bill is the final word on it.

Sir, we are all concerned about the ill-effects of pumping in money in the electoral system. We are all concerned about the non-serious candidates jumping into the electoral fray. We are all concerned about the wastage of precious resources on various exterior props which Mr. Advani referred to. We all wish and end could be put to peripatetic loud speakers, that there could be a limit on the use of the flags, posters etc. But Sir, I am afraid, if such an amendment were to be incorporated in the Act, this would again prove counter-productive for the reason that a scheming rival can concoct evidence against an honest, against an innocent candidate and prove in the court that the latter per-

son has crossed the expenditure limit, whereas, in fact, it may be he himself, i.e. the person who moves the court that may have got such matter printed and circulated on behalf of the other candidate to get him disqualified or bring on him any other disqualification that we think we should incorporate in the Act. Sir, I think, such reforms are definitely called for, but at the moment, it is imperative that we have a look at the code of conduct that has been circulated by the Election Commission earlier and we incorporate more reforms therein and follow them scrupulously. Only then, Sir, we will be able to ensure that the anti-national elements, the mafias, which my hon. friend the other side referred to and the vested interests do not hijack our system. Thank you.

SHRI ALADI ARUNA alias V. ARUNACHALAM: Mr. Vice-Chairman, Sir, the constitutional pundits rightly pointed out that free and fair election is the essence of democracy. So, the Government which has faith in democracy is expected to introduce necessary reforms to have free and fair elections. So, in the Constitution (Sixty-second Amendment) Bill, 1988 as well as the Representation of the People (Amendment) Bill, 1988, the Government have taken some necessary measures to remove the defects in our electoral system and restore free and fair elections in our process. Sir, on behalf of the AIADMK, I extend my full support to the Constitution (Sixty-second Amendment) Bill, 1988 which reduces the voting age from 21 years to 18 years. No doubt, it is a drastic change and there was a great demand for this change from the younger generation. But I am to remind this House that there are some State Governments which have already introduced this change. Our Government when it was under the control of Dr.M.G.R., reduced the voting age from 21 years to 18 years. So, in consonance with that line, the Central Government has also come forward to reduce the age by

[Shri Aladi Aruna alias V. Aruna-chalam]

amending the Constitution. But here I would like to remind one thing that when the voting age was 21 years, it is quite common in all the States that so many voters at the age of 18, 19 or 20 years have enrolled their names. When you reduce the age from 21 years to 18 years, it is quite natural that the people who are at the age of 15, 16 or 17 years also may come forward to enrol their names in the electoral rolls. To avoid this influx, I would like to appeal to the Government that without any delay, the multi-purpose card must be introduced. I am glad that the Government has given an assurance to introduce the identity card system. It is a right direction. Sir, the hon. Minister, in the name of reforming the electoral process has taken some steps to curb the rights of the States. For example, under section 13(C), he has introduced a new section by which all the officers and members of the staff who are actually under the control of the State Government are brought under the control of the Election Commission during the election period. Not only for control, but also for discipline purpose and other purposes, they are under their control. Sir, earlier they were assisting the Election Commission. There was no difficulty to the Election Commission. But now the Central Government want to control the officials, want to conduct the election with its own power. In the name of giving powers to the Election Commission, it has amended this, it has moved this proposal with this sinister motive. The Election Commission, we know, in theory is an independent body. There is no doubt about that. But in practice, it is under the control and direction of the Central Government. If the Government is very particular about this amendment, then my honest opinion is that it should have consulted the State Governments before putting this proposal. But, to the best of my information, this Government has not consulted any

State Government. Without consulting the State Governments, it has taken the officials of the State Governments under its control.

Sir, here, a right move is regarding the recognition of political parties and definition of political parties. I am not against this clause. But the dangerous thing is this. Which is a political party? The decision of the Election Commission is final on this question. That is a dangerous thing. There must be room for decision by Court. If the decision of the Election Commission is final, then there will be no democracy because, as I stated earlier, we know by experience that the Election Commission is under the control and influence of the party in power at the Centre.

This Bill has included some more offences to disqualify a candidate from contesting elections. In principle I am not against this. But, is it necessary? Why should we enlarge the number of grounds? There is no need at all. If anybody is convicted by the court, it is the people who reject him in the poll. Why do you unnecessarily increase the grounds for disqualification? It will give room for the talk that the Government is always for restricted democracy and not for liberal democracy. We cannot give room for such suspicion or apprehension by the people. I am not against this on principle. Of course, in case of certain valid grounds, it may be necessary. But, at the same time, if you enlarge the grounds in this way, the party in power, either at the Centre or in the States, will misuse the power to disqualify any contesting candidate. For example, one or two persons in a local area may be influential. But with the help of the local police, they may be got punished thereby preventing them from contesting the election. We should not give room for such sinister motives. That is why I say that the clauses which include more grounds for disqualification must be deleted from this Amendment.

Sir, that democracy is the government of the majority is one school of thought. It was the government of majority when the government was under the control of feudals, when the government was under the control of oligarchs. But when there is an election process, the government could be the government of all and not the government of the most number of people. This system should be honoured by democratic people. That is why the multi-proportional representation system is the best method of honouring the will of the people. That is important. In the majority system, sometimes, a member who has got less than the majority of the votes polled is declared elected whereas most of the members of the multi-contest get defeated. If you introduce the proportional representation system, every vote is counted in democracy. That is the will of the people. But this system is opposed on the ground that it causes instability and it is not helpful for a stable government. These are Utopian views. In so many western countries we see that coalition governments are successful, that the proportional representation system is successful. Coalition governments are successful in India also. Earlier, in Kerala it was not successful. But after Achutha Menon, after Karunakaran, after Nayanar, it is very successful. In the beginning the art of adjustment was lacking. But now it has succeeded. Therefore, it is false to say that the proportional representation system would cause instability to the government.

Sir, I am to remind everybody that there is no difference of opinion amongst us regarding fighting against money power, communal influence, religious influence, etc. in the election. We are all sailing together. There is no difference of opinion. The point for consideration is nobody is following what we say. That is the point. We are against the money influence. Every political

party is spending crores and crores of rupees. We are against the religious influence. But we are adopting the religious fanaticism for election purposes. We are against communal influence. But we allow all the communal leaders. But in Western countries though they have faith in religion and caste, they never allow their religions to influence politics. To the best of my knowledge, I would like to remind this House, when Jackson was the President of the United States, once when he was strolling in the White House premises, his wife asked him to accompany her to the church. But Jackson said, "No, as long as I continue as President of the United States, I would not come to the church." To that extent he refused to go to the church. He went to the church only on the expiry of his term. To that extent he maintained the secular character. Similarly Kennedy, while he was contesting the election, openly declared, "By birth I am a Catholic; by religion I am not a Catholic." That was what he boldly declared. But what do we see now? Our political leaders go to the temple one day; the next day they go to the mosque; then the next day they go to the church...

SHRI M. A. BABY (Kerala): When next day? On the same day.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Yes, on the same day they go. It is no faith in religion. It is a fraud on religion. If they really have faith in secularism, this should be avoided. I am not asking you to oppose religion. I am not saying that. At least on the eve of the election they should avoid it. What do we see in Tamil Nadu?...

SHRI M. A. BABY: At least it should not be televised. That is also being done now.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: What do we witness in Tamil Nadu? All communal forces are fuelled and flared up. So

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far we have not seen such leaders. During MGR's period there was no agitation of Vanniyars. Their problem was settled peacefully. What do we see now? You have gone in for para-military forces. To that extent you have instigated the influence of communal forces. According to Dr. Ramadoss more than 25,000 people have been imprisoned. I do not know which the correct figure is. According to the Government only 3,000 people have been arrested. According to Dr. Ramadoss more than 25,000 people have been imprisoned. Whatever the figure, since it is on the eve of the election, I appeal to the Government to release all prisoners. It is unfair on the part of the Government because mostly it is the Government which is responsible for this situation. Now I understand that the Congress Party is making alliance with communal parties without any sense of responsibility. That is why, since the major political parties are not adhering, are not sticking, to their basic principle, we see communalism, fundamentalism, money power, in the elections. The Bill or the law has totally failed to arrest or curb the influence of money power in elections. I have to remind this House that when Gladstone was the Prime Minister, it was thought that franchise was given to the commoners and that automatically they would be in majority and would capture power. But what do we see in the House of Commons? In the House of Commons there are no commoners. That is the position. Even though the right is given to the common people, even though they are in majority, they are not able to capture power. That is the reality, because of the influence of money power, because of other wrong factors. That is why, to save our democracy the influence of money should be curbed. As suggested by Adyaniji, at least in West Bengal and Kerala I am very happy to say that on the day previous to the date of polling no vehicle is allowed. What

do we see elsewhere? In all the States vehicles are allowed till the last; several lakhs are spent till the last day. So, Government must come forward with firm steps against utilisation of vehicles on the day previous to the date of polling. With these words I conclude my speech.

SHRI BHASKAR ANNAJI MAS-
ODKAR (Maharashtra): Mr. Vice-Chairman, Sir, I decided to participate in this debate, with a sense of delight which I experience on such occasion. Sir, in the life of individuals as also in the life of institutions like Parliament, such occasions do come, unique and rare, as I call them. Such occasions have the effect of heightening the human spirit while one ponders on the debates like this one.

Sir, with regard to the Sixty-second Amendment of the Constitution, not only this House, but also the other House, stood up as one man and one mind, and put its unity behind it and that it gives me a sense of just pride because in that all separatism, all sense of elitism and all superficial differences were sunk and this House became truly a Parliament of the people, exercising its Constitutional powers so as to effect the change in article 326 of the Constitution.

The deliberations surrounding this Constitutional amendment are a unique phenomenon and I think that, whether you adopt the word "revolutionary" or "historic", it is epochal and, in my view, it ushers in a new epoch in this country, Constitutional, legal as well as democratic. We have once again proved by this measure and by the exercise here that we are all united in purpose and goal. This singular political exercise has evoked in my mind waves of joy and happiness. All these thoughts and feelings that I want to record here. Therefore, first and foremost, let me offer my congratulations and sense of joy to the Prime Minister, to the Law Minister and to my colleagues here and also to the leaders in the Opposition who have unanimously supported the Constitution (Sixty-second Amendment) Bill.

Sir, I do not share the view that when the Constitution was founded and framed, the age 21 that had been fixed then was an anomaly. Some of my friends on this side also thought so; so also the friends on the Opposition side. They are mistaken in having their views with regard to this age of 21. May I say that when the first Draft of the Constitution was offered passing, a very vigorous, vibrant and blunt speech was made by Dr. Ambedkar and he referred to the reason why he chose the adult individual as the unit of the Constitutional authority and power? Before I quote him, may I also refer to his very very felicitous expression which pictures the mood of this House as well as of the other House. When he expected this country to have "Constitutional morality" and to have its diffusion? He said, and I quote:

"While everybody recognises the necessity of diffusion of Constitutional morality, for the peaceful working of a democracy and a democratic Constitution, there are two things inter-connected with it which are not, unfortunately, generally recognised...."

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Mr. Masodkar, sorry for the interruption. We have to take up the Appropriation Bill at 3-30 today. It will be better if you can conclude within five minutes.

SHRI BHASKAR ANNAJI MASODKAR: I think we can continue tomorrow. But I want to finish this quotation. These are important quotations which I do not want to leave in the middle.

SHRI G. SWAMINATHAN (Tamil Nadu): What time are we continuing up to?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): The time for the Appropriation Bill is two hours and now it is going to be 3-30.

SHRI G. SWAMINATHAN: Are we going to take up this subject after 8 o'clock?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): There is a statement by the Minister also.

SHRI G. SWAMINATHAN: Are you going to take it up after that or are you going to take it up tomorrow, because we want to be given a chance, because the parties have been consulted and the Opposition parties have to be given a chance to speak?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Tomorrow.

SHRI G. SWAMINATHAN: I am told that the hon. Minister will reply tomorrow. I want to know whether the Opposition people will be asked to speak tomorrow.

THE VICE-CHAIRMAN (SHRI KAR: I want to finish this quotation. Yes, they will be asked to speak tomorrow.

SHRI BHASKAR ANNAJI MASODKAR: I want to finish this quotation, and then as you have ruled we can switch on to the other subject.

This is what Dr. Ambedkar said:

"The form of administration must be appropriate to and in the same sense as the form of the Constitution. The other is that it is perfectly possible to pervert the Constitution without changing the form by merely changing the form of administration to make it inconsistent and opposed to the spirit of the Constitution."

Both these aspects were present then.

Now as you have ruled, I will continue tomorrow.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): We

[Shri Satya Prakash Malaviya] shall now take up the Appropriation (No. 5) Bill as passed by the Lok Sabha, Mr. Gadhvi.

APPROPRIATION (NO. 5) BILL, 1988

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI): Sir, I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1988-89, as passed by the Lok Sabha, be taken into consideration."

The Bill arises out of the Supplementary Appropriation 'Charged' on the Consolidated Fund of India and Demands voted by the Lok Sabha on December 6, 1988. These involve gross additional expenditure of Rs. 845.22 crores.

Against the gross additional expenditure of Rs. 845.22 crores concerned Ministries/Departments have identified matching savings/increased receipts to the extent of Rs. 195.22 crores leaving a net additional requirement of Rs. 650 crores. This comprises Rs. 250 crores for fertilizers subsidy Rs. 200 crores for export subsidy Rs. 100 crores for Comprehensive Crop Insurance Scheme and Rs. 100 crores for flood relief. The details of the Supplementary Demands are available in the documents laid on the table of the House on 2nd December, 1988.

Sir, I move.

The question was proposed.

SHRI KAMAL MORARKA (Rajasthan): Sir, I rise to oppose the Appropriation (No. 5) Bill, 1988. This

involves gross additional expenditure of Rs. 845.22 crores and the main features have just been given by the Minister.

Before I come to these specific Supplementary Demands, I would like to point out to the Government three indicators, important indicators, which show the current state of the economy in the year 1988-89. We are in the month of December. Seven clear months have passed. We are in the 8th month in the ninth month.

After three months the Government of India budget will come in February.

First and foremost, we must note that the current year's borrowing from the Reserve Bank has been going on at the rate of Rs. 1000 crores per month. At this rate, by the end of the year, the Reserve Bank borrowings will total to Rs. 12000 crores. This is roughly what the Budget deficit would be. At the beginning of the year, the Budget deficit was projected at an order of about Rs. 6000 crores, which means that we have already borrowed from the Reserve Bank the entire projected budgetary deficit for the entire year. Now, the Finance Minister recently in one of the fora outside this House promised that the Budget deficit will be contained at the figure projected at the beginning of the year.

No, this looks to be a rosy promise. In fact, it is a threat that further taxation is round the corner. The expenditure has already been incurred and if the deficit is already more than what we had planned and if by March you are not going to contain the deficit, then there is only one way in which you can do it and that is by mopping up additional resources by way of either taxation or administered prices. My first request to the hon. Minister is: "Please don't do it." In petroleum prices, steel prices and coal prices, the