

[The Deputy Chairman].

89, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2, 3 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI B. K. GADHVI: Madam I beg to move:

"That the Bill be returned."

The question was put and the motion was adopted.

श्री राम प्रवक्षेति हिः यई रिडिंग पर मैने बोलने के लिए अपना नाम दिया था। आपने बुलाया नहीं मेरे साथ बहुत अन्याय हो रहा है।

उपस्थितिः हाउस के टाइम का क्यों मिस-अनोप्रिशन कर रहे हैं।

श्री राम प्रवक्षेति हिः कांग्रेस आपने देखा ही नहीं।

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

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

THE DEPUTY CHAIRMAN: Now we will take up further discussion on the Constitution (Sixty-second Amendment) Bill, 1988 and the Representation of the People (Amendment) Bill, 1988. Mr. Masodkar, you were making your point please.

SHRI BHASKAR ANNAJI MASODKAR: Madam, Deputy Chairman, I was drawing the attention of the House to what transpired in the Constituent Assembly when the Draft Constitution was adopted. I referred to the quotation from Dr. Ambedkar who spoke of diffusion of constitutional morality. In spite of what my learned friend is saying when we discuss the Constitution, let us do it with the seriousness that it requires.

Another quotation in the same debate, which would of interest and available to us, is awe-inspiring spirited intervention by Pt. Nehru. He likened free India to the Light of Asia and stated that it was soul and spirit of the world politics I would like to quote from his speech because I think it has some bearing on the consideration of amendment of article 326. He observed and I quote:

"A Constitution if it is out of touch with the people's life, aims and aspirations, becomes rather empty; if it falls behind those aims it drags the people down. It should be something ahead to keep people's eyes and minds up to a certain high mark."

That is what we are doing now.

In the same speech Panditji went on to say:

"...the main thing is this great significant factor that India after a long period of being dominated over has emerged as a free sovereign democratic independent country, and that is a fact which changes and is changing history. How far it would change history will depend upon us, this House in the present and other Houses like this coming in the future who represent the organised will of the Indian people.

...that is a tremendous responsibility. Freedom brings responsibility; of course there is no such things as freedom without responsibility."

Madam, Deputy Chairman, you will be happy to observe what Panditji said holds true even today. By referring to the provisions of the Draft, and destiny ahead, he stated:

"That is a big word which does not apply to average human beings, but whether we are men or women of destiny or not, India is a country of destiny, and so far as we represent this great country with a great destiny stretching out in front of her, we also have to function as men and women of destiny, viewing all our problems in that long pers-

pective of destiny and of the World and of Asia."

There are many passages which I am tempted to refer to. The point is two aspects which stood out before the framers of the Constitution were how to meet the competing claims that were set up to the suffrage as such and how the Constitutional history of India, the free democratic country should be moulded. The answer given by the framers were, as is known, Article 326. It was to be the universal adult suffrage. I repeat this was the *sine qua non* of our Constitutional culture. This phrase has three aspects. I submit a lot of deliberations, a lot of thinking and a lot of experience went behind it when the Constituent Assembly adopted the concept of adult universal suffrage. The basic constitutional considerations were suffrage to every individual Indian, suffrage to the adult individual and suffrage irrespective of differences arising from regions caste, creed or sex etc.

Now, the question which is being asked off and on is: why did the framers of the Constitution put it at twentyone? The terms of our Constitution are clear. In regard to the choice of age it says 'adult suffrage'. Because there was a debate raised by respected Ma'aviya Ji on his own motion, I am taking some time to explain that the reasons were geo-political and socio-cultural considerations before the House then. It is not that the suffrage was attached to the majority age, suffrage was attached to the adolescence. All those things which Ma'aviya Ji said while moving his own private Members' Bill were present to the minds of the framers of the Constitution, including the Majority Act, the personal laws, the laws of succession. Everything was present to their mind. Yet they provided a period of maturity. After a person becomes major for adolescence there is in the Constitutional contemplation a period of pause and ponder. That is why ultimately they thought of 21 years of age, an age of maturity. That is why you can differen-

tiate universal adult suffrage as distinct from universal majority suffrage. Not only by reason of majority, you get a political right, but by reasons of maturity, an age where wisdom can be said to dawn, the political rights were conferred.

Now, there is no doubt that after four decades the things have changed and we can have a fresh look at our population and also at the Constitutional requirements. In that spirit, as I said, the 62nd Constitutional (Amendment) Bill has to be appreciated. Undoubtedly there is overall evidence that things have changed. India has increased in number and there is an overall growth and development. It is possible that our coming of maturity and the threshold of maturity has also developed. In fact, if we look at the technological advances all around and the informative world that is coming to us, there is almost an explosion of information by which men and their minds of men are developed fast into maturity. So, I personally think the conditions then prevailing are no more existing and it will be appropriate that we confer this right as is being done at the age of 18. Therefore, Madam, with all the Members supporting the Bill, I too support it.

Now, you have given the second bell, I must terminate my speech. But there was a very telling speech made by the hon. Member, Mr. Advani and I am tempted to give reply in one minute. He pointed out that since 1970, 1971, 1972 lot of Committees made a case for electoral reforms. I may point out that as far as the Congress party is concerned exactly two days and one year before, a Parliamentary Party Committee was formed by the Prime Minister of which I was the Chairman, Mr. Chandrashekhar Reddy, Secretary Convenor and Mr. Bhuvnesh Chaturvedi Convenor. We looked into all these reforms and made a report to set the reforms in motion. Only one question Mr. Advani should state: "Why when they were in power,

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they did not introduce all these reforms?" All the matters he refers were there, question of the state funding was there and other provisions were there. Why they did not dare to do what is being done by the younger Prime Minister for the younger generation today? The answer is that the conditions in the country were probably present to their mind as are present to the mind of this Government. Madam, with this, I only quote which was also quoted in the draft committee's debate, a very telling statement from Upanishads and this should be answer to all the critics in democracy.

“यत्र मनसा ध्यायति तद्वाचा वदति,
वाचा वदति तद् कर्मणा करोति,
यत् कर्मणा करोति तद्वि संपद्यते ।”

Mere talk is not enough. What we talk, we must do. So is the constitutional morality. As Upanishads say. We must practise what we preach not only on this side but on all sides. With this, Madam, I must thank you for extending the time.

SHRI G. SWAMINATHAN: Madam, Deputy Chairman, within the short time available to me, I would like to touch upon a few points. I may not like to elaborate on these points, because the time will be insufficient. Besides that over the last two days, we have been hearing speeches on the electoral reforms and almost all the points have already been touched and I don't think any new contributions can be made except that you take sides on the matter either this way or that way.

The first point that I may like to inform this House and which has already been said here is consultation with the various Opposition parties held by the Government. I would like to narrate my personal experience when I was called by the Leader of the House and also by the Minister of Parliamentary Affairs. Shri H. K. L. Bhagat. Myself and the leader of my party in the Lok Sabha had discussions with the Min-

isters at the room of the Parliamentary Affairs Minister, Shri Bhagat over a cup of tea. They actually wanted to know what was our feeling about the electoral reforms. That was the question they asked. We know that electoral reforms consists of many points. So we enumerated nearly 13-14 points on which we feel electoral reforms could be adopted. They had pointedly asked us what was our feeling regarding the reducing of the age. They said that every party has accepted the reduction of age. We also accepted the reduction of age. We also enumerated other points regarding the State funding, auditing of the political party accounts, inner party democracy and so many other things. But for all the points that we enumerated there was not an elaborate reply except to a few points this way or that way and we could understand from the replies of the Ministers that they were not favourable for the State funding even then and then the whole exercise lasted not more than 15 minutes out of which I think we took tea for about 4-5 minutes, talked other matters and only for ten minutes we talked on this matter. That was my experience. I do not know whether Advaniji and other political party leaders went to these Ministers and had a longer discussion. As far as I could see when I had a discussion with the other political leaders also they said that it was a very short duration discussion and one of the leaders said "Almost we were telling them points and they have not been telling what they felt about it except one or two words". Except that, we could not get anything. This is the consultation that has been done. Madam, you know, the electoral reforms is something on which there should be longer consultations. Ten or fifteen minutes' discussion with the Opposition leaders will not be enough. At that time. I also informed the hon Minister that there is no point in discussing on something without a White Paper. I wanted a White Paper from the Government and the hon. Member who

spoke before me said, the Committee was formed by the hon. Prime Minister last year. I also was informed that a Committee was formed by the Congress party and they had elaborate discussions on all these points. So, I wanted from the Minister that a White Paper can be given to us so that on the basis of the White Paper, we will be able to take up decisions. Another suggestion we made was that it is advisable that all the Opposition leaders were called at one place so that we can interact with one and another and this communication should be at least for a day or two so that some meaningful deliberations can be held. But, Madam, I would like to inform you, I am personally not satisfied with the deliberations that the Government has made with us and none of the party leaders who talked to me was happy about the deliberations or what was called a consultation. It happens to be something like medical consultation. When you go to a doctor, he consults you for five or ten minutes. With that the consultation is over and the prescription is given. So, the consultation of the Government on the electoral reforms is something like that. I should only wish to inform that we on the Opposition side are thoroughly dissatisfied with the consultations made with us and I think that it is very perfunctory and as has been informed by the hon. Prime Minister, this is only a first step and something more is to come. I would like to request the hon. Minister that next time when he comes with some more electoral reforms and I hope, that too before elections to Lok Sabha, they will bring further reforms before election to the Lok Sabha, he will consult the party leaders for a longer time for a meaningful discussion.

Another point is regarding the point raised by Advani Ji here, a very pertinent point for which the hon. Minister said that he will reply. The point was that after the Bill is passed in Lok Sabha and Rajya Sabha, immediately it becomes law

as soon as it gets the assent of the President and when we were talking about this matter with the hon. Leader of the House during the Business Advisory Committee's meeting, we from Tamil Nadu were very much exercised over this matter and asked him point-blank whether this will have any affect on the Tamil Nadu election that is being held because not only I am interested, not only Mr. Narayanasamy from the Congress party but every party is interested because every party thinks that they are going to get a majority. My friends from the Congress party are thinking that they are going to take the Chief Ministership. We are thinking that we are going to get the Chief Ministership. Every major party in Tamil Nadu which is contesting the election is thinking that the Chief Ministership is waiting for them. It is ultimately the people who should decide to whom they should like to give the Chief Ministership. There is no point that we can argue about it because arguments will not solve the problem. Only votes can solve the problem. At that time, Madam, we asked the hon. Minister, during the Business Advisory Committee's meeting whether this reduction of age will have any adverse affect on the election to be conducted in Tamil Nadu. We were assured then and also in the House in Lok Sabha and I think, in Rajya Sabha, the hon. Minister has stated that it has to be passed by Rajya Sabha and by Lok Sabha and later on it has to be sent to the States and fifty per cent of the States should concur and thereafter another Bill has to be brought here to amend the Representation of the People Act and we concluded that all these things will take at least two to three months' time if everything goes on well. Meanwhile, Tamil Nadu elections will go on. That was the assurance given to us and nothing will happen to Tamil Nadu election. Now I would like to bring to the notice of the hon. Minister that already a person has gone to the High Court of Tamil Nadu stating that you have to

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stop the election of Tamil Nadu Assembly because already a Bill has been passed in Lok Sabha two days ago. He went to the court and said the elections to the Tamil Nadu assembly has to be stopped because the Bill has already been passed reducing the age of voting. Now, Madam, if what Advani Ji said is correct; and as soon as we pass the Bill here and if we get the President's assent, the President can give the assent very quickly, it becomes law. As soon as it becomes a law in the statute, the election will be conducted only after some time, say about 21st of next month. Meanwhile, we are very much interested to know and I hope the hon. Minister will reply either today or tomorrow whether it will have an adverse affect on the stoppage of elections of Tamil Nadu with which we from Tamil Nadu are very much concerned. I hope the other states will also be concerned.

Here, I would like to refer to the points which we told the hon. Minister. I will enlist them one by one as follows:

1. Composition, mode of appointment and power of Election Commission and the Chief Electoral Officer.

2. Election expenses, State funding, expenses of parties on candidates and black money.

3. Prevention of booth-capturing and rigging.

4. Voting age should be reduced from 21 years to 18 years.

5. Reforms in the electoral systems. It was argued that the first-past-the-post system should be changed.

6. Identity cards to voters.

7. Misuse of Government administrative machinery by the Government and also by the officials.

8. Registration of parties and internal democracy in the parties.

9. Electronic voting machine.

10. Time-limit for the by-elections.

These are the points which we put forth. Now, the voting age has been reduced to 18 years. Registration of parties has been provided for. Disqualification has been amplified. More stringent conditions have been brought. For elections to the Rajya Sabha and State Legislative Councils, ten proposers are needed now. In the event of booth-capturing more stringent punishments are provided for. Provisions for introduction of voting machines will be brought. An assurance has been given.

However, Madam, many of the very important points which we discussed with the hon. Minister have not been taken up. And on those points we are not fully satisfied with the amendments that are being brought. The first and the most important point is this. The Election Commission should be an independent body and every political party in this country should have faith in the Election Commission. A lot of arguments have been advanced on whether the Election Commission should be a one-member body or three-member body. I have also said in an earlier discussion that the Election Commission should be composed of retired Judges. If necessary, their age limit could also be increased. Supreme Court and High Court Judges can be appointed. It is advisable to have at least three Judges in the Commission. Regional Commissions can also be appointed. On this point, I would like to refer to press reports about the Prime Minister's speech here which say that Shri Gandhi provoked the Opposition again by referring to their demand of a multi-member Election Commission and said that it revealed lack of faith in a single-member Commission. Mr. Advani also referred to this. We have no lack of faith in the Election Commission. We want a multi-member Election Commission consisting of three members because the collective wisdom of the Election Commission will then be available for any judg-

ment. That is one aspect. Regarding the independence of the Election Commission, I would like to refer to the view of the Election Commission itself. In his speech at the Institute of Constitutional and Parliamentary Studies on March 27, 1983, the Chief Election Commissioner, Mr. R. K. Trivedi, made an important suggestion that the Election Commission should be governed by identical Constitutional provisions as are governing the Supreme Court, the Comptroller and Auditor General of India and the UPSC. These measures would contribute very largely to the independent functioning of the Commission. The Election Commissioner himself has admitted that the Commission is not independent in his own view. When he himself is of such opinion, nothing much need be said on this aspect.

There are so many aspects to deal with when we come to election expenses. But because of paucity of time, I am not going into them. Now registration of parties has been made mandatory. When elections are conducted, so many crores of rupees are being spent. Now, we have about 542 constituencies, according to my calculations and according to the calculations of one of the Secretaries to the Election Commission. He says for a parliamentary constituency it is Rs. 5.85 lakhs. And according to the calculation at least Rs. 6 lakhs 6.00 P.M. have to be spent—Rs. 5.85 lakhs to be exact. If we calculate the amount for 525 odd seats, it comes to nearly Rs. 31.50 crores. For the nearly 2,000 Assembly constituencies at the rate of about Rs. five lakhs per constituency you have to have Rs. 100 crores. In all Rs. 132 crores have to be spent during the elections. I want to know how these political parties are spending this money. There is no accountability on the part of the political parties. Nobody is auditing the accounts of the political parties. The political parties are outside the purview of the Election Commission, they are outside the purview of the people. Our feeling is that the accounts of the political par-

ties should be audited and they should be exhibited to the people. In connection with the discussion on election expenses I would like to mention the view of our Prime Minister earlier. In his speech at the AICC in Bombay on December 28, 1985, Shri Rajiv Gandhi said:

"The country needs a political base of ideology and programmes. To bring about this we must break the nexus between political parties and vested interests. We will change the election law to ensure cleaner elections. We will make political parties accountable for the funds they receive."

This is the point we have been agitating. On this I would also like to read out a Supreme Court Judgement and conclude my speech. On October 3, 1974 the Supreme Court delivered a judgment of historic significance not only to the law on elections but to the purity of the political process itself. In *Kanwarlal Gupta v Amarnath Chawla* the Supreme Court observed:

"The small man's chance is the essence of Indian democracy and that would be stultified if large urban rich and affluent individuals and groups are not divorced from the electoral process. It is for this reason that our legislators in their wisdom enacted a ceiling on expenditure which may legitimately be incurred in connection with an election. This background must inform the court in the interpretation of a vital and significant provision of the election law in our country."

Now the point for consideration is rendering of accounts by the individual and by the political party. Suppose I donate Rs. 5 lakhs to a political party and in turn that political party spends Rs. 5 lakhs on my election and in the election expenses statement that I file I show my expenses only as Rs. 10,000, then I go out of the purview of the law. Therefore, unless the political party funding the private individual for his election is

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also brought within the totality of the accounting, the law will only remain a farce. People want to know, after the Wanchoo Committee report on black money, how the political parties are getting crores of rupees, how and from where they are getting that money and how they are spending it. The Opposition is very much interested in this matter. So, on these two very important matters, one on the independence of the Election Commission and another about the election expenses, control of black money, accountability of political parties in their funding and spending, we plead that in the next round when the Government brings forward electoral reforms, they will have meaningful consultation with the Opposition parties and we will also be allowed to have a frank talk with the Government on this matter. And I hope we will be allowed more time next time so that we will be able to make our points more elaborately. Thank you.

डा० रुद्र प्रताप सिंह (उत्तर प्रदेश) :
आदरणीय उपसभापति महोदया,

उपसभापति : आप बोलना शुरू करें उससे पहले मैं बता दूँ कि टाइम कम है, उसी लिहाज से आप अपने भाषण को प्लान कर लें।

डा० रुद्र प्रताप सिंह : महोदया, मैं बहुत तीव्र गति से पढ़ूँगा।

श्रम मंत्रालय में उपमन्त्री तथा संसदीय कार्य मंत्रालय में उपमन्त्री (श्री राधा किशन मालवीय) मैंने वैसे बोल दिया है।

उपसभापति : आप सब को ब्रीफिंग कर दीजिये।

डा० रुद्र प्रताप सिंह : महोदया, जब समय कम हो, तो अपने आपको गद्य की अपेक्षा पद्य में कह देना सरल होता है—

“हर कर्मवीर के आगे,
पथ का पत्थर सा धक बनता है,
बीवारें दिशा बताती हैं,
भाबू जब आगे बढ़ता है।”

महोदया, मैं आपका हृदय से आभारी हूँ जो आपने मूल्यको संविधान (बासठवां संशोधन) विधेयक और लोक प्रतिनिधित्व संशोधन विधेयक पर अपने विचार प्रकट करने का अवसर दिया है। मैं उसका समर्थन करने के लिये खड़ा हुआ हूँ।

महोदया, माननीय सदन इस बात से सहमत होगा कि वर्तमान निर्वाचन प्रणाली में व्यवस्था में अत्यधिक सुधार एवं संशोधन की आवश्यकता है। इस संदर्भ में सर्वप्रथम मैं यह अनुरोध करना चाहूँगा कि इस बात का स्पष्ट विधान तथा व्यवस्था की जानी चाहिये कि ग्राम पंचायत के सदस्य से लेकर राष्ट्रपति पद तक के समस्त निर्वाचन निर्धारित समय पर अवश्य ही सम्पन्न हों। चाहे कोई विजयी हो, चाहे कोई पराजित हो क्योंकि लोकतंत्र दलों के विजय एवं पराजय से बहुत ऊपर है।

दूसरी बात मैं यह कहना चाहता हूँ कि मतदाता सूचियों में भारी अशुद्धियाँ रहती हैं। भारी संख्या में मतदाताओं का नाम मतदाता सूची में नहीं होता है। भारी संख्या में नामों में अशुद्धियाँ रहती हैं। बड़ी संख्या में मृतक जीवित एवं जीवित मृतक होते हैं। यह परिस्थितियाँ भी अनुचित मतदान को जन्म देती हैं तथा प्रोत्साहित करती हैं। अतः संपूर्ण देश में एक शुद्ध मतदाता सूची बननी चाहिये। मतदाता सूचियों में भूलों के लिये कर्मचारियों को दंडित किया जाना चाहिये साथ ही मतदाताओं को भी अपना नाम मतदाता सूची में अंकित कराने के लिये उत्तरदायी बनाना चाहिये। इसी संदर्भ में मैं यह भी कहना चाहूँगा कि मतदान के प्रमाणिक मतदान के लिये फोटो पहचान पत्र आवश्यक है। बताया गया है कि निर्वाचन आयोग इस प्रकार के पहचान पत्र जारी कर सकता है। मैं यह कहना चाहूँगा कि जब प्रावधान है तब सरकार को उसे लागू करने में सहायता करनी चाहिये।

जानता हूँ कि यह कठिन कार्य है
रन्तु अच्छा होगा यदि आगामी साधारण
निर्वाचन से पूर्व फोटो पहचान पत्र जारी
किए जाएं ।

महोदया, माननीय सदस्य इस बात
से भी सहमत होंगे कि अत्यन्त चिन्ता
एवं चिन्तन का विषय है कि समाज के
असामाजिक तथा अराजक तत्व निर्वाचनों
में प्रत्याशी के रूप में या कार्यकर्ता के
रूप में भारी संख्या में भाग ले रहे
हैं । वह सभाओं में गड़बड़ी उत्पन्न
करते हैं, मतदाताओं को डराते-
धमकाते हैं, मतदान केन्द्रों पर अधिकार
कर लेते हैं, आदि । उनमें से अनेक
अपराधी होते हैं । मुझे इस बात की
प्रसन्नता है कि सरकार का ध्यान इस
गंभीर समस्या की ओर गया है, साथ
ही सुधार के लिये प्रावधान किए जा
रहे हैं । मैं यह कहना चाहूंगा कि
कोई निर्वाचन दल के आधार पर नहीं
सम्पन्न होता है तब इस प्रकार के
तत्वों को खूली छूट मिल जाती है ।
अतएव इस बात की आवश्यकता है
कि ग्राम पंचायत से लेकर राष्ट्रपति तक
के समस्त निर्वाचनों में राजनीति दल अपने
प्रत्याशी खड़े करें तथा सुनिश्चित कर
कि इस प्रकार के तत्व प्रत्याशी न बनने
पाएं (व्यवधान)

उपसभापति : आप लोग ध्यान से
सुनिये । मेरी समझ में आ रहा है ।

डा० रुद्र प्रताप सिंह : अतः इस
बात की आवश्यकता है (व्यवधान)

श्री प्रमोद महाजन (महाराष्ट्र) :
यह शब्दाब्दी एक्सप्रेस है इससे कम यात्रा
नहीं कर सकते (व्यवधान)

डा० रुद्र प्रताप सिंह : बाद में
माननीय सदस्य इसको पढ़ लेंगे । असामा-
जिक एवं अराजक तत्वों का सत्ता में
आना लोकतंत्र में निश्चित रूप से निर्भर
करता है । जिस प्रकार से असामाजिक एवं
अराजक तत्व पदों पर आसीन होना
चाहते हैं उसी प्रकार जिन्होंने अनुचित
रूप से या उचित रूप से अधिक
धोपार्जन कर लिया है वह भी अपने
बल-बल से सत्ता में आना चाहते हैं ।

निर्वाचन प्रणाली में सुधार करते समय
इस बात पर ध्यान रखना उचित होगा
कि कोई व्यक्ति या दल केवल धन
के प्रभाव से सत्ता पर आसीन न हो
सक ।

महोदया, अब मैं कुछ राजनैतिक दलों
के संबंध में कहना चाहूंगा । जातिवाद,
सम्प्रदायवाद, क्षेत्रवाद तथा भाषावाद में
आस्था रखने वाले दल देश की अखण्डता
तथा एकता में बाधक हैं, अतएव उन पर
प्रतिबन्ध लगाया जाना चाहिये । किसी
भी देश में अधिक राजनीतिक दलों का
होना उस देश में लोकतंत्र को अस्वस्थ तथा
निर्बल बनाता है । एक ही नीति, एक ही
सिद्धांत, एक ही कार्यक्रम के अनेक राजनीतिक
दल जनता को केवल गुमराह करते हैं
तथा देश को निर्बल बनाते हैं । जब नीति
सिद्धान्त तथा कार्यक्रम में अन्तर नहीं
होता तो वह जातिवाद, सम्प्रदायवाद,
क्षेत्रवाद एवं भाषावाद का सहारा लेते
हैं जो देश की अखण्डता के लिये बाधक
हैं । अतएव मेरा सुझाव है कि देश में
केवल तीन राजनीतिक दलों—जीवादी,
समाजवादी एवं साम्यवादी—को ही मान्यता
दी जानी चाहिये । सभी राजनीतिक दल
अपने को इन्हीं तीनों श्रेणियों में से
किए एक में रखें । इस प्रकार देश की
राजनीति, जाति, सम्प्रदाय, भाषा एवं
क्षेत्र की राजनीति से निकलकर विशुद्ध
रूप से आर्थिक होगी, जिससे लोकतन्त्र
स्वस्थ होगा एवं देश शक्तिशाली होगा ।

महोदया, यह कटु सत्य है कि निर्वाचन
प्रक्रिया में लगे कर्मचारीगण एवं अधिकारी
भी अपने राग एवं देश के आधार पर
निर्वाचन को प्रत्यक्ष एवं परोक्ष रूप से
प्रभावित करते हैं । अब तो उनका साहम
इतना बढ़ गया है कि वह निर्वाचन में जनमत
के विरुद्ध परिणाम लाने की शक्ति एवं
सामर्थ्य रखते हैं । राजनीतिक दल भी
इस बात को स्वीकार करते आए हैं
कि कर्मचारियों ने किसी को विजयी बना
दिया अथवा किसी को पराजित कर
दिया । यह लोकतंत्र के मुंह पर तमाचा
है, कलंक है । अतएव इस कामून की
व्यवस्था की जानी चाहिये कि सरकारी
कर्मचारी एवं अधिकारी निर्वाचन को प्रभावित
न कर सकें ।

[डा० रुद्र प्रताप सिंह]

मेरा व्यक्तिगत विचार यह है कि विधान सभा तथा लोक सभा की सदस्यता हेतु आयु की अधिकतम सीमा भी निर्धारित की जानी चाहिये। अब तो विधायकगण तथा सांसदगण पेंशन के भी अधिकारी हैं। अतएव यह निर्णय सर्वथा उचित होगा। दूसरे, अतिरिक्त योग्यता भी निर्धारित कर दी जानी चाहिये जिससे सुयोग्य व्यक्ति ही विधानसभाओं तथा लोकसभा के सदस्य बन सकें। यह निर्णय लोकतंत्र को शक्तिशाली बनाने में सहायक सिद्ध होगा। राज्य सभा, जो "हाउस आफ एल्डर्स" है, उसमें आयु की निम्न सीमा 50 वर्ष कर दी जानी चाहिये। निम्नतम सीमा, अधिकतम सीमा नहीं कहूँ मैंने, तथा उसमें विभिन्न क्षेत्रों से विशेषज्ञों को लाया जाना चाहिये।

उपसभापति रुद्र प्रताप सिंह जी आपकी उम्र क्या है ?

डा० रुद्र प्रताप सिंह : महोदया, मेरी उम्र 52 वर्ष की है। मैंने अपनी आयु का ख्याल रखा है अपने व्यक्तिगत विचार व्यक्त किए हैं।

तो मैं अपने देश के नेता भारत के प्रधान मंत्री परम आदरणीय श्री राजीव गांधी जी को इस बात के लिए हृदय से धन्यवाद देना चाहता हूँ कि उन्होंने संविधान में इस संशोधन के द्वारा मतदान की उम्र 21 वर्ष से घटाकर 18 वर्ष करके देश के युवा वर्ग को मताधिकार प्रदान किया है। ऐसी व्यवस्था कई विकासशील देशों में है। इस व्यवस्था के द्वारा देश के युवा वर्ग जो कि शिक्षित है। उनमें अधिक राजनैतिक जागरूकता आएगी और वे राष्ट्रीय कार्यों में अधिक भाग ले सकेंगे। अच्छा होगा कि इस निर्णय का पालन करते हुए सभी राजनैतिक दल कम से कम 50 प्रतिशत टिकट आगामी चुनावों में 35 वर्ष से कम आयु के लोगों को दें।

अंत में मैं कहना चाहूँगा कि भारत के कोटिशः नवयुवक तथा नवयुवतियाँ त्रिनौ मताधिकार प्रदान किया गया है पूरे जोर से प्रधान मंत्री जी का बधाई देते हैं। यह हमारे युवा प्रधान मंत्री के

हृदय में युवा वर्ग के प्रति प्रेम का झोका है। जहाँ तक देश के युवा वर्ग का ख्याल है वह सदा ही अपने युवा प्रधान मंत्री के साथ रहा है और रहेगा।

अंत में उर्दू की एक ख़्बाई अर्ज करके मैं अपनी बात समाप्त करता हूँ।

तासीरे मुहब्बत होती है दोनों तरफ ज़रूर मुमकिन नहीं कि दर्द द्वार हो, उधर न हो।

धन्यवाद।

उपसभापति : श्री बिड़ला जी समय बहुत कम है, मुझे अफसोस होता है यह ख़ातास कर रहे हुए। आप अपनी बात कम से कम समय में कह दीजिए।

The time here for you is 2 minutes, but... In how many minutes can you put your words?

SHRI KRISHNA KUMAR BIRLA (Rajasthan): Madam, five minutes?

THE DEPUTY CHAIRMAN: Okay, five minutes.

SHRI KRISHNA KUMAR BIRLA: Since the time is very short, I will offer only a few comments, as far as the two amendment Bills are concerned. I support both of them.

Firstly, Madam, as far as the voting age is concerned, there is a natural corollary which follows from it. That is, in case the voting age of people is being reduced to 18 years, then what about the eligibility age of people standing for Lok Sabha and Rajya Sabha? The eligibility age for Lok Sabha is 25 years. That, in my opinion, should be reduced appreciably, and likewise the eligibility age for Rajya Sabha should also be reduced.

Madam, as far as the electoral officers and district electoral officers are concerned, I agree that it was a good thing to have provided to put them on deputation to the Election Commission at the time of elections. Side by side I also appreciate that as far as booth capturing is concerned that has been made a cognizable offence punishable with imprisonments. But,

Madam, I would like to mention that in my opinion it is not sufficient. Unless and until the Judiciary is also roped in, and unless and until provisions are made for Judicial Magistrates to be handy, to be available, so that no one who is caught indulging in any malpractice is sentenced right on the spot, unless this is done. I think this sort of malpractice will not stop.

Madam, one point on which I would like to make some mention is regarding the provision which has been made about FERA violations. The provision is that anyone who is found guilty of FERA violation will be debarred from contesting election for a period of six years.

Madam, I would like to mention that FERA violations are of two types. As far as the principle is concerned, no one can take any objection to that. But it does require some consideration. Madam, some FERA violations are of merely technical nature. It is a technical contravention. And the other type is of a grave nature. As far as the technical contravention is concerned, I would like to mention that the law is so complex that sometimes even an honest person, unwittingly or unintentionally, gets caught as far as FERA violations are concerned. That apart, there are certain clauses which could be interpreted in more than one way and in such a case it is only the court which decides such matters. Madam, the experience has been that where it is a case of technical violations only, the courts usually impose only fines and they don't award imprisonment to the person who might have been accused. My point is that the Bill provides that the people indulging in hoarding and adulteration of foodstuffs and drugs or getting involved in Sati will be disqualified. But they will be disqualified only in case they are sentenced to imprisonment for six months. Such a provision does not exist as far as the FERA violations are concerned. I did look up the Collins dictionary to find out what exactly is the meaning of a 'convict' or a 'conviction'. I also

consulted one or two solicitor friends. Their view was that usually the word 'convict'—and that is what the Collins dictionary also says—denotes some sort of imprisonment. Some sort of imprisonment is associated with it. My submission is that in other cases it has been made compulsory that there should be six months' imprisonment. Likewise, for technical violations of FERA, the man should not be disqualified. In case he is imprisoned for six months, then only he should be debarred.

SHRI V. NARAYANASAMY: Money power.

SHRI KRISHNA KUMAR BIRLA: I think you should ask for more time from the Chair. My friend has mentioned money power. I did not want to make any mention about it since the time is short. Since my friend has made a mention about it, I will regard it as my last point and then I will sit down. So far as money power is concerned, I have heard the speech of Advaniji very carefully. I would certainly say that there is much in what he says. Side by side, I would also like to mention that State funding is not a feasible proposition. Madam, we have to remember that human nature is such that the more you spend, the more is the craving for spending. People go crazy and mad particularly at the time of elections. That has been our experience. As far as money power is concerned, probably it will not be curbed only by State funding of election expenses. That apart, my feeling is that what we see at the time of real electioneering is in reality the culmination point of electioneering which goes on for five years. As soon as one election is over, immediately electioneering starts in the form of hartals or strikes or processions. Where does the money come from for that? Madam, it is not only the money which is spent for elections. The use of money is something which is a kind of continuous process. In my opinion, State funding will not solve the problem of money power. What is required is

[Shri Krishna Kumar Birla]

that there should be some change as far as our attitudes are concerned. Then only, probably we may be able to solve this problem. Thank you, madam.

THE DEPUTY CHAIRMAN: Mr. Madan Bhatia. I will ring the bell after five minutes and you can speak for two minutes more after that.

SHRI MADAN BHATIA (Nominated): Madam, these two Bills constitute a gigantic step forward in the electoral history of India towards securing free, fair and clean elections, towards eliminating the influence of religion and communalism in the elections and towards giving a proper representation to the people of India in the elected Assemblies and the Parliament. Since the time is short, I will deal only with the points which have been made by some hon. Members on this side. One suggestion came from the hon. Member of the BJP recommending the Lists system, and another hon. Member from the Telugu Desam recommended the proportional representation system. Madam, there are amazing suggestions. It is, to my mind, almost unbelievable that a Party which professes to stand by Akhand Bharat and which professes to stand by the concept of the unity of the people of India as one nation should choose to make these suggestions. If you introduce the proportional representation system or the lists system in this country, the political consequences of this will be so disastrous as to which no mind seems to have been applied by the hon. Members who have made these suggestions. This will introduce the communal representation in the country through the backdoor. This will mean that the communal...

AN. HON. MEMBER: How?

SHRI MADAN BHATIA: This will mean that the communal parties and the casteist parties will be able to monopolise the votes on the casteist lines and the communal lines . . . (Interruptions)

THE DEPUTY CHAIRMAN: It is his viewpoint. You kindly do not interrupt him.

SHRI RAM AWADHESH SINGH: You please explain.

THE DEPUTY CHAIRMAN: Even if he explains for half an hour, you would not follow. Better let him finish.

SHRI MADAN BHATIA: I am respectfully submitting that if you give the proportional representation to the parties, it is bound to lead to this consequence that the voting pattern in this country is bound to follow communal lines and the casteist lines. And if there is one most powerful factor which led to the disintegration of India, it was the introduction of the communal representation by the British in India. According to the hon. Members who have made this suggestion, the absence of this provision in these Bills indicates that no revolutionary steps have been taken. If, according to them, this is a revolutionary step then this revolutionary step means nothing but the total destruction of India.

Madam, the second suggestion which has been made is about the election funding. I respectfully submit, one hon. Member advocated the election funding by the State on the ground that this would lead to elimination of the corrupting influence of money on the electoral process in this country. In the first place, this very suggestion is an insult to the political consciousness, to the maturity, to the integrity and the honesty of the Indian voter. Secondly, Madam, I respectfully submit, this suggestion has come from the hon. Member, Mr. Advani, in the context of his dilution on the power of money, on the functioning of the political parties. I respectfully submit, these two issues are totally different, the influence of money on the electoral process in the country and the influence of the money on the functioning of the political parties. The entire speech which the hon. Member

if the BJP has made in support of the suggestion for election funding is totally irrelevant so far as the issue before this House today is concerned. This House today is not concerned with the political functioning of the parties. This House is concerned with the clean and fair election with a clean, fair and free electoral process. By no means of logic can it be said that if the election funding is given by the State, this will lead to a more fair or a more free or a more clean elections. There is no causal connection between the two. And I submit this also amounts to total ignorance of the electoral history of India. I shall give only two examples. When the Swatantra Party was born, it could not be said that the Swatantra Party was short of funds. And what was its performance? In 1962, it got 18 seats. In 1967, it got 44 seats, because the politics in this country came into turmoil. But in 1971 its seats were reduced to 8 and thereafter it vanished from the political scene. *(Time bell rings)*

Take the history of the Congress. Can you say that in 1977 the Janata Party won because of the money power? Would you subscribe to this proposition? Can you say that in 1971 Mrs. Gandhi won the elections by giving the leadership to the Congress Party on the basis of money power? Those who were the persons, who had the power to collect the funds, they were on the other side of the ring. They had left the Congress. Can you say that in 1980, the Congress won the elections with 351 seats under the leadership of Mrs. Gandhi and the Janata Party was wiped out because you had no funds? I respectfully submit that this whole proposition of the influence of the money power on the electoral process is nothing but a totally preposterous proposition.

Then, Madam, I respectfully submit that the third thing is with regard to the registration of political parties.

I respectfully submit that the momentous change which has been brought about with regard to the registration of political parties has not been recognised. No political party today will be entitled to be registered by the Election Commission unless its rules and regulations provide that it is wedded to secularism, apart from socialism. If it is not entitled to registration because it is not wedded to secularism, it is liable to be eliminated from the electoral process of the country by denial of the election symbol. Some hon. Members have said that this is an innocuous provision and it has no consequences. *(Time bell rings)*. Consequences will be seen when this comes into effect. I shall close soon, Madam. And, in this regard, I would like to place before this hon. House a very important constitutional concept. A political party cannot be equated with an ordinary association of individuals. A political party has come to be recognised as an instrumentality through which the will of the people is made vocal. It has to be recognised as an instrumentality which seeks to govern the country, rule the country by getting political power through participation in the electoral process. It is the political parties in this country which put up candidates for nomination to Presidency. It is the political parties which put up candidates for nomination to the post of Vice-President. It is the political parties which nominate candidates for election to this hon. House. If that was so, the political parties have become the instrumentalities of the State. This is a constitutional concept which has been recognised in the United States and which applies with equal force in India. I will draw your kind attention only to a few lines. This is what American jurisprudence says. Although earlier decisions held that political parties were completely regulated by their party byelaws and constitutions and were not to be regarded as constituting a governmental agency or instru-

[Shri Madan Bhatia]

mentality, throughout the years there has been a marked change in the attitude of the Congress towards political parties and their primaries and later decisions indicate that political parties have come to be regarded by the courts as governmental agencies, through which the sovereign power is exercised by the people. The concept that a political party is merely a private association of citizens has been generally abandoned. (*Time bell rings*) And there is a famous case in which the question arose whether the political parties are subject to Constitutional limitations as against discrimination on grounds of religion or creed or not, because here the regulations of the Democratic Party provided that the Negroes cannot take part in its primary elections where the candidates were selected for the general elections. The question was whether such a provision is Constitutionally valid or not, and this judgment says: 'The argument is made that a political party does not exercise State power but is a mere voluntary organisation of citizens to which Constitutional limitations, and upon which the powers of the State, have no application. This may be true of a political party which does not undertake the performance of State functions but not of one which is allowed by the State to take over and operate a vital part of the election machinery...' and so on. If that be so, then provision of article 15 of the Constitution will also govern the functioning of a political party which says that the State shall not discriminate on grounds of caste, religion or sex, etc. Any political party which is constituted — the membership of which is confined to a particular community — being an instrumentality of the State, would be violating article 15 of the Constitution and will not be entitled to participate in the electoral process of the country. It is towards this end that this amendment has been brought and it is a revolutionary amendment. The hon. Members on

the other side say that there is nothing revolutionary about these Bills.

It is said that reduction of age from 21 to 18 is not a revolutionary step because this recommendation or this thought has been there since 1972. Revolutions, Madam, are not made overnight. The thought process is in the air for years. At a particular point of time, a leadership springs up which becomes a midwife for the birth of that revolution and that leadership is the leadership of Mr. Rajiv Gandhi who has brought about this amendment, and this is a revolutionary amendment which by one stroke has given the right of voting to 47 million youth in the country. I, therefore, commend these Bills.

श्री आनन्द प्रकाश गौतम (उत्तर प्रदेश):
आदरणीया उपसभापति महोदया, चुनाव सुधार विधेयक पर बहुत दिनों से देश की मांग थी और देश की एक आधारभूत आवश्यकता थी कि चुनाव किये जायें क्योंकि वर्तमान चुनाव प्रक्रिया से इस देश की जनता, इस देश के मतदाता विशेष रूप से त्रस्त थे, प्रभावित थे। इसमें दोष आते चले गए चाहे वह धनबल का प्रभाव हो चाहे वह भूजबल का प्रभाव हो इसके कारण चुनाव में सही मतदाता को अपने अधिकार का उपयोग करने को नहीं मिलता था। अपने संसैवैधानिक अधिकारों से लोगों को वंचित कर दिया जाता था। इस दिशा में यह बहुत पुरानी मांग थी, इस देश की आवश्यकता थी कि इस दिशा में विचार होता। अब तक की सरकारों को चाहे जो भी पार्टी की सरकार इस देश में रही है उन सब को इसके लिए जिम्मेदार ठहराया जा सकता है, उनकी जिम्मेदारी थी। अधिकांश समय चूँकि कांग्रेस पार्टी की सरकार सत्ता में रही है इसलिए अधिक जिम्मेदारी उसकी रही है कि वह इस दिशा में सोचती। इतने वर्षों की पुरानी मांग जिसको विपक्ष के लोगों ने समय समय पर ऊठाया है अब मतदान की आयु सीमा को घटाने पर इस सरकार को इस दिशा में सोचने का होश आया इसको इस देश की जनता

ने एक अच्छा कदम बताया है। महोदया मैं इस सरकार को इस बात के लिए बधाई देना चाहता हूँ कि सरकार में एक अच्छा गुडसेंस परिवेल किया कि देश की इस आवश्यक मांग को और विपक्ष की इस पुरानी मांग को उसने माना।

महोदया, इस चुनाव प्रक्रिया में जहाँ कहा जा सकता है कि यह देश के युवा वर्ग के लोगों के लिए अच्छा कदम था इस दिशा में देश में सत्ता में भागीदारी सुनिश्चित करने का कदम था जिसकी तो सराहना की जा सकती है लेकिन वहीं दूसरी तरफ देश को बड़ी उम्मीद थी कि चुनाव में नया सुधार होगा। प्रजातंत्र के सही स्वरूप और संवैधानिक अधिकारों के प्रयोग के लिए देश की जनता को और मतदाताओं को जो अधिकार मिला है उसका उपयोग करने के लिए वे स्वतंत्र होंगे और सही मतदान कर सकेंगे इस दिशा में चुनाव सुधारों की उम्मीद थी। लेकिन जो बिल हमारे सामने विचारार्थ प्रस्तुत हुआ है उसको देखने से यह पता चलता है कि उसमें कोई नयी बात ऐसी नहीं की गयी है कि जो चुनाव को प्रभावित करने वाली ताकतें हैं चाहे वे घनबल हों या भुजबल उनको रोकने के लिए किसी प्रकार का कोई क्रांतिकारी कदम सिद्ध हो। महोदया, आज कानून भले ही कुछ भी बना दिये गये हैं लेकिन वे जो दो चीजें हैं इनका क्या प्रभाव है और ये किस तरह से चुनावों का फैसला कराने में सहायक होती हैं, इनके उदाहरण आपके सामने हैं कि आज भी 40 वर्षों का समय बीत जाने के बाद आजादी के बाद का समय बीत जाने के बाद भी देश के हरिजन और कमजोर अपने मतदान का सही उपयोग नहीं कर पाते हैं। आज भी ये भुजबल आदि की ताकतें दहशत के माध्यम से या डरा धमका कर चुनाव मतदान केन्द्र तक उनको जाने नहीं देती है। इसके लिए कोई कानून या कोई सुधार या अन्य किसी प्रकार की योजना इस बिल में वहीं नहीं रखी गयी है। मैं चाहता हूँ कि सरकार इस ओर विशेष ध्यान दे। प्रजातंत्र में आवश्यक होता है कि बहुमत की राय से सत्ता में बैठे लोगों को शासन करने का अवसर मिले। जो मतदान होता है आज वल जो

चुनाव की प्रक्रिया है उसके आधार पर देखा जाय तो पूरे मतदान का इतिहास इस प्रकार का है कि 40 और 50 फीसदी के नीचे ही मतदान होता रहा है। मेरा आप से अनुरोध है कि आप इस दिशा में विचार करें और हमारी माननीय आड़वाणी जी और वीरेन्द्र वर्मा जी ने ठीक सुझाव रखा था कि वोटिंग को आवश्यक बनाया जाये, इसको कर्तव्य के रूप में कहा जाये तब शायद इस देश में वास्तविक प्रजातंत्र मजबूत हो सकता है।

माननीया, इसमें कुछ सजा की जो पहले से व्यवस्था थी उस सजा और जमाने में ही आपने बढ़ोतरी की है। मैं आपसे कहना चाहता हूँ कि जो सजा आपने बढ़ाई है इससे कहाँ से, किस प्रकार से बुराइयों को रोक सकेंगे। इसके पहले शायद हो कोई ऐसा उदाहरण हो कि इन अपराधों के लिए किसी को दण्डित किया गया हो या उसको कहीं से कोई सजा मिली हो। ऐसा कुछ नहीं है....

(समय की घंटी) मैं कहना चाहता हूँ कि जब तक वर्तमान चुनाव प्रक्रिया में आप संशोधन नहीं करेंगे और कोई ऐसी व्यवस्था नहीं करेंगे कि जिसके माध्यम से चुनाव के दोषी अपराधी को स्वयं अपने आप को निष्पक्ष साबित करने को कहा जाये तब तक आप जानती हैं कि भुजबल का इतना प्रभाव होता है कि कोई साक्ष्य इकट्ठा नहीं कर सकते हैं, कोई गवाही देने के लिए तैयार नहीं होता है तो फिर आप कैसे कह सकते हैं कि जिन सजाओं का, जमाने का प्रावधान आपने रखा है इनसे कोई लाभ इस चुनाव प्रक्रिया में मिल सकेगा।

उपसभ पति : आप अपने भाषण को खत्म करने की कृपा करेंगे ?

श्री आनन्द प्रकाश गौतम : मैं बहुत जल्दी खत्म कर रहा हूँ।

इसके लिए आपको चुनाव प्रक्रिया संहिता में संशोधन करना चाहिए और विशेष अदालतों को स्थापित करना चाहिए क्योंकि चुनाव की याचिकाएँ 5-5 और 6-6 सालों तक निर्णीत नहीं होती हैं... (समय की घंटी) इसके बाद मैं कहना चाहता हूँ....

उपसभापति : बस अब मत कहिए आपका समय कुछ ज्यादा हो गया है दो मिनट थे खाली और आपको मैंने 7 मिनट दे दिये।

श्री आनन्द प्रकाश गौतम : महोदया, मैं इस सदन में स्वतंत्र सदस्य हूँ। और मैं यह समझता हूँ, मैं नहीं जानता कि जब आप निष्पक्ष और स्वतंत्र चुनाव की बात करती हैं तो स्वतंत्र सदस्य को कम समय दे करके उस की मूल भावना को

उपसभापति : कम नहीं दिया। आपके चार लोगों पर दो मिनट थे और मैंने बड़ी मुश्किल से खींच कर आपको 7 मिनट दे दिए।

श्री आनन्द प्रकाश गौतम : मैं इसके लिए आभारी हूँ और मैं बहुत जल्दी समाप्त कर रहा हूँ।

उपसभापति : मेरी निष्पक्षता के ऊपर तो आप आक्षेप नहीं लगा सकते।

श्री आनन्द प्रकाश गौतम : महोदया, अभी बूथ कैप्चरिंग की बहुत चर्चा हुई कि आपने कुछ चुनावों को प्रभावित करने वाले कार्यों को अपराध की सीमा में रख दिया है। बूथ कैप्चरिंग के अंतर्गत बहुत से अपराध आते हैं। महोदया जिस तरह से चुनाव पर भुजबल प्रभावी है, आप उसके उदाहरण को देखें, आजकल बूथ कैप्चरिंग के नाम पर ठेके उठाए जाते हैं पैसा ले करके और यह कहा जाता है कि फलां बूथ कैप्चरिंग के लिए इतना पैसा देना पड़ेगा तो उस बूथ को हम कैप्चर कर लेंगे।... (व्यवधान) आपको जानकारी नहीं है, जानबूझ कर आप इकार कर रहे हैं, इसकी ओर आपको यदि जानकारी नहीं है तो इस ओर भी आप सोचें... (व्यवधान) हमारे पूर्व वक्ता महोदय ने अभी आपके सामने रखा कि कितने बड़े-बड़े कुख्यात अपराधी विधान सभाओं में चुनकर आपके सामने आए हैं। तो क्या वह उसका प्रभाव नहीं है कि उनके डर के मारे लोग उनके खिलाफ कोई वोटिंग नहीं कर सकते? आप उसको इकार करते हैं... (व्यवधान) छारीकी

हो, चाहे तमाम ओर लोग हों। 8-8, 10-10 अभी हमारे माननीय सदस्य कह रहे थे। आप इस दिशा में सोचने से क्यों घबराते हैं? आपको इस दिशा में भी सोचना चाहिए।

उपसभापति : कृपया आप अपना भाषण मेरी तरफ देख करके करें और क्रास टाक न करें। चलिए आप समाप्त करें ताकि मैं सुधा जोशी जी को बुलाऊँ।

श्री आनन्द प्रकाश गौतम : मैं अंतिम बात यह कह करके समाप्त करना चाहता हूँ कि चुनाव सुधार के नाम पर यदि भ्रष्टाचार को निर्मूल नहीं किया गया और उसमें विशेष रूप से जो स्टेट फंडिंग की बात कही गई है इस प्रकार की कोई व्यवस्था की गई तो उसमें धनबल का प्रभाव रहेगा और भुजबल के प्रभाव से आप बच नहीं सकेंगे और चुनाव निष्पक्ष नहीं हो सकेंगे और देश के गरीब, हरिजन तथा कमजोर वर्ग के लोग हमेशा इस अताधिकार से वंचित रहेंगे। अतः मेरा आपसे अनुरोध है कि इस दिशा में कुछ सक्रिय, कठोर और प्रभावी कदम उठाने का विचार करें, मेरा आपके माध्यम से सरकार से यह अनुरोध है। आपका बहुत धन्यवाद जो आपने मुझे मौका दिया।

THE DEPUTY CHAIRMAN: Mrs. Sudha Joshi.

SHRI SUKOMAL SEN (West Bengal): Madam, for how long have we to sit? What is the decision?

THE DEPUTY CHAIRMAN: We will sit to everybody's satisfaction. My decision is that as many Members who want to speak can finish their speech. If somebody wants to speak and we have to sit the whole night, I have no objection. I can sit here as long as anybody wants to sit and speak.

DR. YELAMANCHILI SIVAJI (Andhra Pradesh): My suggestion is that we adjourn now and reassemble at 9.00 in the night.

THE DEPUTY CHAIRMAN: Yes, Mrs. Sudha Joshi. You have got three minutes.

श्री शांति स्वामी (उत्तर प्रदेश) :
मेरे टाइम में से तीन मिनट और इन्को
दोजिएगा और दो मिनट मुझे ।

SHRIMATI SUDHA VIJAY JOSHI (Maharashtra): Madam, I rise to support the Constitution (Sixty-second Amendment) Bill, 1988, and the Representation of the People (Amendment) Bill, 1988. Madam, I would like to congratulate the Government so ably led by hon. Prime Minister Rajiv Gandhi for bringing before this House this historic piece of legislation. By lowering the age of voting from 21 to 18 a long-standing demand is being met. The logic of this demand needs no further explanation but I may add that for women this is a very important acknowledgement of their right. When 18 is the age at which a woman is considered to have matured to decide about her life partner and have a way of life by getting married, it is inconceivable to think that she would not be able to decide who should govern the country or the State. Thus it removes a major inconsistency in our thinking. As regards men, it may be said that the age of 18 determines that men and women have become major and that they are eligible to hold in their names their property, bank accounts etc. It is but logical that they should be allowed to choose their representatives for governing the country. The youth of this country, I am confident, will make a proper contribution for healthy growth of democratic institutions by exercising this new right conferred on them very judiciously.

Now turning to the various amendments provided for in the Representation of the People Act, I would like to say that I am particularly happy about the disqualifications introduced in Chapter III of the Bill. By a comprehensive listing of various social and economic offenders, the law would be provided with teeth to

eliminate anti-social elements from contesting elections. I am particularly referring to the provisions regarding persons punished under the Civil Rights Act, 1955, and persons punished of crimes relating to rape and cruelty towards women. The prohibition also applies to offenders under the Dowry Prohibition Act, or under the Commission of Sati Prevention Act, 1987.

I would particularly like to congratulate our hon. Prime Minister for the serious efforts he has been making for giving women their rightful place in society and public life. By passing a host of legislations in the four years of the present Government, he has demonstrated his will to remove impediments in the growth of "Stree Shakti". Our hon. Prime Minister recognises Stree Shakti very well.

The Perspective Plan which has been published recently, is the charter for women's development. In this Bill, by making persons guilty of offences against women ineligible for contesting elections, a further step has been taken to cleanse public life.

Madam, here I would like to make one observation regarding ensuring more effective participation of women in legislatures. Today they are in very small numbers, both in Parliament and in State Legislatures. I am sure that this position will have to be rectified by making a certain percentage of seats reserved for women. To ensure this, it would be necessary to reserve certain constituencies for them. I would like the hon. Law Minister to keep this position in view and bring suitable legislation to ensure the same. In case reservation is not feasible, then it would be necessary to provide for nomination of women if a minimum number of them does not get elected.

Now turning to certain aspects of electoral process. I would like to deal with the question of merit of the present system. Today we are following "first past the post" system, against

[Shrimati Sudha Vijay Joshi]
 which a lot has been said here and elsewhere. There is a demand for single transferable vote system. This system, even with highly educated classes and constituencies like those of graduates and teachers, is found to result in many disqualified votes. I understand that even in the Bar Council elections, it has been observed that a lot of votes become invalid in this system. Hence its application on an all-India basis would be impossible, as it would lead to unimaginable difficulties and distortions.

The proportional representation system, or the list system has a disadvantage, that the voter loses identity of the candidate who is going to represent him. Voters' local problems, development needs and projects have to be vigorously followed up in the overall national or State setting, and whom should the elector approach unless the candidate is identified and the voter is directly involved in the process of his selection? Besides, what happens to the stability and cohesiveness of the Government at the Centre or at the State level?

The proportional representation system would lead to multiplicity of political parties and formation of weak coalition Governments, which would weaken the very fibre of our democratic institutions. The proportional representation system is based on the mere logic of arithmetic. Today's system in vogue is a means of creating a parliamentary majority, thereby indicating a choice as to which single party would be clearly responsible for Government. The present system, by and large, represents the aspirations of the people.

Madam, another weakness commented upon has been that of an independent machinery not being available to the Election Commission for the conduct of elections in the country. The suggestion has been given effect to in Chapter II of the Bill. This is a very important provi-

sion and should help in the free and fair conduct of elections.

Madam, of late, another distortion that has crept in is in relation to booth capturing. This has affected, predominantly, the weaker sections from exercising their right of franchise. Now this menace has to be fought with all the vigour at our command.

Madam, I am thus sure that this Bill will go a long way in bringing about healthy electoral practices as also prohibit distortions in the electoral process. With these words, Madam, I commend the Bill for the unanimous approval of this House. Thank you.

THE DEPUTY CHAIRMAN: Shri Tridib Chaudhuri...Not here. Shri Chitta Basu.

SHRI CHITTA BASU (West Bengal): Madam, I rise, firstly, to support the Constitution (Sixty-second Amendment) Bill, 1988, but I am not supporting the Representation of the People (Amendment) Bill, 1988. I have got serious objections to certain provisions of the amending Bill.

Madam, you are quite aware, and the nation is also aware, that there have been frequent promises from the side of the Government that the Government is very serious about bringing about comprehensive electoral reforms. As a matter of fact, never has there been the occasion when the Government really put into shape, in concrete terms, what it really means by electoral reforms. But, so far as we are concerned, we put forth certain suggestions in specific form which may be considered as practical, viable, suggestions, propositions and ingredients to bring about appreciable changes in the present electoral system of our country. I do not venture to say that all the measures which we have suggested constitute the final ingredients for a complete and final reform of the electoral

system in our country, because the concept of election changes with changing times. Since I do not have much time, I would not like to discuss it. But, so far as we are concerned, we placed before the Government certain ingredients which should be considered as inevitable propositions for bringing about certain changes in the electoral system. Those include, amongst others, acceptance of the principle of proportional representation, state funding of elections, elimination of money power and muscle power, stoppage of misuse of media, reduction of corrupt electoral practices and impartial an independent Election Commission.

Madam, I leave it to you and to the House. There was commonality of views on these items. On certain items even the Congress Party also expressed its commonness in their view. But please find out which of these components have formed a part of the present Bill, barring one and two. Anyway, at this stage, I want to say something about the comments made by Mr. Bhatia particularly in regard to proportional representation. He has a misconceived idea, and he is ignorant of the electoral history of this country. Number one, is it a fact that always the Muslims voted for the Muslims or that always the Hindus voted for the Hindus? Had it been the case, I think many of us would not have seen the chamber of this House, either this or that. A large number of people, I think majority of the people, are still not infected by communal ideas. They are very much secular so far as they exercise their voting right. But here, Mr. Bhatia says, once you accept the principle of proportional representation in your electoral system, you are encouraging communal forces, you are dividing India communally. I do not find any rationale in this idea. If we have to accept this, then, Madam Deputy Chairman, then, you have to negate the history of your party. The Congress Party did not get the

votes of a particular section or a particular community. People voted for the Congress Party on secular ideas, not on communal ideas. Therefore, it is not that idea. If that idea is there, I think it needs severe condemnation. It is you who encourage communal feelings in the electoral process.

Mrs. Joshi has rightly pointed out that the concept of proportional representation is based on arithmetic. Right. We want proportional representation because it has been our experience that some party, particularly the Congress (I), has occupied majority of the seats on the basis of minority votes secured by them. Few Members are elected to this House or that House or in any other electoral process securing the majority of the total votes.

If you want really to judge the will of the people, if you want to have democracy based on the will of the people, the majority of the people, the present system does not fulfil that objective. You get elected, even I get elected, not on the basis of the majority of the total votes but on the basis of the minority of the votes. I think, everybody will agree that this cannot be a sound principle of democracy. I don't say that there may be modes and modes of proportional representations. There cannot be a cut and dried mode of proportional representation. What we want is that the Government should accept the principle of proportional representation so that there can be reflection of the people's will proportionately. Therefore, I am rather very much disappointed with the comments made by Mr. Bhatia. Please allow me to make this comment. As a matter of fact these are not at all electoral reforms. It is rather a caricature of reforms. On the other hand this amending Bill puts certain impediments on political parties in our country. I would give only two examples. One is:

registration. You will find there are lots of information to be given by a political party to the Commission and the political party will be bound to furnish that information; and on the ground of refusal of furnishing certain information as sought for by the Election Commission, the Election Commission can refuse to register that party. Yes, there are certain parties which would like to refuse to divulge every information to the Government. Yes, it is my right. Therefore, you are forcing the political parties which want to take part in the electoral process to give some information. I don't know for what purpose you want that. You have got the intelligence and other limbs, but you force the political parties to give all the information, whenever the Election Commission requires it. Therefore, I say it is an impediment.

Again the Commission can refuse registration and there is no appeal. The Commission's judgment or decision is final. And whatever the Commission's character is, we have already said, it needs no further reiteration, it needs no further explanation. The Election Commission as it functions today is nothing but a limb of the Central Government.

AN HON. MEMBER: What?

SHRI CHITTA BASU: Limb.

SHRI SATYA PRAKASH MALAVIYA: It is a limping limb.

SHRI CHITTA BASU: No, it is not limping. It is very much strong.

We have been demanding that the Election Commission should have an independent machinery of its own, but instead of providing for that you are mustering the State Governments. (Interruptions) All the State Government employees who will be engaged in electioneering are to be put under the discipline of the Election Commission which I again reiterate is a limb of the Central government. This is an abridgement of the State's rights. Therefore, I say

these are some of the very negative features of the Bill. That is why reiterate that this is not an electoral reform, this is not at all revolutionary. As a matter of fact, I would like to say that you are taking certain steps which may lead to further centralisation of power in the hand of the Central Government and in the hands of the Election Commission which has already become a limb of the Central Government and which you would not like to reform.

श्री संयदसिन्हे राजी (उत्तर प्रदेश): माननीय डिप्टी चैयरमैन साहिब, सबसे पहले तो मैं आपका शुक्रिया अदा करना चाहूंगा कि इस बिल के आखिरी दौर में आपने मुझे बोलने का मौका दिया है।

इस समय जब हम बिल पर बहस करीब करीब खत्म कर रहे हैं, मेरे जहन में हिन्दुस्तान के उस नए भारत और नवभारत के निर्माता पंडित जवाहरलाल के वे शब्द गूँज रहे हैं जो उन्होंने राजाजी की पूर्व संध्या पर हमारी सविधान सभा को संबोधित करते हुए अर्थात् वही थे। उन्होंने कहा था—

“बहुत वर्षों पूर्व हमने भाग्य से समझौता किया था और आज उस प्रण को पूरा करने का समय आ गया है। आज रात जब बारह बजे, सारी दुनिया सो रही होगी उस समय भारत नवजीवन और स्वतंत्रता के साथ जाग उठेगा। ऐसे मौके ऐसे अक्सर आते हैं इतिहास में लेकिन कभी-कभी जब हम अपने पुराने को छोड़कर एक नये जीवन में पगरखते हैं, बरसों से दबी हुई राष्ट्र की आत्मा मुखरित हो उठती है, एक युग की समाप्ति होती है”।

माननीया, जवाहर लाल जी ने इसी भाषण में आगे कहा—

“आज इस गम्भीर अवसर पर हमारे लिए यह आवश्यक हो जाता है कि हम सशपथ लें भारत और भारत के लोगों

और इससे भी बड़ कर मानवता के हितों की सेवा के लिए अपने को समर्पित करने के लिए।"

माननीया, यदि आप इधर ध्यान दें तो मैं आपको बताना चाहूंगा कि चालीस वर्ष तक उस इतिहास को देखने का कष्ट करें जो कांग्रेस की सरकार के नेतृत्व में भारत ने बनाया। मुझातिर हमने अपनी राजनीतिक धुरी को मानवीय पर मूल्यों रखने का प्रयास किया। वह बात दूसरी है कि उस 40 साल के 3-4 साल भारत की बदकिस्मती के साल बन कर आये जब 77 में 80 तक एक ऐसा सवर्धता सरकार आयी जिसने हमारे बुनियादी मूल्यों को मूल रूप से तोड़ने का प्रयास किया। जैसा आप जानती हैं कि वे चुनाव के जमाने में पड़-पड़ कर गलियों, सड़कों, कुँवों, गांवों और बाजारों में यह कह रहे थे कि लोकतंत्र की रक्षा करने के लिए हम आ रहे हैं। लेकिन जब वह सत्ता में आये तो लोकतंत्र की रक्षा इस प्रहार की कि आते ही उन्होंने राष्ट्रपति, कार्यवाहक राष्ट्रपति पर देवाव डाला कि वह उस दस्तावेज पर दस्तावेज कर दें जो भारत की नव चुनी हुई लोकतांत्रिक पद्धति से जनता का विश्वास प्राप्त की हुई सरकारें थी, उन्हें खरब कर दिया जाए।

श्री यशवंत सिन्हा (बिहार) : आपने क्या किया?

श्री संयद सिन्हे रत्नी : इन्होंने आगे क्या किया कि चिह्नमंगलर क्षेत्र से लोक जनमत प्राप्त करने के बाद सदन में पहुंचने वाली श्रीमती इन्दिरा गांधी को सत्ता का दुरुपयोग करने के बाद सदन से निरकासित कर दिया।

श्री यशवंत सिन्हा : आप समय का दुरुपयोग कर रहे हैं।

श्री संयद सिन्हे रत्नी : आप जानती हैं यह मेरी मेडन स्पीच है और मैं भी जनतंत्र पद्धति से चुनकर यहां आया हूँ। मैंने इस बात का जरूर मौका देगे कि मैं अपनी बात कह सकूँ।

THE DEPUTY CHAIRMAN : Is it your maiden speech?

श्री संयद सिन्हे रत्नी : इस टर्म की तो मेडन स्पीच ही है।

AN HONOURABLE MEMBER : It is his second Maiden Speech.

श्री संयद सिन्हे रत्नी : अगर इन्टरप्राण का दिल चाह रहा है तो करें मुझे कोई एतराज नहीं।

इस ऐतिहासिक बिल के बड़े दरगामी प्रभाव होंगे। निश्चितरूप से ही हमारे हिन्दुस्तान के नौजवानों की भागीदारी हमारे भारत के निर्माण में होगी और राजनीतिक जो दृष्टिकोण है उसमें उनको योगदान करने का मौका मिलेगा। कभी-कभी ऐसा समय आता है जब ऐसे बिल आते हैं जिस पर सत्ता पक्ष और विरोधी पक्ष दोनों का मत एक होता है और इसी तरह से यह 62वां संशोधन बिल है। निश्चितरूप से जो चुनाव सुधार राजीव गांधी की सरकार यहां पर लायी है वह सामयिक है और पिछले 30-40 साल का जो हमें तजुर्बा हुआ है उस तजुर्बे की रोशनी में यह वक्त की सबसे बड़ी जरूरत थी। निश्चित रूप से यदि राजीव गांधी की सरकार के पिछले चार वर्षों को देखा जाये और अगर मैं यह कहूँ तो गलत नहीं होगा कि यह परिवर्तन के वर्ष थे। यथास्थिति के खिलाफ उन्होंने एक नया परिवर्तन लाने का प्रयास किया और आज हमारे प्रधान मंत्री युवा शक्ति के प्रतिबिम्ब बन गए हैं।

युवा शक्ति का मतलब सिर्फ यह नहीं है कि 18 साल के उम्र के लोगों को वोट देने के अधिकारों के कारण ही वह युवा शक्ति का प्रतिबिम्ब बने हैं बल्कि जो लोग इससे ज्यादा उम्र के हैं उनका भी प्रतिनिधित्व करते हैं। माननीया, जैसा आप जानती हैं, एज का ताल्लुक माइंड से होता है, इसलिए जो भविष्य में झांकना जानते हैं, जो परिवर्तन में विश्वास रखते हैं, जो यथा स्थितिवाद से ऊपर उठकर आगे बढ़ना चाहते हैं वे भी अपने को युवा मान सकते हैं। युवा शक्ति ने हमेशा-हमेशा यथा स्थितिवाद के खिलाफ शोषण के विरुद्ध और अत्याचार और अद्विचार के विरुद्ध

[श्री संयद सिन्हे भजी]

आवाज उठाई है और जो सामाजिक निर्माण है उसमें आगे बढ़कर हिस्सा लिया है। इसलिए शायद जोश ने उस युवा शक्ति को पूर्णरूप से प्रदर्शित करते हुए अपने एक शेर में कहा है

काम है मेरा तगम्यूर नाम है मेरा शबाब,
मेरा नारा इक्लाबो, इक्लाबो, इक्लाब।

इतिहास में युवकों के योगदान के संबंध में लोगों का, चाहे उनका राजनैतिक दृष्टिकोण कुछ भी हो अथवा किसी भी व्यक्ति का, मतभेद नहीं हो सकता है। सामाजिक आर्थिक और राजनैतिक हर क्षेत्र में हमारे युवकों ने हमेशा हमें भारत के लोगों के साथ योगदान दिया है। हम अपने आजादी की ओर देखें तो हमें पता चलता है कि “करो या मरो” का आन्दोलन जब शुरू हुआ तो हमारी युवा शक्ति ने आगे बढ़कर ब्रिटिश शासन को डुला दिया। आजादी के बाद राष्ट्र-निर्माण और राष्ट्र की सुरक्षा के लिए भी हमारे देश के युवकों ने जिस तरह से कीर्तिमान स्थापित किया है उसे इनकार नहीं किया जा सकता है। इसलिए अब समय आ गया है कि राजनैतिक गतिविधियों में हमारे नई उम्र के लोगों को साझेदारी दी जाए। हमारे प्रधान मंत्री जी ने कहा है कि लगभग पांच करोड़ नव युवक मतदाता जो 18 साल की उम्र के हैं वे इससे लाभान्वित होंगे। वे केवल लाभान्वित ही नहीं होंगे बल्कि उनके फैसलों और उनकी दूरदर्शिता से हमारे देश के मुकदर का पूर्ण रूप से निर्माण होगा संशोधन, तजुर्बे और एक्सपीरिएन्स की रोशनी में रखे गये हैं और हमारी जनता की जो आकांक्षाएं और आशाएं हैं, मैं समझता हूं कि इन संशोधनों में उनकी पूर्ति हो सकती है।

इसमें मुख्य रूप से मैं दो तीन बातें कहना चाहूंगा। आशा है, आप मुझे इसकी अनुमति देंगे। इसमें खासतौर से चुनाव आयोग के अन्तर्गत चुनाव में लगे अफसरों को उसके अधिकार क्षेत्र में लाने का प्रयास किया गया है। यह स्वागत करने योग्य कदम है। कहीं-कहीं यह देखा गया है कि प्रदेशीय सरकारों के अन्तर्गत जो

राज कर्मचारी काम करते हैं वे कुछ स्तरों पर जाकर कहीं पूर्णरूप से अनुशासन में काम नहीं करते हैं। लेकिन अब इलेक्शन कमीशन के परब्यू में आने से उनका अनुशासन बढ़ेगा और एक प्रकार से सही नहीं जिस प्रकार से अनियमिततायें होती हैं उन पर अंकुश लगेगा। इसी प्रकार से राजनैतिक पार्टियों के पंजीकरण से भी बहुत बड़ा लाभ होगा क्योंकि अभी स्थिति यह है कि कभी-कभी हमारी जनता भ्रमित हो जाती है। तरह-तरह की पार्टियां बन जाती हैं। बहुत सी पार्टियां, आप जानती हैं, हमारे सामने से गुजरी हैं। उनके झण्डे रोज-रहते बदलते हैं, उनके नेता रोज बदलते रहते हैं। ऐसी स्थिति में पूर्ण रूप से उनका राजनैतिक दृष्टिकोण क्या है, जनता के सामने नहीं आ पाता है। कुछ सदस्यों ने कहा कि हम आगे आने वाले वर्षों में कोई पद नहीं लड़ेंगे, कोई चुनाव नहीं लड़ेंगे और जो हमारा मंच है वह समाज सेवा में लगा रहेगा। लेकिन इतिहास जानता है, अभी रिसेन्ट हिस्ट्री जानती है, किस प्रकार से उन्होंने मंच बनाकर किस प्रकार से उसको राजनैतिक गतिविधियों में डाला और अपने कहने के चंद महीनों के बाद उन्होंने चुनाव भी लड़ा। यही नहीं, साम-प्रदायिकता और रंग, क्षेत्र और भाषा के आधार पर छोटे-छोटे हितों को लेकर हमारे मतदाताओं को कभी-कभी भ्रमित करने का प्रयास भी किया जाता है और उनके जज्बात के साथ खेलने का प्रयास किया जाता है। लेकिन अब जो संशोधन रखा गया है उससे इन चीजों पर रोक लगेगी। इसी प्रकार से जो वूथ कैपचरिंग का मोनेस है उस पर भी रोक लगेगी। सवाल यह है कि यह जो बोभारा है, दोष है, इसको दूर करना न केवल हमारा राजनीति और लोकतन्त्र के लिए जरूरी है बल्कि इनको दूर करने को जिम्मेदारों सिर्फ सत्ता पक्ष को ही है वरना विरोधी पक्षों को भी यह जिम्मेदारी है। मैं समझता हूं सब को मिलाकर इसको दूर करना है। सभी लोग साहस से काम लेंगे तभी हम इसको पूर्ण रूप से दूर कर सकेंगे। खासतौर पर गैर संजीवा जो हमारे प्रत्याशी होते हैं, मैं स्वागत करूंगा कि इस बिल के तहत कौंसिल आफ स्टेट्स और जो

हमारी विधान परिषदें हैं उसके अंदर जो हमारे इस प्रकार के गैर संजीदा नुमा-इन्दे लड़ना चाहते हैं, इसमें उनके ऊपर रोक लगाई गई है। लेकिन इसी तरह की रोक लगाई जानी चाहिए राष्ट्रपति के जै से नैभवशाली और उत्कृष्ट पद के लिये भी जो इस तरह के गैर संजीदा और जो गंभीर प्रवृत्ति के लोग नहीं हैं वे भी इसके लिये नामांकन पत्र दाखिल कर देते हैं। इस पर भी रोक लगाई जानी चाहिए। वाइस प्रेसीडेंट के सिलसिले में भी इसी प्रकार की रोक लगाई जानी चाहिए।

इन शब्दों के साथ एक बार मैं फिर आपके प्रति आभार प्रकट करता हूं और आशा करता हूं कि 18 वर्ष की जो नई नस्ल है और जो मशाल सरकार का और से उनको सौंपी जा रही है वे उसको जलाये रखेंगे और अंधेरे से लड़ेंगे और भारत का भविष्य उज्ज्वल होगा, भारत आगे बढ़ेगा और युवा जनशक्ति एक लोक शक्ति में परिवर्तन होगी और भारत का लोकतन्त्र हमेशा हमेशा जिन्दा रहेगा।

उपसभापति : मैं हाउस का ध्यान इस तरफ ला रही हूं कि अब सेंकड राउंड तकरीर होने वाला है। मैं कुछ सदस्यों को भाषण के लिये बुलाऊंगी। सही मायनों में जनता पार्टी का टाइम खत्म हो गया है, सी० पी० आई० का सिर्फ 3 मिनट का समय है, लोकदल का भी समय खत्म हो गया है। किसी भी पार्टी का टाइम नहीं रहा है। मगर, क्योंकि, राम अवधेश सिंह जी ने काफ़ी कुछ कहा था कि मैं उनको बुला लूं तो मैं उनको 5 मिनट का समय देती हूं। सिर्फ 5 मिनट के लिए, मैं सिर्फ आपके लिये बैठी हूं यहाँ। 5 मिनट आप बोल दीजिये और जब मैं घंटों बजाऊं तो मेहखानी करके आप बैठ जाइये।
(व्यवधान) मैं जेमलानी जी को भी, सुकोमल सेन जी को भी टाइम दे रहा हूं। मगर उनको पहले दे दिया।

कुमारी सईदा खातून (मध्य प्रदेश) : महिलाओं, आदिवासियों, हरिजन इन लोगों को संरक्षण देने के लिये जो मताधिकार बिल यहां लाया गया है उसको

वे अपोज करेंगे क्योंकि वे बूथ केप्चरिंग में विश्वास करते हैं... (व्यवधान)...

उपसभापति : राम अवधेश सिंह जी, मैं आपसे यह विनती करती हूं कि हम इस सदन के सदस्य हैं और इसलिये सदन को गरिमा को बढ़ाना हम सब का फर्ज है, हमारी जिम्मेदारी है। हमने कांस्टि-ट्यूशन की ओर ली है। आपने फाइडे और आज भी कुछ अच्छा काम नहीं किया हाउस में। फिर भी मैं आखिरी चांस दे रही हूं। आप इलेक्शन रिकार्ड पर बोल रहे हैं तो यह भी इलेक्शन रिकार्ड में सम्मिलित है।

श्री राम अवधेश सिंह : माननीय उपसभापति महोदया मैं आपका बहुत आभारी हूं जो आपने मुझे बोलने के लिये समय दिया जहां तक संविधान के बासठवें संशोधन का सवाल है उसका चतुर्विध स्वागत हो रहा है और चारों तरफ उसका स्वागत होना चाहिये तथा मैं भी उसका स्वागत करता हूं। लेकिन इस संशोधन का राजनैतिक लाभ आज की सत्ताधारी पार्टी लेना चाहती है कि हमने बहुत क्रांतिकारी कदम उठाया है और हम ही सब बात कर रहे हैं। इसमें किसी दूसरे दल और दूसरे लोगों का राय नहीं आई है। लेकिन फिर भी ऐसा हम इस बिल के गरिये, इस संशोधन के जरिये करना चाहते हैं। लेकिन माननीया आपको मालूम होना चाहिये कि यह मांग बहुत पुरानी है। मैं समझता हूं कि सन् 1962 में ही डा० राम मनोहर लोहिया इस मांग को उठा रहे थे और 1965 में संसद भवन पर धरना ही नहीं बल्कि उनके नेतृत्व में बढ़ाई भी हुई थी। जिसमें लाठियां चली, गोलियां भी चली। समाजवादी युवजन सभा की ओर से संसद पर चढ़ाई हुई थी और उसको दबाने के लिये लाठियां चली थी, यही सत्ताधिकार की आयु 18 वर्ष करने के लिये। तो कांग्रेस पार्टी देश को यह बताना चाहती है कि यह हमारा किया हुआ है और हम यह नौजवानों को दे रहे हैं जब कि वास्तव में यह बात नहीं है। जहां तक लोक प्रति-निधित्व विधेयक में संशोधन का प्रश्न

[श्री राम अयधेश सिंह]

है, इसके बारे में केवल इतना ही कहा जा सकता है कि खोदा पहाड़ निकली चुहिया और वह भी मरी हुई। इसमें बिल्कुल जान नहीं है। जब से लोक प्रतिनिधित्व विधेयक में संशोधन करने के बारे में चर्चा उठी तब से देश की जनता बड़ी आशा भरी निगाह से देख रही थी कि शायद कोई बढ़िया चीज निकल जाये और वो लोग तो सबसे ज्यादा आशान्वित थे जिन्होंने आज तक कांग्रेस पार्टी के 40 साल के शासन में वोट का मुंह भी नहीं देखा था जिनको यह भी पता नहीं था कि मज-पत कैसा होता है। उनके मन में एक आशा जगी थी कि शायद इस बार कुछ ऐसा संशोधन हो कि उनको यह देखने को मौका मिलेगा लेकिन जो संशोधन हुये हैं उनमें कोई शरटी नहीं है कि वृथकचरित्र दूर हो जायेंगी। वृथकचरित्र शायद ही इस नये संशोधन से दूर होने वाली है। तो मैं संक्षेप में आपको कुछ प्वाइंटस बताना चाहता हूँ। जो प्वाइंटस आडवाणी साहब ने और वर्माजी ने कह दिये हैं मैं उनका समर्थन करते हुये संक्षेप में अपनी बात कहना चाहता हूँ।

इसमें सरकारी खर्च पर चुनाव करने से दो दलीय व्यवस्था धीरे धीरे उभरती। लेकिन यह कहा जा रहा है कि इससे खर्च बहुत बढ़ेगा। मैं यह कहना चाहता हूँ कि विधान सभा का चुनाव हो या लोक सभा का चुनाव हो यह सरकार इनको एक साथ क्यों नहीं कराती है? इसमें सरकार को दोबारा खर्च करना पड़ता है। दिसम्बर में लोकसभा का चुनाव हो और फिर फरवरी मर्च या अप्रैल या मई में विधान सभा का चुनाव करायेंगे यह जानना चाहता हूँ कि आप ऐसा क्यों कर रहे हैं? इसमें सरकार का खर्च नहीं होता है, जनता का पैसा नहीं लगता है? जनता का पैसा लगता है लेकिन यह राजनैतिक कारणों से विशुद्ध राजनैतिक कारणों से दो बार चुनाव 6 महीने के अन्दर प्रतिवर्तमान भारतीय ईमाने पर कराए जाते हैं ताकि कांग्रेस को बहुमत मिल

जाए। मैं कहना चाहता हूँ कि यह सरकारी खर्च पर हो जाए तो इससे बहुपार्टी प्रथा खत्म होगी और धीरे धीरे दो दलीय व्यवस्था उभर कर सामने आएगी।

अब मैं चुनाव मुकदमों के बारे में कहना चाहता हूँ। चुनाव मुकदमा होता है तो 10 साल तक उसका फैसला नहीं होता है। दो चुनाव हो जाते हैं लेकिन फैसला नहीं होता है। मैंने भी एक चुनाव मुकदमा किया है और अभी तक वह चुपचाप पड़ा हुआ है। जार्ज फर्नेन्डो ने 1980 में मुकदमा किया था उसकी अभी तक सुनवाई नहीं हुई है सुप्रीम कोर्ट में। पांच साल की कालावधि होती है अगर इसके अन्दर फैसला नहीं होता है और फिर मान लीजिए फैसला अगर हमारे हक में हो गया तो फिर क्या होगा? नयी लोक सभा आ जायेगी तो हम लोग क्या करेंगे? मेरी मांग है, मंत्री जी इस बात को नोट करें कि हर हालत में ऐसी व्यवस्था हो जिससे चुनाव याचिका दायर हो तो उसकी सूचना अखबार से निकाल दें कि 15 दिन के अन्दर अपोजिट पार्टी आ कर के अपना सम्मन ले ले अपना नोटिस ले ले पेटिशन ले ले नहीं तो एक एक साल तक नोटिस ही नहीं पहुँच पाते हैं क्योंकि सिविल प्रोसीजर कोड से नोटिस तामोर् होता है, क्रिमिनल प्रोसीजर कोड तो है नहीं कि हम वॉरंट निकाल कर अपोजिट पार्टी को ले कर आवें। इसका नतीजा यह होता है कि डेढ़ साल तक हमारे ही केस में हमारी अपोजिट पार्टी का कांग्रेस का आदमी आया ही नहीं। उसको कई बार सम्मन किया गया फिर पब्लिक नोटिस दिया गया तो हाजिर हुआ। मैं चाहता हूँ कि यह जरूर इसमें लाया जाय कि हाई कोर्ट में जैसे पेटिशन दिया जाय उसी समय उसी वक्त उसको अखबारी नोटिस मान लिखा जाय। यह संशोधन हो जाये ताकि उसकी समय पर आना पड़े हाजिर होना पड़े और 6 महीने के अन्दर हाई कोर्ट में फैसला हो जाय और फिर अगले 6 महीने के अन्दर,

ज्यादा से ज्यादा 6 महीने के अन्दर सुप्रीम कोर्ट फैसला कर दे।

" नहीं तो दस दस साल नहीं होगा, महोदया, मैं कहना चाहता हूँ कि बूथ कैपचरिंग के बारे में कारगर उपाय लाना चाहिए। मैं उसका भुक्तभोगी हूँ, शिफारिश हूँ क्योंकि हमारा बूथ कैपचर हो गया... (व्यवधान)

कुमारो सईदा खातून: उपसभापति महोदया, जगन्नाथ मिश्र जी की सी०एम०शिप के ज्ञान में इनको विधान सभा से बार बार निकाला जाता था, हर रोज।

श्री राम अवधेश सिंह: आपको ज्ञान नहीं है। आपके जगन्नाथ मिश्र जी हमसे बहुत जूनियर हैं पोलिटिक्स में, जिस समय हम विधान सभा में थे वे नहीं थे। आपको ज्ञान नहीं है। तो महोदया, मैं यह कह रहा हूँ कि बूथ कैपचरिंग के बारे में जो संशोधन हुए है उनमें कोई भी प्रभावकारी रोक उस पर नहीं लग सकती है। एक तो जो आईडेंटिटी कार्ड की बात थी वह भी नहीं मानी गयी और हमारे यहां तो रात में ही बूथ पर जाते हैं हथियारबंद लोग और रात में ही बूथ पर सारे वोट मार देते हैं और डाल देते हैं। दिन में वह बैठा रहता र खाली बक्सा लेकर दिखाने के लिए और 95 परसेंट हमारे केस में दो जगहों पर 104 परसेंट वोटिंग हो गयी, 100 परसेंट नहीं, 104 परसेंट। तो मैं यह कह रहा हूँ कि उसका कोई भी कारगर उपाय इस संशोधन के जरिये नहीं लाया गया है... (समय की घंटी)

SHRI V. NARAYANASAMY: Is he an expert in booth capturing?

SHRI SATYA PRAKASH MALA-VIYA: He is a victim of that.

श्री राम अवधेश सिंह: मैं उसका विकटम्स हूँ। क बहुत बुनियादी सवाल उठाना चाहता हूँ...

उपसभापति: आपका समय खत्म हो रहा है।

श्री राम अवधेश सिंह: खत्म तो हो ही गया है। आपकी कृपा हो जायेगी

तो थोड़ा बढ़ जायेगा। आपकी कृपा चाहिए।

उपसभापति: मेरी कृपा। कभी कभी मुझे आपको कृपा भी चाहिए होती है।

श्री राम अवधेश सिंह: ये लोग मेरा टाइम ले रहे हैं।

जो रजिस्ट्रेशन की बात कही गयी है कि रजिस्ट्रेशन कराया जा रहा है और उसमें पार्टियों के जरूरी उद्देश्य, नियम ये सब दिखाकर रजिस्ट्रेशन कराया जायेगा। इसमें मैं एक बात का और मुझसे देना चाहता हूँ माननीय मंत्री जी को कि पार्टियों का जो विधान है वह भी देखा जाये कि संसदीय प्रणाली का है या अध्यक्षीय प्रणाली का क्योंकि भारत का संविधान संसदीय प्रणाली का है और पार्टियों का विधान जिसमें खुद शासक दल का विधान भी है वह अध्यक्षीय प्रणाली का होता है, जहां नामजदगी ज्यादा है और चुनाव कम है... (व्यवधान) अभी सुन ले, पीछे आप समझ लेना। आने वाले दिनों में यह मुद्दा उठने वाला है देश के सामने...

उपसभापति: आप इधर देखकटु बोलिए ताकि मैं आपके लिए फिर घंटी बजा सकूँ।

श्री राम अवधेश सिंह: यह इतना महत्वपूर्ण मुद्दा है कि इस पर आगे आने वाले दिनों में बहस ही नहीं होगी बल्कि इस पर सड़कों पर संघर्ष भी होगा क्योंकि नौजवानों को अधिकार मिल गया है। मुझको खुशी है कि ये 5 करोड़ के करीब नौजवान आ रहे हैं। ये आपसे पूछेंगे कि तुम बताओ शासक दल के लोग या विरोधी दल के लोग, जनता दल के लोग या लोकदल के लोग कि तुम्हारा विधान क्या है, अध्यक्षीय पार्टियों के विधान का... (व्यवधान)... अरे आप चुप रहे सुन लें... (व्यवधान)... महोदया, यह सवाल अब इस देश में पूछा जायेगा कि अध्यक्षीय पार्टियों के विधान की कोख से जो सरकार निकलेगी वह क्या देश की संसदीय प्रणाली के संविधान को बरकरार रख सकती है क्योंकि यह बहुत गहरा सवाल है। आपकी पार्टी का और हमारी पार्टी का भी अध्यक्षीय

[श्री राम अवधेश सिंह]

प्रणाली का विधान है और अध्यक्षीय पार्टी के विधान की कोख से खानदानवाद निकलता है, एकाधिकारवाद निकलता है और वह 40 साल तक निकला, जब हमने अपनाया, लोकदल ने अपनाया उस विधान को अध्यक्षीय प्रणाली को तो हमारे यहां भी खानदानवाद निकला, जनता पार्टी ने भी अपनाया तो वहां भी खानदानवाद निकला और कांग्रेस पार्टी ने अध्यक्षीय प्रणाली का विधान लगाया, उसको अपनाया तो खानदानवाद निकला...

उपसभापति : राम अवधेश जी, बस आप बंद कर दीजिए ।

उपसभापति : आप इधर देखकर बोलिए ताकि मैं आपके लिए फिर घंटी बजा सकूँ ।

श्री राम अवधेश सिंह : यह इतना महत्वपूर्ण मुद्दा है कि इस पर आ आने वाले दिनों में बहस ही नहीं होगी बल्कि इस पर सड़कों पर संघर्ष भी होगा क्योंकि नौजवानों को अधिकार मिल गया है । मुझको खुशी है कि ये 5 करोड़ के करोड़ नौजवान आ रहे हैं । ये आपसे पूछेंगे कि तुम बताओ शासक दल के लोग या विरोधी दल के लोग, जनता दल के लोग या लोकदल के लोग कि तुम्हारा विधान क्या है, अध्यक्षीय पार्टियों के विधान का... (व्यवधान)... अरे आप चुप रहें सुन लें... (व्यवधान) सहोदया, यह सवाल अब इस देश में पूछा जायेगा कि अध्यक्षीय पार्टियों के विधान की कोख से जो सरकार निकलेगी वह क्या देश की संसदीय प्रणाली के संविधान को बरकरार रख सकती है क्योंकि यह बहुत गहरा सवाल है । आपकी पार्टी का और हमारी पार्टी का भी अध्यक्षीय प्रणाली का विधान है और अध्यक्षीय पार्टी के विधान की कोख से खानदानवाद निकलता है, एकाधिकारवाद निकलता है और वह 40 साल तक निकला, जब हमने अपनाया, लोकदल ने अपनाया उस विधान को अध्यक्षीय प्रणाली को तो हमारे यहां भी खानदानवाद निकला, जनता पार्टी ने भी अपनाया तो वहां भी खानदानवाद निकला और कांग्रेस पार्टी

ने अध्यक्षीय प्रणाली का विधान लगाया, उसको अपनाया तो खानदानवाद निकला...

उपसभापति : राम अवधेश जी, बस आप बंद कर दीजिए ।

श्री राम अवधेश सिंह : तो सहोदया, मैं दो मिनट और लूंगा ।

उपसभापति : नहीं आप बैठ जाइये । देखिए मैंने बहुत वदशित किया है... (व्यवधान) सुनिए, मैं यह पूछती हूँ कि जो पांच करोड़ लोग आयेंगे वे यह भी पूछेंगे कि इस हाउस के मैसेम्बर कैसे बिहेव करते हैं ?

श्री राम अवधेश सिंह : मैं आपसे रिक्वेस्ट कर रहा हूँ कि आप मझे दो मिनट और दीजिए... (व्यवधान) बूथ कैम्पेसिंग रोकने के लिए हम वानून बना दें और घर का मालिक ही उसको नहीं माने तो दिक्कत आती है । *

उपसभापति : अब आप बैठ जाइये... (व्यवधान)

एक माननीय सदस्य : प्वापंट आफ आर्डर ।... (व्यवधान)

श्री राम अवधेश सिंह : अगर घर का मालिक ही गड़बड़ करेगा और बूथ कैम्पेसिंग करेगा तो कैसे चलेगा ?

उप सभापति : जस्ट ए मिनट, मेरी बात सुनिए । देखिए, इस हाउस के अन्दर हम लोग कुछ चीजें ऐसी हैं जो कि नहीं बोलते हैं । हंसी में, दिल्ली में कुछ बात बोली जाती है तो ठीक है, अगर आप इस तरह से कुछ कहानी कह कर और किसी दूसरे पर और प्रधान मंत्री के ऊपर या किसी और पर भी बोलेंगे तो वह गलत है, इसलिए उसको एक्सपंज कर देंगे ।
Expunged

श्री राम अवधेश सिंह : कैसे ?

उप सभापति : बस अब आप बैठ जाइये ।... (व्यवधान) यह अन-पार्लियामेंट्री है ।

श्री राम अवधेश सिंह : अनपार्लियामेंट्री कैसे है ? आप बतायें कि कैसे है ?... (व्यवधान)

*Expunged as ordered by the Chair.

उपसभापति : मुनिए, मै बताती हूं कि एक्सपोजर किसी पर पास करना इस हाउस में मना है और अब आप बैठ जाइये इसके बाद मैं बोलिग।

श्री राम अवधेश सिंह : प्रधान मंत्री यहां आ सकते हैं और जवाब दे सकते हैं।

उपसभापति : अब आप चुप रहिए। यह हाउस को चलाना मेरा काम है, प्रधान मंत्री का काम नहीं है। इसलिए आप बैठ जाइये।

श्री राम अवधेश सिंह : क्यों? आप तो यह कह सकते हैं कि जवाब देने वाला यहां नहीं है। जब जवाब दे सकते हैं तो आकर जवाब दें।

उपसभापति : आपके साथ शराफत का बर्ताव करना गलत है। अब आप बैठ जायें। श्री शान्ति त्यागी।

श्री शान्ति त्यागी : मैडम, मैं एक ही मिनट लूंगा। मैं इन दोनों विधेयकों का समर्थन करने के लिए खड़ा हुआ हूं। बहस में अब कोई नई बात कहने की नहीं है, मैं सिर्फ एक प्वाइंट उठाऊंगा और माननीय भारद्वाज जी यहां पर हैं। वह हमारी इस पीढ़ी को जानते हैं। पश्चिमी उत्तर प्रदेश में जो बूथ कैंपसिंग का मामला वहां पर शुरू हुआ था वह बूथ कैंपसिंग यह है कि हरिजनों को और पिछड़ी जातियों के लोगों को एक खास समुदाय के लोग वोट डालने से रोकते हैं। आज तक गरीबों ने बैलट बॉक्स का मुंह तक नहीं देखा है। मैडम, मैं माननीय मंत्री जी के सामने इसी बूथ कैंपसिंग को रोकने के लिए एक सुझाव रखना चाहता हूं। क्या आपकी सरकार के लिए यह संभव है कि जहां देहातों में जमींदारों के पास लाइसेंसी हथियार होते हैं तो क्या हरिजनों और पिछड़ी जाति के नौवानों को, ताकि उनमें हिम्मत रहे, चुनाव के वक्त उनको लाइसेंसी हथियार देने की व्यवस्था कर सकते हैं? क्या यह आप प्रावधान करेंगे? पहले भी यह प्वाइंट उठ चुका है हमारे पश्चिमी उत्तर प्रदेश में खास तौर से और असेंबली के अन्दर भी आया है और पार्लियामेंट में भी यह याचा है। राजनीति क्षेत्रों में यह सवाल उठा है। इसलिए मैं आपसे प्रार्थना करता हूं कि जब

आप उत्तर दें तो इसका भी उत्तर करें। धन्यवाद।

SHRI RAM JETHMALANI (Karnataka): Madam Deputy Chairperson, it might sound a little paratological that at this age I claim to make a maiden speech.

THE DEPUTY CHAIRMAN. I don't think it is maiden any more.

SHRI RAM JETHMALANI: But with you in the Chair it is my maiden performance.

[The Vice-Chairman (Shri H. Hanumanthappa) in the Chair]

SHRI B. SATYANARAYAN REDDY: How long will it continue?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The Chair has already announced.

SHRI B. SATYANARAYAN REDDY: We have got other engagements. We must know. Otherwise, we have to cancel those engagements.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There are two speakers more.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): The Minister will make a statement after two more Members have spoken.

SHRI B. SATYANARAYAN REDDY: You told me that the statement would not be made today. Most of the Members have left.

SHRI M. M. JACOB: The Minister says that he has to make it today.

SHRI K. G. MAHESHWARAPPA (Karnataka): Let him make the statement tomorrow.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): A few names have been deleted to allow the Minister to make the statement.

DR. YELAMANCHILI SIVAJI: Let him make the statement. After that, the discussion can continue.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You have made your point. Please sit down.

SHRI RAM JETHMALANI: Mr. Vice-Chairman, Sir, the reduction of voting age from 21 years to 18 years is welcome and I am sure that the youngsters in schools and colleges will now be thrilled at the prospect of participating in the democratic process and making some contribution to the shaping of their own destiny. It cannot but be admitted that the 18-year old of today is much more pre-cautious and knowledgeable than the 21-year old of about 40 years or 50 years ago subject, of course, to honourable exceptions. I personally believe that today's public standards have fallen so low that the infusion of the youth idealism and purity is going to improve our standards. I am sure that it will clear up and dissolve the filth which is at the moment choking the arteries of the political organism.

Mr. Vice-Chairman, Sir, while I welcome it, there is something else which I cannot acquiesce in and that is the claim which has been made in respect of this amendment. It is said that it is historic and revolutionary. Let me point out for the benefit of those who make this claim that the Soviet Union had the voting age of 18 years long before our young Prime Minister and, I believe, my young Minister of State for Law were born. England and the United States have the age of 18 years for voting purposes. Israel, when it was created in 1948, depended upon its youth for the defence of the country and they decided at the very inception that those who die for the country must have a voice in shaping the destiny of the country. Israel, since 1948, has the voting age of 18 years. Therefore, unless I am a total ignoramus, unless I am a total flatterer, I will not acquiesce in the claim that anything revolutionary is being accomplished. What is being accomplished is a long-overdue reform which has been advocated by others and

which has been obstructed, by whom I will presently point out. Mr. Vice-Chairman, Sir, the late Jayaprakash Narayan of revered memory, concerned with the sickness of Indian democracy, set up the famous Tarkunde Committee, a Committee which produced a valuable report on electoral reforms. And in the 5th Chapter, it said that a time has come when the age must be reduced from 21 to 18. After this, Mr. Vice-Chairman, Sir, there was an interview which the late Smt. Indira Gandhi gave to 'Socialist India' on January 26, 1975. She was asked about the electoral reforms which were being suggested by Jayaprakash Narayan in the Tarkunde Committee, and the answer that she gave was that 'no reform is called for except one'. And that one also which she cited is something which my friend, Mr. Bhatia should know because she said that "our population is bigger and our constituencies far larger than any other democracy, the size of our electorate makes the task of reaching them difficult. election expenses are going up it is essential to check this trend. Otherwise money will exercise an unwholesome influence on the electoral process." Mr. Bhatia should realise that even the late Shrimati Indira Gandhi had recognised the influence of money in our elections. And for Mr. Bhatia to come and tell us and teach us that those who talk of the influence of money power in elections are insulting the electorate is something which I did not hope to hear from people who presume to teach us that they know the teachings of Smt. Indira Gandhi better than anybody else. Sir... (Interruptions) One gets used to Madam sitting there. It takes a little time to get used to the change of sex. Sir, if I were in the Prime Minister's place and if I were steeped in Indian tradition and culture, I would have recalled the memory of the great Jayaprakash Narayan on this occasion. We should have paid tributes to his progressive vision and acknowledged the nation's debt to him and presented the proposal be-

fore this House with due humility. And this is the main purpose for which I have sat throughout the day here to make this short speech. (Time bell rings) Mr. Vice-Chairman, Sir, instead of acknowledging the debt which you owe to that dead man and instead of showing humility in the presentation of a proposal which is essentially a borrowed proposal, instead of being so proud of Flaunting feathers which are borrowed if not stolen... (Interruptions)

SHRI V. NARAYANASAMY: Why the Janata Government failed to do that?

(Interruptions)

SHRI RAM JETHMALANI: I wish today to respectfully but firmly protest against what I heard from the hon. Prime Minister. What I heard were, with respect, some kind of ill-conceived humour against us, unwarranted insinuations that those who are opposing some part of this Bill are supposed to be the supporters foreign exchange manipulators and smugglers and narcotic dealers... (Interruptions) And I wish to protest against the gratuitous insults that were hurled at what I regard certainly as the moral and intellectual superiors of those who indulge in these insults.

Mr. Vice-Chairman, Sir, let us talk of this revolutionary electronic device. The Election Commission had introduced electronic devices in 1980. But because, as a result of the use of the electronic machine, a Congressman had lost an election, it was challenged before the courts. I appeared to defend the action of the Election Commission in introducing the electronic machines, but because a Congressman had lost due to the use of these honest machines, the point was raised that the Election Commission had no business to introduce electronic machines. And ultimately the Supreme Court was persuaded to overrule the action of the Election Commission. The election had to be set aside and now what has been... (Interruptions)

SHRI M. M. JACOB: Is he casting aspersions on the Supreme Court decision?

(Interruptions)

SHRI RAM JETHMALANI: Sir, it is a reported decision now.

SHRI JAGESH DESAI: You should understand the meaning of persuading.

SHRI SATYA PRAKASH MALAVIYA: Persuaded by arguments, and the Supreme Court has accepted it.

SHRI RAM JETHMALANI: I would not take more than three minutes.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You have already exceeded that time.

SHRI RAM JETHMALANI: Now we talk of booth capturing. It has been an offence under the Indian Penal Code for at least 50 years. This is nothing new. You have only now called it booth capturing. Hitherto, the Indian Penal Code used to call it 'undue interference with the electoral right either by bribery or by force'. Everytime you capture a booth, you are interfering with the exercise of electoral rights by force, and it has been an offence all along.

SHRI ANAND SHARMA (Himachal Pradesh): One question.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No, no, please.

SHRI RAM JETHMALANI: If you don't deduct my time, I am quite willing to suffer this interruption.

SHRI ANAND SHARMA: It is not an interruption. I have no intention of interrupting. I just want to ask since you said it has been an offence in the Indian Penal Code for the last 50 years. Here what we are discussing apparently, Mr. Vice-Chairman is, and I ask Mr. Jethmalani, amendment to the Representation of People Act. I think there is a difference it is widening the ambit of disqualification.

SHRI RAM JETHMALANI: You will please understand what I am going to say in just two minutes.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No, don't answer.

SHRI RAM JETHMALANI: With your permission. Kindly don't debit this time to me. The point is, booth capturing takes place by a powerful musclemans. But let us not forget that booth capturing in the ultimate analysis is possible only with acquiescence, if not active cooperation of the police force in the country, who has been in charge of the law and order in the country. Who has been in charge of the police force in the country? Therefore, whenever the evil of booth capturing is seen, *prima facie* the fault lies with those who wield political power in the country. It is a matter of record that there has not been a single successful prosecution under the Penal Code which has prohibited booth capturing. While my friend is right that today we are introducing booth capturing in the Representation of People Act, whether you shift it from one law to another law and call it by a different name, which you never enforced, does not make it historic and revolutionary. And that is the claim which I am trying at the moment to repudiate. There is nothing in this Act which is supposed to be for the benefit of women, for the benefit of weaker sections of society. The previous law was good. . . (Time bell rings). Only one or two minutes more. The previous law was good which said that any person who has been convicted by a court of law for any offence and sentenced to more than two years, will be disqualified from contesting elections. Now, that was very wide law because that law took into account that offences under all kinds of laws can be sometimes highly technical. Take Foreign Exchange and Regulation Act to which Mr. Birla referred. Foreign exchange law is so technical that a Lord Chief Justice of England said...

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, (व्यवधान)

उप सभाध्यक्ष (श्री हेच० हनुमन्तप्पा) : आप बैठिए, और समय नष्ट हो जाएगा (व्यवधान)

डा० रत्नाकर पाण्डेय : माननीय सदस्य ने, जो बोल रहे हैं, इन्होंने आम मांग की है कि खालिस्तान को स्वतंत्रता दे दी जाए और खालिस्तान को राष्ट्र से अलग कर दिया जाए। मुझे पूरा अधिकार है, मैं जानता चाहता हूँ कि क्या इस इलेक्टोरल रिफार्म (व्यवधान) ऐसे व्यक्ति को संसद से निकाले जाने का क्या प्रावधान किया गया है जो राष्ट्र की एकता और अखण्डता को भंग करता है। क्या प्रावधान है, यह मैं जानना चाहता हूँ।

SHRI RAM JETHMALANI: I only wish to record that this is cheap, mean, dirty*, dirty; mean; dirtiest* that was ever-spoken. (Interruptions).

SHRI JAGESH DESAI (Maharashtra): That is unparliamentary.

डा० रत्नाकर पाण्डेय : खालिस्तान की मांग की है या नहीं माननीय सदस्य ने कि खालिस्तान को स्वतंत्र किया जाए इस देश से ऐसे व्यक्ति को सदन से निकाला जाय। जो राष्ट्रीय एकता के खिलाफ आवाज उठाता है ऐसे व्यक्ति को इस सदन का सदस्य नहीं होना चाहिए... (व्यवधान)

SHRI SYED SIBTEY RAZI: On a point of order. Has any Member of the House a right to say something against the convention of the House? Mr. Jethmalani has used the word* against one of the Members... (Interruptions).

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We have expunged it.

SHRI RAM JETHMALANI: There are people who think House is their ancestral property. (Interruptions).

डा० रत्नाकर पाण्डेय : इनको सदन से निकालो... (व्यवधान)

*Expunged as ordered by the Chair.

श्री राम जेठमलानी : आपने साजिश बनाई है खालिस्तान की . . (व्यवधान)

श्री प्रमोद मद्राजन : श्रीमान, एक सदस्य दूसरे सदस्य को यहाँ निकाला जाए, इस प्रकार कहना क्या ठीक है ? (व्यवधान)

उपसभाध्यक्ष (श्री हे. व. हनुमतराया : आप बैठिए।

SHRI RAM JETHMALANI: And who does he think he is?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I request the Members to be patient. Please conclude, Mr. Jethmalani.

SHRI RAM JETHMALANI: I am willing to conclude but if some people suddenly talk of Khalistan. .

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You ignore the interruptions and conclude.

SHRI SATYA PRAKASH MALA-VIYA: You kindly control the House.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You look to your side also. It is not one side alone (Interruptions). When I was looking at him and asking him to sit down, at least half a dozen people stood up. I request Members to be patient.

SHRI RAM JETHMALANI: I was pointing out that the Foreign-exchange Act is so technical that a Lord Chief Justice of England said that if you play Bridge with a foreigner and lose a few shillings to him and pay those shillings, you commit the offence under the foreign-exchange law. For these technical offences, the old law wisely took care and said that when the offence is found to be so serious that a two-year imprisonment is imposed for

conviction, then that becomes a disqualification, otherwise not. According to me, whatever is new in this Bill is absurd and whatever is not new is reasonably good and borrowed from elsewhere. I want to specifically point out to the Law Minister section 4C which talks of conviction under section 11 of Customs Act 1962. One does not have to become a lawyer; one has only to look at the Customs Act. Section 11 does not create an offence. It is section 135 and I think the statute is so carelessly drafted that it requires a serious look. Section 11 does not create an offence. It is section 135 which creates an offence. I do not know how these kinds of mistakes take place in the statute.

Another thing that I want to point out...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You are not concluding?

SHRI SATYA PRAKASH MALA-VIYA: He is concluding.

SHRI RAM JETHMALANI: I will take fifty second more.

The second thing is registration of parties. Again I wish to point out with great respect that whoever drafted this is ignorant of ordinary elementary rules of drafting. The section introduces a new part. The new part consists of only one section and it says that 'a political party desiring to avail itself of the provisions of this part.' Now, there are no other provisions of this part except one section itself. What are those sections and what are those provisions of the part of which you want to take advantage or use before you register? There are no consequences or registration and, therefore, it is total non-sequitur and an absurd provision that has been introduced for no rhyme or reason whatever.

[Shri Ram Jethmalani]

Talking about the money power, I agree with the Government. If the Government has honestly considered the implications of certain provision not being included I am one with them that you cannot curb money power by merely putting ceilings on expenses nor can you even curb money power by State funding of elections. I am happy that this provision has not been put. I hope it has not been put because the Government has realised the Constitutional difficulties and complexities of this provisions. There is only one method of curbing the influence of money power and that is by stopping the ostentatious display of what arises by the use of money. Huge posters. Sometimes, use of helicopters and sometimes other very costly devices. You should adopt what we have done in the Bar Council elections. A candidate must be permitted to produce only one pamphlet about his policies, one statement about his own credentials and qualifications and whatever else he wants to say. Give him a limited time on television and radio and ensure that it is equally and equitably distributed. This is the only kind of propaganda which should be permitted. This is the only way you can curb the manifestations of money power and not by putting a ceiling on expenses. Thank you, Mr. Vice-Chairman.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You should have respected your own words. You said that you would take fifty seconds only but you took two and a half minutes. Shri Sukomal Sen.

SHRI SUKOMAL SEN: Mr. Vice-Chairman, Sir, perhaps, I am the last speaker.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You are the penultimate speaker.

SHRI SUKOMAL SEN: I will concentrate on one or two points only.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Thank You.

SHRI SUKOMAL SEN: Sir, what apprehend is, particularly, going by the Prime Minister's frivolous speech the other day, that although the next Lok Sabha elections are due by the end of next year, Government may resort to many ploys—particularly they will take advantage of the electoral reforms Bills—to defer or delay the elections. This is my apprehension. While saying that we support the Constitution (Amendment) Bill which provides for reduction in the voting age from 21 to 18 and that we have a number of reservations on the other Bill—these Bills will be passed tomorrow—I would like to urge that in no case the elections should be delayed taking advantage of this.

According to the Government interpretation, after the Constitution (Amendment) Bill is passed, it has to be sent to the State Assemblies for ratification. Not less than one-half of the State Legislatures will have to ratify it and then only it can become a full-fledged law and the Constitution really stands amended. Not only that. Even after that, the Representation of the People Act has to be amended again to insert the provision in regard to reduction of voting age from 21 to 18. It will take some time. I would urge that taking into account all these procedures, Government should see to it that the elections are held in time.

Yesterday, the Prime Minister spoke about the issue of multi-purpose identity cards to the voters. He said that though this is not provided for in the Bill it can be done by framing rules. Here, I would like to make a point. In our country, an overwhelming majority of the people are extremely poor and illiterate. Many of them are homeless, shelterless. In such a situation, in such a condition, if you want to introduce identity cards for the voters, it would mean that a large section of the voters will be deprived of their right to franchise.

SHRI V. NARAYANASAMY: How?

SHRI SUKOMAL SEN: It is possible.

THE VICE-CHAIRMAN (SHRI H. ANUMANTHAPPA): Mr. Narayanasamy, the Minister will answer this.

SHRI SUKOMAL SEN: It is not possible to issue identity card to each and every voter in a country like ours where nearly 80 crores of people live. We have a recent example, of the Pakistan elections. The Government introduced identity cards and because of this at least 30 per cent people of that country were deprived of their voting right. I strongly oppose this proposal, what the Prime Minister said yesterday that they would see to it that multi-purpose identity cards are issued to the voters.

About the registration of political parties, many Members have spoken about it. I do not want to repeat what they have said. But I would only remind the House of what happened in the United States. Senator McCarthy wanted to introduce such a thing. What was the result? Students of history know it very well. To a certain extent, I feel, this provision for registration of political parties smacks of McCarthyism. The provision requires many things that the political parties should apply for registration, that the Election Commission may ask for other data and information etc. But one thing is missing and that is holding of organisational elections. This part has been missing. There are many parties in our country who do not have regular organisational elections. They are continuing as one-man show. What happens to those parties who do not hold organisational elections? How will those parties be considered as political parties? This part is missing from these Bills.

In conclusion, I would like to say that the Prime Minister has said so many things and I am unable to reply to all those points in a few minutes, but I would like to point out one thing. The Prime Minister said that one Communist Member has objected to the inclusion of a clause regarding the principle of socialism. No, Sir. Now, what we say is this. You have introduced a clause that political parties have to say that they believe in secularism, democracy and socialism. We, the Communists, not only believe in socialism, which is vital for a Communist State, but we believe in a higher form of a Communist State. So, we do not object to it. The point that my colleague wanted to make yesterday is this. He wanted to say that if you introduce the clause, that means many of the political parties do not believe in socialism. This includes the ruling party also. Though the Constitution has been changed and socialism has been included in it, am I to believe that the ruling party is a party for socialism? They are building capitalism. Though a political party asserts or declares that it believes in socialism. It does not work on those lines. They themselves are bringing forth a Bill where a political party has to declare that it believes in socialism. It is farce, it is hypocritical. That is what I want to say, that is the contradiction.

Then, Sir, one Member from the opposition side said that the belief of the Congress (I) and Communist Party in parliamentary democracy is cynical, they are cynical to parliamentary democracy and only his party believes in parliamentary democracy. Sir, I do not hold any brief for the Congressmen. They will say what they have to say but so far as our party is concerned, I have to say that when we come to the Parliament we take part in debates we take part in Parliamentary work, we take part in franchise and we are guided by the Indian Constitution. But, of late we have been seeing that parliamentary demo-

[Shri Sukomal Sen]

cracy is getting eroded and we want to stop this erosion. So long the people want, we will try to fight for defending the parliamentary democracy, but when the people will feel that they want higher form of democracy, we will fight for the peoples' democracy. We fight for socialism, we fight for communism because we feel that communism is the highest form of democracy. It is much better, much perfect than the parliamentary democracy of today. So, Sir, we believe in democracy. We will fight for people's democracy and we will fight for higher form of democracy, that is communism. So, there is the contradiction. There is nothing cynical about it.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): The people who believe in 'Akhand Bharat' say that it is absurd, but 'Akhand Bharat' has nothing to do with our Constitution.

SHRI SUKOMAL SEN: Sir, these two Bills are going to be voted tomorrow. The Government should see that elections are held in time. Now, Sir, propaganda is being carried on through official media that it is with the blessings of the ruling party and Shri Rajiv Gandhi that the voting age is being reduced from 21 to 18. Many of our speakers have demolished this claim. Many of the countries in the world have already done it. In our country, many of the States including the one where my party is the ruling party, have done it for municipal and other elections and it is we, the Communists, who brought a Private Members Bill in the Lok Sabha for reducing the age and it is the Congress Minister who went to Supreme Court to annul the reduction of age in West Bengal. These are the facts. The claim that Mr. Rajiv Gandhi is responsible for this, is totally baseless. Sir, I support the reduction of age but I have serious reservations about other provisions.

SHRI ANAND SHARMA: Mr. Vice Chairman, Sir, I thank you for at least giving me an opportunity to express my views on this historic and revolutionary electoral reforms Bill which we are discussing in this House. Why I term it as "historic and revolutionary" is because 47 million young people who definitely have a vital interest in the destiny of the nation will be able to participate in a part of the democratic process; they will be able to indicate their preferences of political parties of leaders, and thereby make our parliamentary form of democracy more representative. It is certainly to the credit of the Prime Minister and the Congress Party and the present Government which has brought these reforms. I find it strange when my friends on the other side say why the credit should go to the Prime Minister and to the Government. Well, it is absolutely obnoxious because we cannot give the credit to people who certainly have opposed every progressive reform, every revolutionary change in this country. It is very strange, again, just to find my friend Mr. Sukomal Sen from the Communist Party—a party which ideologically opposes the concept of democratic pluralism—giving us sermons on parliamentary democracy. If the credit is to go for giving this democratic form of Government to the people of this country, this concept of adult suffrage and for preserving and protecting the parliamentary form of Government, it certainly goes to the Congress Party. It goes to Pandit Jawaharlal Nehru, it goes to Shrimati Indira Gandhi and it goes to the present Prime Minister who is further strengthening our democracy. I being a young man... (Interruptions) I just have to make two or three specific points. I have had the privilege in the past to personally associate with the movement of the Indian youth and the Indian students. I have had a long association with it. I know more than others what our demands were, what discussions had been there in the past

about reducing the voting age to 18, and the youth of this country shall for ever remain grateful to this young Prime Minister who symbolises their hopes and aspirations for making them a part of our political structure, for making this democracy more representative. No criticism from the other side, no false claims are going to mislead those who have benefited from this historic Bill.

Sir, the Opposition parties have criticised it on various other counts. I find it very strange that one criticism has come from our friends of the Communist Party. While discussing these electoral reforms with the Government, as per the newspaper reports, it also opposed and said why auditing of the political parties' accounts should be there, why political parties should be made to give information to the Election Commission. And these are the people who are trying to give sermons on clean public life. These are the people who are trying to tell us whether State funding of elections should be there or not. Sir, let me make one thing clear as far as elections in this country are concerned.

SHRI MOTURU HANUMANTHA RAO: We do not have money bags. Emergency was there. Emergency now is there.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You do not listen to interruptions.

SHRI ANAND SHARMA: The contention of our friends is that money influences the elections. If I may give an example, ever since Independence, ever since the first General Elections, there has been a large number of big industrialists, affluent people who have contested elections. Even in my State, there was a big industrialist who contested the election to the Lok Sabha, spending a lot of money, dis-

tributing all sorts of things but he lost miserably. Name one person who can win on the strength of money power. Elections ever since our Independence have always been decided on popular vote. Nowhere in the world there is State funding of political parties, except in elections in few countries. The State funding which they are trying to plead is not proper because State funding is partial. In our country, given the number of parties and the number of candidates, it is not a feasible proposition. And even in those countries where partial funding is there, people go in for fund raisers, whether it is the United States of America or West Germany, and there are a large number of violations. So, I feel that it is neither practicable nor feasible.

If you permit me, Sir, I just want to make a submission that when people talk of proportional representation, apparently they are not aware of the pitfalls, they are not aware of the realities. Plurality of elections the present system which we have ensure preference of voters for political parties as to who shall govern. In our country there is a very intimate, a very important, relationship between the elected representatives and the constituents where the representative is accountable to his voters. The voters can go to him with the problems of their constituency. They can evaluate his functioning as a representative. With the list system they are trying to plead, with what they are trying to suggest, there will be no accountable representative to the constituents and the constituents will not be able to find anybody who will be able to take care of their problems and developmental aspects. The present system which we have has been very carefully considered by the framers of the Constitution. Now the Opposition have also suggested that those who obtain more than 50 per cent

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of the votes should be declared elected and the rest may go over to the list system. Look at the confusion and chaos which they are trying to create by making this suggestion. Some constituencies will have directly elected representatives. Some constituencies or areas, if we have to go by their suggestion, will be over-represented whereas some will be completely unrepresented! I do not have the time to elaborate it further. But, if you permit me, Sir, I will just conclude by quoting. I do not have the time; as I am speaking at the fag-end of the debate. David Butler of the Oxford University commented:

"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 a few developing countries. The survival of Indian democracy, spectacularly demonstrated in the alternations of 1977 and 1980, may be a tribute to the electoral system. The subcontinent 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 so frequently seen elsewhere."

Sir, friends from the other side are not aware of the pitfalls. They cannot understand or appreciate the plurality elections and how it has been able to ensure the continuity of the democratic form of Government.

With these words, Sir, I not only commend this Bill but also thank the Prime Minister on behalf of all those 47 to 50 million of young people who will be entitled to indicate their preference and to be a part of this representative democracy. Thank you.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Last speaker. Shri Puttapaga Radhakrishna.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Mr Vice-Chairman, the Bills contain amendment to the Constitution and amendments to the Representation of the People Act, 1950 and to the Representation of the People Act, 1951.

From this side, no Member is opposing the lowering of the age for voters. We have no dispute over it.

The problem is only this, Sir. The other side is claiming, and even the hon. learned Law Minister while introducing the Bill claimed, that it is the result of the recommendations of the AICC, it is the result of the recommendation by the Youth Congress, like that. It is well established, amply established that it is a problem which has been pending before the country for the last 20 years. The question of electoral reforms was there even before Mr. Rajiv Gandhi was born in politics.

(Interruptions)

SHRI PAWAN KUMAR BANSAL: Shri Rajiv Gandhi belongs to the Congress Party which has the glorious tradition of building up this country. He leads in that party today. Do you know that?

SHRI PUTTAPAGA RADHAKRISHNA: Let me say. The Minister says that it is the result of the recommendations of the Youth Congress. Most of the Youth Congress members were not born when this was there. Mr. Advani, another learned Member has amply, substantially established that the problem has been there for the last 20 years.

SHRI ANAND SHARMA: It is for the benefit of the Member. I would

like to tell you that the Prime Minister was born before the independence. The Constitution came into force in 1950.

SHRI PUTTAPAGA RADHAKRISHNA: Mr. Anand Sharma, correct yourself. I said, "He was not born in politics." Go to the record. "Mr. Rajiv Gandhi was not born in politics", I said.

SHRI ANAND SHARMA: Where was Mr. Rama Rao? When did he come to politics? What is he talking? Is this the level, Sir?

SHRI V. NARAYANASAMY: The Telugu Desam was born only in 1983.

SHRI PUTTAPAGA RADHAKRISHNA: I will tell you about the Telugu Desam. In Andhra Pradesh the youth who have completed the age of 18 years, are voters for local bodies. They are voting in elections to local bodies. Since elections to local bodies are in the hands of the State Government, we have implemented it.

Mr. Sharma says that Mr. Rajiv Gandhi is good because he has brought this reform. He also says that Mrs. Indira Gandhi was good. How can both be good? If Mr. Rajiv Gandhi is good, Mrs. Indira Gandhi should be bad. Mrs. Indira Gandhi has failed to bring about these reforms. How can both be good?

Sir, this time at least, though belated, the Bill has been brought about before Parliament. We are happy. The sitting of Parliament, both the Houses of Parliament have been especially extended for the consideration of this Bill.

Grand publicity was given about electoral reforms. We thought that there would be great reforms in the electoral system. We thought there would be curb on the muscle power and money power. We thought, there would be State-funding. We thought,

there would be curb on the unlimited number of candidates contesting elections. (Interruptions)

NTR has taken up electoral reforms. He has introduced the Bill in the Legislative Assembly. He has convened a national conference on electoral reforms long ago. It was spoken of by Mr. Advani himself.

(Interruptions)

Sir, grand publicity was given to the country, and the countrymen thought that there would be a great thing. But at last nothing is there. There is nothing as such. This is utterly disappointing. They are claiming credit only on lowering the age on which we have no dispute. We welcome it. We have been pleading for it for a long time.

Sir, that too, I want to say, the Government of India and the ruling party are not sincere to implement this also. They want to hoodwink the youth of this country. They want to undertake a cumbersome procedure of amending the Constitution, getting it ratified by the State Assemblies. They are again going in for the amendment of... (Interruptions) Let me say.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The Minister will answer it.

SHRI PUTTAPAGA RADHAKRISHNA: Again they will come for amendment of section 19A of the Representation of the People Act for changing the age in that very section. If at all the Government is sincere, I would like to know from the Law Minister—he is a learned man, and I am nothing before him—section 19A of the Representation of the People Act, 1950 could have been....

SHRI PAWAN KUMAR BANSAL: 1950.

SHRI PUTTAPAGA RADHAKRISHNA: "1950" I say. I am quoting the Section from the 1950 Act. So,

[Shri Puttapaga Radhakrishna]
that could have been amended now itself. He may say since the Constitution says 21 years, we cannot propose amendment for 18 years straightway in the Act without having provisions in the Constitution. But he can do one thing. We need not mention any figure of 21 or 18 in the Section. We can simply say whatever is provided under Article 326 of the Constitution. If at all they are sincere to implement it for the forthcoming elections, they could have done like this.

Hon. Member, Shri P. N. Sukul, from the other side was pleading for the right of the bureaucrats to contest elections. He called them as second grade citizens. I may point out that bureaucrats are the most privileged class of this country. They have got every right and every privilege. He is forgetting the down-trodden communities in the country who have got no facility to get themselves enrolled as voters even; they have no facility to go to the polling booths and cast their vote. Poor people are not being enrolled as voters. Nobody is taking any pains to go to the slum areas. That is why I say the right to contest the elections by bureaucrats is violative of the doctrine of separation of powers also. They belong to the executive and they cannot go to the legislature without giving up the bureaucratic positions.

I wanted to speak on many points, but since you are asking me to conclude I would like to speak on the last point. There is a provision against booth capturing which includes prevention of voters from going to the polling booths also. I have gone through the Bill. That provision is there. Mr. Jethmalani has also mentioned earlier that it is already there. That protection is there under the IPC, but nobody is there to take care of it and nobody is there to protect their interests. What is the machinery to implement these provisions. I want to know from the Government

Lastly, there is a provision for deputation of personnel or election duties. It is not practicable. Basically the election personnel are employees of the State Government. They are not whole-timers but are part-timers on election duty. Generally in the Lok Sabha elections, District Magistrates are the Returning Officers. They discharge the duties as District Magistrates there and do part-time election duty as Returning Officers. How can one Officer discharge two duties under different authorities simultaneously? It is not practicable and I think it would not stand the test of law. That is why I say it is not advisable to have this provision. They are fundamentally State Government employees and there will be clash of instructions if they are taken on deputation as part-timers.

With this I conclude.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Discussion concluded. The Minister will reply tomorrow.

Now, Statement by the Minister,
Shri Sukh Ram.

STATEMENT BY MINISTER

Statutory Minimum Price for Sugarcane and Levy Sugar Price policy for 1988-89 and Statutory Minimum Price for Sugarcane for 1989-90

THE MINISTER OF STATE OF THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI SUKH RAM): Sir, as the Hon'ble Members are aware, the Central Government has been announcing the Statutory Minimum Price of Sugarcane payable by sugar factories, in advance of sowing season. Thus, the Statutory Minimum Price of sugarcane for 1988-89 season was announced in December, 1987 at Rs. 19.00 per quintal, linked to a recovery of 8.5 per cent.