

RAJYA SABHA

Monday, the 17th November, 1986/
Kartika 26, 1908 (Saka)

The House met at eleven of the clock
Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

Electoral Reforms

*181. SHRI ATAL BIHARI VAJ-
PAYEE:†

SHRI LAL K. ADVANI:

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

(a) the details of the proposals for electoral reforms that have been received till date by Government from the Election Commission and from different political parties;

(b) what is the progress so far made with regard to each proposal;

(c) on what date each proposal was received; and

(d) if no action has been taken by Government as yet on and of them, what are the reasons therefore?

THE MINISTER OF LAW AND JUSTICE (SHRI ASOKE KUMAR SEN):

(a) and (c) Various proposals have been received from the Election Commission and different political parties from early seventies. It is not possible to detail them all. But the latest proposals received from the Election Commission which are under consideration of the Government are set out in the statement laid on the Table of the House. (See below)

(b) and (c) Major steps taken by Government in this regard is the enactment of Constitution (Fifty-second Amendment) Act, 1985 with a view to curbing ^{of} ~~the~~ An amendment has also been ⁱⁿ the Companies Act, 1956 permit-

†The question was actually asked on the floor of the House by Shri Atal Bihari Vajpayee.

ting company donations to political parties subject to certain conditions. A preliminary decision has also been taken by Government to introduce electronic voting machines in elections and a final decision would be taken after consulting the different political parties. As regards other proposals set out in the statement laid on the Table of the House, examination by the Government is at an advanced stage and it is proposed to hold consultation with different political parties soon.

Statement

PROPOSAL FOR ELECTORAL REFORMS

1. Elimination of non-serious candidates

(a) Security deposit may be raised ten times.

(b) A candidate who fails to secure 20 percent of the valid votes polled may be disqualified.

(c) The minimum number of votes required for refund of security deposit may be increased from one-sixth to one-fourth.

(d) The facilities like priority allotment of telephone connections, immunity from requisition of vehicles, subsidised supply of paper for printing posters etc. Will not be available to independent candidates.

(e) Part of the election expenses of candidates sponsored by recognised political parties may be met by the Government in kind through supply of free electoral rolls, subsidization of time bought on AIR/TV according to agreed norms etc.

(f) Nomination to be subscribed by at least one proposal from each of the component assembly constituencies in the case of a parliamentary election subject to a maximum of ten proposer. In the case of an assembly election nomination should be subscribed by at least one proposer each from different polling areas subject to a maximum of ten proposers.

(g) In the list of contesting candidates and in ballot papers, recognised National and State Parties would be

ground together and their names would be arranged in alphabetical orders first and thereafter the names of the remaining candidates arranged in alphabetical orders.

2. Bar on contesting elections from more than two constituencies

No person should be allowed to contest an election from more than two constituencies in a general election to Lok Sabha or Legislative Assembly or in simultaneously elections to the Lok Sabha and State Legislative Assembly or in case of bye-elections involving two or more seats.

3. Disqualification of persons with criminal records

Persons with proven criminal records and a shady past, history-sheeters and persons those detention, externment under N.S.A. ESS M.A., C.O.F.E.P.O.S.A, F.E.R.A., Goonda Act (where in force), etc, has been approved by the Judicial Advisory Boards constituted under the above Acts, etc. to be disqualified from contesting elections subject to taking adequate safeguards for prevention of arbitrary use of this power by the ruling party. The term "criminal record" may be defined in consultation with the political parties.

A person convicted by a court in India for any offence involving moral turpitude shall be disqualified even if he is sentenced for less than two years. Conviction by the lowest court should be treated as attracting disqualification unless actually and finally acquitted by appellate courts.

4. Punitive measures to check disturbances at election meetings.

Persons resorting to violence during election campaign including those who disturb election meetings should be tried summarily and if convicted should be disqualified.

5. Fraudulent filing of nomination paper from Kakatpur Assembly Constituency in Orissa—Steps to prevent recurrences of such cases

Commission has recommended to the Government the following steps:—

(1) In the case of election to parliamentary constituency nomination paper should be signed by atleast one proposer from each assembly segment but, not exceeding 10 in number in all. Similarly in the case of assembly election, each nomination paper should be signed by one proposer from each electoral part of the respective constituency, but not exceeding ten in number in all.

(2) It should be obligatory on the part of the candidate to furnish his photograph or one of his proposers in case he is presenting the nomination form in the absence of the candidate.

(3) The photograph(s) furnished with the nomination paper should be duly attested by a Gazetted Officer of the Central Government/State Government or sitting MP or MLA or MLC.

(4) The candidate or one of his proposers who presented the nomination form in the absence of the candidate should be present at the time of the scrutiny of nomination papers and the Returning Officer should satisfy himself about the identity of the candidate.

To give effect to the above recommendations, Commission has also suggested amendments to sections 33 and 36 of the Representation of the People Act 1951 and Forms 2A and 2B appended to the Conduct of Elections Rules, 1961.

6. Booth-Capturing

The Commission had decided to take effective measures to nip this evil practice in the bud. Accordingly, it has been recommended to insert a new section

135A to the Representation of the People Act, 1951, somewhat on the following lines:—

135A. *Booth Capturing*

(1) A person shall be guilty of booth-capturing at an election if he:—

(a) arms himself with lethal weapons, seizes a polling booth or station, makes the polling party surrender the ballot papers, marks them with voting mark in favour of a candidate of his choice and fills up the ballot boxes with these ballot papers;

(b) takes possession of polling booth or station and allows only his known supporters to exercise their franchise and drives away others;

(c) entertains polling officials with food, drinks, etc. and influences them to act in a manner so as to subserve his interest; or

(d) threatens any elector and prevents such elector from going to the polling booth station to cast his vote.

(2) Any person guilty of an offence under this section shall be punishable with imprisonment for a period which may extend to two years with a minimum of six months or with a fine which may extend to two thousand rupees or with both.

(3) An offence punishable under subsection (2) shall be cognisable and attempt or abetment shall also constitute an offence.

A new section 10B has also been proposed somewhat on the following lines:

10B. Disqualification for committing the offences of booth capturing—If the Election Commission is satisfied that a person is guilty of the electoral offence of booth-capturing including attempt or abetment thereof mentioned in section 135A of this Act, the Election Commis-

sion shall, by order published in the Official Gazette, declare him to be disqualified for a period of six years from the date of the Order.

It has also been suggested that if after an enquiry the Commission is satisfied that booth-capturing has taken place at any polling station in the constituency, it should have the power to cancel the poll in the entire constituency and order a repoll.

7. *Fresh Delimitation of Constituencies*

The Constitution may be amended in such a manner that while the total number of seats allotted to various States in the House of the People and in the various State Legislative Assemblies may remain unaltered, the original position of fresh delimitation of parliamentary and assembly constituencies in each State/Union territory after every decennial census is restored.

8. *Definition of Political Parties, etc.*

Two main provisions are proposed to be inserted in the Representation of the People Act, 1951, namely:—

(1) to define political parties; and

(2) to empower the Election Commission to make regulations to deal with matters relating to the political parties such as:

(i) Compulsory registration of political parties;

(ii) Compulsory maintenance of accounts and minutes, etc.;

(iii) Compulsory audit of accounts of political parties by an agency to be named by the Commission;

(iv) Submission of periodical reports to the Election Commission and

(v) Connected matters.

SHRI ATAL BIHARI VAJPAYEE: Sir, free and fair elections are the heart-beat of democracy, but in our country election process is getting vitiated. It is suffering four major ailments, money power, muscle power, ministerial power and media power. When I refer to media power, I have government media in my mind. Nothing has been done in this regard. Even the recommendations made by the Election Commission have not been accepted by the Government. The muscle power can be reduced if booth capturing is made a cognizable offence. I have with me the report of the Election Commission which was submitted by them in 1984. They have devoted a separate chapter on booth capturing and they say that the State of Bihar is the area where booth capturing is very much prevalent.

AN HON. MEMBER: It is in Gwalior.

SHRI ATAL BIHARI VAJPAYEE: The people of Bihar have perfected themselves in this. Gwalior is no match at all. *(Interruptions).*

MR. CHAIRMAN: Shri Vajpayee has accepted the defeat.

SHRI ATAL BIHARI VAJPAYEE: And that also with grace.

May I know why the recommendations of the Election Commission in regard to booth capturing, in regard to reduction of election expenses, have not been accepted? If the public funding is accepted and the judgement of the Supreme Court in the case of late Kanwarlal Gupta is accepted by the Government and the expenses incurred by the party are also included in the election expenses, it will go a long way in reducing these lacunae in the electoral process.

May I know why the Government is tardy? Is it a fact that the Government has no political will because they have developed a vested interest in the present system and they want to perpetuate it?

SHRI ASOKE KUMAR SEN: The hon. Member has answered the question himself but I do not accept the reply,

he has tried to adumbrate in the House. The Government is very serious. We have already introduced this amendment in the law regarding defections which will go a long way towards ensuring free and clean elections. We have also amended the Companies Act.

SHRI ATAL BIHARI VAJPAYEE: Sir, he is only repeating what he has said in the original reply.

SHRI ASOKE KUMAR SEN: Well, I can only do so; I cannot repeat his words.

MR. CHAIRMAN: Mr. Minister, he has raised three points: what are you going to do about booth-capturing, election expenses and party expenses being included in election expenses? If you meet these three points...

SHRI ASOKE KUMAR SEN: I will do that, Sir. About booth-capturing, we are very serious about eliminating this system which prevails in certain parts of the country, not in the whole country. I am not going to mention the names of places where these have repeatedly occurred. The recommendations of the Election Commission are being considered by Government and as soon as we come to a decision, we shall consult the parties.

So far as election expenses are concerned, you will remember, Sir, some time back the parties themselves thought that the election expenses admissible should be increased and the law was amended to that effect so that the original limit was raised. Now the question is not what expenses are to be made admissible, but what expenses are advisable at the time of elections.

AN HON. MEMBER: What about State funding of elections?

SHRI ASOKE KUMAR SEN: State funding of elections is a matter on which all the parties are not agreed. If the Election Commission says so, we have to take a decision on this and as soon as we take a decision we shall come to the parties. The State funding of elections is something which is a very serious matter and a very difficult matter to

come to a decision to. It will involve so many things. The question is, whom to fund, which parties are mushroom parties and there are many non-serious candidates and their elections too have to be funded. So this is a matter to be studied very deeply and as soon as our decisions are arrived at, we are certainly going to come to the parties. But I do not agree at all that the Government is not serious about it.

SHRI ATAL BIHARI VAJPAYEE: Sir, I would like to come back to the question of booth-capturing. A report was made in 1984 by the Election Commission. I would like to quote from the report: "The Commission would like to highlight two major problems, the solution for which brooks no delay. These relate to booth-capturing which is critical in certain States like Bihar and which shows a growing tendency to spread to some of the other States". Now we are at the fag end of the year 1986. A by-election is going to take place in Banka and already apprehensions are being expressed. Election Commission is not multi-member, the Election Commission has no machinery of its own in the State, they have to depend on the State Government, if the State Government becomes partisan and if the Government machinery is used to provide support and to ensure the victory of the ruling party candidate ...

PROF. K. K. TEWARY: These are baseless allegations.

SHRI ATAL BIHARI VAJPAYEE: ...how can the elections be free and fair?

SHRI ASOKE KUMAR SEN: Sir, we cannot accept that we have not accepted any of the recommendations to counter booth-capturing was introduction of the electronic voting system. One of the major reasons given by the Election Commission for this was that booth-capturing would be rendered absolutely ineffective the moment we start electronic voting system.

SHRI LAL K. ADVANI: No.

SHRI ASOKE KUMAR SEN: Yes, you read the report.

SHRI LAL K. ADVANI: I have seen it. It would no doubt arrest it some what.

SHRI ATAL BIHARI VAJPAYEE: Sir, what will happen if the machine is captured?

SHRI ASOKE KUMAR SEN: It will not record any votes. You ask the Election Commission.

MR. CHAIRMAN: It has said, "one of the ways".

SHRI ASOKE KUMAR SEN: Anyway we have accepted it.

SHRI ATAL BIHARI VAJPAYEE: We are in favour of it.

SHRI ASOKE KUMAR SEN: As I said, merely introducing a penal provision in the Criminal Procedure Code or the Election Law would not really serve to eliminate this evil because it has to be tackled at a different level, because if they can capture booths today and get away with it, if the law is amended they will get away with it. If any prosecution is launched, there will be no prosecution witnesses, there will be nothing to go to the court with. Therefore, it is not that only by amending the law, making it penal, it will be sufficiently countered. I am not in agreement with that. We have to counter it by various means. We are very alive to it. Coming as I do from West Bengal myself, I am very alive to this issue.

SHRI NIRMAL CHATTERJEE: Because of the 1972 experience ... (Interruptions)....

SHRI LAL K. ADVANI: Mr. Chairman, Sir, immediately after this Government came into power, the first principal policy statement made by it was the President's Address to the Joint Session of Parliament, and

quote from the President's Address which was made in January, 1985:

"Government are committed to a clean public life. They intend to initiate wide-ranging discussions on electoral reforms with political parties."

Now, this is a solemn promise made to Parliament in January, 1985. Sir, during the last two years there have been numerous questions in this House and the other House relating to this particular issue and I have myself asked as to what has happened to this promise of holding discussions about electoral reforms with which the nexus of clean public life is accepted. You have evaded all the issues raised by my senior colleague here. But, so far as holding discussions is concerned, even on that score why is the Government amiss for the last two years? There have been several meetings with the opposition parties, of the Government, and on many occasions I myself have raised this matter. I have written to the Prime Minister myself. Yet, there is not even a move towards discussing electoral reforms. May I ask the Government today to come out categorically as to when this discussion would take place, which was promised in January, 1985? Would it be in time to ensure adequate electoral reforms before the mini General Elections which are due in 1987 in five different States, or are we going to go on drifting? Today also in your reply you have said, "We propose to hold discussions with the Opposition soon." How soon is this "soon" of yours going to be? Two years have already passed since this promise of January 1985. Why have discussion been held?

Secondly, I note that the Minister took refuge behind the plea that the opposition parties are not agreed on public funding and, therefore, public funding is not feasible. I have with me a report from the *Hindustan Times* quoting Mr. Vishwanath Pratap

Singh, the Finance Minister. The report says: "The Government is considering public funding of elections as part of its drive to enforce compliance of laws of the land by industry and trade. Making this announcement about what he admitted to be the core of the problem of tax evasion, Union Minister Vishwanath Pratap Singh told a specially summoned meeting with the press that while he would not be able to say what was the system Government would choose, we will have to apply our mind."

Sir, this is a statement of December 21, 1985. That is also nearly one year old so that the Government itself is in favour of public funding, I believe public funding is the principal way in which we can deal with the problem of money power though it may not be the complete solution: you will have to tackle it in very many ways. Why do you take refuge and evade the issue and say that because the parties are divided you are not going to do it? From the financial point of view also the Finance Minister—the Leader of this House—is on record that the Government is in favour. What have you to say on both these issues?

SHRI ASOKE KUMAR SEN: Sir, I never said that the Government is against it. I said, the parties are not agreeable and the Government is considering the matter. That is precisely what my colleague...

SHRI LAL K. ADVANI: Which party, I would like to know. The major parties are all in favour. At least that is my information. There may be one or two parties which may be against it, but if the Government is in favour there would be no difficulty.

SHRI ASOKE KUMAR SEN: Sir, as I said, as soon as we come to a decision we are committed to a discussion. We are not evading a discussion. Let us see the past. It is true

that the President had, in his Address, the very first Address, said that we want a clean election, we started immediately with the anti-defection law in which elaborate discussions were held with the representatives of all the parties and I think it was, more or less, done on consensus. Next is about the other matter. The Election Commission itself had initiated a discussion and on most of the issues there has been no unanimity. Take, for instance, elimination of non-serious candidates. There has been no unanimity. ... (Interruptions) ... I am coming to the point about discussions. About ban on contesting elections from more than two constituencies there is no unanimity. There are other matters also on which there has been no unanimity. But I am not saying that the absence of unanimity would prevent a consensus. We are bound to have a consensus, particularly on major issues like booth-capturing and other matters which make the elections a farce. We are absolutely determined to root it out. Therefore, there is no question of not doing it. But how to do it is a question. One of the methods about which we are very sure is the introduction of the electronic voting machines. The Election Commission is also very convinced about it. We have seen the demonstration, how it will work. Switch off the moment there is booth-capturing. That is so far as the electronic voting machine is concerned. I am convinced myself ...

AN. HON. MEMBER: What about Banka?

SHRI ASOKE KUMAR SEN: I hope you will go to Banka and stop it. I am not going to Banka now. (Interruptions) आप लोकदल से पूछिए कि उधर क्या हो रहा है ?

Therefore, we are committed to discuss as soon as we arrive at our decision.

SHRI K. MOHANAN: Sir, my elderly colleague and statesman, Mr. Vajpayee talked about these four points of power. Regarding the muscle power, money power and anything, we are able to challenge the money power, the media power and anything else. But, Sir, this muscle power and booth-capturing is something very difficult to manage. He is concentrating on that point. The hon. Minister also is correct about this booth-capturing, this muscle power. Even in 1972 in West Bengal also they have shown it. We know how they have defeated comrade Jyoti Basu by booth-capturing in 1972. The elderly hon. Minister is correct. So, this booth-capturing is a very very serious issue. In this context, I would like to know this from the hon. Minister. Taking away the ballot papers, ballot boxes and all that are there. Even though we are introducing the machine, they can capture the machine also. But, I think, compared to the present system, it is better. On certain aspects, it is good to introduce the electronic machine system. What prevents the Government? Sir, in Kerala and Tripura on an experimental basis this has been done, and the result was so good.

SHRI ASOKE KUMAR SEN: Very good.

AN. HON. MEMBER: The Congress Party was defeated there.

MR. CHAIRMAN: Those Members who interrupt will lose their chance to put supplementaries.

SHRI K. MOHANAN: The specific question is: what prevents the Government from introducing the electronic voting system at least in the coming mini-elections for the five seats.

SHRI H. R. BHARDWAJ: Sir, I am very sorry that now in this country the CPI(M) is afraid of booth capturing. We share the sentiments.

SHRI K. MOHANAN: In 1972 you have done it. In West Bengal you

have defeated comrade Jyoti Basu by booth-capturing.

SHRI H. R. BHARDWAJ: Sir, comrade Basu as any other citizen is entitled to a free and fair election. But I am very surprised that you share the sentiments that booth-capturing is an evil. I appreciate, and I enjoyed this.

Everybody knows, those who have got some experience of elections, who have started booth-capturing. A few parties are known. I do not blame Vajpayee's party because they have not learnt this art. But the art has come from some other parties. Sir, we are very sincere.

I may also explain that booth-capturing involves the element of intimidation. If you kindly look at the definition of booth-capturing, as the law says, booth-capturing involves several cognizable offences, 506, 186, 353 and all that. This is not the real thing. The question is that they should decide that they will not commit booth-capturing, everybody should decide, and there the matter will end.

So far as the voting machine is concerned, my senior colleague just now pointed out that Government has come to the conclusion that the voting machine should be introduced, and we are going to discuss about it with them very shortly.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Mr. Chairman, Sir, democracy in our country has come of age and is mature.

MR. CHAIRMAN: Members will take only one minute to put a supplementary.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I come from a State in which there is no booth-capturing. I have also not witnessed use of money power to the detriment of

free and fair elections in Maharashtra. What I am worried about is the non-serious candidates. In the last elections, I have seen a ballot paper containing as many as 96 names out of which 90 were independent non-serious candidates and the ballot paper even could not get into the ballot box. Therefore, the short question which I think is within one minute, is if there is an agreement on non-serious candidates, why don't you come out with a decision? This is a matter where you should not wait for an agreement.

SHRI ASOKE KUMAR SEN: What happened was that the definition of non-serious candidates was not agreed upon.—how many votes one has to take, how many votes to disqualify the man, on all these there was want of unanimity, but we are very certain that this large number of non-serious candidates makes elections very very cumbersome.

SHRI PUTTAPAGA RADHAKRISHNA: For some time there have been public debates on the issue of doing away with the provision for independents to contest elections. I would like to know from the hon. Minister whether there is any proposal to ban the contest by independent candidates i.e. by non-party candidates.

SHRI H. R. BHARDWAJ: There is no such proposal.

श्री गुलाम रसूल कार : मैं ला मिनिस्टर साहब से यह बात पूछना चाहता हूँ कि क्या किसी सिदासी पार्टी या गवर्नमेंट के ख्दाल में यह बात है कि : —

All those candidates should be disqualified who demand secession of any part of the country on the basis of religion or otherwise; those who dispute particular areas, State or Union Territory as a part of the Indian Union; all those political parties whose representation of all sections of people or the areas, State or country is not above one-fourth in the

respective forums like the Budget Committee; Polls Review or the basic committees; and all those parties whose pre-election conduct and canvassing is based only on religious propaganda.

SHRI ASOKE KUMAR SEN: This evil was met by the 16th Constitution (Amendment) Act when the Constitution made it obligatory on any intending candidate to take the oath pledging himself to the sovereignty and integrity of India at the time of filing nominations and if he does not do so, he will be disqualified automatically.

SHRI CHITTA BASU: May I know from the hon. Minister as to why he has concentrated on the proposal made by the Election Commission i.e., the Statement he has made. The question relates to the comprehensive electoral rolls. The Government, as far as I know is committed for that comprehensive electoral reforms and for that purpose several committees, including the Joint Committee of the House, also produced reports.

MR. CHAIRMAN: Prefaces must be reduced.

SHRI CHITTA BASU: I am just coming, Sir. I shall not take more than one minute.

Therefore, there were other committees also. When we are to tackle the question of electoral reforms in the interest of cleansing the polity, would the hon. Minister kindly assure the House that not only the recommendations made by the Election Commission, but all the proposals made by the political parties and all committees made in this behalf will also be taken into consideration and a comprehensive proposal from the side of the Government will be produced and consulted with all the political parties, I would like to know whether the Government is agreeable to this proposal. Sir, if you give me time, I have got a catalogue of assurances made by the Government right from the year 1969 about the comprehensive electoral reforms. I give only one example ...

MR. CHAIRMAN: It is not necessary. You have put it.

SHRI CHITTA BASU: That is good. The question is whether comprehensive electoral reforms will be there instead of having that particular proposal made by the Election Commission.

MR. CHAIRMAN: Mr. Bhardwaj, the simple question is whether you will consider only the Election Commission's recommendations or consider all the recommendations of all the political parties.

SHRI H. R. BHARDWAJ: The Election Commission has a method by which the Election Commission makes recommendations to the Government I had the privilege of attending various meetings with Advani Ji and others on electoral reforms in the office of the Election Commission quite some time ago. The Election Commission gives due consideration to the views projected by various political parties. After the consensus is emerged, recommendations, are made, because in this country the political parties hold different views on various matters. Sir, different philosophies and different views on various matters. Sir, even in various matters of national importance, there is no unanimity in the discussions. Whenever unanimity was achieved, it was always implemented. So what my senior friend, Shri Chitta Basuji says may not be acceptable to some of the other political parties. But the Election Commission is the proper forum where the views should be projected and from there the suggestions come. Sir, if there is any specific suggestion the Government will consider it and pass it on to the Election Commission. Therefore, Sir, ...

ANNOUNCEMENT BY CHAIRMAN

Welcome to the Australian Parliamentary Delegation

MR. CHAIRMAN: Both of you please sit down. I have an announcement to make.

We have with us this morning, seated in the special box, Members of the Australian Parliamentary delegation which is currently on a visit to our country under the distinguished leadership of Honourable

Mrs. Elaine Elizabeth Darling, M.P. The other Members of the delegation are—

1. Hon'ble Mr. J. D. B. Dobie, M.P.
2. Hon'ble Mr. P. S. Fisher, M.P.
3. Senator the Hon'ble Richard K. R. Alston.
4. Hon'ble Mr. P. Duncan, M.P.
5. Hon'ble Mr. L.R.S. Price, M.P.

On behalf of the Members of the House and on my own behalf, I take pleasure in extending a very hearty welcome to the leader and other Members of the delegation and wish our distinguished guests a very enjoyable and fruitful stay in our country. We hope that by the time they leave us they shall have seen and learnt more about our country and our people. Through them we convey our greetings and best wishes to the Members of the Australian Parliament.

ORAL ANSWERS TO QUESTIONS— Contd.

SHRI CHITTA BASU: Sir, in 1972 there was a committee set up by the Parliament. They produced some report and would this report not be considered by the Government of India when they formulate the proposals?

MR. CHAIRMAN: Yes, the Government will consider everything... (*Interruptions*). He has answered it. Please sit down. Now Mr. Vithalbhai Motiram Patel.

SHRI VITHALBHAI MOTIRAM PATEL: Sir, may I know from the Minister whether there is any proposal pending with the Government regarding increase in the security deposit by the contestants? Sir, this is a very simple proposal. I do not know why the Government is hesitating to accept this proposal.

SHRI H. R. BHARDWAJ: Sir, this is one of the proposals pending for consider-

ation. But one must realise that in this country there are a lot of poor people and any increase in the security deposit would really entail hardship to the poor people rather than the rich and the influence of the money power will not decrease and it will only increase.

SHRI M. VINCENT: Does the existing powers of the Election Commission have provision to debar the political party which disrespect the Constitution of India by virtue of their party resolution? For example burning of copies of the Constitution. If not, will the Government have any move to provide such powers to the Election Commission.

SHRI ASOKE KUMAR SEN: Sir, these criminal acts are punishable under the normal law. Therefore, there is no question of Election Commission taking extra-measures for this purpose. If a person is convicted that itself will bring some disqualification.

श्री जगदम्बो प्रसाद शर्मा : माननीय सभा-पति जी, मैं सैद्धांतिक नहीं कुछ व्यावहारिक बातें जो बांका संसदीय चुनाव में होने वाली हैं उनकी सुरक्षा की दृष्टि से पूछना चाहता हूँ ।

एक तो यह कि जो बक्से में बलेट पेपर रखे जाते हैं वे 23 से पहले 22 को ही न भर दिए जाएं । दूसरे यह कि जो पार्टी एजेंट हैं जो वहां मौजूद हैं, जितने बलेट पेपर निकलते हैं, जब पोलिंग खत्म हो जाए तो उन पर हस्ताक्षर उनके हो जाए और जहां मुहर या सील लगती है वहां पर पार्टियों की भी सील लगे जिससे कि बाद में सरकारी सील तोड़कर फिर सरकारी सील न डाली जा सके । और अंतिम बात मैं यह पूछना चाहता हूँ कि जैसे सरकारी तंत्र है, चाहे पुलिस हो या मजिस्ट्रेट हो, वह सरकारी तंत्र स्वयं बूथ कंपैरिंग या गलत मतदान न कराए इसकी सुरक्षा के लिए आप ने कुछ उपाय किए हैं जिससे कि बांका या बिहार के संसदीय और विधान सभा चुनावों में लोगों को सात्वना हो ?

श्री एच० आर० भारद्वाज : श्रीमान जी, चाहे बांका हो चाहे कोई दूसरी जगह हो, हर जगह स्वतंत्र और निष्पक्ष चुनाव होना चाहिए और यह हर पार्टी का दायित्व है इस प्रजातंत्र में कि वह इसमें पूरा सहयोग करे। मुझे मालूम है कि बहुत सारे नेतागण इलेक्शन कमीशन से मिल चुके हैं। उन्होंने इस पर काफी आश्वासन दिए हैं और वह इस पर सख्ती से काम कर रहे हैं। अगर किसी को कोई सपना आता है तो वह बात अलग है।

PROF. C. LAKSHMANNA: Mr. Chairman, Sir, under the existing constitutional position there has been no fresh delimitation of seats. Also there has been no rotation of the Scheduled Castes and Scheduled Tribes seats. As a result it has given rise to some problems. Therefore, I would like to ask the hon. Minister whether the Government will consider the possibility of amending, if necessary, the Constitution so that without altering the number of seats, there could be fresh delimitation of seats and also the rotation of Scheduled Castes and Scheduled Tribes seats.

SHRI H. R. BHARDWAJ: Sir for this amendment of the Constitution is not necessary but there is a proposal pending to go into the question of delimitation and that is what my Senior told and that will be discussed with the parties.

SHRIMATI JAYANTHI NATARAJAN: Sir, my question is about ensuring free and fair conduct of the election and the failure of several State Governments to cooperate with the Election Commission in enforcing law and order. In that connection the newspapers report say that the Election Commission recommended imposition of President's and Governor's rule simultaneously with the notification and the report also says this was seriously opposed by the Opposition Parties. I would like to ask the hon. Minister as to what is the stand of the Government in this respect and if it is considering accepting the proposal.

SHRI H. R. BHARDWAJ: Sir, this proposition is now being welcomed by B.J.P. I would like the entire Opposition to give their views and we will consider it.

SHRI JAGESH DESAI: Sir, one of the proposals is to help the political parties by giving electoral rolls. It is a very welcome step. At the present moment, voter slip, indicating the name of the voter, age, his roll number, place of booth, polling booth number, this work is being done by all the political parties and a lot of stationery and time is wasted in it. I would like to know whether the Government will consider that voters slip will be given by the Government and no political party will be allowed to send the voters card. Sir, if this done, the major expenses of the election can be met with this process.

SHRI H. R. BHARDWAJ: Sir, there is no such proposal at the moment. The hon. Member may send it. We will get it examined.

SHRI N. E. BALARAM: Sir, since we are thinking of introducing electoral rolls, I would like to know the attitude of the Government on the question of proportional representation because now, the present position is though the ruling party has got majority in the Parliament, they are in minority among the people. (Interruptions)

SOME HON'BLE MEMBERS: No, no. (Interruptions)

SHRI N. E. BALARAM: That is a history. From the very beginning, from the independence days onwards, this is the position. (Interruptions). I did not finish my question.

MR. CHAIRMAN: The Minister understands you.

SHRI N. E. BALARAM: Sir, I am raising a basic question. What is the position of the Government on the question of proportional representation?

MR. CHAIRMAN: You have raised the point. Please sit down.

SHRI N. E. BALARAM: Perhaps the Chairman has understood but the Minister should understand. (Interruptions) Sir, I am not asking the Chair. He is getting up. What I am saying is that that is the best solution. If we want to save our democracy and I will be proud of it, please introduce this. (Interruptions). My question is what is the position of the Government on the question of proportional representation?

SHRI H. R. BHARDWAJ: I must tell the hon. Member that if he talks right from the independence days onwards, except Indian National Congress, there is no political party on this side which was in power or could be in power because many parties have been born much later. Some of the parties have been born recently i.e. two to three years back. There is no question of Indian National Congress would not have been in power. But this system of proportional representation was considered at the time when the Constitution was given to this country and wherever it was thought fit, it was given but if they are not coming to power, this is not the solution. Make yourself popular with the people.

SHRI N. K. P. SALVE: Sir, as I heard the Law Minister reply... (Interruptions).

SHRI N. E. BALARAM: Sir, he can say yes or no. He is simply evading the reply. (Interruptions)

SHRI H. R. BHARDWAJ: There is no proposal of the Election Commission.... (Interruption).

MR. CHAIRMAN: Mr. Balaram, will you sit down? You see, you should be able to take certain things in good humour. After all, what is wrong in the Minister's reply? You should not get angry like this. Yes, Mr. Salve.

SHRI N. K. P. SALVE: Sir as I heard the Law Minister reply...

MR. CHAIRMAN: You don't go into it again.

SHRI N. K. P. SALVE: Sir, I was led to believe, I hope very wrongly, that in the major matter of electoral reforms, he is waiting for unanimity among the opposition parties. I hope he is not waiting for unanimity among the opposition parties because if they were capable of a modicum of unanimity, they would not have been in such shambles. I would like to know from the Law Minister what is the reaction of the Government to this major thrust. We have been carrying a very delicate mantle of democracy in this country, and we have done very well so far. But the stage has come where the primacy of money power has to be curbed down and curbed down very efficaciously and very effectively. Therefore, I would like to know from the Law Minister whether he is going to wait *ad infinitum* and *ad nauseam* for unanimity among the opposition parties because that will never come; that is a most illusory thing. What is the reaction of the Government to this very wholesome and very desirable measure towards electoral reforms—funding?

SHRI ASOKE KUMAR SEN: Electoral reforms certainly is one of our prior objectives...

MR. CHAIRMAN: He is asking about public funding.

SHRI ASOKE KUMAR SEN: About public funding, that matter is being very seriously considered by the Government. It is a matter where we cannot come to a decision so quickly. And as soon as we come to a decision, as I have already said, we shall consult the different political parties on the matter.

MR. CHAIRMAN: Next question.