

SHORT DURATION DISCUSSIONS ON ELECTORAL REFORMS

THE VICE-CHAIRMAN (DR. BAPU KALDATE): We shall now take up Short Duration Discussion. Shri M. S. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY (Karnataka): May I seek your permission, Sir, to raise a discussion on the need to introduce comprehensive electoral reforms and to undertake a fresh delimitation of Parliamentary and Assembly Constituencies?

Sir, the elections form of a bed-rock in a democracy. Elections determine the character of democratic institutions. Therefore, Sir, we attach great significance to the electoral law and electoral procedures and the institutions which guide and direct electoral system in the land. For the last 36 years we have been holding elections both to Parliament and to Assemblies. In this period, many distortions have taken place in the elections. The purity, the fairness and 4 PM the impartiality of elections has been very much eroded.

The original values which governed our electoral system have been done away with to a large extent. Elections now, of late, have been taken over by mafia kings, musclemen, anti-social elements, corrupt forces in society, and it is increasingly becoming a game of the immoral, the wicked and the diabolical in the society. So, there has been a recurring and persistent demand for electoral reforms since many year, especially since 1970. The successive Governments, the successive Law Ministers and the successive Chief Election Commissioners have been making promises after promises that electoral procedures, rules laws will be radically changed to ensure purity and fairness in elections. But most of these promises have been observed in breach only. They have not been translated into action. This is a most unfortunate thing that we have wit-

nessed for the last fifteen years.

Sir, I do not want to go into the history in details but I would like to say in one word that the Government of India which has the power to initiate electoral reforms is behaving in a most funny manner, seems behaving like Rip Van Winkle, if I may be permitted to use that character to describe the attitude of the present Government. There is virtual coma so far as this is concerned. The electoral reforms have not been introduced though they have been discussed many times.

Sir, I just quote two or three promises made. I am not quoting these with a view to blame the Government. I am quoting these to remind the Government of the promises made recently. On March 28, 1980, Sir, the Government of India promised that it would bring out a comprehensive set of reforms. Shri Rajiv Gandhi, the Prime Minister, said on January 30, 1985, while he was speaking on Anti-Defection Bill in the Lok Sabha—and I quote: "This Bill is the first step towards cleansing our public life. We will be taking other steps, electoral reforms and other reforms, and you have my assurance, Sir, that we would carry the whole Opposition with us in the forthcoming decisions that we shall have to take." Earlier on January 17, 1985, President Zail Singh had said in his address to Parliament—and I quote: "Government are committed to a clean public life. They intend to initiate wide-ranging discussions on electoral reforms with political parties and would welcome their co-operation." Sir, in Bombay, on December 28, 1985, the Prime Minister said again—I quote: "The country needs politics based on ideology and programmes. To bring this about, you must break the nexus between political parties and vested interests. We will change electoral laws to ensure cleaner elections. We will make political parties accountable for the funds they receive." The election manifesto of the Congress Party in 1984 observed like this: "We build a consensus on the financing of political parties and translated it into legislation."

[Shri M. S. Gurupadaswamy]

These are, Sir, the commitments made by the Prime Minister, by the President of India to the nation and to Parliament. Till today, we have not seen any move on the part of the Government in this regard. The Prime Minister also discussed with us, the leaders of the Opposition, last year and promised us that he would hold further talks with us and bring about comprehensive electoral reforms. I say this just to show how the Government is negligent in this vital matter, to keep up its promises and commitments.

Sir, Over these 36 years, since we introduced the Constitution, many distortions, perversions, abuse and misuse of electoral laws and procedures have been allowed to creep in and that has vitiated the election itself. I am only reminded of the post medieval period of England, beginning with Robert Walpole, Robert Peel, Canning, Pitts and so on who managed elections of that country, by means of corruption. The entire country was ruled by corrupt men. Votes were influenced by corruption, through corruption. Sir, similar situation, similar phase, similar development is taking place in India also. I do not want to quote specific instances because of lack of time where we have erred in the past. But I would concentrate only on the areas which need reform immediately.

Sir, in my view, the most important thing in the electoral system is, the machinery should be fair and impartial. The Election Commission should enjoy public confidence. It should consist of men of integrity. From that point of view, I suggest that the Constitutional provision in this regard should be implemented. Now, we have only a single Election Commissioner, Chief Election Commissioner. We have been suggesting, many opposition parties have been suggesting, that there should be a multi-member Election Commission and the members should be selected not by the executive, but by the Chief Justice of the Supreme Court, the Prime Minister and the Leader of the Opposition elected by the opposition parties for this purpose. The Election Commission should be completely free from the in-

fluence of the executive and, for this purpose, it is also necessary to have an independent set-up, secretariat, coming directly under the Election Commission.

This secretariat should be like the secretariat of the Public Service Commission, the Attorney-General, like the secretariats of the Rajya Sabha and the Lok Sabha, free from the influence of the executive.

Secondly, there is a provision in the Constitution for appointment of Regional Commissioners. You have raised this issue earlier in the House. Since the electoral responsibility has been growing, as well as to make the machinery efficient, it is necessary to appoint Regional Election Commissioners. Then, the electoral officer of the State should be from the judiciary. He should not be a man from the bureaucracy. That way, impartiality and fairness can be ensured at the State level. Going further, Sir, there should be electoral officers at the district level also. In sum, there should be a full complement of electoral machinery and it should be free from executive interference or influence.

Then, Sir, in India, after going through all these elections, we have found that the majority party does not really reflect the majority of votes or represent the majority of people who have voted in the election. In the existing system it is possible to have majority for a party in Parliament or in the State legislature with the minority votes. All along, the majority party, either Parliament or in the State legislature, has not reflected the majority opinion of those who have participated in the voting. The party has secured majority in the Houses with minority of votes. This has created distortion because of the electoral system. Therefore, I suggest that there should be a change. If you believe in a democracy by consent, it should be government by consent of the majority. Now that is not the case. The majority party does not enjoy majority opinion outside. With a view to correcting this distortion, we should change the basis. I think Shri S. L. Shaktiher, when he was the Chief Election Commissioner, had suggested a dual system, 50 per cent

of the seats in Lok Sabha or in Assembly should be elected directly by the people according to the votes cast and 50 per cent of the other seats should be distributed among the parties in proportion to the votes secured by those parties. I am not suggesting proportionate representation here advisedly because there may be views for and against this. There are good things in favour of proportionate representation because it ensures representation in a much better way the will of the people, but it may bring in instability also. From that point of view I do not advocate proportionate representation in India because stability is very important in our environment. Therefore, I commend the idea of 50 per cent of the seats to go according to the votes polled by the candidates and 50 per cent according to the votes polled by the parties concerned. That will ensure more stability and also adequate and fair representation to the opinion as expressed in the poll.

Thirdly, and this is very important also... (*Time bell rings*). I have not even covered one-fourth of the ground.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The time says 20 minutes only and you have already had it. I am just giving the caution.

SHRI M. S. GURUPADASWAMY: I beg of you to give me some more time.

The next important element in the electoral system is about the funding of the elections. Over a period of time, we have seen that the elections have become very expensive. A common man, an ordinary individual cannot fight the elections successfully with his own resources. A parliament election needs not less than Rs. 15 lakhs and an Assembly election needs Rs. 5 lakhs, this is the minimum. No opposition party, no ordinary person can bring such resources. Therefore now elections are increasingly becoming good investment for black-marketeers, profiteers, smugglers and racketeers in society. I have often heard friends say that elections are not meant for honest and decent men; these are meant for immoral people, corrupt people, the capitalists and anti-

social elements. This thing should not be allowed to continue. Sir, vitiated election, distorted election, corrupt election is worse than no election. I therefore plead for State funding of elections. This is important. It may suit the ruling party not to agree to my suggestion, but in the interest of democracy, in the interest of getting the best men to the legislatures, getting the best quality reflected in our Chambers, it is necessary to have State funding for this purpose. Again Mr. Shakkdher has suggested creation of a fund consisting of 100 crores of rupees, to begin with, for this purpose. I think on the basis of the votes we can evolve a formula, basis for distribution of these fund between various parties. Only those parties which are organised, which have secured a minimum number of votes should get these benefits, not others because we have to eliminate also the non-serious candidates, frivolous parties, spurious parties and spurious candidates from the arena. So the fund and its utilization can also bring about cleansing indirectly. Therefore I plead for the creation of this fund.

Thirdly, when elections are declared—it is very important again—the Government should become literally, truly and really a stop-gap government, a caretaker government. It should not function as permanent government of the past; it should exist only as caretaker devise during the time of the election. After its declaration, no Minister, no Prime Minister should have any more advantage than others belonging to Opposition parties. There should not be misuse of official machinery in any manner. The Ministers should not travel at the cost of the government. They should not make policy pronouncements, no laying of foundation stones and no donations to any institutions during that period. So I would like the government to function as a caretaker government with all its implications so that there is no misuse of governmental machinery. One of the biggest complaints is, there has been misuse of governmental machinery, misuse of power. So misuse of power by the government in authority should be eliminated.

SHRI BIR BHADRA PRATAP SINGH (Uttar Pradesh): Let there be no government. Even caretaker government can misuse power.

SHRI M. S. GURUPADASWAMY: I think perhaps you have got to read democracy much more.

Having said that, I would like the Minister to consider that the voting age has to be reduced from 21 to 18. This has been the suggestion of many political parties from the Opposition side. They have also suggested identification of votes by photos. Let us have reduce for every voter. This will also reduce bogus voting. Also it has to be considered—it has been considered by the Law Minister earlier—to introduce the electronic system for the purpose of polling. Now a lot of bogus voting is taking place. I think this has to be eliminated to a large extent. Introduction of identification by photos and electronic machines for polling can eliminate, to a large extent, bogus voting, wrong voting and other malpractices in the polling booths.

Sir, I would like the bye-elections to be held, as far as possible, within six months. Till now bye-elections are being held to suit the convenience of the ruling party at the Centre. They are not being held to suit the convenience of the State Governments either. Therefore, this mischief has got to be eliminated. I would like the Minister to consider introducing a suitable provision in the law that any bye-election falling due should be held within six months from that date. That should take away the discretionary powers of the Government influencing the electoral authority. So, these things have got to be considered in all seriousness. There are other things also which Mr. Jayaprakash Narayan had suggested.

Now I will come to delimitation of constituencies. Sir, elimination of constituencies is very important and vital. We have frozen the number of constituencies by an amendment of the Constitution in 1976. Till the end of the century—according to that amendment—we cannot increase or change the number of consti-

tuencies existing. I do not want to go into that question. Even while retaining that freeze, I would suggest that under the law you are required to delimit constituencies—parliamentary constituencies and assembly constituencies—after each census. Census was over nearly four years back. Till now no action has been taken by the Government to bring about fresh delimitation based on census figures. Many changes have occurred; shift of population has taken place. So I plead with the Government that they should bring in immediately—this session itself, if possible, or the next—a delimitation Bill, and I would like him to consider favourably the principle of rotation of reserved constituencies. It is very vital. For the last 30 or 35 years reserved constituencies have not been changed. It has affected the people in those reserved constituencies in a considerable way. They are not given the opportunity to elect a general candidate. Therefore, the Minister should assure the House that he accepts the principle of rotation of reserved constituencies for Scheduled Castes and Scheduled Tribes. The constituencies which were reserved once should not be reserved again. Some other constituencies should be reserved for that purpose.

Lastly, Sir, about delimitation I say that it will take two years to delimit and we have got only three years more for the next election. Therefore, it is very necessary that the Minister should pass the delimitation Bill as early as possible, if not this session, the next session, and undertake delimitation in right earnest.

With these words, Sir, I commend my Motion. Thank you.

SHRI SANTOSH KUMAR SAHU (Orissa): Mr. Vice-Chairman. Sir, at the outset I thank Shri Gurupadaswamyji for raising this most lively discussion which is very timely on election reforms and delimitation of the constituencies. Though I may not agree with many of his adverse remarks, I agree with some of the points that he has advocated here before the august House.

Sir, since 1951 till today we had many general elections and by-elections in this country, and after each successive election the bedrock of democracy in this country has become strengthened because the elections have been held. We see in the neighbouring countries democracy has failed because how the elections have been manipulated, we know.

But, Sir, I entirely agree that no law is static. According to the need of the hour, according to the need of the time, it requires reforms and changes. So, it is essential that we must bring in our election law certain reforms and certain changes which are the need of the hour and the need of the day, the need of the country today. So, it is very high time that while considering the election reform, we must keep in view the socio-political conditions in the country today.

We are facing today a new danger in the political horizon of our country. There is the development of religious fundamentalism which is raising hydra-head of secessionism from the country. Is it not time for all the political parties to have a consensus on how to abolish this nexus of politics and religious fundamentalism? And that is the first and fundamental problem in this country today. Some law should be enacted by which every political party must be registered. The Election Commission must be given an independent authority to judge if there is a nexus between a political party only on religious basis, and if that helps in growth of religious fundamentalism that must be curbed. How that can be penalised, we should see. Such a law should be the order of the day. That must be given the top priority. The Election Commission might have recommended whatever earlier in 1981 or earlier this is a new development in our socio-political life of our country today which must be given very much importance.

Then, another very important thing is, in the Indian political scene, whatever we may say, regionalism is developing, and we have to see that this regionalism has to help to develop nationalism also. It must have a happy blending, and that requires urgent attention of all the poli-

tical parties. I appeal, it is not a question of one party or another party. It is not a question of this or that. India was united with much difficulty, with much struggle, with much sacrifice of our forefathers and patriots who sacrificed a lot. Now, at this critical juncture we have in our country, is it not time that we think, that we remodel our laws, we frame our laws in such a way that again India survives the onslaughts on the historical process to become a great and modern and developed India?

Sir, I will now come to the other points of the election reform. I entirely agree that there are bi-party systems. Ours is a multi-party system. As Mr. Gurupadaswamy has told correctly, it is necessary that non-serious candidates must be eliminated. There must be laws for it. For that the security deposit may be increased or at least the candidate who does not get more than 20 per cent of the votes polled should forfeit his security. And other stringent laws may be framed.

It is important that in a democracy good persons who have no funds, must be able to contest elections. For that some funding provision must be enacted in this so that poor and good persons can contest. It is true that elections have become expensive. Now everybody feels the pinch of it.

Now, coming to other points, we also agree, I also feel that many times there are many candidates. There must be a restriction on the candidates not to stand from more than two constituencies in one general election. It is sometimes found

that some persons contest elections from five or six Constituencies. By doing so they deny other candidates belonging to their own party an opportunity to contest elections. There should be a check on this.

Sir, it is a known fact that booth capturing is not done by one party. We have seen that it is done many a time by goondas and hooligans. In the interest of free and fair elections such activities must be checked. There must be a strin-

[Shri Santosh Kumar Sahu]

gent law to discourage this. In order to ensure fair elections and the effective implementation of the legal provisions it is necessary that the Election Commission is strengthened and its duties are expanded. Our founding fathers gave it a separate constitutional identity to ensure that it is the backdrop of democracy. I would suggest that every political party must be registered with the Election Commission and that it must give a declaration to it that it has not and it will not encourage religious fundamentalism and secessionism in the country. That must be one of the pre-conditions for recognition of any political party. Regional parties must be required to declare that they will never raise a slogan against nationalism, because such slogans also raise problems for the country as a whole.

The Election Commission must be free to see the accounts of each and every political party. If we want to be fair, we have to trust some independent body. At the same time new laws should be framed to ensure that this body is fair. For the smooth running of the electoral process such a body should be constituted by the Parliament itself. It should be given certain rights to ensure that the political situation is in keeping with the furtherance of the development in the country.

Now, I come to the question of delimitation. Article 82 earlier provided that after every Census there will be a Delimitation Commission. After the 1976 amendment we decided that further delimitation will be done at the turn of the century. In 1981, the Election Commission, however, recommended to the Government to re-consider the question of delimitation because many a time situations change, as, for example, the population may change because of industrial growth in that area. In some other areas even though the population may remain same, yet the people may not be having the required representation according to their sentiments. The Attorney General has already spoken on this and has said

to ensure that there should be an amendment in the Constitution. In this regard a Cabinet Reforms Committee was also appointed. I understand it has indicated a different thinking. I will give an example of my district to show that we have not been given a fair deal in the existing delimitation in spite of the fact that there has been no change in the population. In my district of Orissa, there are ten assembly constituencies and one Parliamentary constituency constitutes of seven Assembly segments. If we look to the 1951 and 1955 elections as per population there was one scheduled caste constituency, but after 1971 that has been abolished. Scheduled castes comprise 10 to 11 per cent of the total population and the Scheduled Tribes constitute 65 per cent, while the general population comprises of 25 to 26 per cent. But the scheduled castes and scheduled Tribes have been given nine seats and the general have been given one seat. It is because the other areas have been adjusted. Please see the election records in 1951. The people belonging to backward areas got a seat. I know this is happening in other areas also. So I am giving an example. Let them examine this aspect. This will further improve the election prospects in our country.

Mr. Gurupadaswamy has said that we might think either this system or proportional representation system. I do not entirely agree with him. How 50 per cent will directly face the elections and another 50 of the political parties by representation. That will create more confusion. We have to accept either proportional representation or the direct election. In both the cases we have to sacrifice something. If we count the number, a party may get elected with only 3 per cent of the votes and another party may be defeated. In total number he might have got much more votes. But his party representation will be much less. But it is a fact that either of the system, we have to sacrifice something. These are the fundamental things where all political parties must sit together and think over it so that a consensus can emerge as to how to conduct the elections. I think this will have a better result and better

representation of the political fort of the country. That is the whole idea of election.

Now, I come to the point of lowering age from 21 to 18 years for voting purpose. There is nothing wrong if it is lowered from 21 to 18 years. But the voters' list may be little more. But many of the youth aspirants who are coming of age and who belong to the future generation and who run this country, their aspirations can be fulfilled. They will have better say in the governance of this country.

I think elections reforms are necessary. But I wish to point out so far the General Elections which have been held are fair and it requires a little improvement so that our democracy can be further strengthened. Our democracy is very strong that is why it has survived compared to the neighbouring countries. There it has failed. So our election system needs further improvement and the Election Commission has to be further strengthened and made more impartial so that it can have firm control over the socio-economic and political development of various parties. Thank you.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Mr. Vice-Chairman, Sir, I would like to say a few words on the short duration discussion. After the Second World War, many countries free from colonial rule and imperialistic Government, a few nations have adopted a republican form of Government and India is one of them. Since independence, democracy in India is much successful and fruitful despite the fact of defects and lapses in our electoral system.

Sir Ivor Jennings, a political scientist rightly pointed out that fair and free election is democracy. Essence of democracy is the consent of the concern. To ascertain the consent of the concern, election is the acknowledged means throughout the world in democratic countries. So fortunately from the days of commencement of the Constitution unlike some countries in Europe adult

franchise irrespective of the sex, came into existence in our country. Women in some of the European countries had to fight for their voting rights. But our founding fathers of the Constitution did not give room for such hurdles.

Sir, we have successfully conducted 8 General Elections so far holdings the election in a populous country like India is not an easy task. It is not a matter of spending money and engineering administrative machinery but it is a matter of conviction, principle and determination. Sir, no electoral system is free from defects. Every electoral system is having its own merits and demerits. Our system may be having some defects but it does not mean to say that we have acknowledged the defects but we must do our best to eradicate defects in our electoral system.

Sir, in Tamil Nadu, there is an adage that to accord a marriage alliance, one has to tell a hundred lies but to win an election, one has to tell a thousand lies. We see everywhere there is a big corruption, rigging, booth capturing, false voting, communal influence and misuse of Government machinery are quite common in our election system. We have diagnosed the disease but we are not serious about the treatment. We are aware of the maladies but there is no remedy at our sight. We are delaying the process of solving the problem. Sir, since 1972, we are hankering after the electoral reforms but so far, only one thing we have done in the right direction, that is the enactment of Anti-Defection Law. It is the first instalment in our electoral reforms. During the discussion, our hon. Prime Minister assured the House that in future, too many reforms will be introduced in this House but we have come across so many assurances and promises of an early action. In 1980, Mrs. Gandhi formed a Cabinet Sub-Committee to examine the electoral reforms under the Chairmanship of Mr. Shiv Shankar. Even during the Janata period, Mr. Morarji Desai formed a Cabinet Sub-Committee to examine the electoral reforms but so far, nothing has materialised. Sir, casting of the votes of the deads, shift votes and a large number of

[Shri Aladi Aruna alias V. Aruna-chalam]

Invalid votes are very common things in our elections. In the last election alone, a margin of 39 candidates is less than the invalid votes. In all boothies, apart from rigging, I can say that among the polled votes, 55 per cent of the votes are by way of impersonation. Sir, without any political exception, all political parties adopt almost all types of fraudulent methods to win the elections. To avoid the consideration of false votes and impersonation, identity cards should be introduced throughout the country. Sir, it is useful not only for election purposes but also for other purposes. In most of the Western countries, possession of identity card is a must. Fortunately, Mrs. Gandhi approved the system of identity cards and allotted Rs. 18 crores and it was distributed in Sikkim, Manipur and Meghalaya but unfortunately, the process has not been completed. It has not been implemented in other areas. Sir, to uproot our weed plan in the field of elections, introduction of voting machine, as stated by Shri M. S. Gurupadaswamy is more important. This is the area wherein we can get the consensus among the political parties. Sir, unfortunately, the Supreme Court in Jose versus Seeram Pillai case in 1984 declared that ballot instances does not include the voting by use of a voting machine. It does not mean to say that the Supreme Court is against the introduction of a voting machine but what has been stated is that present law does not permit that. So, the amendment to enlarge the definition of the ballot is necessary. After the amendment, it may be easy to introduce voting machine in all centres. Sir, the estimated cost of the scheme is nearly Rs. 160 crores and it was further stated that by adopting a voting machine, Rs. 3.65 lakhs. in every Parliamentary Constituency is saved. It means in total nearly Rs. 20 crores will be saved in every Lok Sabha election. The cost of each machine is Rs. 5000. The total requirement of machines is 5 million. So Government should come forward to introduce the voting machines by amending the Constitution. Our election is considered expensive. It gives

the impression that the affluent classes can win the election. In the beginning in England Gladstone and others thought that by giving free franchise to all commoners it would be helpful to overthrow the feudal lords and the affluent classes out of power because the commoners were in majority. But in practice, we know, their hopes were belied. So, either we must reduce the cost of election or a scheme must be evolved for funding elections so as to reduce the domination of the affluent classes in political parties. On polling days on providing vehicles for voters to go to the polling booths every candidate, except in West Bengal and Kerala, has to spend lakhs and lakhs of rupees. Therefore, there must be a strict law prohibiting supply of vehicles by the candidates. Or polling booths must be opened in all hamlets. Now we have polling booths only in places with more than 750 voters. Instead, we must open booths everywhere and where necessary, free transport must be given by Government to the voters. Similarly, for printing posters and pamphlets paper may be supplied by Government at concessional rates. Reducing expenses is one of the effective means for a fair election. It does not mean that it is the only means. There are some incorrigible factors in our society, as has been stated by the honourable Member. Though as per the Constitution, Election Commission is an independent body, it, in fact, is not so independent. In the present set-up it is invariably dependent upon the Executive. It does not at all have direct control over its officers. Therefore, some reformation is required in the constitution of the Election Commission in order to make it effective, independent, impartial and free from defects, and I would like to suggest the following towards that. 1) The Chief Election Commissioner must be a person qualified to be a Judge of the Supreme Court; 2) It must be a multi-member commission assigned with definite independent powers; 3) Regional Election Commissioners must be appointed in the State with necessary powers; 4) The Returning Officers must be absorbed in judicial wings.

The Forty second Amendment to the Constitution in 1976 imposed a has on adjustment or allocation of seats in Lok

Sabha and Assembly seats. Some of the constituencies are reserved for Scheduled Castes and Scheduled Tribes permanently. It affects the interests of the other sections. Therefore, without affecting the total number of Scheduled Caste and Scheduled Tribe seats in a particular State, rotation should be adopted for reshuffling of the constituencies. Moreover, without affecting the total number of seats in a State, all Parliamentary constituencies should be adjusted with equal

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

number of votes. In a democracy, as has been stated by other Members, proportional representation is a perfect method of honouring the mandate of the people. In our single constituency system—I need not say—a successful candidate may have got less than 50 per cent of the votes and yet he is the successful candidate, he is the candidate elected, because of the multiparty contest in the constituency. In the absence of a bi-party system and with the prevalence of the multi-party system; the party which gets less than 50 per cent of the votes can easily come into power and form a government. If you go through the results of elections from 1952 to 1984 you can easily see the picture. Sir, I would like to say that the Congress Party in 1952 got 45 per cent of the votes polled. In 1957, this party got 57 per cent of the votes, in 1967—44 per cent, in 1971—43.7 per cent, in 1980—42 per cent, and in 1984—49.17 per cent. I do not have the figures for 1977. Sir, I wish to say that in all these elections, the Congress Party got less than 50 per cent of the votes. When the Janata Party came to power in 1977, even then, though this party got a majority of the seats, the percentage of votes polled by this party was only 41.8. You would have seen that the number of seats secured by these political parties has been disproportionate to the votes polled in the elections. Therefore, to get rid of this defect in our electoral system, proportional representation is essential.

Sir, honourable Member said that it causes instability in forming the Government. Sir, this doctrine was introduced in the beginning. But now the process of adjustment and con-

sultations with the other political parties has been well developed throughout the world. You know, Sir, how Mr. Achutha Menon was successful in Kerala and you also know how Mr. Karunakaran is successful in Kerala now. Similarly, in the Western countries also where the system of proportional representation has been adopted, a significant minority comes to power. But there is a government with consent, with discussions and consultations with the other political parties. That is the will of the people. Here also, Sir, you would have seen how, even when a party comes with a majority, there is instability due to various factors and I do not want to mention all those factors. Therefore, the will of the people is more important. A party which is not entrusted by the people with a majority of voted has no right to take full command over the people. The will of the other people, the wishes of the other people, should also be taken into account and, for this purpose, the system of proportional representation is the best. It was advocated by Dr. Anna in 1957. (*Time bell rings*). That is why we are having strong faith in the proportional representation system. Perhaps it may be difficult for the Government to adopt this system. If it is not possible for the Government to introduce this system, at least it can implement the other recommendations made by the Chief Election Commissioner.

With these words, Sir, I conclude.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now, Mr. Surinder Singh.

श्री सुरेन्द्र सिंह (हरियाणा) : उप-सभाध्यक्ष जी, यह चुनाव के सुधार के ऊपर जो बहस हो रही है, इस पर तरह तरह के विचार सदन में रखे गये। 1952 से आज तक जितने भी चुनाव हुए हैं उनका प्रतिशत दिया गया और यह निष्कर्ष निकाला गया कि जब कभी भी मतदान हुआ है बहुमत में मतदाताओं ने सरकार को वोट नहीं दिया। उपसभाध्यक्ष जी, 1952 से लेकर आज तक चुनाव के सिस्टम में बहुत सुधार हुआ है। आज सभी दलों के भाई और सभी दलों के साथी जिन्होंने 1952 से चुनाव लड़ना शुरू किया देखें तो प्रारम्भ में हर उम्मीदवार का अलग अलग

[श्री सरेन्द्र सिंह]

बैलेट बाक्स होता था और उन्हीं के ऊपर उम्मीदवार का निशान और उसका नक्शा लगाया जाता था और कई बार सुनने में मिलता था कि जब पोलिंग खत्म हो गया तो डिब्बे के डिब्बे बदल दिये गये और वही निशान दूसरे डिब्बे पर लगा दिया गया। लेकिन वक्तनत्फवक्तन जब हिन्दुस्तान की जम्हूरियत में लोगों ने इस बात को महसूस किया कि मतदाता के पास वह ताकत है जिससे वह हिन्दुस्तान की किस्मत को बदल सकता है, हिन्दुस्तान की किस्मत को बना सकता है।

5 P.M. आज जनता पार्टी के नेता ने सदन में एक सी बात कही कि जब भी लोक सभा या विधान सभाओं के चुनाव हों तो इंटरिम गवर्नमेंट होनी चाहिये लेकिन वे यह बात भूल गये कि 1979 में जब लोक सभा के चुनाव हुए थे उस वक्त उनके ही दल की सरकार सत्ता में थी। अगर हिन्दुस्तान की सरकार या कोई अन्तर्गत सरकार चुनाव पर असर डाल सकती मतदाता के दिमाग को बदल सकती तो वह पार्टी चुनाव नहीं हारती। मैं सिर्फ एक बात कहना चाहूंगा कि जब कभी चुनाव आता है तो हर पार्टी अपने जो उम्मीदवार खड़े करती है वह इतनी सूझ-बूझ के साथ खड़े करती है कि मेरा उम्मीदवार दूसरी पार्टी के उम्मीदवार से कमजोर न हो। बहुत से भाई भूल जाते हैं जब चुनाव होता है तो इलेक्शन मनीफेस्टों बहुत पहले रिलीज किया जाता है। मैं सिस्टम के बारे में सुझाव वद में दूंगा। इलेक्शन मनीफेस्टों को पढ़ कर सारे हिन्दुस्तान के लोग अपने मत का इस्तेमाल करते हैं लेकिन जब जाता पार्टी की सरकार ने सत्ता में होते हुए चुनाव लड़ा तो उनका इलेक्शन मनीफेस्टो चुनाव के बाद रिलीज हुआ। यह सिस्टम इलेक्शन का सिर्फ डिफेक्टिव ही नहीं है आज मैं भी इस बात को महसूस करता हूं मैंने भी विधान सभा के चुनाव लड़े हैं। एक सुझाव मैं यह देना चाहूंगा कि जब कभी भी चुनाव हों, मैं जनता पार्टी के लीडर की एक बात को सपोर्ट करूंगा कि हमारे यहां बैलेट बॉक्स के सिस्टम को बदल कर

इलेक्ट्रॉनिक सिस्टम कर दिया जाए। क्योंकि जब चुनाव शुरू होता है और जब नामांकन-पत्रों के बाद सिम्बल अलाट होते हैं उसके और चुनाव के बीच में तीन सप्ताह का समय होता है और तीन सप्ताह में आखिरी वक्त ऐसा आ जाता है जब उम्मीदवार यह महसूस करने लगता है कि चुनाव का नतीजा चाहे जो कुछ भी हो यह चुनाव खत्म हो जाए। कई बार आप भी यह महसूस कर चुके होंगे कि हमारे रिप्रजेंटेशन आफ पीपल एक्ट में एक बहुत बड़ा नुस है। जब कभी चुनाव के दौरान किसी उम्मीदवार की मौत हो जाए तो वह चुनाव पोस्टपोन कर दिया जाता है वह वहीं रोक दिया जाता है। उपसभाध्यक्ष जी, मुझे ऐसा तजुर्बा देखने को मिला है। कई उम्मीदवार तो अपनी सेहत से ज्यादा विरोधी उम्मीदवार की सेहत का ज्यादा ख्याल रखते हैं। आप देखेंगे कि कई बार अस्पताल में दाखिल 80 साल के मरीज को जिसको डाक्टर यह कह दे कि शायद बच भी जाए या मर भी जाए कई बार कई उम्मीदवार उसका भी नामीनेशन दाखिल करवा देते हैं। सेहत तो उस की खराब होती है जो अस्पताल में होता है, लेकिन जो विनिंग कंडीडेट होते हैं उनको यह महसूस होता है मौत उसकी नहीं हमारी हो जाएगी अगर यह आदमी मर गया तो। मेरी भारत सरकार से, लो मिनिस्ट्री से और चुनाव आयोग से यह प्रार्थना है कि कोई उम्मीदवार जो आजाद उम्मीदवार हो किसी रिकोगनाइज पोलिटिकल पार्टी का उम्मीदवार न हो भगवान न करे यदि चुनाव के दौरान वह स्वर्ग सिधार जाए तो उसकी वजह से चुनाव को कंटेन्मेंट नहीं करना चाहिये। दूसरा मेरा सुझाव यह है कि चुनाव में मुकबला दो कंडीडेट्स में होता है चाहे कंडीडेट कांग्रेस पार्टी का हो या बीजेपी का या लोकदल का लेकिन मुकबला दो में है लेकिन पचास-पचास आदमी नामीनेशन दाखिल कर देते हैं। नतीजा क्या होता है अगर मैं चुनाव लड़ूंगा तो अपने दल कंडीडेट और तैयार करके ले आऊंगा जिस की वजह से बैलेट पेपर इतना बहुत बड़ा हो जाता है आदमी यह नहीं मेक

आऊट कर सकता है क्योंकि हाथ का निशान कुर्सी के पंजे जैसा लगता है। तो यह जो इलेक्शन की सिक्योरिटी है इसको कम से कम दस गुना जरूर कर दीजिए। ऐसा ही नहीं कई बार आप देखेंगे चाहे बाई इलेक्शन हो या आम चुनाव हो आप अगर उम्मीदवारों की लिस्ट उठाकर देखें तो आप यह पाएंगे कि 2-4 उम्मीदवार उस लिस्ट में ऐसे हैं जो हर चुनाव लड़ते हैं, पंचायत का भी लड़ते हैं, म्यूनिसिपल कमिटी का भी लड़ते हैं, विधान सभा का भी लड़ते हैं और कहीं उप चुनाव मिल जाये तो वह भी लड़ते हैं (व्यवधान) राष्ट्रपति तक का लड़ते हैं। हमारे यहां रोहतक में एक सज्जन थे वे जब तक जीए तब तक राष्ट्र-पति का चुनाव लड़ते रहे। चौधरी मुख्यतया सिंह के बहुत अच्छे दोस्त थे। वे कहते थे कि उनकी धर्मपत्नी को ख्वाब आया था कि वे किसी न किसी दिन राष्ट्रपति भवन में रहेंगे तो उपसभाध्यक्ष महोदय, मेरा सुझाव यह है कि जो उम्मीदवार पिछले 2-3 चुनाव लड़कर अपनी जमानत नहीं बचा पाए उनकी सदा के लिए डिसक्वालीफाई कर दिया जाये। ऐसे बहुत से उम्मीदवार आपको मिल जाएंगे जो बैलट पेपर पर नाम छपवायेंगे पूरा अपने घर में दिखा-एंगे। इससे बहुत बड़ा कन्फ्यूशन पैदा होता है।

एक बात उपसभाध्यक्ष महोदय मैं यह कहूंगा कि जब चुनाव होता है और चुनाव के बाद जब चुनाव का नतीजा आता है तो उसी वक्त इलेक्शन कमीशन नोटिफिकेशन इश्यू कर देते हैं कि यह आदमी चुनाव जीत गये ये एम० एल० ए० हैं और अब उनकी एम० एल० एज० के पूरे अख्तियारात हैं, उनकी प्रिविलेजें हैं उनकी पूरी तनख्वाह मिलनी शुरू हो जाती है। लोकसभा में या विधान सभा में या कोई सदन हो वहां यह कानून तो है कि कोई मेम्बर अगर चुनाव के बाद, मेम्बर बनने के बाद, अथ लेने के बाद अगर 60 दिन तक लगातार सदन को अटेंड नहीं करता उसको मेम्बर-

शिप से डिसक्वालीफाई कर दिये जाने का रिजोल्यूशन हो जाता है और वह मेम्बरशिप से बर्खास्त कर दिया जाता है जब नोटिफिकेशन एम० एल० ए० या एम० पी० का हो गया और वह हर तरीके से एम० एम० ए०, एम० पी० है लेकिन उस इलाके के लोग उस वक्त तक अपने प्रतिनिधित्व से महरूम रहते हैं जब तक कि वह एम० एल० ए०, एम० पी० सदन में जाकर अथ न ले लें। तो उपसभाध्यक्ष महोदय, मेरा एक सुझाव सरकार को यह भी है कि जहां कोई एम० एल० ए० बनने के बाद शपथ न ले और 60 दिन तक एम० एल० ए० के अख्तियारात के मुताबिक न तो सदन अटेंड करे न हाउस कमेटीज की मीटिंग्स अटेंड करे, न किसी कागज पर एम० एल० ए० की हैसियत से दस्तखत करे क्योंकि आज एम० एल० ए० और एम० पी० केवल सदन में नहीं हैं जब वह घर में सुबह सोकर उठता है तो उसको उसी वक्त 50-60 कागजों पर दस्तखत करने होते हैं किसी का इन्कम सर्टिफिकेट होता है, किसी का जाति का सर्टिफिकेट होता है, किसी का बैंकवर्ड एरिया का सर्टिफिकेट होता है और उस हल्के के लोग जब तक एम० एल० ए०, एम० पी० साइन न करे बहुत बुरी दशा से घमते रहते हैं तो आपके माध्यम से मेरी प्रार्थना यह है कि सरकार इस बात पर भी कानून में संशोधन करे कि चुनाव के बाद, नोटिफिकेशन के बाद जो आदमी 60 दिन तक शपथ न ले और पूरे अख्तियारात के मुताबिक लोगों की सेवा न करे उनका भी वही फेट होगा जैसे सदन में कोई आदमी 60 दिन तक न आता हो। एक बात थोड़ी सी और कहूंगा उपसभाध्यक्ष महोदय जैसे ग्रुपदस्वामी जी ने कहा कि चुनाव के दौरान कैसे इलेक्शन मशीनरी का इस्तेमाल हो सकता है। मेरा सुझाव सरकार से यह है कि अगर विधान सभा का चुनाव हो तो उस हल्के का कोई अधिकारी न तो प्रेसाइडिंग आफिसर हो और न उनके अधीन दूसरा कोई छोटा मुलाजिम ड्यूटी पर लगाया जाये। वह डबल एज वीपन की तरह से काम करता है। कुछ आदमी तो इलेक्शन ड्यूटी वाले, एक उम्मीदवार का सपोर्ट करते हैं और अन्य किसी दूसरे का सपोर्ट करते हैं तो इस तरह से पार्टीवाजी

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होती है और पोलिंग बूथ पर सैकड़ों लोगों की जो लाइन होती है इससे पोलिंग अच्छी तरह से नहीं हो पाती है। इस बात को मैं व्यक्तिगत तौर से महसूस करता हूँ। वहाँ से पोलिंग स्टेशन ऐसे होते हैं जहाँ एक हजार वोट होते हैं और जहाँ 60 उम्मीदवार हों या 35 हों, जो अक्सर हो जाते हैं और उसमें निशान लगाने में बड़ी दिक्कत आती है। शाम के पांच बजे तक पोलिंग खत्म नहीं हो पाती है। इसके अलावा बोगस वोटिंग के बारे में बताया गया। उप सभाध्यक्ष को चुनाव के दौरान बोगस वोटिंग भरी हो जाती होगी और उसका एक ही तरीका है कि इलैक्ट्रॉनिक सिस्टम को लागू किया जाए और इससे चुनाव भी एक हफ्ते में या दस दिन में कराए जा सकते हैं। हमने इलैक्शन कमीशन के कई साथियों से पूछा कि आप एक महीना इसमें क्यों लगाते हैं, तीन हफ्ते, तो वह पहले वैलट पेपर्स को प्रिंट करवाते हैं और बहुत सारे लम्बा यह प्रोसेस है। उसके बारे में तो सरकार इस बात की कोशिश करे कि इलैक्ट्रॉनिक सिस्टम जल्द से जल्द लागू हो और बोगस वोटिंग को देखिए कि वह नहीं हो जाए। उप सभाध्यक्ष जी, एक बार मुझे एक चुनाव में उत्तर प्रदेश में जाने का मौका मिला, जो कि दिल्ली के बहुत नजदीक लगता है।

एक माननीय सदस्य : हमारी ही स्टेट आपको मिली ?

श्री सुरेन्द्र सिंह : वीरेंद्र वर्मा जी और मालवीय जी हमको मुआफ़ करें, तो जब हम वहाँ एक मोहल्ले में चले गए जो कि हरिजन और बैकवर्ड भाइयों का मोहल्ला था। हमने उनसे बात की और उन भाइयों से हमने हमारी पार्टी के एक उम्मीदवार के बारे में पूछा। तो उन भाइयों ने हमसे कहा कि भाई हम वोट तो दे देंगे, इच्छा है आप लोगों को वोट देने का, लेकिन जब से हिंदुस्तान में जम्हूरियत आई है उस वक्त से कसम खुदा की हमने वोट का देखा नहीं है। तो यह स्थिति है। इसलिये जब तक इन हरिजन और बैकवर्ड भाइयों के लिए कोई अलग से सुविधा नहीं होती है, गांवों से चाहे इनको दूसरी तरफ ले जाना पड़े, चाहे, गवर्नमेंट की मशीनरी इस्तेमाल करनी पड़े

उनके मोहल्ले में अलग से सुविधा होनी चाहिए। उप सभाध्यक्ष जी, इन शब्दों के साथ मैं आपका शुक्रिया अदा करता हूँ।

SHRI K. MOHAN (Kerala): Sir, if you want to postpone something you can allow free discussion frequently on a subject, and if you want to keep something in the cold storage, you can appoint a committee or a commission. That is the rule of the day. So, I do not know what is the meaning in our discussing these electoral reforms from time to time. This is something hypocritical. At least, once in a year this House is discussing about the drawbacks in our present electoral system. My esteemed colleague....

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): That is a process of democracy.

SHRI K. MOHANAN: You want to postpone and that is why you are allowing free discussion in these matters.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): That is a process of democracy.

SHRI K. MOHANAN: It is very good that you are for democracy. I am very much thankful to you, Sir, my esteemed colleague, the Law Minister knows what the drawbacks are, what the loopholes are in our present electoral system. But, unfortunately, the question is how to overcome these drawbacks and loopholes. In that case, the point is that the political will of the ruling party is necessary to overcome these drawbacks. Sir, I do not want to condemn but congratulate the political party in power since independence which has shown a remarkable lack of political will in this regard because they are extremely careful to safeguard their class interest by utilising these drawbacks and loopholes in their favour in the existing electoral system. Although our political system remains plagued by various deficiencies, the ruling party has shown alacrity in introducing aberrations into the electoral system with a view to subvert the very root, the very base of our parliamentary democratic system because they want to make it in favour of them. In this regard may

I, Sir, mention some incidents because even though I have said the political will must be on the part of the Government to overcome these drawbacks, I do agree the Government has shown, the ruling party in the Centre has shown, so many times their will power on this, but not in a positive manner but in a negative manner. In this regard I would like to mention that the Central Government in great haste had nullified the Supreme Court judgment regarding the election expenditure through an Ordinance. In that case you have had your political will, that was there. Everybody knows what was the motive, what was the intention behind this Ordinance. It was nothing but to defend some individual, the then Prime Minister of the Government of India. Similarly, during the pendency of Mrs. Gandhi's case before the Supreme Court, the Representation of the People Act was further amended. Again during the pendency of the the appeal in the Supreme Court against the verdict of the Allahabad High Court you used the Parliament to amend the laws in favour of her some five days before the hearing with retrospective effect. I do not want to go into the details of that episode. But everybody knows that for what you introduced article 329A of the Constitution, which is to provide immunity from all existing laws to some particular persons of your choice and your convenience. Again, the Thirtiyninth Constitution Amendment came into effect on August 10, 1975, while the appeal of Mrs. Gandhi was before the Supreme Court and the hearing for setting aside her election was due to begin on the next day, namely 11-8-1975. So, this is your integrity. If there is a will, there is a way.

I am not saying that you have no will. But your will, your political will is in the negative and not in a positive manner, that is my charge.

Sir, I do not expect good from the Nazareth because I know that this is why it is the class interest of this ruling party and they want to make use of these loopholes, these drawbacks in favour of them. So, I do not expect good from them. But even then as a representative of the people it is my duty to project

these defects and drawbacks in our present system. That is why I have mentioned all these things.

Now, I am coming to my focal point, that is regarding the system of proportional representation itself. My esteemed colleague, Mr. Gurupadaswamy, has mentioned that the system of proportional representation is not suitable for this country. But, before we go to that, I would like to mention about this money power, muscle power, etc. My esteemed colleagues has already mentioned about these things and I do not want to go into details of this menace. Of course, I do agree with them; but these are not the diseases; these are only symptoms of a disease. Money power and muscle power are the manifestation of a socio-economic system in which the strong oppresses the weak using state powers, to attain their ends. Without taking into consideration these socio-economic facts, simply saying that muscle power and money power are managing everything in the election process is of no use. You may repeat it but you have to take into consideration the fact that the present social system is the real disease, and these are only the symptoms of that disease. Here, I am sorry to say that the champions of electoral reforms are not taking these facts into consideration. How can we root out this evil?

I am now coming to my focal point and that is regarding proportional representation system. What are the distinctive advantages of this system? Firstly, it will break the monopoly of a single party which has won every election since independence on minority vote. Secondly, it will help like-minded parties to offer a common list. That is the difference between myself and Mr. Aladi Aruna; though he also pleaded for proportional representation but not for a list system. But I am saying that a list system should be there and you give due representation in proportion to independent political electoral support for each party. Thirdly, coming together of like-minded parties would help crystalisation of distinct combinations, such as left, right or the centrist. So, in our political life itself it will create a new atmosphere.

[Shri K. Mohanan]

That is why I am pleading for this proportional representation system after replacing the present system. We must consider whether the basis of our democracy must be the minority rule. Because my friend Mr. Jacob is always for democracy, I am saying this for him.

I am coming to certain issues and one of the important issues is the abuse of official machinery as well as official media like television and the radio, during elections. It is not necessary to elaborate this point. Everybody knows how the ruling party at the Centre is misusing the official machinery as well as the official media in this regard. Even though there are some rules and regulations to check this, ultimately the executive Government is the authority to take decisions on this matter. Here comes the role of the Election Commission. It was the intention of the founding fathers of our Constitution that a separate body, the Election Commission, should be there with independent powers; but now everybody knows the present situation. Even for fixing a date for the election in a State the Election Commission is not independent. The ruling party and Government in West Bengal recommended to the Election Commission the 22nd February for conducting elections. But the executive is exerting pressure on him to postpone the election to suit their convenience. In 1982 also, you have done this. Then, the case went to the High Court. At last, the Supreme Court intervened which forced the Government to hold the elections in time. Therefore, even in regard to fixing the date for elections, the executive interferes with the functioning of the Election Commission thereby the independent authority of the Election Commission is eroded as far as the conduct of elections in a free and fair manner is concerned. Therefore, Sir, I would request the Government to bring forward a legislation to give sufficient powers to the Election Commission as the implementing agency of legislations passed by Parliament on conduct of elections. The Election Commission should be the implementing authority and not the Government.

In this connection, I support the demand which has been made for a multi-member Election Commission and for the appointment of Regional Election Commissioners. Further, the State electoral officers should also be under the control of the Election Commission. Now, the officers of the State Government are appointed as State electoral officers. Everybody knows that because of this they are under the pressure of the State Governments concerned whether it is West Bengal, Kerala, Maharashtra; it does not matter. But it is a fact that the electoral officers in the States are working under the pressure of the State Governments. Things like preparation of electoral rolls and so many other things come under the purview of these electoral officers. Here, I would like to point out what is happening in Kerala. (*Time bell rings*) I am concluding.

SHRI M. M. JACOB: So far, Mr. Mohanan has been talking about Central interference. Now, he says the State officers are also no good.

SHRI K. MOHANAN: Don't take it lightly. In Kerala, the State electoral officer assured all political parties that he will publish the draft electoral rolls on 17th November so that by 17th December the objections can be filed. But this has not yet been published. When we approached him, he said that this has already been published; but only in the case of some constituencies. For each and everything, we have to come here, to the Election Commission. In the case of majority of the issues, the Election Commission will take into consideration the reports sent by the State electoral officers. Therefore, Sir, I recommend this. I also very strongly support the demand that the voting age should be reduced to 18.

Lastly, Sir, I congratulate my esteemed friend Shri Santosh Kumar Sahu, who spoke from the other side, who mentioned about the influence of the divisive and fundamentalist religious forces in the process of elections. But may I request him to send a telegram today itself to his Chief Minister in Kerala to sever his relations with the fundamentalist religious forces who are backing him there? Thank you.

SHRI BIR BHADRA PRATAP SINGH:

Mr. Vice-Chairman, Sir, it is better to have discussion before legislation. We are the largest democracy in the world. But our democracy has certain peculiar features of our own which are not found in any other democracy in the World. The question of the will of the people is a long-debated question of political science and it has been found that it is always difficult to determine what is the will of the people.

Now, before I come to the remedies for the malady, I would like to point out that in our system of election, we have both the direct election system and the proportional representation system. So far as Assembly and Parliament are concerned, we directly elect our representatives. For Council of states and Legislative Council we elect by proportionate representation. Both the systems are there. The founding fathers of our Constitution as well as the framers of the Representation of Peoples Act have analysed these questions. Section 123 of the Representation of Peoples Act has been revised by me and I have found that many of these ills are mentioned there. Of course, I agree with two suggestions. Firstly, that there should be identity cards given to the voters with their photographs affixed. Secondly, electronic voting system can be introduced. But any talk about increase in deposit is, I think, a futile exercise because it will be possible only for moneyed people to come forward and make deposits. And if a person can manage such a huge amount to spend in elections, where is the difficulty in arranging more money and depositing if he wants to file a nominations?

Then there was a suggestion that one person should file one nomination only for one constituency. There will be a fundamental difficulty in this. I think our Law Minister will appreciate that it will be violative of article 19 of the Constitution. You cannot change any basic or fundamental feature of the Constitution as laid down in Keshwanand Bhartiya case. Therefore, the bar would be considered as violate of the constitutional provisions and the same will be struck down by a court of law.

I think many good suggestions have come but before incorporating them into our Representation of Peoples Act by way of amendment it is always good to have more and more discussion to get more and more public opinion.

Now I have to make two suggestions. Firstly, I feel that section 123 of the Representation of People Act elaborately deals with the money power, muscle power booth capturing power and also the religion, caste and fundamentalists' approach but when the question is raised in a court of law the petitions have mostly failed. There is no provision to raise these questions prior to making an election petition. I would suggest that an amendment be made in article 329 (b) which says that an election cannot be challenged except by way of election petition. What is the outcome of this article. By the time the election petition is decided, the election term itself is over. Even if the petitions are decided before that date, they are taken to the appellate court by the losing party which takes still more time. So, by putting this type of bar, making it only a subject matter of election petition, it is a long-drawn process. The time consumed is always so much that the very purpose of election petition is defeated. In all cases, excepting a few, this has proved to be infructuous. My suggestion is this. You have a scrutiny stage after nomination. At the stage of scrutiny you can provide for some kind of quasi judicial functioning machinery to scrutinise and reject many of the nominations. For that you can provide a time limit between nomination scrutiny and decision. Whether the nomination papers are not in contravention of some provisions of representation of peoples act it is hardly two or three days for decision which can be extend by a week; law can empower the Additional Civil Judge or District Judge to review the matter and decide on so many of the facts and many of the nomination could be dealt with at that stage. But without amendment of Art. 329 (b) it is not possible.

My second suggestion is about the burden of proof which is required when one file an election petition; it is most difficult

[Shri Bir Bhadra Pratap Singh]

to prove a corrupt practice in a court of law. Why? Because the burden of proof so far to prove a corrupt practice is that which is required to prove a criminal case: One must prove a fact beyond all reasonable doubt only then one can prove a corrupt practice. But you will notice, Mr. Vice-Chairman, that hardly in one or two cases, in about 2 per cent cases, that burden of proof is discharged and corrupt practice is said to have been proved. Why can't we change this burden of proof by legislation because if it is impossible to prove, its equation with the criminal case proof is negating the provisions which our founding fathers contemplated and which wise men who drafted the Representation of People Act provided? It is only by judicial import. Nowhere the Representation of People Act provides that the burden of proof should be such, but it has been so interpreted in various judicial pronouncements. The result is that it is very difficult to prove. Therefore, we have the recent example which is unfortunate—in one of the States a political party is functioning on the basis of religion has formed a government and is running a government. But I do not think that that standard of proof to that level is required. My suggestion is that since it is based purely on judicial precedents, you can provide by legislation that the burden of proof should be like a civil case where the doctrine of preponderance of evidence should be made applicable. And Mr. Vice-Chairman, I am ending with illustrating this point. The doctrine of preponderance of evidence presupposes that the judge balances both sides of evidence, the weighty evidence should be accepted, the unweighty should be rejected. If you introduce this amendment by legislation, then law courts will be able to decide these cases of muscle power, money power, religion, caste, creed and fundamentalism. It will be easier for them. Otherwise the burden of proof which is imported by judicial precedents is an impossibility. With these two suggestions, I think we shall be able to remedy all the maladies because all other situations are contemplated under section 123 of the Representation of People Act.

SHRI B. SATYANARYAN REDDY (Andhra Pradesh): Mr. Vice-Chairman, Sir, question of electoral reform was being discussed in various forums, through media and by political parties and this important subject is also being discussed by various committees set up by some important organisations and other political parties. In this connection, I would like to draw the attention of the Minister that many recommendations have been made by various organisations/committees and even the Election Commission at different stages. The most important one was the committee that was set up by the late Shri Jayaprakash Narayan on behalf of the organization Citizen for Democracy. He set up this committee under the chairmanship of the noted jurist and leader of People's Union for Civil Liberties movement, Mr. V. M. Tarakunde, which suggested suitable electoral reforms. Thereafter, from time to time some seminars and symposia were also arranged under the auspices of the Gandhi Peace Foundation and the United Lawyers' Association, etc., where even the then Chief Election Commissioner attended some of the seminars and symposia. In those seminars and symposia, some important suggestions have been made. Even the Election Commission had accepted some of the suggestions and recommended them to the Government of India for implementation. Then, for the first time, in 1977, in view of these recommendations, a review of these recommendations was undertaken and consolidated recommendations of the committee on electoral reforms including both the unimplemented recommendations and fresh recommendations were made to the Government of India in the month of October 1977. From that time onwards, even to this date hectic discussions and efforts are being made for urgent electoral reforms in view of the many evils which my colleagues here have already revealed, and I do not want to repeat them. The committee submitted its report in 1980 after the General Elections to the Lok Sabha. After this, in 1982 the earlier recommendations were again reviewed thoroughly by the present Chief Election Commissioner on the basis of new deve-

lopments and challenges thrown up at the General Elections held during the period 1980 and 1982. One of the important recommendations made by that committee was ban on defections. Of course, a law has since been passed on that. Other important recommendations of that committee were fresh delimitation of constituencies by suitable amendments to the relevant provisions of the Constitution, creation of an election fund, regulation of donations to political parties, recommendation to the election Commission to order fresh polls in cases of destruction of ballot papers and ballot boxes, prevalence of coercion, intimidation and impersonation at the polling stations. Another important recommendation was that the law should be amended to empower the Election Commission to order repolling in the entire constituency or assembly segment of a parliamentary constituency. Of course, there are some other important items that were pleaded but not included like lowering of voting age to 18 years. There are some other recommendations that have been made in those seminars and meetings.

Then, Sir, I would like to mention here about the important recommendations made by the Election Commission.

On the 27th of March, 1983 the Chief Election Commissioner delivered a keynote address in a seminar and he made some suggestions. I do not want to repeat all these suggestions. They have been covered by earlier reports and even by the recommendations of the present Election Commissioner. But the most important recommendations made by him was about regulation of the role of political parties, safeguarding against the multiplicity of parties, then ensuring the independence of the Election Commission this is very important—use of the electronic voting machine. These are some of the recommendations that the Election Commission has made.

I would like to come to important recommendations made by the Committee which was known as the Tarkunde committee which was appointed by Jayaprakash Narayan on behalf of Citizens for Democracy in February, 1985. The important

recommendations contained in the report of that committee are:

“A convention, backed by legal sanction as mentioned below, should be developed to the effect that the Government of the day should function as caretaker Government from the time of the announcement of the dissolution of Parliament or Legislative Assembly, as the case may be, until the polling day. During this period, the caretaker Government should not (a) initiate and announce new policies, (b) start new projects, (c) grant allowances or loans or salary increases and (d) hold official functions attended by Ministers, Deputy Ministers and Parliamentary Secretaries.”

This is very very important, Secondly, it recommended:

“During the aforesaid period, Ministers, Deputy Ministers and Parliamentary Secretaries should not travel except at their own expense and should not use Government aircraft or vehicles. They should also not use government postage for election purposes nor use the Public Works Department for erecting rostrums for their public meetings. Generally, the use of Government machinery for election purposes should be stopped.”

Thirdly,

“During the aforesaid period, no member of the Government should be given time either on radio or television except such time as may be allotted to his party for election propaganda.”

Fourthly,

“During the aforesaid period, no advertisement of Government achievement should be published at Government cost and no news-reels should be exhibited at government expense for the propaganda of the Government or the ruling party.”

These are some of the important recommendations, proposals made by the Com-

[Shri B. Satyanarayan Reddy]

jttee for these electoral reforms. Then, lastly it recommended:

"During the aforesaid period, no police officers above the level of head constable and no revenue officer of class I or class II should be transferred from his post.

"By way of providing legal sanctions for the above proposals is, as many of them as possible should be included in the definition of corrupt practices by amending in the clause 7 of section 123 of the Representation of the People Act, 1951."

Sir, these are very important recommendations made by that Committee.

Then a meeting of all the political parties...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Reddy, please conclude now.

SHRI B. SATYANARAYAN REDDY: One or two minutes more. This is the last one.

Representatives of all the political parties to consider the various electoral matters was held. This was held in the month of November, 1983. It was called by the Chief Election Commission in his own office. The following six-items were also enclosed with that letter. Of course, they are on record. But some of the recommendation which the meetings made, I will read:

"The meeting of the representatives of the political parties were held on 3.12.83 in the Secretariat of the Commission as scheduled under the Chairmanship of R. K. Trivadi, Chief Election Commissioner of India."

Then "Forty-nine representatives representing 7 National, 20 States and registered parties attended the meeting.

The consensus arrived at the meeting on the item circulated and also on some other matters are explained below in brief.

The consensus was that ceiling by themselves would not serve any purpose unless that distortion brought about in the law in 1974-75 are removed. Subject to this, there was agreement that the ceiling should be revised as suggested by the commission."

Item No. 2 was revision of electoral rolls. In that the Assam election was also one of the items that came up for discussion. Item No. 3 was model of code conduct.

"It was agreed that the Model Code of Conduct for the parties should include:

(a) prohibition of financial grants in any form or promises included laying the foundation stones etc. of projects or schemes of any kind which may have the effect to influence the voters in favour of the party in power. The details may be worked out by the Commission.

(b) prohibition of the use of official aircrafts in addition to the already existing provision of official vehicles, machinery etc.

(c) prohibition against entry of Ministers in the polling stations or counting hall except in their capacity as candidates, voters or authorised agents.

It was the consensus that the Commission should re-examine legal and other implications or suggestions that the Government should amend the law that the branch of model code of conduct is treated as an electoral offence."

These are some of the recommendations made by these parties.

These parties had also agreed over the use of electronic voting machines in the entire country. Even the Elecoitn Commission has recommended for the use of electronic machines.

Fifth one, was photoidentity cards to all voters.

Sixh was about the supply of at least four copies of electronic rolls of each constituency to the recognised political parties against two at present.

Then there were other miscellaneous items which were also sent to the Election Commission:

(1) The Election Commission must implement suggestions within his jurisdiction;

(2) Ban on defection;

(3) State funding of elections;

(4) Independence of Election Commission to be ensured.

(5) Misuses of Government machinery including mass media must be prevented.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude. I am calling the next man, Shri Ashwani Kumar.

SHRI B. SATYANARAYAN REDDY: One second, Sir.

(6) Chief Electoral Officers and Returning Officers from States should be form judiciary.

(7) Age limit for voting should be 18.

These are the important recommendations made by the Election Commission.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude.

SHRI B. SATYANARAYAN REDDY: I am concluding.

I would request the Government of India to take immediate steps to bring in a legislation keeping in view all these recommendations which have been recommended by various Committee and organisations.

Lastly, I would like to say..

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude.

SHRI B. SATYANARAYAN REDDY: One second, Sir.

Then about the delimitation of constituencies, they have said it should be by

rotation. It is very important.

Then I would like to state some other important recommendations.

THE VICE-CHAIRMAN: (SHRI H. HANUMANTHAPPA): That is enough. Now I call the next man, Shri Ashwani Kumar

श्री अश्विनी कुमार (बिहार): उप-सभाध्यक्ष महोदय हम लोग चुनाव सुधार के बारे में चर्चा कर रहे हैं और निर्वाचन क्षेत्रों का पुनर्निर्धारण किस प्रकार से हो यह एक विचार का विषय है। चुनाव इसलिए होते हैं ताकि जनता की इच्छा का पता लगे कि जनता किस को चाहती है, किस ढंग से राज्य चलना चाहिये। अपने देश में आदिकाल से ही राजतन्त्र चला आ रहा है। महात्मा बुद्ध के युग में वैशाली एक गणतन्त्र राज्य था। परन्तु देश बड़ा हो जाने के कारण तथा जनसंख्या में वृद्धि हो जाने के कारण प्रतिनिधित्व का प्रश्न आता है और वह अनुपातिक प्रतिनिधित्व हो या जो अंग्रेजों का हमने हार्स रेस सिस्टम लिया है इसके ऊपर विचार करने का विषय है। आज किस प्रकार से अच्छे लोग चुनकर आयें? जो चुनाव है उसमें आज कुछ ग्रहण लग रहे हैं जैसे सूर्य और चन्द्रमा को राहु और केतु लग जाते हैं उसी प्रकार से मुझे लगता है कि अपनी चुनाव पद्धति को आज चार ग्रहण लग चुके हैं, चार राहु और केतु लग गये हैं।

सबसे पहले धन का, मनीपावर का जो उपयोग हो रहा है यह इतना अधिक हो गया है कि जिसका परिणाम भयंकर होता चला जा रहा है और सारे संविधान के अन्दर धन की व्यवस्था राजनैतिक दलों और चुनाव के लिये नहीं है। अभी चुनाव के अन्दर पिछली बार आपने संशोधन करके कम्पनीज को थोड़ा सा डोनेशन देने के लिये किया है। यह मैं समझता हूँ कि हमारे संविधान निर्माताओं ने जहाँ यह विचार किया था वहाँ मेरी छोटी बुद्धि से यह है कि धन की व्यवस्था न करके एक न्यूनता छोड़ दी है। आज जितना भी धन राजनीति में लग रहा है

[श्री अश्वि ऋमार]

चाहे वह राजनीतिक दलों पर लगे, चाहे चुनाव पर और जिसकी मात्रा लाखों, करोड़ों, अरबों हो गयी है यह सारा काला धन है। हम काले धन को रोकना चाहते हैं। नीति को ठीक करना चाहते हैं, देश की अर्थ नीति को ठीक करना चाहते हैं। परन्तु कोई भी राजनीतिज्ञ जो चुनकर आता है वह बिना काले धन के चुन कर आ नहीं सकता है। राज्य सभा में तो हिसाब नहीं देना पड़ता है... (व्यवधान)... मैं आपको बताऊंगा कि हमारे प्रदेश में इस बार जो चुनाव हुआ है उसमें एक प्रतिनिधि जीत कर आये हैं और अखबारों के हिसाब से जिन्होंने 50 लाख रुपया खर्च किया है। राज्य सभा में आये हैं। अखबारों के हिसाब से यह है मैं अपनी बात नहीं बता रहा हूँ। आप कहते हैं यहां हिसाब नहीं देना पड़ता है। परन्तु जो लोक सभा में विधान सभा में देते हैं क्या कोई 50 हजार या एक लाख में जीत कर आता है, कोई कह दे ईमानदारी से। तो हमारे राजनीतिक जीवन का शिलान्यास ही झूठ और फरेब पर शुरू होता है। जब तक हम यहां से इसको सही नहीं कर सकते हैं आगे के राजनीतिक जीवन को सीधा नहीं कर सकते हैं। आज यह काला धन देने वाले कौन हैं? बड़े-बड़े उद्योगपति, डकैत, स्मगलर्स माफिया गैंग्स हैं और बिहार में एक और क्लास है और वे आफिसर्स पी० डब्ल्यू० डी०, इरीगेशन, सेल्स टैक्स डिपार्टमेंट के होते हैं जो फाइनेंस आफ पोलिटिकल पार्टीज एण्ड पोलिटिकल बिग्स हो गये हैं। उनका आदान-प्रदान होता है कि जीत कर आते हैं तो कल को मंत्री बन कर उनको सुविधायें प्रदान करेंगे। अभी-अभी एक एक्साइज कमिश्नर के यहां छापा पड़ा और करोड़ों की सम्पत्ति निकली है। वह कई मंत्रियों का चेता रहा है यहां मैं आपसे निवेदन करना चाहता हूँ। यह जो मनी पावर है यह हमारे लोकतन्त्र को ग्रसने के लिये आ गयी है इसीलिये कोई भी स्मगलर जिसने रुलिंग पार्टी को या जो भी पार्टी हो उसको करोड़ दो करोड़ दिया है तो वह जेल के अन्दर जा सकता है कभी? यह प्रश्नवाचक चिन्ह आपके सामने खड़ा हो गया है इसकी ओर मैं आपका ध्यान आकर्षित करना चाहता हूँ।

दूसरा जो मकार, ग्रहण लग गया है वह मीडिया का है। मीडिया में आज रेडियो और टेलीवजन महत्वपूर्ण हो गये हैं। परन्तु उनके ऊपर एकाधिकार है। यह बहुत वर्षों से चर्चा चल रही है कि इस एकाधिकार को समाप्त किया जाये अगर हमको प्रजातन्त्र को जीवित रखना है तो जिस प्रकार से बी० वी० सी० एक आटोनामस बाडी है उसी प्रकार से यहां एक बाडी बनायी जाये। जनता पार्टी के रिजिम में इस प्रकार का एक बिल प्रसार भारती के नाम से बनाने का विचार हुआ था लेकिन वह बन नहीं सका। मैं मंत्री महोदय से आग्रह करूंगा कि यदि स्वतन्त्र निष्पक्ष चुनाव कराना चाहते हैं तो इस प्रकार की एक बाडी की आवश्यकता है। नहीं तो हमने देखा है 84 के चुनाव के अन्दर क्या हुआ। जो भी चुनाव के परिणाम लोक सभा में आये हैं उसके अंदर एक बहुत बड़ा मानसिक चिह्न खड़ा हो गया था, ईंदिरा जी की हत्या का उनके शव का। हम लोग गांव में जाते थे तो जो हमारे भी वोटर रहे हैं वे कहते थे कि अगर उन्होंने 32 गोलियां खा लीं देश बचाने के लिये तो क्या हम एक वोट भी नहीं दे सकते हैं। एक सेंटीमेंट उभरा था जिसके लिये मीडिया जिम्मेदार है। उसको आप निष्पक्ष चुनाव नहीं कह सकते हैं, अगर वही वातावरण होता जो दो महीने पहले था वही रहता, लेकिन वह नहीं रहा। इसलिये मेरा कहना है कि इस मीडिया को स्पष्ट करने की आवश्यकता है।

तीसरी शक्ति मिनिस्टीरियल पावर या आफिशियल पावर है। इसमें मैं आप से निवेदन करना चाहता हूँ कि सारे देश के लोगों से जो बात करते हैं तो उनको विश्वास नहीं होता है। जिस प्रकार से कलेक्टर, कमिश्नर, एस० पी०, काउंटिंग एजेंट रिटर्निंग आफिसर, थानेदार आदि अधिकारियों का उपयोग बिहार के चुनाव में हुआ है उसका मैं वर्णन नहीं कर सकता हूँ। मैं केवल एक चीज आप को दिखाना चाहता हूँ। आज चार तारीख के जनसत्ता में सीधे सीधे हेडिंग है, बिहार में मत पत्र बेमतलब हो गये हैं, चुनाव का कोई अर्थ नहीं रह गया है। अफसर लोग जिस प्रकार से किसी को चुनाव में जिताने या हराने के लिये

सक्षम हो गये हैं जिस प्रकार से बूथ कैप्चर करते हैं। सी० आर० पी० खड़ी रहती है, 6P.M. इलैक्शन के ये एजेंट हैं, कार्टिंग एजेंट हैं।

मैं एक उदाहरण देना चाहता हूँ, पिछले विधान सभा के चुनाव में हुआ है। एक तरफ से चुनाव के गिनती करते हुए बक्से आये हैं। 45 बूथ के जब बक्से बच गए जिसमें कि शाधद विरोधी दल के कैंडीडेट को 40 हजार वोट पड़ने चाहिए थे, कार्टिंग आफिसर ने वह गिने ही नहीं और रिजल्ट डिक्लेयर कर दिया। कहा गया कि इसके लिए आपको जाना है तो इलैक्शन पिटीशन में जाइये। यह अफसरों की जो ताकत है खलिग पार्टी के साथ बंध कर इतनी भयानक हो गई है कि अफसरशाही प्रजातंत्र के ऊपर ग्रहण लग रहा है और उसके अन्दर राजनीतिज्ञों का जहर भविष्य होगा परन्तु जनता पिसती जा रही है। जनता को जब चूसते हैं, लूटते हैं तो कुछ भी बोलने की क्षमता नहीं रह जाती है। इसलिए मैं निवेदन करना चाहूंगा कि इसके ऊपर भी विशेष ध्यान करने की जरूरत है। इसके साथ-साथ जो असल पावर है, बूथ कैप्चरिंग हो रही है उसका वर्णन आया है, वह धीरे-धीरे बढ़ती जा रही है। यह जो समाज विरोधी तत्व हैं ये राजनीति के ऊपर हावी होते चले जा रहे हैं। इन शब्दों के साथ मैं इन चार बातों की ओर आपका ध्यान आकर्षित करूंगा। इतना ही कहना चाहूंगा कि ये बातें ऐसी नहीं हैं कि आपको पता नहीं हैं। अब चुनाव सुधार होने चाहिए इसके बारे में लगभग सभी एकमत हैं। परन्तु श्रौ मंत्री महोदय से और आज के प्रधान मंत्री जी से आग्रह करना चाहूंगा कि देश के भविष्य की ओर दृष्टि डाल, अगली पीढ़ी की ओर दृष्टि डालें लेकिन अगले चुनाव की ओर दृष्टि नहीं डालें। अगले चुनाव तक सीमित रहेंगे तो यह पतनता रहेगा और आप जीत कर आते रहेंगे, परन्तु एक दिन देश के अन्दर भयानक विस्फोट होने की स्थिति उत्पन्न हो जाएगी। अगर अब आप सोच लेते हैं कि यह आपके हित में है, आपकी पार्टी के हित में है तो जिस चीज के बारे

में आप कहते हैं कि यह संभव नहीं है उसको भी करने में आपको देर नहीं लगती है। मैं केवल एक छोटा सा उदाहरण देना चाहता हूँ। 21 नवम्बर, 1983 को राज्य सभा की डिस्कशन में कौशल जी ने कहा कि हमने एक सव कनेटी बनाई है जो जल्दी से सुधार करके लायेगी।

I will try to finish the exercise as soon as possible. It is interested to note that Shri Kausal It linked electoral reforms with anti defection law and cited the difficulties in framing a proper anti-defection law as reasons why electoral reforms has not been introduced

इस प्रकार का कौशल जी का कहना था कानून मंत्री जी के हिसाब से परन्तु जब चुनाव में भारी बहुमत मिला आपको लगा कि यह कबो बिखर सकता है आपको लगा कि यह एक अच्छा काम करना चाहिए। परन्तु आपने स्वार्थ में किया और आपने तुरन्त उसके लिए एंटी-डिफेक्शन बिल पास किया हम उसके लिए बधाई देते हैं, धन्यवाद देते हैं, भले ही आपने राजनीति से किया या अपने स्वार्थ के लिए किया। मैं इतना ही निवेदन करना चाहता हूँ कि आप राजनीतिक संकल्प करें, क्रिएट ए पोलिटीकल बिल कि हमको देश के अन्दर सुधार करना है। अगर राजनीति के अन्दर स्वच्छता लानी है, अगर आप प्रधान मंत्री का चेहरा मिस्टर क्लीन के नाते से साफ रखना चाहते हैं तो इसके लिए इलैक्टोरल रिफार्म्स लाना आवश्यक है। इसके अन्दर आपकी जो मान्यता है जो आपके कथन है वे कसौटी पर कसे जायेंगे कि आप मिस्टर क्लीन का एक चित्र बनाना चाहते हैं और वास्तव में आप देश की राजनीति में एक परिवर्तन लाना चाहते हैं। इसके साथ-साथ यह एक आपकी पोलिटीकल बिल को चुनौती है। आपका समय आया कि आप क्या कर सकते हैं? परन्तु मैं आपसे थोड़ा सा निवेदन करना चाहूंगा जैसे मेरे मित्रों ने कहा, मैं 10-12 प्वायंट्स

[श्री अश्विनो कुमार]

आपके सामने रख रहा हूँ जो आपने विचार किए हैं।

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा):
अभी आपको खत्म करना चाहिए।

श्री अश्विनो कुमार : एक विषय की ओर कहना चाहूंगा। डी-लिमिटेशन के बारे में कहना चाहता हूँ। आपने अन्यो को बहुत समय दिया। आप इतने कृपण नहीं हो जाइये। ... (व्यवधान)

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा):
आपको भी समय मिला है।

श्री अश्विनो कुमार : यह डी-लिमिटेशन जो होना है इसके अन्दर रोटेशन अत्यन्त आवश्यक है। एक कांस्टीट्यूएन्सी है जो सन 1952 से लेकर आज तक शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स रिज। कांस्टीट्यूएन्सी है, उसका बदला जाना निहायत आवश्यक है। एक जिला है जहाँ पर कि 15 में से 13-13 कांस्टीट्यूसीज शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स की है और 2 जनरल कांस्टीट्यूसीज है और वह इंडस्ट्रियल डिस्ट्रिक्ट हो गया है। थेरांची का उदाहरण देना चाहता हूँ। वहाँ एच०ई०सी० और इतने बड़े-बड़े कारखाने हो गए हैं, उसमें सारा शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स है। इनकी रोटेशन होनी चाहिए, यह अत्यन्त आवश्यक है जैसे मेरे आदरणीय मित्र श्री गुणपदस्वामी जी ने कहा यदि आप वास्तव में डी-लिमिटेशन करना चाहते हैं तो अगले सेशन के अन्दर आपको बिल पास करना चाहिए, क्योंकि डी-लिमिटेशन के लिए कम से कम दो वर्ष लगते हैं और पांच वर्ष के आगे के पूर्व जो एक चित्र उपस्थित होता है चुनाव होने वाले हैं तीन वर्ष के बाद इसलिए उसके पहले हो तो ज्यादा अच्छा रहेगा। अन्त में मैं केवल इतना ही कहना चाहूंगा कि खर्चा कम करने की दृष्टि से, प्रशासनिक दृष्टि से विधान सभा और लोक सभा के चुनाव एक साथ जहाँ तक संभव हो कराने का प्रयत्न करें। दो और तीन महीने

का अन्तर न करें। एक चीज की ओर अन्त में आपका ध्यान आकर्षिक करूंगा प्रजातंत्र की नींव जिला परिषद और ग्राम परिषद से आती है, लेकिन उनके चुनाव प्रांतों के अंदर वर्षों से नहीं हुए हैं, 11-12 वर्षों से नहीं हुए हैं। मैं आपसे निवेदन करना चाहूंगा कि आप विचार करके इलेक्शन कमीशन की जुरिडिक्शन में उसको लाएं और स्टेट इलेक्शन कमीशन बनाएं ताकि उनके भी चुनाव नियमित रूप से हर पांच साल के बाद हों। उसके बाद स्थिति आज यह है कि बिहार विधान-परिषद के अन्दर लोकल-बाडी का कोई प्रतिनिधि ही नहीं है क्योंकि चुनाव ही वहाँ 12 साल से नहीं हुए हैं और उन परिषदों के नोमिनेशन की प्रथा आज खोलने का प्रयास किया जा रहा है।

अन्त में, मैं एक वाक्य के अन्दर मंत्री महोदय से निवेदन करना चाहूंगा कि आगे की, भविष्य की दृष्टि से एक राजनीतिक संकल्प बनाएं, एक पोलिटिकल बिल बनाएं और प्रजातंत्र को स्वस्थ और समृद्ध बनाने के लिए इन चुनाव सुधारों को शीघ्र से शीघ्र लागू करें।

RE. MINISTRY OF FINANCE NOTIFICATIONS PROPOSED TO BE LAID ON THE TABLE OF THE HOUSE

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Sir, I am on a point of order. We have received the Revised List of Business at 5.30. We have received a Supplementary List of Business according to which these notifications under the Customs Act have been issued today. My point of order is: What is the necessity that these papers should be laid on the Table of the House by the Minister concerned at 6 p.m.? They could be laid on the Table tomorrow. The Customs Act does not require that these papers should be laid on the Table on the same day on which the notifications are issued.

SHRI NIRMAL CHATTERJEE (West Bengal) Sir, I am also on a point of order. This issue was raised in the past that just before the closing of Parliament Session the Finance Ministry had the habit