

SHRI S. W. DHABE (Maharashtra) Sir, it is already 2 o'clock.

SHRI BHUVNESH CHATURVEDI: I am concluding in a minute. So, we must be on guard about this new slogan of genuine non-alignment. All these people who tacitly want to give a twist to our foreign policy are raising the slogan and we must be on guard against these tactics.

In the end, I feel that our foreign policy is not limited to the House or to the Government. The whole nation should be involved in it. The whole nation should be educated on these issues. Foreign policy is nothing but our home policy projected in international fields. Therefore, the whole nation should clearly understand what issues are before us what issues are concerning our national interest.

This is all that I have to submit _

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): The House is adjourned till 2.30 P.M.

The House then adjourned for lunch at two minutes past two of the clock.

The House reassembled after lunch at thirty-four minutes past two of the clock, the Vice-Chairman (Shrimati Kanak Mukherjee) in the Chair.

RESOLUTION SEEKING APPOINTMENT OF A COMMITTEE TO STUDY ELECTORAL REFORMS

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): First Shri Anand Sharma to move the Resolution. He is absent. Then Shri S. W-Dhabe to move his Resolution regarding electoral reforms.

SHRI S. W. DHABE (Maharashtra): Madam Chairperson, I beg to move 2Q/RS—9.

the following Resolution which is very important:

"Whereas it is necessary to take the following steps, namely;

strengthen Indian democracy and make it more people-oriented;

implement provisions in Part XV of the Constitution of India in letter and spirit:

reduce the age of voting from 21 to 18 to make the adult suffrage more broad-based;

drastically cut the election expenses to bring them within the reach of the poor;

radically change the election law so as to eliminate many malpractices;

implement various recommendations, reports and decision with regard to electoral reforms;

State should share reasonable part of election expenses; and

control and regulate by law the formation and functioning of political parties including auditing of their accounts and making them public; this House recommends that Government should appoint a high-powered Committee consisting of 15 members of this House under the Chairmanship of the Union Minister of Law to study various aspects of electoral reforms and submit a comprehensive report to the House within 3 months suggesting amendments to the Constitution, various laws relating to elections to Parliament and State Legislatures, as also other steps that should be taken to make democracy truly representative of people, curb the evil effects of money power in elections, eliminate corrupt practices and to maintain the purity of elections so essential for the proper and healthy functioning of our great democracy." Madam, electoral reforms is a very important subject. Ours is the big-

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gest democracy in Asia and also the biggest parliamentary democracy in this part of the world. We have got an institution of Election Commission enshrined in our Constitution and it has been working well, in spite of all the infirmities, during the last so many elections.

The elections have resulted in reflecting the will of the people but it cannot be said that the true will of the people is reflected through the instruments which are created, the laws which we have got, for electing their representatives. We have got an Act and Part XV of the Constitution provides for elections. It has been the intention of the legislation that elections must be held simultaneously. Section 14 of the Representation of the People Act 1951 clearly provides that elections must be held throughout the country at one time. Subsection (2) of section 14 provides— under the heading "Notification for general election to the House of the people" as follows:—

"For the said purpose the President shall, by one or more notifications published in the Gazette of India *on such* date or dates as may be recommended by the Election Commission, call upon all Parliamentary constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder

So, it is obligatory under section 14 of the Representation of the People Act that all elections to Parliamentary constituencies must be held before Parliament is constituted. Now we have got the unusual phenomenon that in two most important States like Assam and Punjab we could not hold elections. This is a very serious matter. The President was required to issue an Ordinance to amend the law so that elections in Punjab need not be held.

The second question which has come up and which has been engaging the attention of jurists and others is about the implementation of the provisions of Part XV of the Constitution, that is, about the constitution of the Election Commission. Part XV of the Constitution provides for the election procedure. Clause 2 of Article 324 of the Constitution says:—

"The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and! the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to, the provisions of any law made in that behalf by Parliament, be made by the President."

So, clause 2 of Article 324 of the Constitution contemplates that the Election Commission shall be composed of more than one member. But it is not clear and I could not find any reason why up till now this provision has not been implemented in letter and spirit. Will it not be profitable to consider at this stage whether we should have a three-member Election Commission or one-member Election Commission is good? The Law Minister is sitting here. He is a lawyer and knows that a full-bench is better than a single-Judge bench in judicial pronouncement, what they say, in judicial administration or administration of judiciary.

There is also a provision which is also being debated. That is about the adult franchise. Article 326 provides:

"The elections to, the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made

by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election."

So, this provides that Parliament by law can reduce the age of voting. Under Article 326 it has been provided that it should be 21. Many municipal laws have provided now that the age of voting should be 18. Will it not be desirable that to involve more youth we should reduce the age requirement for the voters in this country? And the question, therefore, before the House is which I have suggested in my Resolution, that the voting age should be less than 21 and it should be 18.

There is another aspect which has come to our notice and the notice of the entire country, that there can be fraud on the election law. Assam is a typical example. Assam elections were held, the Assembly elections, in which people have been declared elected to the Assembly, in one lakh voter constituency, getting 90 or 100 votes. That situation was never contemplated. Even they got less number of votes than those required for saving of deposits. Sixteen MLAs were said to have then less getting elected each in the Assam Assembly elections. There is no minimum percentage of votes prescribed for a person to get elected though there is the minimum requirement of votes prescribed for saving of deposit. The Assam Assembly elections have shown that our laws have infirmities so far as the election process is concerned.

The other aspects are well known, and I will deal with them seriatim.

About the code of conduct, the Election Commission, every time when a notification is issued, issues a code of

conduct for the parties, and especially the ruling party should observe it. They should not make new announcements. The code of conduct issued on the 16th of November says that they should not announce any new projects that they should not give any new promises to the people, and that they should not hold ceremonies like of *bhoomipujan* of new undertakings. In my State at *Bhandara* on the 16th of November the *bhoomipujan* of a steel project was done with Mr. Salve, Minister of State for Steel and Mines, as Chairman and the Chief Minister of Maharashtra, Shri Vasant Dada Patil, as the Chief Guest. Thus, the code of conduct which has been issued from time to time is only followed in breaches. In fact, this is not new. It is based on a report.

One report, I know, is of a committee, popularly known as the Tar-kunde Committee. It was appointed by Shri Jayaprakash Narayan on behalf of the Citizens for Democracy in February, 1975. And the report of the Committee on Electoral Reforms says, and I quote:

"The convention backed by the legal sanction as mentioned below should be developed to the effect that the Government of the day should function as a 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".

It further says and I quote:

"During the aforesaid period, Ministers, Deputy Ministers and Parliamentary Secretaries should

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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".

In spite of the Election Commission's tacit directives on the code of conduct, we all know, they are not being followed either by the Central or State Governments in many parts of the country.

Recently, the Members of Parliament staged a *dharna* before the Election Commission Office on Bihar Issue. The Returning Officer there declared first a C.P.I. Member as elected and a certificate was also issued to him to this effect. But, subsequently he has changed the order and declared another candidate belonging to, the ruling party. It is surprising to know that two certificates were issued by the Returning Officer. When all these Members went and protested about the change of order, his reply was quite funny. He merely said that he was helpless in the matter and advised the agitating members to file an election petition in the court. This is the state of affairs with regard to the declaration of election today.

Another aspect which requires consideration is large scale violence taking place during election periods. In the recent past we have seen at many places violence has affected elections and people could not cast their votes. Election expenses are increasing and at the same time corrupt practices are also increasing which I need not state here, because everybody knows it. With every election, there is an increase in the growth of number of political parties. Even the number of

candidates contesting is also increasing. In one constituency at least 90 candidates were in the fray. In Bel-gaum constituency in Karnataka, there were 324 candidates in the fray. So, with every elections expenses are going up and up. It is a well known, fact that the expenses which) the candidates are incurring are much more than the prescribed by the Election Commission.

It is, therefore, imperative for us to consider as to what should be election law at present where reforms are urgently required.

Madam, Vice-Chairman, I would like to submit that if Parliament democracy is to be effective and successful, the election process must be clean and should be available to the poorest of the poor. It should be able to regulate the political party system in our country. As the Government has to govern, an opposition has to criticise, it must be vigilant. Under the election system, the Opposition of a sizeable number should also be able to emerge. In fact, the Opposition Parties also have now acquired a recognised status in the heirarchy of the democratic institutions in our country. What is the history? If you want to consider this election reforms, you must take the views of the Opposition Parties views also. It is very unfortunate that though this debate has started in 1970, we have not been able to make much headway. There was a committee in 1970 and certain recommendations were made. Comprehensive proposals were made by the Election Commission to the Ministry of Law. Then they were again considered by the joint Committee of Parliament. They proposed amendments to the election law. The Central Government thereafter prepared a Bill to amend the Representation of the People Act, 1950 and 1951 and introduced the same in Lok Sabha in December 1973. And the Bill lapsed on account of dissolution of the House in January, 1977. This shows how much we are concerned with electoral

reforms and what sort of treatment was given to this Bill. This was not a Bill which incorporated all the recommendations. This Bill incorporated only some recommendations. Other recommendations had been left out. After 1977, the Janata Party came to power and a review was made. They also made certain proposals. The Tarkunde Committee Report is famous. After the January elections in 1980, in 1982 the Election Commission made some important recommendations and sent them to the Government. The main recommendations which were made by them are as follows: First, there should be a ban on defections. For this no amendment to the Constitution was felt necessary. A suitable amendment to the Representation of the People Act, 1951 regarding disqualification was considered sufficient. This recommendation has already been implemented and the Constitution has now been amended. I want to point out at this stage that this amendment is not sufficient. It is necessary to amend the Constitution further to bring within its purview the elections to local bodies. In our country municipal elections or elections to corporations or zila parishads are held after 10 to 15 years. And wherever there are Legislative Councils—there are eight important States where we have got Legislative Councils—the local bodies have got representation in them. In my own State, for the last 10 to 12 years there is no representation of the local bodies in the State Legislative Council or in the Vidhan Parishad as it is called, because elections to the local bodies are not held. In some States elections are not held even for 15 to 20 years. The Karnataka Council faces the same problem because elections to the local bodies are not held. Therefore, in order to make grassroot democracy effective, my suggestion is that the Constitution should be amended to bring within the purview of the Election Commission, the elections to local bodies, specially zila parishads, Municipal

Councils and corporations so that the Upper Houses in the States can also function effectively and elections to the local bodies can be held regularly every five years.

Another recommendation which has been made by the Election Commission in 1982 is the creation of an Election Fund. It recommended that the Fund should be created and allowed to be operated under the full control of the Election Commission with the assistance of financial advisers chosen for the purpose, with norms laid down for administrative purposes. It also made a new proposal to ensure the same privileges and safeguards in the matter of secretariat and staff of the Election Commission as are available to other constitutional bodies like Parliament, the Supreme Court, the Comptroller and Auditor-General and the UPSC and to make the expenditure of the Election Commission a charge on the Consolidated Fund of India. This is also an important recommendation. I will not read all the recommendations. I will make submissions on some of them.

Another recommendation is that power be vested in the Election Commission to direct the State Government to file a complaint in respect of any breach of official duty of an officer in connection with the preparation and revision of electoral rolls and conduct of elections and initiation of criminal action which should be binding on the Government. In this connection, I would only like to cite an example again from Bihar where one Minister with police staff went to a polling booth and forcibly captured the booth, took away the ballot papers and stamped them. The officer could not be given any protection because he was under the State Government. Therefore, this recommendation is very important that the Election Commission should have some powers to deal with such matters. In fact, that Minister was to be prosecuted for

[Shri S. W. Dhabe] committing a theft and a complaint was filed. But subsequently, in the Assembly elections the same man was given a ticket by the ruling party in that State. Clause 6 is very important. The recommendation made by the Law Commission under this clause is very important but no attention has been paid to this up till now. The law should provide for defining "political parties". The Election Commission should be empowered to make regulations to deal with matters. The recommendation provides for compulsory registration of political parties for compulsory maintenance of accounts, compulsory audit of accounts by an agency to be named by the Commission and submission of the report to the Commission. This is a very important aspect of political life. Some may agree and some may not agree. But today the whole democracy is functioning through the political parties. Political parties set up their candidates and they are elected. It is the common allegation made by the leaders of political parties that large funds are taken from capitalists for the conduct of elections and those who get more funds naturally get more number of candidates elected. Crores of rupees are spent on advertising, on travelling. Even though membership fee is not collected from members, political parties are known to have huge funds the sources of which are not known. It is alleged that even foreign money comes and political parties are financed for the elections. Therefore, in some countries like West Germany a law is made, there is a legislation to regulate political parties. The only regulation that the Election Commission in India has done is about symbol. A symbol is given to the political parties for the purpose of election. Therefore, my resolution demands that this aspect of our political life should be scrutinised and a legislation brought on those lines. No. 9. No. 10 and No. 11 are very impor-

tant recommendations. The Commission should be empowered to order fresh poll in case ballot papers are tampered with, impersonation and so on. The Commission should be empowered to order repoll not only in a segment of a parliamentary constituency, but in the entire constituency. They should also have power to cancel an election.

In some cases the Election Commission is not given powers to cancel elections. In Jammu and Kashmir under certain circumstances the State laws provide that an election can be cancelled. It is very essential that wherever booth capturing takes place, the Election Commission should be empowered to cancel the entire election. If purity is to be maintained, this power has to be given and it can act as a great deterrent to those who try to capture booths and get elected by unfair means. Then, the Law Commission also made a recommendation in September, 1982 which the Government has not so far accepted—that elections to the House of the People and the Legislative Assemblies of the States should be held simultaneously.

This is a very healthy recommendation. I do not know why the Government has not accepted it up till now. Now we have a phenomenon of having elections to Lok Sabha in January and then just two months after are held elections to the State Assemblies. If elections to both the Lok Sabha and the State Assemblies are held together, the election expenses will be less, the workload on the administrative machinery for manning the elections will be less, of course, it may be advantageous to some persons or some political parties to have separate elections. But in a democracy it is very essential that election should be less expensive and we should not unnecessarily spend money. From this point of view it was a very important recommendation made.

3 P.M. Having regard to the above considerations, the Election Commission is strongly of the view that a stage has come for evolving a system

by convention, if it is not feasible or possible to bring about a legislation, under which the General Elections to the House of the People and the Legislative Assemblies of the State are held simultaneously. After all, such an arrangement worked immensely satisfactorily up to 1967. On the 27th May, 1983, again the Chief Election Commissioner had said in one seminar in New Delhi, at the Institute of Constitutional and Parliamentary Studies, something about this and he made seven important points, namely, regulation of the role of political parties, safeguarding against the multiplicity of parties, curbing of the role of money power in the elections, ban on defections, safeguarding against the misuse of the official machinery, ensuring the independence of the Election Commission, holding of elections to the Panchayats and the Zila Pari-shads simultaneously so as to enable them to fill the vacancies in the Upper Houses, and so on and so forth. These points have been repeated time and again. But they have not been given the importance which should have been given by the Government. It is not a question of one party or the other, but it is something which affects entire people. Therefore, I have canvassed in my Resolution for all these things and I want this House to consider them seriously. It is a question affecting all the people of the country and if it is a question which would affect the democratic fabric in the country and if these things are not given the consideration which they deserve, then the democratic fabric would be at stake. If we do not bring about the changes that are needed, then the people may lose their faith in the elections and if the elections become too costly for an ordinary man to fight, then the current will be against the system itself and it will destroy all our democratic institutions. Therefore, it is very essential that the election expenses are reduced and the Government machinery remains independent and impartial. In this context, I would like to Quote what Rajaji

has said in his well-known book, "Rescue Democracy from Money Power". He has said therein-

"The permanent officials of the State must be presumed to be, and should be gradually trained to be, strictly non-party in their administrative acts including election work. Otherwise there is no chance for democracy. Administrative duties should be done with strict judicial impartiality. Those who run the administration as permanent officials should be disabused of the prevailing notion that part of their loyalty is to help the ruling party to win."

He has further said in the same book:

"At present, elections are practically a private enterprise with large capital investments. This is unadulterated evil and should go, being replaced by the State taking over the greater part of the work and of the expense on a strict nonparty basis. Over and above this and indeed topping it all, the ruling ministers should hand over their reins of office at least six months before polling day to the President of the Union and the Governors of the States, as the case may be, who should run the administration with the assistance of the permanent officials. The census operations should be the model for the electoral arrangements. This will clean the whole atmosphere of the many foul infections that now prevail during election time."

What Rajaji has said in his book is equally true in the present circumstances also. The election expenses have got to be reduced, if the common man cannot fight the elections because of the cost, then the election machinery and democracy have no meaning for him. Therefore, the question of reducing the election expenses becomes important. Then, the voters can be given cards like identity cards to go to a particular book and cast their votes. This can be done by the Gov-

[Shri S. V. Dhabe] ernment and the Election Commission can distribute such cards. There are many other suggestions like this and I do not want to take the time of the House. I would like to say only that many of these things are pending for a long time which require immediate attention. Now, we are out of the elec- [tions and two important elections are already over. Now we can certainly consider these aspects more dispassionately and with a clear mind so that we can strengthen our democratic set-up. Under these circumstances I would suggest that a committee may be appointed and they may report within three months suggesting amendments to the Constitution and election law or any other steps which will be conducive for strengthening our democracy.

I, therefore, request the House to accept my Resolution and take the necessary steps.

SHRI CHATURANAN MISHRA (Bihar):
Madam, I beg to move the following amendment to the Resolution:

"That in line 6, *after* the words "letter and spirit" the words "and also amend it suitably to introduce the system of proportional representation to begin with in the Vidhan Sabha elections be *added*."

The questions were proposed.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Now, the Resolution and the amendment are open for discussion. The Minister concerned may reply after that, and then the mover will reply. Now, Shri Adinarayana Reddy. Not there. Shri Mostafa Bin Quasem.

SHRI MOSTAFA BIN QUASEM (West Bengal): Madam Vice-Chairman the formulation of the Resolution moved by hon. Member Mr. Dhabe re-

veals that he wants to highlight the urgency of comprehensive electoral reforms in our country in order to sustain a healthy parliamentary democracy. In principle, I support the Resolution.

Madam, comprehensive electoral reforms in our country are all the more necessary. And it has gained an added importance in recent years particularly in view of the large-scale violence that has taken place in different parts of the country during the elections to the Parliament and even to State Legislatures. In the last elections, both parliamentary elections and State legislature elections, and even in bye-elections, the country has seen that in some states violence was very much there. There were cases of booth-capturing by using physical force and like that. This situation is there. But had the situation not been so, electoral reforms would even then be justified because of certain serious deficiencies in the existing electoral laws, deficiencies and drawbacks in the administrative set-up related to the election process.

Madam, I think the main evils in the entire electoral process of our country today are the money power and the muscle power. Some of the political parties are also talking of these things, that money power and muscle power are playing a role in the electoral process. That is also evident from the elections held in our country, and particularly elections held during the recent years. Now, for sustaining healthy parliamentary democracy in our country an essential pre-requisite is definitely a free and fair election. But the money power and muscle power are polluting and endangering free and fair elections in our country and day by day they are becoming more alarming. I would like to point out that this role of muscle power and money power cannot be looked at as something isolated from our total political system. These are just symptoms of the disease.

These are not the diseases themselves. If these are considered to be the maladies of the electoral system and definitely these are the maladies of the electoral system, these maladies result from the basic malady of our socio-economic system. The muscle power and the money power are not the results of the electoral process itself. These are the natural offshoot of the exploitative social and economic systems prevailing in our country. It is not a fact that violence is resorted to only during the elections. It is not a fact that muscle power plays its role only during the elections. It is not a fact also that money power plays this role only during the elections. The fact remains that money power is used not only to bribe the voters during the elections but at all times. When there are no elections in the country, money power is used by the owning classes of the society to corrupt individuals, to corrupt groups belonging to all sections of the people and even to corrupt administrators. I am sorry to say that even some political leaders are also corrupted thereby. So, this is the game played in our exploitative society by the owning classes in order to uphold their own interest, in order to get hold of the State machinery to use it for fulfilling their own interests. They use money power even when there are no elections. The electoral process is not isolated from the total political system. So, when the elections come, money power is used to influence elections. The same is true of the muscle power. It is our experience in this country that the bourgeois feudal classes who are exploiting the working people through economic means, make use of physical force against those who want to resist their exploitation. This is found in the cases of strikes in our country, agricultural struggles and mass demonstrations. Our experience is that this muscle power is used to do away or to suppress legitimate aspirations of the people of our country. When the elections come, that muscle power is being

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used with the same end in view. I think that whatever may be the constitutional or legislative measure adopted, it is not possible to entirely do away with these evils which are endangering the political system of our country unless the very socioeconomic system prevalent in our country is changed, unless we are able to establish a free society replacing the existing exploitative society. I do not have that much of optimism that by introducing the legislative measures, by making such changes here and there, we will be able to strike at the very root of the evils which are vitiating the overall political atmosphere in our country and particularly the electoral process prevalent in our country. Even then, I do believe that certain well thought-out steps in the form of reasonable Constitutional amendments, parliamentary legislation and the remodelling of the administrative set-up may to some extent counter this evil effect. And the benefit—even one may call it a fringe benefit—I think, lies there. So, there is an urgent necessity even in the present set-up for resorting to certain methods so that the situation may be improved.

Madam, you are aware and, I think, the hon. Members are definitely aware that one central defect in the electoral process of our country and this is our experience that for the last several years a party getting the minority of voters' support is winning elections and forming the Government at the Centre as well as in some States. I think, this is not in keeping with the

true principle of democracy, particularly parliamentary democracy. Attempts should be made at least to eradicate this defect which, to my understanding, constitutes to be the central defect in the present electoral system of our country. Herein arises the question of how to root out this defect. And my suggestion is this, and for that matter, I support this part of the amendment moved by hon. Shri Chaturanan Mishra, that there should

[Shri Mostafa Bin Quasem] be a proportional representation system. I agree with this part of the amendment proposed by Shri chatura-nan Mishra.

Madam, I would like to point out that the present electoral system in our country is to be replaced by one variety or the other of what is called proportional representation. Now, whatever may be the variety of that system, it must ensure that every political party or group or even individuals should place a list before, the electorate and get representation in proportion to the voters' support that party or group or even the individual gets. If the present electoral system is replaced by a system of proportional representation, that will go a long way to mitigate the central defect of our electoral system. And the proportional representation system has got certain distinct advantages. I need not go into the details. I would like to point out that another evil in the electoral system and in the body politic of our country is the evil of defection, that is the practice of the elected representatives changing their parties after being elected. It is heartening to note that the Government did take the initiative to formulate an Anti-Defection Bill and an anti-defection measure has been enacted in our country through Constitutional amendment. But still I remember very cautiously that it was expressed in this House and it was even said by the hon. Prime Minister, Shri Rajiv Gandhi, that even after the passing of that Act certain grey areas remained still to be covered and we were very much expecting that the Government will be and should be faithful to its commitment that the uncovered areas will be covered subsequently. What I want to emphasise is this, that if the system of proportional representation that is accepted to replace the present electoral system, that will be an additional antidote to, the tendency of defection which may this way or that way re-

main even after the passing of the Act banning defections. So, I would request the Government and all concerned to give a serious thought to this suggestion, which is not coming from me alone. This suggestion has been floated by at least two or three political parties in our country, the party to which I belong, the Communist Party of India (Marxist), has long been trying to impress upon the Government that a system of proportional representation within this present set-up, can play a very vital role because this system has definitely certain advantages over the present system. I would request the hon. Minister to take into consideration the suggestion and I will be very much expecting that an honest attempt will be made by the Government to, translate this into practice. I am aware of the fact that certain things are not directly covered by the Resolution moved by Mr. Dhabe, but I seek your permission, Madam, to refer to some such things, which, though not directly related, are not quite out of place in the context of the present discussion.

Now, we have adopted a federal system of Government in our country. And one particular principle of the Federal system of Government is this that in the upper house of the Central Legislature, and in our case the Rajya Sabha, the States, whatever may be the size and population, should have equal number of representatives- That is in keeping with the federal principle. I may cite instantly so many-cases. For instance, in the Soviet Union, Madam, you know, that the Central Legislature is the Supreme Soviet. It has got two chambers, the Soviet of the Union and the Soviet of Nationalities. The Soviet of Nationalities of the Supreme Soviet, is equivalent to the Council of State's, or Rajya Sabha of our country. Each Union Republic there sends 32 representatives to the Soviet of Nationalities, it does not matter what the number of people residing in a particular Union Republic is, or what geographical size

of the Union Republic is. Even in the United States of America, the Senate consists of 100 members and there are 50 States of the United States of America each sending two representatives each to the Senate, which is the Upper House of the American Congress. What I want to emphasise upon is that equal representation of the States in the Council of States is in keeping with the federal principle. Since it is not quite unrelated to the I have mentioned it.

Before I conclude, I would like to emphasise one more point. Hon. Mr. Dhabe also referred to it. Our Constitution provides for Election Commission which is at the helm of the affairs of the elections to Parliament as well as to State legislatures of our country. I think a multi-member Election Commission, a broad-based Election Commission, is definitely preferable to the present composition of the Election Commission. The Constitution provides for that. There is a provision for other members also in the Election Commission. And I think it is high time the Government should give serious thought to this aspect because a multi-member or a broad-based Election Commission will be cap-

able of tackling the stupendous task that it has to face. Secondly, we all know, the Election Commission is also

endowed with a quasi-judicial function and if the Election Commission is composed of several members, the decision taken, while discharging this quasi-judicial function, will be more acceptable by all and that will carry more respect. So, I would ask the hon. Minister to take into consideration what, with your permission, I have just referred to. -

Before I conclude, I would like to say that there have been concrete suggestions for electoral reforms before also. Mr. Dhabe has, in his concluding portion of the Resolution, spoken of appointment of a Parliamentary Committee. Such committees were there before. Their recommenda-

tions were also there. There were certain recommendations of the Election Commission itself.

SHRI S. W. DHABE; There was change of circumstances.

SHRI MOSTAFA BIN QUASEM: There may be change of circumstances. What I want to point out is not that: concrete, fruitful, positive suggestions are lacking. Such suggestions are already there. But a total lack of will on the part of the ruling party and its Government at the Centre is the main hinderance to any effective electoral reforms being possible because I think that the chief beneficiary of the deficiencies and the drawbacks of the electoral system, has so long been the ruling party at the centre and its Government. With these remarks, I conclude.

श्री हयातुल्ला खन्सारी (नाम-निर्देशित): वाइस-चेयरमैन साहिब, मैं मुबारकबाद देता हूँ धाबे जी को कि उन्होंने एक बहुत अच्छा रेजोल्यूशन पेश किया है। दलबन्दी के खिलाफ जो बिल पास हो चुका है उसके बाद यह बहुत जरूरी हो जाता है, उस की कार्रवाई हो जाता है। मुझे एक वाक्या याद आ रहा है। जब जवाहरलाल जी प्राइम मिनिस्टर थे तो बंगाल में बहुत डिस्टर्बेंस हो रहा था। पब्लिक मीटिंग्स नहीं हो पाती थीं। जलूस और जल्से निकल रहे थे और बहुत हंगामा हो रहा था उस जमाने में जवाहरलाल जी ने राय दी कि इलेक्शन करा दो। समझ में नहीं आया कि इलेक्शन से क्या हो जाएगा? इलेक्शन हुए, पीसफुल इलेक्शन हो गये। इलेक्शन से लोगों के दिल ठंडे हो गए। उनकी समझ में आ गया कि हमें ऐसा करना है। यह ताकत है इलेक्शन की। लेकिन आज ऐसा नजर नहीं आ रहा है। पंजाब में इलेक्शन हुए, उसके बाद जो पार्टी हार गई उसने वह हंगामा किया कि आज तक चल रहा है। असम में भी इलेक्शन हुए। जो पार्टी हार गई, उसने बेइतिहा हंगामा किया। यही हाल

[श्री ह्यातुल्ला अन्सारी]

आज गुजरात में हो रहा है। वहां पर जो पार्टी हार गई, उसने नई नई शक्लें निकाली हैं।

एक चीज जो इन हंगामों में काम आती है, वह है कम्यूनलिज्म। असम में हो या पंजाब में हो या गुजरात में, जहां भी हंगामा हो रहा है वहां पर कम्यूनलिज्म को भड़काया जा रहा है। इसका मतलब यह है कि हमारे इलेक्शन वह काम नहीं कर रहे हैं जो करने चाहिए। हमारे इलेक्शन ठंडक नहीं पहुंचा रहे हैं बल्कि और आग लगाते हैं। वे लोग समझते हैं कि जब और रास्ते बन्द हो गए हैं तो हंगामा करो। एक पार्टी के लीडर ने तो यहां तक कहा था कि हमको सड़कों पर निकलना पड़ेगा क्योंकि हमारी डेमोक्रेसी फेल हो गई है। तो उनको हारने से ऐसा लगा कि कुछ दंगा-फसाद कराना चाहिए।

इलेक्शन में दो चीजें काम आती हैं। मनी एण्ड मैसेज। लेकिन जो चीज अमरीका में हो रही है वह सब लोग जानते हैं। ब्राइस प्रेसिडेंट के इलेक्शन में कोई भी खड़ा हो सकता है लेकिन सब जानते हैं कि वहां पर 15 फेमिलीज जो कर सकती हैं उतना कोई नहीं कर सकता। इतना सपना इतनी पावर चाहिए कि 15 के अलावा 16वीं फेमिली का आदमी वहां इलेक्शन में खड़ा नहीं हो सकता। वहां डेमोक्रेसी बेकार हो गई है। हमारे यहां पर नये ऐक्सपैरिमेंट हो रहे हैं। हमारे यहां सोशलिज्म भी है, कैप्यूलरिज्म भी है। हम साथ साथ आगे बढ़ना चाहते हैं दोनों को लेकर और कुछ नई चीज करना चाहते हैं। हम दुनिया के सामने नमूना पेश करना चाहते हैं। हम वह चीज लाना चाहते हैं जो सही डेमोक्रेसी हो, जिसमें स्पीच और राइटिंग पर पाबन्दी नहीं होगी जो चाहते हो, बोलो जो चाहते हो लेकिन उसमें वायवलेंस न हो। हम ऐसी डेमोक्रेसी लाना चाहते हैं जिसमें पैसे का रोल न हो। ऐसी नहीं जैसी कि अमरीका में है, इंग्लैंड में भी है। हमें दुनिया के सामने नया मैसेज पेश करना है। गांधी

जी ने मैसेज दिया नान-वायलेंस का और हमने ब्रिटिश गवर्नमेंट को नान-वायलेंस से हरा दिया। न हमने तोप चलाई, न फौजी कार्यवाही की और उनसे ताकत छीन ली। अब हमारे सामने यह समस्या है कि ऐसी डेमोक्रेसी पेश की जाये जो एक नई मिसाल हो। बहुत से लोगों ने अभी कहा, हम भी कहते हैं कि कुछ न कुछ ऐसे रिफॉर्म करने चाहिए ताकि नये चुनावों में उनका लाभ हो सके दल-बदल को हमने बन्द कर दिया। बहुत से लोग यह कहते थे कि वह पार्टी बदली, अपने गुट के साथ कुछ सदस्य हो गए तो कुछ बन जाएंगे। यह किस्सा अब खत्म हो गया। अब ऐसी चीज बनानी है कि लोग बेकार नारों पर न लड़ें, चुनाव अब सिम्बल पर होता है, आइडियालाजी पर नहीं। तो दुनिया के सामने यह नई मिसाल जिम्मेदारी से हमें पेश करनी है। यह तभी होना जब हम मिल-बैठकर कुछ तय कर सकें। अभी एक सदस्य ने दोबारा सर्जिश्चम का हवाला दिया, लेकिन ऐडिटोरियल निकलता है पैपरो में, बातें बड़ी नुकते की होती है। तो एक बार बैठकर कार्य कर लिया जाए तो ठीक होगा अब तो फैसिलिटीज हो गई हैं कि प्रपोजनल रिप्रेजेंटेशन की बात लागू करने के लिए कंप्यूटर से काम ले सकते हैं।

पहले यह था कि एक प्रोपोजनल रजिस्टर होना चाहिए इससे हम लोगों को राहत पहुंचती। कहा गया घंटों लग जायेंगे, महिनो लग जायेंगे इसलिए एक ऐसा कंप्यूटर होना चाहिए उंगली दवाई और एक, दो, तीन किया और कैलकुलेट हो कर नम्बर आ गया। यह होना चाहिए। हमें यह देखना है कि हम इंडिया को क्या दे रहे हैं। इस प्रकार का एक कंप्यूटर होना चाहिए और भी कई सुझाव आए हैं इस पर हम को गौर करना चाहिए। इस तरफ कोई कदम उठाना चाहिए। इसी के साथ मैं खत्म करता हूं।

श्री चतुरानन मिश्र : अभी धावे साहब ने जो प्रस्ताव रखा है मैं उसके समर्थन में बोलने के लिए खड़ा हुआ हूं। अपने देश में एक गलत धारणा यह फैली हुई है कि चुनाव के दिन ही प्रजातंत्र की जरूरत है। बाकी दिनों में आप गोली चला सकते हैं,

हरिजनों की हत्या कर सकते हैं कम्प्यूटरल राइट्स करा सकते हैं, सिटीजन का अपमान कर सकते हैं। लेकिन वोटिंग के दिनों में उनको उनको वोट का हक चाहिए, वोटिंग ठीक से होनी चाहिए, यह होना बहुत असंभव है क्योंकि वोट जो है एक तरह का आइना है। आइना में वही चेहरा आयेगा जो चेहरा आपका होगा। अगर बदसूरत चेहरा है तो खूबसूरत चेहरा आइना नहीं दे सकता। इसलिए मेरा कहना यह है कि वोट क्या है कि सामान्य और असामान्य व्यक्तियों का संघर्ष। एक तरफ करोड़ पति है और दूसरी तरफ भीख मांगने वाला है। दोनों ही वोट देने के हकदार हैं। वह वोट के दिन भी भीख मांगेगा और तभी वह खाना खायेगा। इसलिए पूरे प्रजातंत्र की बात करना एक बिल्कुल अव्यवहारिक बात है। लेकिन हुआ क्या है कि जो हमारे चुनाव हुए हैं उसमें कुछ नई बातें उभर कर आई हैं जिस पर हम लोगों को और भी ज्यादा ध्यान देने की जरूरत है। समाज में, खासकर बहुत से राज्यों में जो फ्यूडरल एलिमेंट हैं वे उभर कर सामने आए हैं। काफी हथियारबंद होकर ये लोग निकल आए हैं। कभी धार्मिक आड लेते वे हैं जैसे कि पंजाब में हो रहा है और अकाली ले रहे हैं। कभी आप देखते हैं आरक्षण के नाम पर, विशेषकर आरक्षण विरोधी के नाम पर, जाति के आधार पर उभर कर सामने आए हैं। अगर ये चीजें व्यावहारिक जीवन में हैं तो इलेक्शन में इसका इजहार होगा ही इसका इलेक्शन में इस्तेमाल हुआ है। मैं जिस पहलू पर सबसे ज्यादा जोर देना चाहता हूँ वह यह है कि हालत बहुत खराब हो गई है। इसमें ऐसा लग नहीं रहा है कि सुधार करने से कुछ हो सकेगा। एक खतरनाक स्थिति समाज में पट्ट च गई है। मैं बिहार राज्य से आता हूँ। इसलिए इसकी चर्चा करना चाहूंगा कि कैसे हमारे यहां बूथ कैपचरिंग होता है। हमारे यहां बैलेट की लड़ाई नहीं होती बल्कि बुलेट की लड़ाई होती है। बुलेट में विरोधी पक्ष कमजोर पड़ते जा हैं। शासक दल विरोधी पक्ष

से मजबूत है। ऐसा नहीं कहता कि विरोधी पार्टी के लोग बिल्कुल बुलेट नहीं चाहते। उधर से भी थोड़ा कुछ होता है लेकिन शासक पार्टी होलसेलर हैं और विरोधी पक्ष रिटेलर हैं। यही फर्क है। चाहते हम लोग भी हैं उस काम को करें लेकिन कर नहीं पाते हैं क्योंकि उनके हाथ में सत्ता है, साधन हैं। इसी के परिणामस्वरूप अपने देश में हम देख रहे हैं किस तरह से राज्य चल रहे हैं। लगभग 9-10 राज्य हैं जहां बिना मिलिटरी के राज नहीं चल सकता। हम बिना मिलिटरी के कश्मीर में नहीं चल सकते, पंजाब में बिना मिलिटरी के नहीं चल सकते। गुजरात में बार-बार मिलिटरी बुलानी पड़ती है। पूर्वांचल के जितने राज्य हैं इसमें भी मिलिटरी रख दी है। जगह-जगह पूरी मिलिटरी को भेजा जाता है। इसको डेमोक्रेसी नहीं फौजी क्रेसी कहना होगा। आज ऐसी हालत बनती जा रही है कि हर बात में फौज को बुलाया जाता है। आज हम देखते हैं कि पुलिस के बिना जीना मुश्किल हो गया है। पुलिस के बिना बस में नहीं चढ़ सकते, एग्जामिनेशन नहीं हो सकते। ट्रेन में नहीं चढ़ सकते। लेकिन आज तो पुलिस भी आउट डेटेड हो चुकी है सी आर पी को बुलाना पड़ता है। हमारे यहां इलेक्शन में क्या हुआ कि सी आर पी और कांग्रेस पार्टी में आपस में लगड़ा हो गया। अब आप ही बताइये कि किससे शिकायत करें। हमारे यहां एक कंस्टीट्यूएन्सी है मुकाम। हमारी पार्टी और सी आर पी के बीच 35 मिनट तक फायरिंग होती रही। हम तो पीछे हट गये और उन्होंने बूथ कैपचर कर लिया। ऐसे कई उदाहरण हैं। एक और कंस्टीट्यूएन्सी है घोसी वहां पर 28 बूथों में 100 परसेंट पोलिंग हुई। 100 परसेंट पोलिंग कहीं हो सकती हैं। एक और कंस्टीट्यूएन्सी है सहरसा। वहां पर इस चुनावों में नहीं, पिछले चुनावों में यह कहा गया है कि 100.7 परसेंट वोटिंग हुआ ... (व्यवधान)। माननीय सदस्य बता रहे हैं कि आंध्र प्रदेश में 120 परसेंट हुआ। इस प्रकार की स्थिति हमारे देश में चल रही है। आपने यह बीमारी फैलाई है। मैंने पहले ही कहा है कि आप होलसेलर हैं, हम रिटेलर हैं। आप लोग होलसेल में काम करते हैं। अब

[श्री चतुरानन मिश्र]

अपीजीशन के लोगों ने भी थोड़ा-थोड़ा शुरू किया है, लेकिन वे उसको अच्छा तरह से कर नहीं पाते हैं, लेकिन करने में वे चुकते नहीं हैं। यह भ्रष्टाचार की स्थिति हमारे देश में हो रही है। हमारे यहां बिहार में लास्ट इलेक्शन में 12 आफिसर्स गिरफ्तार किये गये। उसमें डी०एम०पी० हैं और दूसरे अफसर हैं, जो वॉलेट पेपर पर ठप्पा लगा रहे थे। एक डी०एम०पी० को इसलिये गिरफ्तार किया गया है कि वह गैर-कानून ढंग से हथियार लेकर चल रहा था और बूथ कंपचर कर रहा था। मिनिस्टर तक एर्रेस्ट हुये हैं एक उपचुनाव में मैं खुद उम्मादवार था। हमारे चुनाव क्षेत्र में 28 मिनिस्टर पटुचे हुये थे। तीन मिनिस्टरों की गाड़ियों को हमने सीज करवाया। ऐसी स्थिति में आप क्या करेंगे? अफसर रूलिंग पार्टी का ही पक्ष लेते हैं। हमने यह देखा है कि हमारे नियम कुछ ऐसे हैं कि जिनके चलते यह सब हो रहा है। अगर कोई अफसर किसी चुनाव कानून का उल्लंघन करता है तो इलेक्शन कमीशन उसको सजा नहीं दे सकता है, वह सिर्फ रिक्मेन्ड कर सकता है। अभी पटना में पार्लियामेंट का चुनाव हुआ था। वहां पर डी०एम० ने स्ट्रोंग रूम का ताला बिना उम्मादवारों को खबर किए खोल दिया और जो चाहा सो किया यह एक गैर-कानूनी काम था। हमने इसका शिकायत की तो इलेक्शन कमीशन ने कहा कि हमने बिहार सरकार को लिखा है। जिस सरकार में मिनिस्टर स्वयं गैर-कानूनी काम करवायेंगे वहां पर अफसरों के खिलाफ कैसे कार्यवाही हो सकती है? कई क्षेत्र हमारे देश में ऐसे हैं जहां पर लोगों ने अभी तक एक बार भी वोट नहीं दिया है। उन्होंने वॉलेट पेपर भी नहीं देखा है लेकिन हर चुनाव में उनके वोट गिर जाते हैं। इस प्रकार की भयंकर स्थिति हमारे देश में चल रही है। ऐसी हालत में प्रश्न यह उठता है कि इसके लिये हम क्या करें? इसके लिये उपाय किये जा सकते हैं। मैंने एक अमेन्डमेन्ट दिया है जिसमें हमने यह सुझाव रखा है कि चूंकि हमारे देश में जातीयता है और धार्मिक उन्माद भी है, हमने यह देखा है कि जितनी ही छोटी कांस्टिट्यूएन्सी होती है उतना ही ज्यादा कम्युनेलिज्म फैलता है। आप देखेंगे कि पंचायत में यह

बीमारि ज्यादा है, लेकिन विधान सभा चुनावों में कम होती है और पार्लियामेंट के चुनावों में और भी कम होती है। पार्लियामेंट के चुनाव में जातीयता कम हो जाती है क्योंकि वह बड़ी कांस्टिट्यूएन्सी होती है। उसमें जातीयता की गुंजाइश कम हो जाती है। इसलिये मैंने सुझाव दिया है कि परीक्षा के तौर पर यह काम विधान सभा चुनावों से शुरू किया जाये, प्रोपोर्शनल रिप्रेजेंटेशन को आधार बनाया जाये। संपूर्ण राज्य को एक कांस्टिट्यूएन्सी माना जाये। इसमें जाति का बोलबाला नहीं रहेगा, धर्म का बोलबाला नहीं रहेगा। उसमें लोग जिस पार्टी को चाहे वोट देंगे। इससे हम जातीयता को बीमारी से भी बच जायेंगे और बूथ कंपचरिंग से भी बच जायेंगे धार्मिक उन्मादता से भी बच जायेंगे हमने यह देखा है कि राष्ट्रीय आजादी के आन्दोलन के दिनों में जातीयता का प्रभाव कम हो गया था, लेकिन जब प्रजातांत्रिक पद्धति चली तो जातीयता भाँ उभर कर सामने आ गई, धार्मिक उन्मादता भी उभर कर सामने आ गई। यह टॉनिक हम लोगों ने दिया है। अपने जीवन से राजनीति को हमने यह टॉनिक दिया है लेकिन अब यह हमको ही खाना चाहता है। इसलिये इस पर आप गंभीरतापूर्वक विचार करें। प्रोपोर्शनल रिप्रेजेंटेशन का तरीका अपनाया जाना चाहिये। इसमें कोई सेक्टेरियन ब्यू भी नहीं रहेगा। इसलिये मैंने यह एमेन्डमेन्ट भुव किया है।

एक बात का चर्चा मैं और करना चाहता हूँ। मैं चाहता हूँ कि इलेक्शन कमीशन को यह अधिकार दिया जाये कि जो अफसर गलती करता है उसको वह दंडित करे। जो भी अधिकारी गलत काम करता है उसको कमीशन दंडित करे। जो वोटर्स हैं उनको फोटो परिचय-पत्र के साथ छापा जाये और उनका फोटो प्रजाइडिंग अफसर को भी दिया जाये। जो रिटर्निंग अफसर हों वे हमारे लिहाज से डिस्ट्रिक्ट जज हैं। जो कलेक्टर आदि होते हैं वे तो एक तरह से शासक पार्टी के ही अधीन होते हैं और उनके ही अनुसार काम करते हैं ... (व्यवधान)। जहां अपीजीशन पार्टियां हैं वहां उनके अधीन वे होते हैं। इसलिये हमारा सुझाव है कि रिटर्निंग अफसर

डिस्ट्रिक्ट जज को बनाया जाय या जूडिशियल मैजिस्ट्रेट को बनाया जाये। प्रिजाइडिंग आफिसर क्लास टू आफिसर से कम आदमी नहीं रहना चाहिये। बैलेट के एकाउंटिंग के बारे में भी बहुत सुधार की जरूरत है क्योंकि रिटर्निंग आफिसर हिसाब नहीं रखते हैं, इसकी एकाउंटिंग रखते नहीं हैं। इसके लिये नियम है लेकिन उनका पालन नहीं होता।

महोदया, एक और मेरा सुझाव यह होगा कि डीलिटिमेशन जो होता है उसको जल्दी से जल्दी रोटेट किया जाये। इसे दस वर्षों में करने का है लेकिन यह दस वर्षों में भी नहीं होता है। नतीजा यह होता है कि कुछ जगह के लोग समझते हैं कि हमको बराबर ऐसा ही रहना है और वे जाकर वोट देने नहीं जाते हैं और तरह तरह की उसमें झंझट खड़ी करते हैं। मैं एक और सुझाव पेश करना चाहता हूँ कि चुनाव में खर्चा होता है उसमें भी, मैं फिर आपसे वही कहूँगा कि जो शासक पार्टी के लोग हैं वे ज्यादा जमा कर सकते हैं, आपके पास साधन हैं और आपकी नीति के चलते भी जो बड़े-बड़े पूंजीपति हैं वे आपका समर्थन करेंगे, इसलिये फंड भी आपको ज्यादा देंगे। हम यह चाहेंगे कि काले धन को जो आप इस्तेमाल करते हैं उसको न करके पहले आप पब्लिक हो जाइये और तब आफिसरों से पब्लिक होने के लिये कहियेगा। नहीं तो यह संभव नहीं है। आप इलेक्शन में 8 सौ करोड़ रु० 9 सौ करोड़ रु० 10 सौ करोड़ रु० खर्चा करते हैं। यह आपको दिया। यह तो दिया होगा उसने जिसको आपने दिलवाया होगा। नहीं तो सिर्फ चंदा या मनीआर्डर की रसीद नहीं दिखा सकते कि इतने मनीआर्डर से भेजे हैं। आपसे ही जब यह गौरवधंधा शुरू है, ऊपर से है तो फिर देश को अगर भगवान बचायेगा तो बचेगा। इसलिये हम आपसे यह कहेंगे कि इसके लिये जो प्रपोजल लायें हैं कि इलेक्शन का खर्चा सरकार वहन करे यह बहुत ही उचित सुझाव है। कोई देश में ऐसा है, पश्चिमी जर्मनी में ऐसा है। इसलिये आपको इस बारे में गंभीरता से विचार करना चाहियें।

एक और बात की हम चर्चा करना चाहेंगे और वह यह है कि जो कमजोर वर्ग के लोग हैं उनके लिये कैसे नियम है कि उनके

लिये वृथ्वा अलग बनाये जाये और उनको प्रोटेक्शन दिया जाये। लेकिन अभी तक यह नहीं हो पाया है। हमारे यहां कुछ एरियाज में लोगों में अभी वहां जाना पड़ता है इसलिए असहाय होकर वोट नहीं देते हैं। इसलिये जो मौजूदा कानून है उसमें सुधार की जरूरत है और इसमें बुनियादी परिवर्तन करने की जरूरत है। अगर यह बुनियादी परिवर्तन नहीं किया जायेगा तो जैसा मैंने आपको पहले कहा समाज में जो जातीयता है, जो धर्मांधता है, खूनखराबा है, जो फ्युडल, सामन्ती अत्याचार है, जो धनी वर्ग का अत्याचार है उसका रिफ्लेक्शन तो इलेक्शन में होना ही है। इसलिये अगर इसको रोकना है तो इसके लिये सोशो-इकानामिक प्रोग्राम भी उमी तरह के बनाये जाये ताकि जो अत्यन्त कमजोर वर्ग के लोग हैं वे उठकर ऊपर आयें। 37 वर्षों की आजादी के बाद आज दुनिया में हम लोगों को अगर मंडल मिलता फर्स्ट मंडल हमें इस बात में मिलता है कि सबसे ज्यादा अनपढ़ आदमी इस देश में हैं। लेकिन अनपढ़ों पर कोई मंडल नहीं है अन्यथा हमारे देश को इसमें फर्स्ट मंडल मिलता। जो यह सिलसिला है उसमें इस बीसवी सेंचुरी में भी यह दावा नहीं कर सकते कि अगली सेंचुरी में हम जब जायेंगे तो भारत के सारे सिटीजन पढ़े लिखे होंगे। यह दावा हम नहीं कर सकते हैं। डेमोक्रेसी कोई आइसोलेटेड फिनांमिना नहीं है, शिक्षा का इससे बहुत ही निगटतम संबंध है। इसलिये इसके लिये कदम उठाना पड़ेगा। शिक्षित होने के साथ साथ एक मास कंसेशन पैदा करने की जरूरत है इसलिये प्रशासन के सभी अंगों में, राजनीति के प्रत्येक ढंग में डेमोक्रेसी के सेंस को प्रिवेल करना चाहिये। इसको जो शासक पार्टी है वही इंस्टीट्यूट कर सकती है। विरोधी पक्ष जोरदार ढंग से इसका समर्थन करेगा ही क्योंकि उनके लिये खद इसकी जरूरत है। इसलिये मैं चाहता हूँ कि इन संशोधनों को स्वीकार कर लीजिये ताकि डेमोक्रेसी की मजबूत फुटिंग अपने देश में हो। इसलिये एक बार मैं फिर धाव साहब के इस सुझाव का समर्थन करता हूँ कि एक कमेटी बने। लेकिन कमेटी कब कब बनती है : उपाध्यक्ष महोदय, जिस काम को करना

[श्री चतुरानन मिश्र]

नहीं है उसके लिये कमेटी बनती है। कमेटियाँ अपने देश में कम नहीं बनी हैं। काफी कमेटियाँ बनी हैं, सुझाव भी काफी हैं लेकिन मुनता कौन है। जब जज हो बहरा है तो उसका रास्ता क्या है। दूसरा रास्ता तो पब्लिक खुद हों निकाल सकते हैं। लेकिन अभी पब्लिक सचेत नहीं है। इसलिये मैं तात्कालिक तौर पर इस सुझाव से सहमत हूँ कि इसमें आमूल परिवर्तन लाने के लिये एक कमेटी बनाई जाये पार्लियामेंट की, जो जल्दी से जल्दी इस पर विचार करके अपने सुझाव दे। धन्यवाद।

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Shri Thanga-baafu not present.
Shri Hukmdoe Naray.n Yadav.

श्री हुक्मदेव नारायण यादव (बिहार):
उपसभाध्यक्ष महोदया, अभी घाँ साहब ने अपने सुझाव रखे हैं और अभी अंसारी साहब भी बोल रहे थे जो बहुत पुराने नेता रहे हैं लेकिन चुनाव स्वच्छ, निष्पक्ष होने चाहियें यह तभी हो सकेगा जब गांधी जी के शब्दों में उस समाज का जो सब से अन्तिम मानव है वह अपनी इच्छा से स्वतन्त्रतापूर्वक अपना मत डाल सके तभी स्वच्छ और निष्पक्ष मतदान हो सकेगा लेकिन जो समाज में सब से अन्तिम मानव है वह क्या आज अपने मत के मुताबिक मतदान कर पा रहा है? इसका सीधा उत्तर आया नहीं। समाज का जो सब से अन्तिम मानव है उसको पता ही नहीं है। सत्ता के प्रति जो आकर्षण है सत्ता से उनको क्या मिलेगा जब तक उनके अन्दर इस राजनीतिक चेतना का जागरण नहीं होगा सत्ता के प्रति आकर्षण नहीं होगा और यह विश्वास नहीं होगा कि इस देश के बनाने में इस देश को चलाने में इस देश के लिए मेरी भी हिस्सेदारी है। तब तक स्वतन्त्र और निष्पक्ष चुनाव कभी हो ही नहीं सकता। अभी चतुरानन मिश्र जी भी बोल रहे थे लेकिन बिहार के अन्दर दुनिया में एक उदाहरण हुआ। एक जगह

से एक-एक एम०एल०ए० चुना जाता है एक क्षेत्र से एक ही एम०एल०ए० चुना जाता है लेकिन अभी बिहार में चुनाव हुआ तो इस्लामपुर क्षेत्र से दो एम०एल०ए० निर्वाचित हो गये। रिटनिंग अधिकारी ने सी० पी० आई० के एक कैंडिडेट को निर्वाचित घोषित कर के प्रमाण-पत्र दे दिया कि आप निर्वाचित घोषित हुए, आप एम०एल०ए० हुए और वह जुलूस निकाल कर के अपने घर पहुंचा तो पीछे से कांग्रेस पार्टी के कैंडिडेट को प्रमाण-पत्र दे दिया कि जाइये आप जीत गये हैं, सी० पी० आई० के कैंडिडेट हार गये हैं। अब आप ही बताइये इस देश में क्या हो रहा है? जब रिटनिंग अधिकारी के हाथ में इतनी ताकत आ गई है कि चाह तो जीते हुए को हरा दे और हारे हुए को जिता दे जैसे कि अभी इस्लामपुर में हुआ है। मैं यह जानना चाहता हूँ कि आज तक उस अधिकारी के खिलाफ सरकार ने बिहार सरकार से ले कर चुनाव आयोग द्वारा किसी तरह की कोई कार्यवाही की गई है। मेरा यह आरोप है कि इस देश में चुनाव आयोग निष्पक्ष नहीं है। एक आदमी का चुनाव आयोग जो सरकार के द्वारा ही बनाया जाता है वह सरकारी अधिकारी है उस आदमी को सरकार बनाती है वह सरकार के इशारे पर चलता है इसलिए अगर स्वतन्त्र और निष्पक्ष चुनाव कराना चाहते हैं तो एक आदमी के बदले तीन आदमी का चुनाव आयोग बनाइये। चुनाव आयोग के जो सदस्य हों वे सभी पार्टियों की सहमति से नियुक्त किये जाने चाहियें। देश में ऐसे तीन आदमी निकाले जाएं जिन से सभी पार्टियाँ सहमत हों उनका एक चुनाव आयोग बनाया जाए। यदि देश में तीन व्यक्ति भी ऐसे नहीं हों जिन पर सभी राजनीतिक पार्टियाँ सहमत हों तो देश में लोकतन्त्र चलाने का कोई हक नहीं है, उस देश में लोकतन्त्र नाम की कोई चीज नहीं रहनी चाहिए। तीन आदमियों पर भी सहमति नहीं हो सकती है क्या? आप कहीं से भी लाइये तीन ऐसे व्यक्ति हों जिन पर सभी राजनीतिक दलों की सहमति हो तो उसका एक चुनाव आयोग बने और वह चुनाव आयोग चुनाव का संचालन करे तभी चुनाव निष्पक्ष हो सकते हैं। यह मेरा सुझाव है।

चुनाव खर्च के बारे में भी धावे साहब कह रहे थे। जो मान्यता प्राप्त राजनीतिक दलों के लोग हैं उनके चुनाव का खर्च सरकार को उठाना चाहिये। चुनाव कार्य में लग हुए वाहन को छोड़कर चुनाव के दिन किसी तरह का वाहन प्रयोग नहीं किया जाएगा। कंडीडेट भी अकेला जिस गाड़ी से चलागा, उस कंडीडेट को भी अपनी गाड़ी के अलावा दूसरी गाड़ी नहीं रहेगी और फिर उस चुनाव के दिन न तो मन्त्रों न कोई चुनाव कार्य के अलावा सरकारी अधिकारी को जिनका उस चुनाव कार्य से कोई मतलब नहीं हो ऐसे लोगों को चुनाव क्षेत्र में किसी वाहन का प्रयोग नहीं करना चाहिये इसलिए इस सम्बन्ध में मैं यह कहना चाहता हूँ कि हमारे बिहार में अभी-अभी मसौड़ी में एक बार्ड इलैक्शन हुआ है। वहाँ के कलेक्टर अशोक सिंह ने इलैक्शन कमिशन को रिपोर्ट भेजी है, आप पढ़ लीजिए जिसमें उसने लिखा है कि चुनाव के दिन बिहार सरकार के दो राज्य मंत्री और एक पार्लियामेंट के मन्बर बूथ केपचरिंग कर रहे थे और एडमिनिस्ट्रेशन ने राज्य मंत्री को और संसद सदस्य को गिरफ्तार कर के थाने में रखा और कहा कि आपको थाने में इसलिए रख रहे हैं कि आप चुनाव की निष्पक्षता में बाधा पैदा कर रहे हैं। यह प्रमाण है, आप कागज निकाल कर पढ़ लीजिए। यह क्षेत्र है जहाँ राज्य मंत्री आगे आगे काफिला ले कर चल रहे थे उनके पीछे एस्काट पार्टी रहती है राज्य मंत्री के पीछे गाई रहता है उस पर बूथ केपचरिंग करने वाला गुंडा रहता है। उनके पास पावर है, राजवत्ता है। गाड़ी में गाई चल रहा है, वह उतरता है, बूथ केपचरिंग करता है स्टेम्पिंग करता है कोई बोल नहीं सकता है।

मैं उस जिले के अधिकारी को जिसका नाम अशोक सिंह है, धन्यवाद देना चाहता हूँ जिसने आज इतनी हिम्मत की कि राज्य मंत्री और एक संसद सदस्य के बारे में कायबाही की, उनको गिरफ्तार भी किया और रिपोर्ट भी दी कि उन्होंने चुनाव की निष्पक्षता में बाधा पहुंचाई।

घ्रष्ट आचरण सिद्ध हो जाता है। लेकिन होता क्या है, 6 साल के लिए नहीं। लोकतंत्र को अगर जीवन्त, प्राणवान बनाना है तो यह करिये कि जिनके ऊपर घ्रष्ट आचरण सिद्ध हो जाये कि उसने घ्रष्ट आचरण करके चुनाव जीता है और यह अदालत के जरिये, न्याय-पालिका के जरिये सिद्ध हो जाता है तो उसको 6 साल के लिए नहीं बल्कि वैसे व्यक्ति को आजीवन चुनाव लड़ने के कार्य से वंचित कर दिया जाये क्योंकि वह इस लोकतंत्र के लायक नहीं है कि वह चुनाव के कार्य में अपने को उतार सके, क्योंकि उसके ऊपर एक बार लोकतंत्र के भ्रम हत्या करने का, उसकी निर्मम हत्या करने का काला धब्बा लग चुका है जो जीवन भर नहीं मिटेगा। तब कहीं आगे आप घ्रष्ट आचरण को रोक सकते हैं। केवल 6 साल के लिए करके नहीं।

आप मतदाता पहचान पत्र जरूर दीजिए, इश्यू कीजिए। मत पहचान पत्र रहे चुनाव मतदान केन्द्र का एक बार एक नम्बर बन जाये तो वही मतदान केन्द्र बना रहे और उसका मतदाता का नम्बर बना रहे। मरता जाये तो वह नम्बर कटता जाये और नया नम्बर होता जाये। जैसे हम लोगों को आइडेंटिटी कार्ड देते हैं क्या उन मतदाताओं को नहीं दे सकते हैं। उनको आइडेंटिटी कार्ड दीजिए। बूथ कैपचर तो अपने आप ही बंद हो जायेगा क्योंकि बिना आइडेंटिटी कार्ड के बिना उसके नम्बर चढ़ाए हुए आप जो वोट दिलाएंगे और उसकी गिनती करेंगे तो उनका वोट खत्म हो जायेगा। इसलिए उनको आइडेंटिटी कार्ड देना चाहिए।

फिर मैं यह कहूंगा कि मतदान को अनिवार्य करिए। उस देश में सरकार कैसे बनती है? कहने के लिए तो सत्ताधारी पार्टी जो अभी है उनको 40-42 प्रतिशत मत आ जायें या 50 प्रतिशत आ जायें लेकिन कुल जो मतदाता हैं उसका 30-32 प्रतिशत मतदान करते हैं और उस 30-32 का 51 प्रतिशत किसी को आ जाता है तो वह राजसत्ता में चला आता है। 30-32 का 50 प्रतिशत यानी 15। कहने का मतलब आज जिनको 51 प्रति-

[श्री हुक्मदेव नारायण यादव]

मत कहते हो कि मत प्राप्त हो गया तो वे टोटल वोट का 15 प्रतिशत पाने पर ही सत्ता के मालिक बनते हैं। इसलिए मतदान को अनिवार्य किया जाये। जो मतदाता अपना मतदान नहीं करे उसके नाम को मतदाता सूची से कैंसिल कर दिया जाये। लेकिन चुनाव आयोग ठीक इसका उल्टा कहता है। क्या कहता है कि 90 फीसदी से अधिक अगर कहीं मतदान होता है तो उस मतदान को कैंसिल कर दिया जाये। लेकिन उत्तर प्रदेश में अमेठी में कुल मतदान का 98 प्रतिशत एक उम्मीदवार के पक्ष में मत गया तो उसको चुनाव आयोग ने कैंसिल किया क्या ? नहीं। वहाँ चुनाव आयोग ने कैंसिल नहीं किया, वहाँ नहीं रोकेगा, वहाँ नहीं हटाएगा इसलिए कि चुनाव आयोग सत्ता के हाथ में खेलता है। इसलिए चुनाव आयोग की जो निष्पक्षता है वह सदिग्ध हो गई है उसके ऊपर लोगों का विश्वास हट गया है। जो कि चुनाव आयोग ने इस बार अमेठी में या बिहार के कई चुनाव क्षेत्रों में किया है। अगर किसी कांग्रेस विरोधी को 70-80 प्रतिशत वोट आये है तो उसकी काउंटिंग बंद, उसकी काउंटिंग को रोक दो। 10-15 नहीं 25-30 ऐसी असेम्बलीज की सीटें हैं जहाँ अगर गिनती करा दी जाये तो 15, 18, 20 और 30 वोटों से जो जीते हैं व जीता दिये गये हैं। हमारे बूथ को रोक दिया उस बूथ से गिनती करा दी और उसको जिता दिया, यह तो अधिकारियों के हाथ में खेल चल रहा है।

अगर आप चाहते हैं कि चुनाव निष्पक्ष और स्वतन्त्र हो तो इस कार्य में उन लोगों को लगाइयें जो निष्पक्ष हैं। अगर कोई कैंडिडेट किसी अफसर पर आपत्ति करता है कि उसको इस पोलिंग पार्टी में नहीं रहना चाहिये तो सरकार को उसको तुरंत हटा देना चाहिये क्योंकि हमारे बिहार में यह चलता है। अभी चतुरानन मिश्र जो बोल रहे थे कि जात पात धर्म, मजहब यह सब चुनाव के अंदर चलता है।

इस देश का शोषित समुदाय गांधी जी के चरणों में एक बार नहीं हजारों बार नतमस्तक होगा। उन्होंने अगर आरक्षण नहीं दिया होता, विधान सभा, लोक सभा

में अगर स्थानों का आरक्षण नहीं कर दिया होता तो आज स्वर्ण जाति के लोग इनको कच्चा चबा जाते एक भी हरिजन और दबे हुये समुदाय का आदमी संसद और विधान मंडल में मूंह नहीं दिखा सकता क्योंकि संविधान में उनके लिये जगहें रखी हुई हैं वे ही लड़ सकते हैं, उन्हें ही आपस में लड़ना है इसलिये वे जीतकर आते हैं वरना कोई उनको जीतकर संसद और विधान मंडलों में नहीं आने देता जैसे कि बिहार में देखते हैं जब उनको वोट नहीं डालने देते तो फिर कैंडिडेट कौन बनने देता है।

4 P.M.

कैंडिडेट अगर कोई बन भी जाता है, तो उसको उठा कर जिंदा आग में फेंक देते हैं। उसको जीत करके विधान सभा और लोक सभा में नहीं आने देते, इसलिये मतदान कार्य में अधिकारी जाति-पाति करते हैं, खुल के करते हैं और जितनी जातीयता बिहार में करते हैं, उससे अधिक दुनिया में कहीं नहीं होती होगी, जो अधिकारी करते हैं पोलिंग बूथ में रह कर के। ऐसे अधिकारी के बारे में आपको कुछ सोचना पड़ेगा। जिन अधिकारियों के विरुद्ध आरोप लग जाये कि उन्होंने चुनाव के कार्य में पक्षपात किया है, उस अधिकारी को सेवा-मुक्त करिये, कानून में दीजिये कि उनको दस साल की हग कड़ी सजा देंगे।

मत-पत्रों की गिनती धावे साहब ने इसमें नहीं दी-मतपत्रों में गोलमाल हो जाता है। आप क्यों नहीं बूथ पर गिनवा लेते। ग्राम के मुखिया, असेम्बली का मेम्बर, लोक सभा का सदस्य इतने चुनाव को लड़ कर देखा, गांव पंचायत का जब मतदान होता है, तो बूथ पर गिन दिया जाता है बैलट-पेपर कि नहीं वोट कराइये बूथ पर गिन दीजिये, वहीं गिनती करा दीजिये गिनती के सर्टिफिकेट सब कैंडिडेट के पोलिंग एजेंट को वहाँ दे दीजिये, दस्तखत कराते दे दें प्रिजाइडिंग आफिसर कि इस कैंडिडेट को इतने वोट आये, सब का सिगनेचर लेकर अपनी रिपोर्ट और बैलट-पेपर लेकर आये, केवल एक जगह इकट्ठा करके, कम्पाईल करके रिजल्ट अनाउंस कर दे। कहां बैलट-पेपर में गड़बड़ी होगी।

हमिये नहीं, भारद्वाज साहब, बिहार के अंदर आपने मुना होणा बंडल का बंडन बैलट-पेपर पकड़ा गया है, कहाँ ? गंगा में बक्सा पकड़ा गया है। मछुआ माछ मारने के लिये जता है, तो उसके जाल में खाली बैलट-बाक्स निकल-निकल करके आया है और बाँरे के बोरा बैलट-पेपर निकला है और वहाँ गिनती भी हो जाती है। बक्से फेंक दिये जाते हैं, बैलट-पेपर फेंक दिये जाते हैं, बैलट-पेपर नया डाल दिया जाता है। अगर इस चुनाव को स्वतंत्र और निष्पक्ष करना है, तो इन सब बातों पर भी हमको ध्यान देना पड़ेगा।

अभी चतुर्गत्तन मिश्र जी जिस प्रस्ताव का कह रहे थे, बात तो बड़ी अच्छी है कि वोट के आधार पर सभी पार्टियों को जितने प्रतिशत वोट आयें, उतने प्रतिशत स्थान उनकी दे दिये जायें, लेकिन यह हिंदुस्तान के राजनीतिक दलों के चरित्र पर भी निर्भर करेगा। हिंदुस्तान में राजनीतिक दलों का चरित्र उनकी आंतरिक संचालन भी जातीयता से ऊपर नहीं उठेगा, तो फिर परिणाम निकल करके क्या आयेगा? हिंदुस्तान के राजनीतिक दलों का नेतृत्व जिस वर्ग के हाथ में रहेगा, अगर वह आनुषांगिक प्रतिनिधित्व के आधार पर उम्मेदवार को देंगे, तो जिस दल का नेतृत्व जिस वर्ग का रहेगा, वह अपने वर्ग स्वार्थ में और वर्ग हित में ही उम्मी तरह अपने दल के प्रतिनिधित्व को उठा कर अपने दल की ओर से भेजेगा।

सब से पहले अगर हिंदुस्तान में परिवर्तन करना है, तो उसमें भी परिवर्तन करना पड़ेगा क्योंकि आज राजनीतिक दलों का चरित्र भी निहित स्वार्थ से ऊपर नहीं है। हिंदुस्तान में राजनीतिक दलों का नेतृत्व भी निहित है, इस पर भी हमें देखना पड़ेगा।

तो अगर चुनाव स्वच्छ और निष्पक्ष हो, चुनाव स्वतंत्र हो, इसमें डा. साने बार्ता को लाना है, तो हमको और आपको बैठ कर विचार करना पड़ेगा और अगर इस देश में लोकतंत्र को मजबूत और प्राणवान बनाना है, भारत दुनिया में सब से बड़ा लोकतांत्रिक देश है, अगर इसको मजबूत और प्राणवान बनाना है,

तो हमें यह विश्वास हिंदुस्तान के अंदर करोड़ों गरीबों और शोषितों को देना पड़ेगा, जो समाज में दलित और पीड़ित और शोषित है, उन्हें विश्वास दिलाता पड़ेगा कि तुमको भी अपने मत का प्रयोग करना है क्योंकि लोकतंत्र की मर्यादा-लोकतंत्र इसलिए बना था कि लोकतंत्र में जनता का शासन, जनता के द्वारा जनता के लिये होगा। लेकिन यह जनता द्वारा जनता का शासन जनता के लिये नहीं है, मुट्ठी भर लोगों के द्वारा मुट्ठी भर के लिये मुट्ठी भर का शासन है। इसको हमको तोड़ना पड़ेगा और हिंदुस्तान के बहुसंख्यक समाज को उसमें जोड़ करके हमें लाना पड़ेगा।

अभी अंसारी साहब बोल रहे थे।— और इस विषय में उन्होंने कहा कि चुनाव के बाद ही साम्प्रदायिकता की बात उठा दी जाती है, आरक्षण, गैर-आरक्षण की बात उठाई जाती है, क्यों यह सारी बातें उठती है आज देश के अंदर जो लोकतंत्र चल रहा है, उस लोकतंत्र के अंदर अगर निष्पक्षता के साथ कोई भी करे, हम और आप शून्य में चले जायें। हिंदुस्तान के तमाम राजनीतिक दलों के नेताओं के ऊपर आज चुनौती है, आज देश के सामने चुनौती है, हिंदुस्तान के सामने आज राजनीतिक और राष्ट्रीय संकट आया है। उसके लिये सोचें तब हम रास्ता निकाल सकते हैं, जब हम सब शून्य में चले जायें, हम यह मान लें कि हमारा कोई अस्तित्व नहीं है, हमारा कोई स्वार्थ नहीं है। हम माना में आयेंगे कि नहीं आयेंगे, हिंदुस्तान की गद्दी मेरे हाथ में रहेगी या नहीं, फिर हम रास्ता में आयेंगे या नहीं इस बात को भूल जायें और आखिरी मंद करके संपूर्ण राष्ट्र को हम सामने रखें और सोचें कि हिंदुस्तान की शक्तिशाली बनाने के लिये, प्राणवान बनाने के लिये, गतिशील बनाने के लिये सोचें तो सब कुछ निकल सकता है। क्योंकि इस देश में जब अनपढ़ ज्यादा हैं तो अनपढ़ लोग ज्यादा जात कर आयेंगे, लोक सभा से ले करके राज्य सभा तक कागज निकाल कर देखिये, लोकतंत्र क्या कहना है? लोकतंत्र कहता है कि बहुमत का शासन हो। इस देश में सब से ज्यादा अनपढ़ हैं और एक भी अनपढ़ जीत करके

[श्री. हुसमदेव नारायण भादव]

नहीं आया है, तो फिर वहाँ लोकतंत्र में बहुमत का शासन है आप कहते हैं अनपढ़ आदमी आ करके क्या करेगा मुझे मुआफ़ करिये, पढ़ें और अनपढ़ के बीच में नहीं मैं कहता हूँ कि कबोर दास किसी विश्व-विद्यालय का पढ़ा हुआ नहीं था। गुरु रामदास, गुरुनानक देव ये बड़े-बड़े हमारे महापुरुष और महापुरुष हुये हैं, वे किसी दिल्ली यूनिवर्सिटी और जवाहर लाल नेहरू विश्वविद्यालय या कैम्ब्रिज यूनिवर्सिटी इंग्लैंड और अमरीका में पढ़कर नहीं आये थे। उनके अन्दर ज्ञान चाहिये, उनके अन्दर चेतना चाहिये और अपनी चेतना से उनके अन्दर राष्ट्रीय चेतना और राष्ट्र का भाव जागृत होता चाहिये। हमारे विहार में जब मैं असेम्बली का मंत्री 1967 से लेकर 1974 तक था, जे० पी० आन्दोलन से इस्तोफा दाखिल करने के पूर्व तक वहाँ पर हमारे बहुत से साथी जीतकर आये थे, एक भगवती देवी, हरिजन औरत, सड़क के किनारे गिट्टी तोड़ती थी, 50 नया पैसा रोज़ पर काम करती थी। समाजवादी आन्दोलन में डा० राम मनोहर लोहिया ही की देन था कि उन्होंने उस औरत को खड़ा किया, उसको उस आन्दोलन में लाया वह नौ बार बिहार विधान सभा में जीतकर गई। जब भगवती विधान सभा में खड़ी होती थी, उसकी भाषा भले ही परिमार्जित हो या नहीं हो, उसकी भाषा की शैली हो या नहीं हो, लेकिन जब भगवती देवी अपनी भावना के अनुसार बिहार विधान सभा में बोलने लगती थी तो लगता था कि विधान सभा की ईंट ईंट में खामू की बूंदें जड़ रही हैं। मेरे कहने का मतलब है कि संसद देश का आइना है, विधान मंडल और संसद राष्ट्र का आइना है। उसमें राष्ट्र अपनी छवि को देखता है। जिस राष्ट्र में, जिस विधान मंडल में संसद के बहु-संख्यक भूजे, नंगे समुदाय के लोगों का प्रतिनिधि जब तक जीत कर नहीं आयेगा तब तक कोई परिवर्तन नहीं हो सकता। उपसभाध्यक्ष महोदया, मैं अपनी बात समाप्त करते हुये भारत सरकार से निवेदन करना चाहता हूँ माननीय विधि मंत्री जी से भी निवेदन करना चाहता हूँ कि अगर इस देश को शक्तिशाली, गतिशील, प्राणवान और सशम बनाना है तो आइये हम

और आप अपने राजनैतिक स्वार्थों को तिलांजलि देकर नये सिरे से लोकतांत्रिक पद्धति को कैसे मजबूत बना सकते हैं, इस पर बैठ करके विचार करें और सोचें तथा फिर रास्ता निकालें कि हम सब मिल करके कैसे इस काम को कर सकते हैं और इस देश के संसद में और विधान मंडल में हिंदुस्तान का जो सब से अंतिम मानव है, भूखा, नंगा, दलित पीड़ित, जिसके तन पर वस्त्र नहीं पेट में रोटी नहीं है, जिनकी बहु-बेटियों की इच्छित दिन-दहाड़े कूट ली जाती है, ऐसे गरीबों का बेटा जब भारत की संसद में आयेगा तब उसको आवाज से इस संसद और संविधान मंडल के ईंट हिलेंगे तब ही उनके लिये कुछ कर पाओगे ये निहित स्थायी और ऊँचे घर में पंदा ज्वेत हाथी के जरिये गांधी के दर्शन को कभी आप कमयाब नहीं कर सकते।

SHRI J. P. GOYAL (Uttar Pradesh): Madam Vice-Chairman, I support the resolution. The concluding part* of the resolution is that a committee consisting of 15 Members of the House be appointed. Now, a number of points have been given in the resolution and a number of my colleagues have already commented on them. All the matters may be referred to the committee which will be formed, including the points mentioned in Mr. Dhabe's resolution. It is well known that free and fair elections are the foundation stone of a democracy. Unless there are free and fair elections, we cannot call ourselves a democratic country. For the last several years elections have taken place in our country, 'it has been found that the returning officer, the assistant returning officer, officers of the Election Commission, are all officers of the Government. They are officers of the Government and the Minister or Ministers sometimes may pressurise them and, under the pressure of the Government, they do certain illegal acts with the result that it may not be a free and fair election at all. Now under the election law, I find one thing. I also moved two Bills in 1982 and they are Bills No. 21 and No. 22 'or amending the Representation of the People Act, 1950, and the Representation of the People

Act, 1951, because there are two Acts, the 1950 Act and the 1951 Act. Now, the 1950 Act talks about the electoral rolls and how they should be prepared and all that. Now, under section 13AA of the Representation of the People Act, 1950 significantly I find one thing. I do not know how Parliament did it at that time, in 1950. Under this section, the definition of the term "Chief Electoral Officer" is given like this:

"There shall be, for each State, a Chief Electoral Officer who shall be such officer as the Election Commissioner may, in consultation with the State Government designate or nominate in this behalf."

Again, under section 13A, it has been said like this:

"For each district in a State within the Union territory, the Election Commission shall, in consultation with the Government of the State, designate or nominate a District Electoral Officer who shall be an officer of the Government."

Again, under section 21 of the 1951 Act and also under section 22, the definition of the Returning Officer and the Assistant Returning Officer is given. It says like this-

"For every constituency, for every election to fill a seat or seats in the Council of States and for every election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State the Election Commission shall, in consultation with the Government of the State, designate or nominate a Returning Officer who shall be an officer of Government or of a local authority /"

Similar is the case with regard to the Assistant Returning Officer. So, the Chief Electoral Officer and the District Electoral Officers are appointed by the Election Commission in consultation with the State Government.

Similarly, the Returning Officers and the Assistant Returning Officers are also appointed in consultation with the State Government. The overriding provision is that they shall be officers of the Government or officers of the local bodies. Why not a District Judge? Why not a man of the judiciary? So, in my amendments to the Acts, which are still pending and which have come up from time to time, but which have not been taken up, I have suggested certain things. For example the Election Commission is appointed under article 324 of the Constitution by the President of India. Now, my friends have elaborately said that credibility of the Election Commission, the Returning Officers and the other officers who are working for the Election Commission is not there. So, in order to establish the credibility and in the light of our past experience with regard to elections. I think certain amendments to the provisions regarding the Election Commission are needed. For example, who should appoint the Chief Election Commissioner? In my amending Bills. I have suggested that the Election Commissioner should be appointed by a Committee presided over by the Prime Minister and that Committee should consist of the Leaders of both the Houses of Parliament and the Leaders of the Opposition. It so happens that sometimes there is no Leader of the Opposition because it might be said that we do not have the required ten per cent of the strength and so on. Therefore, in my Bills, I have said that the Leader of the majority party in the Opposition will be the Leader of the Opposition. So in this way, a 5-man Committee can appoint the Election Commissioner and that will have credibility. Similarly, the Regional Commissioners or the Assistant Commissioners or the Returning Officers can be appointed. Then, I have also suggested that the Chief Electoral Officer must be a District Judge. The Election Commission shall appoint the Chief Electoral Officer of a State in consultation with the High Court. He must be a Dis-

[Shri J. P. Goyal]

trict Judge. Similarly, the Returning Officers also must be from among the District Judges or the Additional District Judges of from among the men of judiciary and the Presiding Officers should be from the cadre of the university professors or section officers or other gazetted officers who are employed in the offices of the judiciary. So, I am also suggesting that at the time of elections, the Lok Sabha elections, or the State Assembly elections, there must be Presidential rule in all the States so that the Ministers as they are doing now, cannot pressurise the presiding officers or the officers who are working at the elections. It is not necessary to bring a number of examples. I have got personal experience where even the Chief Minister who prescribed a particular officer got the results in his favour. In this connection I have personal experience of certain constituencies, but I do not want to name them because the matters are now in courts. So there is no trouble in our election law. The trouble simply is that the main functionaries at the elections are officers of Government. I do not say that officers of the Government are dishonest. But because they are working under the Government, and it is a question of their bread also, and some of them are under the implied threat of being transferred, they act like that. For example, I do not want to mention the constituency where I had to go and argue before the returning officer. He had passed three orders in my favour. I appeared as an advocate; there was an advocate on the other side also. There was a margin of 100 votes. In the meantime, some Minister came and he pressurised him and the matter was adjourned and ultimately he started passing orders against us. Ultimately, we lost the Opposition candidate lost by 300 votes or something like that. So this is quite a bitter experience. How can we say that democracy has survived in this country? I have great respect for our law-makers. At that time it was the ruling party; it was

a majority rule. They made the Act in 1950-51 in such a way that always the ruling party will be there and the Opposition parties could not come to power. So, therefore, in democracy it is necessary that all parties must come to power. The Opposition party must also come to power. So my submission is that there is no.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): I am very sorry. He should not go to that extent. He says that the forefathers of the Indian nation had a motive behind. He must have that sense of propriety. We may be a novice in politics but we must not be novices in our respect to our forefathers.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): It is relevant with this. (*Interruptions*).

SHRI J. P. GOYAL: I am not saying that about our fore-father, or fathers. That does not make any difference. What I say is that the law-makers at that time never bothered to see that the officer is under the Government, and that officer is being used as a judge. How can he be a judge when he is under some implied threat?

SHRI H. R. BHARDWAJ: They never expected that we will be so bad.

SHRI J. P. GOYAL:- Then you are right. At the time when we became independent we never thought that the State Governments or the Central Government will behave like that just as they are behaving now. I fully agree with the Law Minister about that. Our past experience is like that.

Mr Dhabe's Resolution is correct. I support that a committee of Parliament be appointed, the reason being that for the last several years we have been agitating before the Law Minister. The Law Minister has also been a member of the Law Ministry's Consultative Committee. Mr. L. K. Advani, Mr Reddy and I also are members. We have requested him to please do something. The Election Commission has made many recommendations to the Government, but

nothing has been done. Therefore, it is better that temporarily for three months a committee of Members of Parliament be appointed and that committee will report and whatever the Parliament decides the amendment may be brought within no time.

So, with these words I am supporting the Resolution of Mr. Dhabe that a committee as suggested may be appointed for that purpose

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE). Mr. Satyanarayana Reddy.

श्री डॉ० सत्यनारायण रेड्डी (आंध्र-प्रदेश) : वाइसचेयरमैन महोदय, श्री धाबे ने जो प्रस्ताव पेश किया है चुनाव संबंधी कानून में तब्दीली लाने के लिए उस का मैं पूरे तरीके से समर्थन करता हूँ। इस विषय को कई बार इस सदन में उठाया गया और बाहर भी उठाया गया। और सरकार भी साक्षी है कि इस में कुछ तब्दीली हो। मैं नहीं समझता कि कानून मंत्री जो क्या सोच रहे हैं और सरकार इस संबंध में क्या सोच रही है। ऐसी तो कई कमेटियाँ की रिपोर्ट्स हैं, कई लोगों ने अपने विचार रखे हैं इस बारे में और यहाँ तक कि एलेक्शन कमिशन ने भी कुछ सुझाव दिये हैं कि इस चुनाव कानून में कुछ तब्दीली हो क्योंकि हिन्दुस्तान एक बहुत बड़ा देश है। प्रजातांत्रिक देश है और हम को प्रजातंत्र को मजबूत बनाना है। डेमोक्रेसी को मजबूत बनाना है। नव चुनाव ऐसे नहीं होने चाहिए जैसे कि मौजूदा हालत में किये जा रहे हैं। जो चुनाव का तरीका अब है आम लोग अपने दिल से पोलिंग बूथ में जाकर अपनी राय वहाँ तौर पर नहीं दे पाते हैं। जिस में ज्यादा ताकत है, हिम्मत है, वह अपनी राय जबर दे कर आता है, लेकिन आम तौर पर वह देखा गया है कि चुनाव में ज्यादातर पैसे का खर्च, सत्ता का खर्च और जिस स्थान में जो ज्यादा ताकतवर होता है वह अपनी ताकत का इस्तेमाल कर के चुनाव को अपने मुताबिक करा सकता है। हम को यह देखना है कि आम लोग अपने दिल से

अपनी मर्जी से चुनाव में हिस्सा लें और अपनी मर्जी के मुताबिक अपने सदस्य को वह चुनने चाहें उस को चुनने का उन को पूरा मौका मिले। इस प्रस्ताव का मकसद यही है कि चुनाव को ज्यादा आसान बनाया जाय और ज्यादा से ज्यादा लोगों की पहुँच इस में रहे, ऐसा बनाया जाय। इस प्रस्ताव का यही मकसद है। चुनाव कानून में खराबियाँ हैं, बूटियाँ हैं, उनको दूर करने के लिए धाबे साहब ने यह प्रस्ताव पेश किया है और प्रस्ताव में उन्होंने एक पंद्रह लोगों की समिति बनाने की सिफारिश भी की है। मैं समझता हूँ कि इस मुद्दा को मानने में सरकार को पीछे नहीं हटना चाहिये। कुछ मुद्दे धाबे साहब ने उठाये हैं उनमें उन्होंने कहा है :

Strengthen Indian democracy and make it more people-oriented.
implement provisions in Part XV of the Constitution of India in letter and spirit.

यह तो संविधान में है ही। संविधान में जो प्राविजन्स हैं, जो मुद्दे हैं उनको, हर एक सरकार को इम्प्लीमेंट करना ही चाहिए। और इसमें सरकार को कोई एतराज नहीं होना चाहिए। तीसरी चीज यह है कि :

Reduce the age of voting from 21 to 18 to make the adult suffrage more broad-based.

कुछ राज्यों में जो म्यूनिसिपल इलेक्शन्स और पंचायत एलेक्शन्स हो रहे हैं, जहाँ एज को रिड्यूस किया गया है और सरकार भी चाहती है कि एज को कम किया जाय। इस के लिए आंदोलन भी चला है। लोग भी चाहते हैं कि 21 साल से एज घटा कर 18 साल कर दी जाय। इस सुझाव को मानने में कोई दिक्कत नहीं होनी चाहिए। इस के बाद है :

Drastically cut the election expenses to bring them within the reach of the poor.

यह तो बहुत बड़ी चीज है। आज का जो कानून है पार्लियामेंट के लिए और राज्य विधान सभाओं के लिए, जो मمبرान

[Shri B. Satyanarayan Reddy]

चुने जाते हैं वह कितना खर्च करे, है यह सब जानते हैं। हर मंत्री, प्रधान मंत्री और हमारे कानून मंत्री भी उसे जानते हैं। कहीं कहीं 50 लाख भी खर्च हो जाता है और पार्लियामेंट के लिए तो 15, 20 और 30 लाख तक खर्च किया जाता है। 4, 5 लाख से कम तो शायद हो कोई खर्च करता होगा। तो कानून कहता है कि 35 हजार से ज्यादा न खर्च करे।

जब इलेक्शन रिटर्न पेश करनी पड़ती है तो हर मेम्बर को पहले ही चुनाव जीतने के बाद झूठ बोलने के लिए बाध्य होना पड़ता है। यह प्राविजन हम सब को तंग करता है। हम 10-15 लाख रुपया खर्च करके आते हैं और हम कहते हैं कि 30 हजार के अन्दर चुनाव लड़कर आए हैं, तो देश को हम कैसे सुधार सकते हैं? कानून मंत्री जो बताते कि क्या देश को सुधारने का यह तरीका है? मैं चाहूंगा कि कानून के अन्दर जो प्राविजन है उसको या तो निकाट दृष्टि से ताकि साफ-साफ ईमानदारी से लोग कहें कि इतना खर्च करके आए हैं। डिस्क्वालिफिकेशन की हर से वह झूठ बोलेंगे। तो बेईमानी में वचने के लिए संविधान में जो प्राविजन है, इसको हटाइये।

ऐसी ही कई चीजें हैं जिनको सुधारने के लिए धावे जो ने यह प्रस्ताव पेश किया है। श्री जयप्रकाश नारायण और सिटिजनस फार डेमोक्रेसी कमिटी ने भी कुछ सुझाव दिए हैं। इन तमाम चीजों पर सरकार को सोचना चाहिए। सरकार या तो धावे जो के प्रस्ताव को मंजूर कर ले या सरकार ऐसा प्रस्ताव लाए कि जिसके द्वारा आवश्यक सुधार किए जा सकें।

दुनिया के जो हमारे मालिक हैं, जैसे वेस्ट जर्मनी है, वहां इलेक्शन का कुछ और तरीका है। उन्होंने लिस्ट सिस्टम अपनाया है। पार्लियामेंट में अगर 500 मेम्बर है तो उसका 50 परसेंट लिस्ट से चुने जाएंगे और बाकी 50 परसेंट पापुलर वोट से चुने जाएंगे। या तो आप लिस्ट सिस्टम लागू करिए ताकि सब की राय से लोग चुने जायें

या कोई नया तरीका अख्तियार कीजिए। सरकार को सोचना होगा कि कम से कम खर्च में ग्राम लोगों को इलेक्शन में भाग लेने का मौका मिले और सरकार चलाने का अवसर मिले। इसके लिए हमको कोई तरीका ढूँढना चाहिए। इन्हीं शर्तों के साथ जो प्रस्ताव धावे जो ने पेश किया है, मैं उसका समर्थन करता हूँ और कानून मंत्री ने अनुरोध करता हूँ कि वह इसे मंजूर कर लें।

PROF. C. LAKSHMANNA (Andhra Pradesh): Madam, Vice-Chairman, I would like to request the Minister of Law to kindly give his consideration for the Resolution moved by Shri Dhabe, I would like to urge upon the Minister not to treat this Resolution as one which is coming from the Opposition. On the other hand, he should try to look at the problem as presented by Mr. Dhabe in the Resolution on which, I think, there should not be much of a disagreement.

I am sure, Madam, the Minister of Law will agree with the whole House that there is much to be desired in the way in which elections in this country have to be conducted or have been conducted in the past. The Resolution consists of two parts. The first part highlights some of the issues which are involved in the election process in this country. The second part suggests the formation of a Committee of the House to go into these problems and suggest ways and means by which some of the difficulties that are experienced in the election process in this country could be got over. Madam Vice-Chairman it is almost agreed to by everybody that there is a need to strengthen democracy in this country. All of us also agree today that democracy of our dream is not the one which we are now experiencing. If we had to realise the dream, if we have to make our dreams real, then there is the need for strengthening democracy and this could be done when we are able to make the people the real masters in

the functioning of the country's governance. How could we do it? There is always a talk that Indian masses are illiterate. Yes, they are illiterate. But that does not, however, mean that this illiteracy has been standing in the way of their perception and comprehension of the problems that are present in this country. I would like to cite in this connection the case which happened in the recent past, i.e., about eight or nine months back, when the people of this country demonstrated that they understand the implications of the functioning of democracy as much as the educated about whom we have been praising so much, can do. I am referring to the incident which happened in Andhra Pradesh in the month of August and September last year. That was the time when the people in the villages, when the people in the towns, when the people in the streets could come forward and suggest that unless there is clean politics in this country they will not allow the functioning of those people who have been elected by them, as a result of which democracy, which was derailed was put on the rails again in the month of September. Therefore, Madam, if such things could be demonstrated by people in one part of the country, there is no reason why we have to doubt the integrity and capacity and apprehension of the people all over the country. Therefore there is an urgent need to strengthen the hands of the people and perhaps we may have to make amendments in the election law where by perhaps the recall system may have to be thought of. I am not straightaway suggesting that. It has to be worked out. But nonetheless there have been several commissions and committees which have gone into this question. Therefore, a committee of this House could perhaps look into those things and consolidate them and try to bring in any ideas and find out whether it is possible to have such a recall system where the people are the real masters and not anybody else.

Then secondly, in this International Year of the Youth I suggest to the Law Minister to accept the suggestion made by Shri Dhabe in the Resolution to reduce the age of voting from 21 years to 18 years. I think that it will be a good gesture because it has nothing new about it. As mentioned by some of the Members earlier, in some of the States, also people have been given voting rights at the age of 18 years as for instance in the Panchayat elections and municipal elections, if a person is competent to vote in the municipal and panchayat election at the age of 18 years, I see no reason why he should not be given an opportunity to exercise his right of franchise at the age of 18 years even for the Assembly and Parliamentary elections. Therefore, I very sincerely appeal to the Law Minister at least to make this particular part of the Resolution acceptable to the Government and agreed that the age of voting would be 18 years and this will be a good gesture in the International Year of the Youth.

Then, Madam, many Members have already spoken as to how the election expenses have been mounting year after year. There had been a time when perhaps an election could be fought for an Assembly seat with about Rs. 35 thousand or Rs. 40 thousand. But today if anybody is under the impression or illusion that elections could be fought with Rs. 30 or Rs. 35 thousand, he will be fooling himself. They have to spend not less than a lakh of rupees or even two lakhs. I am talking about the minimum and there are instances where people have been spending much more than that. Therefore, there is a need to seriously think about the possibility of reducing the election expenses so that the poor could also become partners in the election process. As it is, today elections are the monopoly and the game of the rich only. Without the aid of the rich, elections could not be fought by any person in India. Therefore, elections have to be brought within the reach of the com-

[Prof. C. Lakshmanan]

mon man, poorman who is in the villages and who wants his voice to be heard in the matters of the governance, in the decision-making process. Then there is no alternative, but to think in terms of reducing the election expenses and whatever we could do in that direction will perhaps be a great step towards "strengthening the democracy in this country. There is also need for eliminating many of the malpractices in the election procedures. At every stage of election procedure, there is a malpractice. There has been talk about booth capturing; there has been talk about stamping of votes by different people, by different parties, by different individuals contesting the election. Therefore, if we look at this problem and if it is taken as a malady afflicting the society as a whole and if we are here to do away with this malady, this disease which is creeping into the society, then there is no alternative but to seriously think about the ways and means by which this malady of malpractices in the election procedures could be eliminated.

Even at the risk of being repetitive I would like to suggest that there has to be a mechanism by which election expenses of the individual candidates are borne by the State— if that is done, perhaps the utter dependence of the individual on the parties, on the rich individuals to help them, would be to some extent eliminated. If that is done, perhaps reasonably good people, reasonably capable people, reasonably people with comprehension and understanding can also have an opportunity to be a part of the democratic processes. Therefore, I would urge upon the Government to very seriously think about the possibilities of at least meeting a Part of the election expenses, especially for Parliament and Assembly elections.

Then we have to think about more basic problem. We have been having a democratic system where the majority rule has been accepted. I think there should be no difficulty about it.

But what is happening very often is after the elections even with less than 50 per cent votes, there is a possibility of a massive mandate being given to a particular party, disproportionate to the votes polled by it, as it happened in 1967. in 1962 and even in 1985. We are now having Congress Party in power with 400 seats in the Lok Sabha with only 50 odd per cent votes. Therefore, even though there has been substantive support for others in the elections, those people do not find a place in Parliament because we are having a single majority system as a result of which we are not able to really give due consideration to the will of the people as reflected through the voting pattern in the country. Therefore, perhaps, a time has come to seriously think about the proportional representation system for which Shri Chaturanan Mishra has given an amendment. I think the Law Minister would be doing well to kindly consider this and consult his colleagues and come forward with a legislation by which the democratic process in the country could be put on a stronger base.

With these suggestions I request the hon. Minister to kindly consider some of the suggestions at least which are part of the Resolution as moved by Shri Dhabe and then make them a part of the procedure of the Government. Thank you.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir); Madam, I rise to support the Resolution of Shri Dhabe. It is irony of fate that this resolution is coming as a private member's Resolution. Madam you will recall that when the new Prime Minister took over, he promised us (1) the Anti-Defection Bill and (2) Electoral Reforms. The Anti-Defection Bill was passed with the co-operation of all the Opposition parties, in the last Session of Parliament. But the electoral reforms, which were promised to us, not once, but on several occasions.—it was said that a comprehensive Bill would be brought forward in the next Session of Parliament—it

was said that such a Bill will encompass all these reforms has not come. In any case, I would request the hon. Law Minister to appreciate the spirit behind the Resolution brought forward by Mr. Dhabe, to consider it in the light of the pronouncements made by the Prime Minister.

Madam. Vice-Chairman, Shri Dhabe has brought forward the Resolution in seven parts. In regard to part one, we all of us agree, it says that we should strengthen Indian democracy and make it people-oriented. I think, there can be no difference of opinion on this from any side. In the second part, Shri Dhabe goes on to say that we should "implement the provisions in Part XV of the Constitution, in letter and spirit." This part of the Constitution, envisages the electoral process for the State Legislatures as well as Parliament. The main vehicle for this purpose is the Election Commission. Madam, Vice-Chairman, I regret to say that our experience for the last several years in regard to the Election Commission has been very poor. The Chief Election Commissioner, as Mr. Goyal pointed out is to be appointed by the President. The President, in turn, appoints him on the advice of the Government, of the day. For all practical purposes, the Chief Election Commissioner is a functionary of the Government. Instances after instances can be quoted to show that the Election Commission has not done its duty, which it is supposed to do, as an impartial authority.

Madam Vice-Chairman, under the provisions of this Part, Part XV, the Chief Election Commissioner has to appoint the Chief Electoral Officers in the States. These Chief Electoral Officers in the various States are supposed to be his impartial representatives, in this connection, Mr. Minister, I can quote the example of Jammu and Kashmir itself. Hon. Minister I

will kindly bear with me when I say that impartiality is supposed to be—
Laidg. be Constitution, Part XV, to the States to the Chief Electoral Officers. In the case of Jammu and Kashmir, for instance, at present, the Home Secretary is the Chief Electoral Officer. On the one hand, he is controlling the law and order situation. He is under the Home Minister who is also the Chief Minister of the State. At the same time, he is supposed to be impartial, as the Chief Electoral Officer. How can this be possible? Similarly, in the case of the Chief Election Commissioner. He is appointed by the Government of the day and he has to serve under that Government. He may need some extension or he may like to be posted to some other department after his retirement. He has to be loyal to the Government which has appointed him. That is why my first suggestion is in regard to the appointment of the Chief Election Commissioner. My submission to the Law Minister would be that he should see that the Chief Election Commissioner is made a judicial authority and the Government of the day has nothing to do in appointing him. I do not know how he can do it. I think, this can be done on the same lines, as in the case of appointment of judges of the High Courts and the Supreme Court. In this way alone the impartiality of the Chief Election Commissioner can be enforced when that particular authority is confident that for whatever action taken by him he will not be subject to any direct or implied threat from the Government of the day. So, my first request would be that when electoral reforms are envisaged by the Government, the authority of the Chief Election Commissioner must be independent and judicial. Under no circumstances. I repeat, he should be appointed by the Government of the day as is envisaged under the existing provisions of the Constitution. For that purpose, if it is necessary to amend the Constitution, the Law Minister should come forward with a Bill for amending the Constitution.

[Shri Ghulam Rasool Matto]

The second point that Mr. Dhabe has made is to reduce the age of voting from 21 to 18 years to make the adult suffrage more broad-based. My friend Prof Lakshman has said that this is the year of the youth and Mr. Bhardwaj should give a gift to the youth of the country by lowering the age of voting but the fact of the case remains, Madam, Vice-Chairman, that the present-day 18 year youth is far more intellectual, advanced and more informed than an 18 year-old youth 10 or 20 years ago. He is perhaps more vociferous and the best way to make him responsible to the society would be to make him a part of the electoral process. So, my second suggestion to the hon. Minister would be that when he comes forward with a Bill for electoral reforms, the age of voting should be brought down from 21 to 18 years.

The third point that Mr Dhabe has made is to drastically cut the election expenses to bring them within the reach of the poor. Madam, Vice-Chairman, money has played a very important role in elections and it is continuing to play a very important part in elections. I do not want to quote the history because there are other speakers who will speak on the subject. I will only quote Shri Trivedi the present Election Commissioner who has in a seminar stated:

•Political corruption would continue to grow in geometrical progression unless draconian laws are taken to eliminate chances of indiscriminate spending of huge amounts at elections and remove dependency on money power."

This is a quotation taken from what the present Election Commissioner has said in a seminar. Similarly, Madam Vice-Chairman, I would like to quote a few lines from the Wanchoo Committee's Report. The terms of that Committee were to advise on direct taxes, but this is what they say and *i quote:*

"It is an accepted fact of life that in a democratic set up political parties have to spend considerable sums of money and that large sums are required, for election. In this connection, it may be pertinent to refer to the manner in which this problem has been tackled in countries like West Germany and Japan. In West Germany political parties are financed by the Government on the basis of votes polled by them in the preceding elections. In Japan Government finances election expenses of the national parties on the basis of the size of a constituency and also gives financial assistance for research and party publicity."

It is said that such measures largely ensure that political parties do not have to lean heavily on rich patrons or indulge in under-hand dealings. "We are of the opinion that in our country also, the Government should finance political parties. We recommend that reasonable grants-in-aid should be given by the Government to national political parties and suitable criteria should be evolved for recognising such parties and determining the extent of grants-in-aid to each of them " This is what the Wanchoo Commission has said.

The present day position is that money plays a very important part. Whatever party is in power it is able to muster enough resources to fight an election. I cite a small instance from the State of Jammu and Kashmir. We had the election from Ladakh pa mentary constituency recently, the

result of which has been announced today. Now it was well-nigh impossible for our National Conference Party to send people over there because the road was blocked, the air fare is so high and air freight charges are all that high. We could not send so many people to that area. Above all, what is important is that one area in the Kargil constituency— called Zaskar—was completely inaccessible so much so that our polling agents also could not reach there. **But**

look at the position of the Government side. On the other hand, the Government used its own machinery, used helicopters and took their own pailing agents to this place. And we could not do anything. So the point is that it is an unequal fight completely at the present moment between the Government of the day, whichever Government is in power, he opposition. Tomorrow any other Government may be in power and the Congress may be in the opposition. But the point is that money plays a very important role.

In this connection, I may mention that as far back as when the Constituent Assembly was there, one Member, Mr. K. T. Shah, moved a formal amendment to the effect that election expenses should be borne by the State. It is significant that the Government did not oppose the amendment as such at that time but felt that acceptance of the proposal would impose an intolerable burden on the exchequer.

Now coming to the monetary part of it, how election expenses must be borne by the Government, I have to give small explanations. How much expenditure should a Lok Sabha candidate justifiably incur? The Election Commission in its report on the 1980 Lok Sabha Elections had conducted a worthwhile exercise in this regard. Taking into account the amounts likely to be spent on transport, public meetings, printing, display advertisements and polling-day expenses, the total expenditure has been assessed at Rs. 1,61,000. Making an allowance for increase in prices since then, Rs. 2 lakhs can be regarded as fair enough to meet all requirements. Now Madam, for the 527 Lok Sabha constituencies for which elections were held in 1980—4620 candidates contested. Of these as many as 3413 candidates forfeited their deposit. The premise on which we are working is that we want to rely upon the fact that a candi-

date who has forfeited his deposit cannot be financed by the Government. On that basis, when 3413 candidates forfeited their deposit, only 1207 candidates would be eligible for public funds. At Rs. 2 lakhs per candidate, the total entailment would thus be only Rs. 24 crores. Madam, while we are spending about 200 to 300 crores of rupees on the elections, if we have to spend about Rs. 30 to 40 crores to meet the election expenses, this will be worthwhile because in the absence of all the Opposition parties having enough finances to fight the elections it is impossible to fight the Government of the day, whether it is State Assembly or Parliamentary elections. Madam, Vice-Chairman, in this connection, there are many countries of the World which have this provision. In Argentina, annual grants for organisational expenses of parties represented in the legislatures are allowed. In Austria, annual grants for parties represented in the legislature are given. In Belgium, financial assistance is given to political parties represented in Parliament. In Canada election expenses are partially reimbursed. In Denmark, general grants are given to political parties, which can be used for normal organisational work as well as for elections. In the Federal Republic of Germany, parties polling a minimum percentage of votes are entitled to reimbursement of their election expenses. In Finland, parties represented in the legislature receive annual grants from the State, in France, the State reimburses candidates who obtain a minimum of five per cent of valid votes. In Ireland, during the election campaign the State allows parties to use school rooms free of charge. In Israel, parties are given election grants to meet poll expenses. In Italy, election grants are given to political parties—part of it on a parity basis and part in proportion to the votes polled by them. In Japan candidates are given a fixed amount described as "statutory expenses." In the Netherlands, the State gives grants to parties for political education, for research and for

[Shri Ghulam Rasool Matto]

party foundations. In Norway, subsidised transport is provided to parties during elections. Besides, parties are given annual grants for organisational work. In Sweden, annual grants are made to political parties for organisational expenses in the U.K., since 1974 a scheme of grants to Parliamentary opposition parties has been introduced. In the U.S.A., since 1976 candidates for the Presidency are provided State finance on condition that they accept certain restrictions such as limit on expenditure and audit of accounts. So, this is not a new thing. These are some of the instances that I have quoted where election expenses are reimbursed by the Government. So I would beg of the honourable Minister, once electoral reforms are taken into consideration, he should take these factors also into consideration because money plays a very important part in this context.

The next point that Mr. Dhabe has made in the Resolution is "to radically change the election law so as to eliminate many malpractices." Now Madam Vice-Chairman, there have been numerous instances quoted, inside the House and outside, of malpractices indulged in by the parties, particularly by the party in power, in whichever State it is. Now, in this process, as I said in the beginning while discussing the Election Commission's role, the Presiding Officers are given a bait that they would be transferred to a good place or some increments or something like that if they did such and such a thing. Numerous instances are there. Even in Kashmir, in the last Lok Sabha elections, we had witnessed umpteen instances when Government servants were utilised by the party in power to do such things. So, I would beg of the hon. Law Minister that while he takes those things into consideration, he should have a full look into the Representation of the People Act. In the Representation of the People Act a lot of amendments are needed in order to curb these malpractices.

These malpractices are rampant. As has been said by senior leaders in this House also, this is a national evil. Today the Congress is in power and tomorrow it can be in the Opposition, but a law which is foolproof and which really reflects the verdict of the people is the correct law and therefore, you must take such steps as to enforce that correct law.

Madam Vice-Chairman, Mr. Dhabe also raised the point about implementation of the various recommendations, reports and decisions with regard to electoral reforms. The Law Commission's reports and other reports are before the honourable Minister.

5 P.M.

This should be taken into consideration.

The State should share a reasonable part of the election expenses. That I have already discussed.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Hon. Member, it is 5 o'clock now. The private members' time is over.

SHRI GHULAM RASOOL MATTO: I will continue next time.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Discussion on this will be continued on the next allotted day.

Now, we will take up special mentions, I would request hon. Members to be very brief and precise in their special mentions because there are two more Members to take part in the discussion on the working of the Ministry of External Affairs before 5 O'clock when the hon. Prime Minister will give his reply. Now we take up special mentions. First, Shri Rama-nand Yadav.