

**RAJYA SABHA**

*Monday, the 7th May, 1984/17 Vaisakha,  
1906 (Saka)*

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

**ORAL ANSWERS TO QUESTIONS****..... Electoral Reforms**

\*181. SHRI KAILASH PATI MISHRA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what are the main recommendations so far received by him from the Election Commission of India and various political parties for electoral reforms; and

(b) which of them Government are likely to accept and enforce before the next Lok Sabha elections?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGANNATH KAUSHAL): (a) The Election Commission had, in September, 1982, made recommendations reiterating certain proposals for electoral reforms after taking into account the proposals made by it earlier and the proposals made by political parties and others. The proposals as reiterated by the Commission are set out in statement I. In September 1983, the Commission made certain further recommendations for electoral reforms and these are set out in Statement II. Few more recommendations were made by the Commission in December, 1983 and these are set out in Statement III. While different views are possible with reference to some of the recommendations contained in the three Annexures attached, it would seem that the follow-

ing may be regarded as the main recommendations:—

- (1) Ban on defections;
- (2) Fresh delimitation of constituencies on the basis of the latest census;
- (3) Subvention to political parties;
- (4) Compulsory registration of political parties and auditing of accounts of political parties by an agency to be named by the Commission;
- (5) Misuse of official authority and penal action against delinquent officials;
- (6) Introduction of electronic voting Machines;
- (7) Revision of maximum limit on election expenses;
- (8) Extension of certain facilities free of cost to political parties, including supply of a certain number of copies of electoral rolls free of cost;
- (b) A decision has already been taken not to pursue for the present the recommendation as to fresh delimitation of constituencies on the basis of the latest census. The House has already been apprised of the views of the Government with regard to the use of electronic voting machines. The proposal for supplying four copies of electoral rolls free of cost to all recognised political parties as against the existing two copies has already been accepted. Decision on the proposals contained in Statements II and III (including revision of the maximum limit on election expenses) are expected to be taken well in time before the next Lok Sabha elections. As regards the remaining proposals, it is not possible to state at this stage as to the time by which decisions would be taken on them.

*Election Commission's Proposals for Electoral Reforms**A—Proposals which are reiterated (with or without modifications)***List—I—Proposals requiring Constitutional Amendments**

S. No	Reference	Proposals	Modification if any	Remarks
1	2	3	4	5

**I** Item (1) of Part III of 1977-R "recommendations" (see also item (7) of List III—regarding amendments to R.P. Act, 1951) *Ban on Defections*—Defection of legislators from one Political Party to another should be prohibited by providing that (i) such defection shall result in vacation of the seat held by the legislator concerned in Parliament/ State Legislatures, or (ii) some other disqualification should result from such defection.

In Commission's view the amendments to the Constitution are not necessary to achieve the object as contemplated by the Central Govt. in 1973 and 1977. The purpose could be achieved by suitable amendments to the R.P. Act, 1951 in Part II—Chapter III relating to disqualifications by specifying defection as one of the grounds for the disqualification of a person to be chosen as, or to be, a member of Parliament or State Legislature. In that event, the declaration made by a candidate in his nomination paper will be of assistance in the determination of the question of defection of a member from the political Party after he has been elected on the ticket of that Political Party.

As in the case of other disqualifications referred to in articles 102 and 191, the proposed disqualification should also be referred to the Election Commission for tendering opinion to the President or the Governor, as the case may be.

**2 Recommendation No. I**  
in Chapter XVI of Report on General Election to the House of the People, 1980 etc.

*Delimitation of Constituencies*—Constitution may be amended so that while the total number of seats allotted to various States in the House of the People and in the various State Legislative Assemblies may remain unaltered, the original position of fresh delimitation of Parliamentary and Assembly Constituencies in each States/Union territory after every decennial census is restored.

**Recommendation No. 13**  
*(ibid)*

*Creation of Election Fund*—A fund may be created for meeting the expenditure on various items concerning elections.

In view of the general election to the Lok Sabha due in 1985, it is urged that the amendments to the Constitution required for achieving the object, should be made at an early date.

Unless such an election fund is created and allowed to be operated upon under the full control of the Election Commission with the assistance of Financial Adviser chosen for the purpose, the disproportionate election expenditure incurred by various States without observance of accepted norms will continue to be the detriment of public exchequer *viz.* in this connection, the table of expenditure shown at pages 180-181 of the Report—Volume I-Narrative on the General Elections to the House of the People 1980 and the Legislative Assemblies 1979-80.

The Election Commission, though a mainstay of the edifice on which the whole democratic structure of the country is built up is very often described as the weakest pillar of democracy because its secretariat and staff are not completely insulated against the Executive. In order to ensure the free working of the Commission, the proposed changes in the Constitution are considered absolutely necessary to strengthen the Constitutional status of the Commission.

**4 New proposal**

(a) The Election Commission should enjoy, by suitable amendments to the Constitution, the same privileges and safe-guards in the matter of its Secretariat and Staff as are provided in the Constitution to the other constitutional bodies and authorities like Parliament (art. 98), Supreme Court (art. 146), Comptroller and Auditor General (art. 148) and Union Public Service Commission (arts. 318 and 322).

(b) The expenditure on Election Commission and its Secretariat and Staff should be a charge of the Consolidated Fund of India.

## List-II—Proposed Amendments to Representation of the People Act, 1950

S. No.	Reference	Proposal	Modification if any	Remarks
1	Item (1) of Part I of Recommendations of the Election Commission sent in 1977.	The designation of the Chief Electoral Officer may be changed as State Election Commissioner.	5	
2	Item (2) <i>ibid</i>	Whole time Lt. Chief Electoral Officer (to be designated as Lt. State Election Commissioner) may be appointed.	4	
3	Item (12) of Part I of 1977—Recommendations.	The Commission may be empowered to direct special revision of roll even after last date for making nominations—present provision in section 21 (3) of the R.P. Act 1950 should be retained.		
4	Item (17) of Part I of 1977—Recommendations.	Provisions should be made in the Act to the effect that for the purpose of Graduates' constituencies of Legislative Councillors, a person shall be deemed to have become a Graduate from the date on which the result of the degree examination is declared.		
	Item (18) of Part I of 1977—Recommendations.	Suitable provision should be made in law to—(i) permit only elected members of District Boards (Zila Parishads) etc. to vote in an election to Legislative Council from Local constituency.		

- (ii) make the elected members of Municipalities automatically eligible to vote at such elections.
- (iii) disbar the members of Notified Area Committees to vote at such elections.
- 6 Item (22) of Part I of 1977—Recommendations.
- More stringent provisions may be made in section 31 of the Act for making false declarations in regard to preparation, revision, or correction of electoral rolls or in applications for inclusion of names in electoral rolls.
- 7 Item (23) of Part I of 1977—Recommendations.
- More stringent provision in the Act may be made for the breach of official duty in connection with the preparation, revision, etc. of the electoral rolls (section 32).
- 8 Item (24) of Part I of 1977—Recommendations.
- Suitable provision in the Act may be inserted casting an obligation on owners of dwelling premises to supply information regarding persons residing in such premises and providing for punishment for contravention thereof.
- Item III of Note for former Chief Election Commissioner.
- Electors may be issued photographed laminated identity cards to check impersonation at elections in a phased manner. The card may also prove useful in any transactions which may call for verification of the identity of individual concerned like rationing, banking, passport and the like.

The scheme has been implemented in the State of Sikkim and is in the process of implementation in the States of Nagaland and Meghalaya. The Commission has also decided to introduce the scheme in the Delhi Sadar Parliamentary Constituency in Delhi. It is also considering the introduction of the scheme in the Union territory of

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Chandigarh. Before extending the scheme further to other States and Union territories it would be necessary to get a proper appraisal of the actual working of the scheme in the States of Sikkim Nagaland Meghalaya and evaluate the results of such implementation. A separate communication in this regard will follow.

**Letter No. 3/2/81-LS  
dated 16th March, 1981.**

**10**

The law relating to preparation and revision of electoral rolls may be suitably amended to provide that normally there should not be any acceptance of a claim for inclusion of a name after the revision of the roll is completed in any year and that the claims of those persons whose names are left out from the electoral rolls may be accepted only on their furnishing satisfactory explanation for such exclusion and on payment of a fee of Rs. 10.

The Commission after reconsideration feels that this fee should neither be too low nor too high. It may be fixed at Re. 1.

Regarding the acceptance of claims and satisfactory explanation the Commission should be empowered to lay down the procedure for the guidance of Electoral Registration Officer, District Election Officer and Chief Electoral Officer.

The Commission is of the view that unless these measures are taken there is every likelihood of the electoral rolls being inflated in the eve of an election. Since the Commission is undertaking annual revision, there is no reason why safeguards referred to above should not be laid down to prevent any manipulation in the electoral rolls.

## List—III Proposals requiring amendment to the R.P. Act, 1951

Sl. No.	Reference	Proposal	Modification, if any	Remarks
1	2	3	4	5
1.	Item (1) of Part II of 1977—Recommendations.	Definition of 'Political Party' should be inserted in section 2.	The Commission now feels that two main provisions should be inserted into the R.P. Act, 1951 namely,	
2.	(i) Item XIII of former CEC's note.  (ii) Recommendations No. 4 in Chapter XVI of Report on General Election to the House of the People 1980 etc.	<i>Registration of political Parties</i>	(1) to define political parties, and (2) to empower the Election Commission to make regu- lations to deal with matters relating to the political parti- es such as :  (i) Compulsory registration of Political Parties;  (ii) Compulsory maintenance of accounts and minutes, etc;  (iii) Compulsory audit of ac- count of Political Parties by an agency to be named by the Commission;  (iv) Submission of periodical reports to the Commission and  (v) Connected matters.	

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3. Item (73) of Part II—of 1977—Recommendations.

4. Item 6 (j) of Part IV of 1977—Recommendations.

No direct financial subsidy may be given to any political party/candidate. It is impossible to ignore the actual situation as it obtains & the Commission feels that this matter should also be regulated in the way mentioned above.

5. Item (2) of Part II—of 1977—Recommendations

Provision should be made in section 2 [instead of in section 26 (5)] that any reference to District Election Officer in a Union territory be construed as reference to Returning Officer.

6. Item (3) of Part II of 1977—Recommendations.

Scope of sections 8 and 11A should be widened so that conviction for offences of (1) personation at election (2) illegal hiring of procuring of vehicles at elections, and (3) use of vehicles for conveyance of voters at elections should entail disqualification for being chosen as, and for being, a member of Parliament or State Legislature and/or voting.

7. New proposal.

See also Item (1) of List I

8. Item (4) (ii) of Part II of 1977—Recommendations.

In Sect 8A, reference to order under sec. 99 may be omitted to clarify that for disqualification for conviction for corrupt practice specific order under section 99 naming the person concerned is not necessary.

9. Item (4) (iii) of Part II of 1977—Recommendations. The recommendation of the Joint Committee on Amendments to Election Law to split the 'Corrupt practices' into 'corrupt practices and illegal practices' and to provide different periods of disqualifications for such practices under section 8A, should not be accepted.
10. Item (5) of Part II of 1977—Recommendations. Contract entered into either with the Central Government or State Government or a public undertaking should entail disqualification under section 9A, both for Parliament and State Legislatures.
11. Item (8) of Part II of 1977—Recommendations. A Scheduled Caste/Tribe candidate should make a declaration to that effect in his nomination paper even for a general seat [Section 33 (2).]
12. 1. Item (9) of Part II of 1977 Recommendations. The amount of security deposit should be doubled (section 34).
- 2 Recommendation No. 5 (1) in Chapter XVI of Report on General Election to Lok Sabha, 1980, etc.
- 3 Letter No. 3/5/78, dated 28-3-78.
13. Item (ii) of Part II of 1977—Recommendations. Section 36 (2) (b) may be amended to provide that the oath or affirmation may be made even on the date of Scrutiny but before the hour fixed for the purpose.
14. Item (12) of Part II of 1977—Recommendations. Relevant information may be supplemented by or gathered from the different nomination papers filed by the same candidate.

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15 Item (15) of Part II of 1977—Recommendations. In the event of revocation of appointment of a counting Agent, another counting agent may be appointed even after the commencement of counting.

16 Item (16) of Part II of 1977—Recommendations. Consequential amendments to section 51 so as to say that the non-attendance of candidate/election agent should not invalidate an act.

17 Item (19) of Part II of 1977—Recommendations. The Commission may be empowered to order fresh poll in case of destruction, etc. of ballot papers/boxes and prevalence of coercion, intimidation, impersonation at polling station.

18 1 Item (20) of Part II of 1977—Recommendations. (a) It may be clarified in section 59 that voting at elections shall be by secret ballot.

2 Letter No. 3/1/82/LS dated 13-4-82 (b) section 59 & sections 2, 61 & 169 may be amended to provide for use of voting machines in elections.

3 Letter No. 3/1/82/LS dated 6-7-82

(c) If the High Court wants to inspect any voting machine while trying an election petition, such inspection should be completed within six months of the date of poll.

19 Item (25) of Part II of 1977—Recommendations.

Scope of section 64A may be widened to cover the cases where destruction etc. of ballot papers, boxes, etc. takes place before they came into the custody of the Returning Officer.

20 Item (26) of Part II of 1977—Recommendations.

Section 64A should be amended to include within its ambit destruction, etc. of postal ballot papers also.

Item (27) of Part II of 1977—Recommendations.

**Section 64A may be amended to empower the Commission to order repoll in an entire Assembly Constituency or assembly segment of a Parliamentary Constituency.**

Item (28) of Part II of 1977—Recommendations.

The result may be withheld on an application for recount only if the margin of votes between the first two candidates is less than 2% of the total votes polled.

Item (4) (iii) (29) & (34) of Part II of 1977—Recommendations

Changes suggested in sections 99 and 100 by the Joint Committee on Amendment to Election Law consequent upon its recommendation to split 'corrupt practices' into 'corrupt practices' and 'illegal practices' should not be made.

Item (30) of Part II of 1977—Recommendations.

High Court should be empowered under section 100 to declare an election void if it is satisfied that—(a) there has been prevalence of bribery, undue influence, coercion, intimidation of voters on a large scale; or

Item 6(g) of Part II of 1977—Recommendations.

(b) Government machinery has been used to a substantial extent for the furtherance of prospect of a candidate.

Item (31) of Part II of 1977—Recommendations.

Sections 109 to 111 and 116A should be amended so as to make their provisions applicable to cases of non-prosecution of the case in High Court and of appeals before the Supreme Court.

2. Recommendation No. 9 in Chapter XVI of report on General Elections to Lok Sabha, 1980 etc.

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2. Item XI of former Election Petition should be disposed of within six months of their presentation. In any case a time-limit of one year may be fixed for disposal of such petitions.

2. Item (21) of Part IV of 1977—Recommendations.

3. Recommendations No. 11 of Chapter XVI of Report on General Elections to Lok Sabha, 1980 etc.

27. 1. Recommendation No. 10 in Chapter XVI of Report on General Elections to Lok Sabha, 1980 etc.  
2. Letter No. 3/1/78 dated 13-9-78.

Item 20 of Part IV of 1977—Recommendations.

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In case any practical difficulty is expressed to the fixation of the time-limit by the High Courts, the Chief Justices may be addressed separately requesting them to earmark some judges exclusively for dealing with Election Petitions so that indirectly the time-limit could be adhered to in practice. If necessary the strength of the Court may be increased (c.f. Item XI of former CEC's Note).

There should be provision in the law for filing election petitions even against defeated candidates.

District Courts should not be empowered to settle disputes relating to acceptance or rejection of nominations immediately after scrutiny of nominations for expediting final decisions in such matters as otherwise suggested by Tarkunde Committee.

Item (32) of Part of 1977—Recommendations.

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The Commission on reconstitution of the expression 'National Emblem' in section 123(3) feels that instead of a separate inclusive definition may be given to include the emblem of the Republic of India or the Government of India, pictorial representation of Ashoka Chakra Indian National flag, in order to remove any doubt as to the exact meaning and connotation of that expression.

**30** Item (33) of Part II of 1977—Recommendations.

(i) The incurring of unauthorised election expenses by clubs, societies, associations, etc. (Other than political parties) and (ii) making of false returns of election expenses by candidates and political parties should be made corrupt practices.

Political parties may be dealt with as provided in items 1 to 4 of this list.

**31** Item (4) (iii) (29) & 34 of Part II of 1977—Recommendations.

The suggestion of the Joint Committee on Amendments to Election Law to make the current practices under section 123 (5) (illegal hiring or procuring of use of vehicles for conveyance of voters) and section 123 (6) (incurring of election expenses over the prescribed limits) as 'illegal practices' should not be accepted.

**32** Item (35) of Part II of 1977—Recommendations.

Taking of assistance of teachers of Government Schools should also be made corrupt practices under section 123 (7).

The Commission now feels that it would be better to mention those classes specifically in the section itself. In this connection, it was also felt that the employees of Public Sector Undertakings (including Corporations) should also be brought within the purview of this sub-section.

**3** Item VIII & X of former CEC's Note.

(a) Evil practices (arising out of the observations of the Supreme Court in Ghasi Ram Vs. Dal Singh and others) such as :—

**2** Item (36) of Part II of 1977—Recommendations.

(i) Disbursement out of discretionary fund at the disposal of a Minister should be prohibited within a period of 6 months before the

(i) (a) Ministers shall not combine their official visit with the electioneering work and shall

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end of normal term of a House, or from the date on which the election is called where the election is suddenly called, as the case may be;

### 3 Item (6) of Part IV of 1977—Recommendations.

Item (8) and (9) of Part III of 1977 Recommendations.

not also make use of official machinery or personnel during electioneering work;

(b) Govt. vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as maidans, etc., shall not be monopolised by ruling party for holding election meetings. Other parties and candidates shall be allowed the use of such places on the same terms and conditions on which they are used by the party in power;

(iii) Rest Houses, Dak Bungalows or other Government accommodation shall be allowed to be used by other parties or candidates in a fair manner;

(iv) issue of advertisement at the cost of the public exchequer in news papers and other media during the election period regarding their achievement with a view to furthering the prospects of the party. In power shall be scrupulously avoided;

(v) Construction of rostrums by Govt. for meetings addressed by Prime Minister/Chief Ministers, and Ministers and other authorities shall not sanction grants/payments out of discretionary fund from the time elections are announced by the Commission; and

(vi) Promise of construction of roads, provision of drinking water facilities, etc. should be prohibited under the law.

(v) Ministers and other authorities shall not sanction grants/payments out of discretionary fund from the time elections are announced by the Commission; and

(vi) from the time the elections are announced by the Commission, Ministers and other authorities shall not make any promise to the electorate of construction of road, provision of drinking water facilities, etc. which may have the effect of influencing the voters in favour of the party in power.

(b) Scope of corrupt practices under section 123 of the Act may be widened to include all evil practices like disbursements out of the discretionary funds at the disposal of Ministers on the eve of elections, etc., arising out of the observations of the Supreme Court in Ghasi Ram Vs. Dal Singh (AIR 1968 SC 1191).

**Item 6.(h) of Part IV of  
1977—Recommendations.**

(c) No party may be allowed to make use of vehicles of Government/Local bodies.

**Item VIII of former  
CFC's note.**

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34 Item (37) of Part II of  
1977 Recommendations.

Amendments made to 79 (b) (definition of candidate) by the Election Laws (Amendment) Act, 1975 should b: repealed.

L.No. 3/1/1/78 dated  
13-9-1978.

Suitable provision should be made in the law for dealing with persons committing a general corrupt practice which have an impact on elections generally or with reference to a number of constituencies, but not with reference to any particular constituency.

L.No. 3/1/1/78 dated  
13-9-1978.

Corrupt practices of (1) appeal on the ground of religion or appeal to religious or national symbols, and (2) obtaining of assistance of Govt. servants, should be made electoral offences (as all other corrupt practices under section 123 are electoral/criminal offences under the provisions of IPC or the Representation of the People Act, 1951).

1 Item IX(ii) of former  
CEC's Note.

Act of personation should be made an electoral offence.

Commission considers that power to launch prosecution in such cases should vest in Returning Officer who may take action on the report of Presiding Officer of the Polling Station and other.

2 Item (38) of Part II of  
Recommendations,

- 38      1. Item IX(iii) of former GEG's Note      Coercion and intimidation of electors may be made an electoral offence.
2. Item (39) of Part II of Recommendations
- 39      Item (40) of Part II of Recommendations      (i) The scope of section 126 dealing with prohibition of public meetings during the period of 48 hours ending with the hour fixed for conclusion of the poll should be widened so as to include, among other things, processions and 'Padayatras'.
- (ii) Prohibitory period of 48 hours should be reckoned backwards from the hour fixed for the commencement of poll instead of from the hour fixed for the conclusion of poll.
- 40      Item (42) of Part II of 1977-Recommendations      Disturbance at public meetings should be made a cognizable offence punishable with imprisonment extending upto 6 months or with fine or with both.
- 41      Item (43) of Part II of 1977-Recommendations      Section 134A should be amended so as to include within its ambit (i) canvassing by Government servants also, and (ii) action as election agent, etc. by employees of Local Bodies.
- 42      Item (44) of Part II of 1977-Recommendations      Section 134A should be amended specifically to provide that any boycott or refusal or any incitement to boycott or refuse to perform election duty would be an offence.
- 43      Item (46) of Part II of 1977-Recommendations      Removal of ballot papers by use of violence, force should also be prohibited under section 135.

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44	Item (47) of Part II of 1977-Recommendations.	Employees be granted paid holiday on the day of poll.				
45	Item (49) of Part II of 1977-Recommendations.	Wearing of badges, emblems, etc. bearing the names of candidates or their pictorial representation inside the polling stations and within distance of 100 metres should be banned under section 130.				
46	1. Item IX(i) of former CEG's Note.	(i) Use of vehicles for conveyance of voters should be made cognisable offence punishable with imprisonment upto six months and also with fine.  (ii) Magistrates, police officers, etc. may be empowered to stop vehicles to check whether such vehicles are being used for carrying voters.  (iii) The owner and driver of vehicle used for carrying voters should be punished with imprisonment upto 3 months. In order to stop booth capturing forcibly marking and dropping into ballot boxes a large number of ballot papers, etc., section 136 may be amended to provide for stringent punishment for a term which may extend to two years with a statutory minimum punishment of six months and with fine as against the present maximum punishment of six months or fine or both.				
	2. Item (50) of Part II of 1977-Recommendations.	Item (52) of Part II of 1977-Recommendations.				
48	1. Item IX(iv) of former CEG's Note.	Section 127A of the Act relating to printing of election pamphlets, posters, etc., should be amended (i) to prescribe that the requirement in sub-				

- 49 Item (54) of Part II of 1977-Recommendations.  
The Election Commission should have  
the powers of Civil Court under section  
146 not only in respect of inquiries  
into disqualification of members un-  
der articles 103, 192, etc. but also in  
respect of disputes regarding election  
symbols.
- 50 Item (55) of Part II of 1977-Recommendations.  
The Commission should also have  
powers to award costs to the parties.
- 51 Item (57) of Part II of 1977-Recommendations.  
Power for cancellation of notification  
on the advice of the Election Com-  
mission should be specifically conferred  
on the President or Governor, in the  
case of General/Biennial election and  
on the Election Commission in the  
case of By-election, in case of emer-  
gency such as flood, fire, earth-quake,  
war, external aggression or internal  
disturbance, etc.
- 52 Item (57) of Part II of 1977-Recommendations.  
Provisions of section 158 relating to re-  
turn of security deposit should be amen-  
ded to clarify, *inter-alia*, that the return  
of deposit shall be ordered only after  
completion of election.
- 53 Item (58) of Part II of 1977-Recommendations.  
Specific powers may be conferred under  
the Act on the Election Commission  
to issue directions and instructions to  
Chief Electoral Officers, District Elec-  
tion Officers, Returning Officers,  
Electoral Registration Officers, etc.

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**54 1. Item VI of former  
GEC's Note.**

(a) Item (59) of Part II of 1977-Recommendations. Suitable provision should be inserted in the Act to specify that in discharge of the functions as the Chief Electoral Officer or Joint Chief Electoral Officer (State Election Commissioner/- Joint State Election Commissioner), they shall not act in sub-ordination to the Government of the State and they shall be under the direct control of the Commission.

**55 Item (60) of Part II of  
1977 Recommendations.**

Suitable provision empowering the Commission to investigate into complaints made to it in connection with any electoral matters should be made in the Act.

**56 1 Item (61) of Part II of  
1977 Recommendations.**

Provision relating to Election expenses should be recast on the following lines to make them really effective and meaningful :

**2 Recommendation  
No 6 in Chapter XVI  
of Report on General  
Elections to Lok  
Sabha, 1980 etc.**

- (i) Definition of 'Election Expenses' may be provided to include all election expenses incurred whether before, during or after the election.
- (ii) Definition of 'personal expenses' of a candidate may be provided.
- (iii) There should be prohibition on election expenses being incurred by any person (other than the candidate or his election agent) or

etc. Political Parties may, however, incur such expenditure.

(iv) Certain amounts of (i) election expenses such as security deposit, the amount not exceeding a specified sum paid to a political party, and (ii) personal expenses not exceeding a specific sum, should not be included for the purposes of the prescribed maximum limit of election expenses.

(v) Where the poll is countermanded due to the death of a candidate or adjourned for any reason the permissible maximum amount should be increased by a specified percentage.

(vi) The return of election expenses should be signed both by the candidate and his election agent and accompanied by declarations, about their correctness.

**Recommendation No. 7**  
in Chapter XVI of Report on General Elections to Lok Sabha, 1980 etc.

The Commission has also recommended in September, 1981, that the limits of election expenses may be extended by 30% if repoll is ordered in the constituency and such repoll is held after a gap of more than one month of earlier poll.

(a) The period of disqualification for failure to lodge the account of election expenses in time should be extended from three years to five years as in the case of some other disqualifications which would keep such disqualified persons out of the election fray at least for one general election.

(b) The candidate will automatically incur such disqualification from the date on which the account of election expenses is to be filed.

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(c) In the case of elected candidate such disqualification should not take effect till after the expiry of three months from the date of his election and if, for reasons to be recorded by the Commission the Commission removes the disqualification of such person on his application and later filing of the return of his election expenses, the disqualification should be deemed to have been not incurred by such candidate.

**58** 1 Recommendation No. 8 (iii) and (iv) of Chapter XVI of Report on General Elections to Lok Sabha, 1980 etc.

(a) Commission should have the power as at present to remove or reduce the period of disqualification incurred for non-filing of return.

(b) It should also have the power to scrutinise the return of election expenses to see that they have been correctly rendered and if not, the persons concerned should incur disqualification.

**59** 1 Item (68) of part II of 1977 Recommendations. (a) All amendments made to section 77 of the Representation of the People Act, 1951 by he Representation of the People (Amendment) Act, 1974 (Act No. 58 of 1974) and Election Laws (Amendment) Act, 1975 (4 of 1975) should be deleted.

2 Recommendation No. (b) The expenditure incurred by poli-

On reconsideration Explanations 3 only may be retained in section 77 and the section may also be amended to give effect to the recommendation in sub-item (b).

The matter about the inclusion of expenses  
in the election account of the candidate

Elections to Lok Sabha, 1980 etc.  
of the prospects of a particular candidate should be deemed to have been incurred or authorised by that candidate.

the meeting held by the Commission with the political parties on 31-10-79.

Some of the parties were not in favour of this proposal. The Commission wrote to the Govt. in November, 79 that section 77 may be amended by an Ordinance to provide that the expenses of political parties should continue to be excluded from the election expenses of individual candidates, but the expenses incurred or authorised by any other association or body or person or by any individual should form part of a candidate's expense (Letter No. 3/1/79 dated 3-11-79).

However, the Commission in its report on General Elections to the Lok Sabha 1980 reiterated its earlier recommendations that political parties' expenses should also be included in the candidate's expenses. It is felt that such expenses by a political party as indirectly relatable to the furtherance should from part of the candidate's election expenses.

- | 60 | 1 Item XVI of former CEC's note.                | <i>Multiplicity of candidates:</i> | To check multiplicity of candidates and to eliminate non-serious candidates from election fray, some preventive steps may be taken like :— |
|----|---|------------------------------------|--|
|    | 2 Item (9) of Part II of 1977—Recommendations.  |                                    | (i) doubling the amount of security deposits.  |
|    | 3 Item (10) of Part IV of 1977—Recommendations. |                                    | (ii) increasing the minimum number of votes required for refund of security deposit from 1/6th to 1/4th and                                |

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4 Recommendation No. 5 in Chapter XVI of Report on General Elections to Lok Sabha, 1980 etc.

5 Letter No. 3/5/78 dated 28-3-1978.

(iii) disqualifying a candidate in the event of his failure to secure a prescribed minimum percentage of valid votes, and

(iv) increasing the no. of proposers and seconders in case of independent candidates.

This provision is not considered practicable as the Returning Officers will find it extremely difficult to accept the authenticity of signatures of such proposers/seconders.

Item (5) of Part IV of 1977 Recommendations.

No statutory time limit should be fixed for holding a bye-election.

L.No. 3/1/79, dated 12-4-1979.

Sections 147 and 149 to 151 may be amended to provide that the intimation about a vacancy in Parliament or State Legislature shall be formally sent to the Commission by such authority and in such form as may be prescribed. (This proposal emanated as a result of controversy about the vacancy in the House of the People by reason of expulsion of Smt. Indira Gandhi from that House in 1978).

L.No. 318/81, dated 10-3-81 and 13-5-81.

Term of office of members of the Council of States and State Legislative Councils should be fixed with reference to a particular date and if any vacancy is not filled for any rea-

In order to restore the cycle of biennial retirement and biennial elections which has been disturbed in various States and particularly in the Legi-

son on the due date, the member subsequently chosen to fill that seat should serve for the remainder of the term, so that cycle of biennial retirement as envisaged under the Constitution is maintained.

#### List IV—Amendment to other Acts.

Sl. No.	Reference	Proposal.	Modification, if any	Remarks.
1	2	3	4	5
1	L.No. 62/1/79-LS Dated 14-6-1979.	The employees of Public Sector Undertaking, Statutory Bodies & Corporations like L.I.C., National Banks, etc. may be prohibited from participating in political activities and taking part in elections by suitable legislation as such employees are also drafted for polling duties and should not therefore indulge in political activities and canvassing for candidates. Very often they also ask for exemption from polling duties on the above ground.		
2	Item (66) of Part II of 1977 Recommendations.	All direct as well as indirect donations to political parties by companies should be banned. The account of		The Commission after reconsideration feels that it would be realistic to accept the fact

**political parties should be opened to audit under the law.**

that political parties require adequate funds for financing the election activities and for this purpose they depend on donations from companies. It would therefore be desirable to regulate the manner in which companies make contributions to political parties instead of totally banning such contributions. This should, of course, be subject to the condition that it should be obligatory.

**Item 6 (j) of Part IV of 1977 Recommendations.**

Ban on corporate donations should continue.

For the political parties to maintain accounts and such accounts should be audited. It should be further provided that such donations should be fixed at such rate as to make them relatable to the element of profit. Where necessary consequential amendments of the Company Law should also be made.

**Item II of Part IV of 1977 Recommendations.**

Any individual donation upto Rs. 1000/- to a political party or for political purpose should be exempted for purposes of income tax, if Government does not finance the election expenses of candidates.

Please see also Wunchoo Committee Recommendations.

**List -V-proposals Requiring changes in the executive instructions for strengthening the election machinery both at the Centre and the States and other allied matters for ensuring free, fair and peaceful elections**

No.	Reference	proposal	Modification, if any	Remarks
1	1. Item VI of Note of former C.E.C.	The Commission is of the view that multimember Commission will create more problems than it would solve.		
2	2. Item (1) of part III of 1977-Recommendations.			
3	3. Item (1) of Part IV of 1977-Recommendations.			
4	1. Item VI of former CES Note.	For the same reason Commission is not in favour of appointment of Regional Commissioners.		
	2. Item (2) of Part IV of 1977-Recommendations.			
	3. Item (3) of Part IV of 1977-Recommendations.			
5	Item (2) of Part IV of 1977-Recommendations.	Present system of appointment of Chief Election Commissioner should continue.		It is felt that matters relating to the appointment of Chief Election Commissioner and terms and conditions of his service should appropriately be regulated by a statute as contemplated under article 324(5) of the Constitution.
6	Item VI of former CEC's Note.	In order that the Chief Election Commissioner is assured of proper status, his terms and conditions of service and his status under the warrant of Precedence should correspond to the spirit of the Constitutional provision where by it was intended to equate that office with that of the judge of the Supreme Court.		

- 1      2      3      4      5      6      7      8      9
- 5 Item VI of former CEC's Commission should have complete autonomy in respect of its Secretariat if the Commission is to function effectively and in an independent manner.
- 6 1. Item VI of former CEC's Commission should have full administrative and functional control over Election Department in State/Union Territory.  
2. Item (6) of Part I of 1977-Recommendations.
- 7 Item 6(c) of Part IV of 1977-Recommendations. No transfers of police above the rank of Constable and revenue officers should be ordered while the election is in process.
- 8 Recommendation No. 14 Some remuneration by way of honorarium to Gazetted employees engaged for election duties may also be given.
- 9 Item 7 (ii) of Part IV of 1977-Recommendations.
- (a) Use of Radio and Television by political parties should be allowed for election purposes. There should be an advisory body like Press Council of India to act as Watchdog on the misuse of these media by the ruling party.
- Item (6) of Part III of 1977-Recommendations.**
- (B) Scheme for broadcasts by political parties evolved at the time of general elections held for some State Legislative Assemblies in June, 1977 should continue.

This may be seen in the context of fresh proposals in List I.

2                   3                   4                   5

Item (6) of Part III of (C) No member of Govt. should be given time on radio and Television except such time as may be given to his party.

10 Item (17) of Part IV of Polling agents of candidates should not have the right to accompany polled ballot boxes after the poll in the same vehicle.  
1977-Recommendations.

**Statement—II**

*Recommendations relating to amendments in election law and procedure received from Election Commission in September, 1983:*

1. Imposition of the President's Rule on the eve of elections. (The Commission has subsequently communicated that it has decided not to pursue the proposal at present, on the eve of the elections in view of the various inferences which were being drawn by the political parties)

2. Appointment of Regional Commissioners.

3. Clothing of Observers with powers under law.

4. Cancellation of the poll in the entire constituency in certain contingencies.

5. Penal and administrative action against delinquent officials.

6. Setting-up mobile stations for weaker sections.

7. Replacement of postal ballot papers by voting by proxy.

8. Safeguards against printing of spurious and fake ballot papers.

9. Inspection of election papers.

10. Minor amendments to the Conduct of Elections Rules, 1961 and forms thereunder.

**Statement—III**

*Recommendations relating to electoral reforms received from the Election Commission in December, 1983:*

1. Revision of maximum limit of election expenses prescribed under Rule 90 of the Conduct of Elections Rules, 1961 read with section 77 of the Representation of the People Act, 1951.

2. Revision of Model Code of Conduct for the guidance of political parties and candidates—violation of provisions of

the Model Code of Conduct to be treated as corrupt practice entailing the election of the successful candidate to be set aside—as already recommended by the Commission.

3. Use of electronic voting machines in the entire country.

4. Supply of four copies of electoral rolls free of cost, to the recognised political parties as against the existing two copies.

श्री कैलाशपति मिश्र : उपसभा-पति महोदय, मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूँ कि 1974 में सुप्रीम कोर्ट ने एक केस के ऊपर अपनी राय जाहिर की है, कंवरलाल गुप्ता वसज अमरनाथ चावला के केस में उसने कहा है कि उम्मीदवार के द्वारा किये गये खर्च के साथ साथ पार्टियों द्वारा किया गया खर्च भी जोड़ा जाना चाहिए और अगर किसी व्यक्ति या किसी संगठन द्वारा खर्च किया जाता है तो वह उम्मीदवार की इजाजत से होना चाहिए। अगर यह उम्मीदवार की इजाजत से नहीं है तो वह संगीन अपराध के अंदर मानना चाहिये। लेकिन इसमें यह उल्लेख नहीं दिखाई दे रहा है कि सब खर्च एक साथ जोड़कर दिखाया जायेगा या नहीं दिखाया जायेगा। श्रीमन्, राजनीतिक दलों ने अपनी रेकमन्डेशंस में मांग की है कि सरकार की ओर से पब्लिक फंडिंग हो। खर्च इतना बढ़ता चला जा रहा है कि भ्रष्टाचार का यह मूल कारण बन गया है। तो मैं मंत्री महोदय से जानना चाहता हूँ कि क्या सरकार राष्ट्रीय दलों की इस मांग के साथ इस बात को स्वीकार करने के लिए तैयार है कि मान्यता प्राप्त राजनीतिक दलों के उम्मीदवारों के लिए एक निश्चित राशि तय की जाय और इसके लिये एक पब्लिक फंड बनाया जाय और यहां से चुनाव लड़ने के लिए दिया जाय ?

**SHRI JAGANNATH KAUSHAL :** I have stated more than once in this House that the main recommendations which have been sent by the Election Commission are under the consideration of Government. A Sub-Committee of Ministers has been constituted which will have to go in depth on each recommendation which has been made and after the Sub-Committee comes to a tentative conclusion, decision will be taken by the Government, which will again be a tentative decision, as before taking a final decision, leaders of the Opposition parties will be consulted and this is the position even today. I can assure the House that all the points which have been referred by the Election Commission as well as by other parties are under consideration of the Government.

**श्री कैलाशपति मिश्र :** उपसभापति महोदय, लोक सभा का चुनाव समने दिखाई दे रहा है। अब यह नियंत्रण करने की जो प्रक्रिया दिखाई दे रही है यह लोकसभा के चुनाव के पहले सारे निर्णय हो जायेंगे या लोकसभा का चुनाव निकल जाएगा अपने समय से और उसके बाद निर्णय की प्रक्रिया चलती रहेगी? इसी के साथ एवं और प्रश्न है। सुनाव में यह भी मांगा गया है कि लोकसभा और विधानसभाओं के चुनाव साथसाथ कराए जाएँ, क्या सरकार यह स्वीकार करने के लिए तैयार है। जरा इन दोनों बातों का उत्तर मंत्री जी दें।

**SHRI JAGANNATH KAUSHAL :** It has been stated in the written reply that it is not possible to say positively as to how much time will be taken for finalising all the points which have been referred by the Election Commission. The only assurance which I have given is with regard to the points which are mentioned in Annexure 2 and Annexure 3.

The other matter whether all elections to the Lok Sabha and the Assemblies would take place at one and the same time is also under active consideration of the Committee.

**SHRI MURLIDHAR CHANDRA-KANT BHANDARE :** I am referring to the first item and that this is as regards defections. I take this opportunity to register my conscientious objection to any anti-defection measure unless it satisfies certain basic tenets and fundamental principles of democracy. But apart from that what I find is from the remarks that the Government feels that this law can be enacted merely by amendment of the Representation of People Act, and I have a serious doubt and would like the hon. Law Minister to inform the House whether the Government has taken into consideration the invalidity of such a provision by amending only the Act as being inconsistent with article 19(1)(a) and article 105(1) of our Constitution.

**SHRI JAGANNATH KAUSHAL :** No final view has been taken by the Government on this matter as to whether only the amendment to the Representation of People Act is sufficient or the Constitution will have to be amended; that is yet to be decided. My own personal view is that we will have to amend the Constitution.

**SHRI MURLIDHAR CHANDRA-KANT BHANDARE :** I am glad you agree.

**SHRI SUKOMAL SEN :** On 3rd December, Election Commission convened a meeting of different political parties for consideration of certain proposals and different political parties submitted proposals to the Election Commission for consideration. I would like to know whether Election Commission has considered those proposals and submitted to the Government its views, and if so, whether the Government is considering views of political parties and whether they are going to finalise it before next Lok Sabha elections.

**SHRI JAGANNATH KAUSHAL :** I have already replied with regard to the fact that political parties met the Election Commission and then the Election Commission after meeting the political parties, made certain recommendations they form part of the annexures which I have appended to the reply....

**SHRI SUSHIL CHAND MOHUNTA:** We all know that huge amount of money is spent on elections by the candidates from their personal pocket, their friends contribute towards it and sometimes the Party also contributes towards it. When the returns are filed by the candidates who have become successful as well as by the other candidates, they do not speak of the amount which has been spent by the Party or by the friends of the candidates. The amount which is spent is so huge that when subsequently the person is elected as a Member of Parliament or as a Member of a State Assembly, and he enters into some office, people start expecting things from him and he, therefore, utilises the opportunity to make up for the loss, to make up for the expenses which have been incurred by him. Therefore, to bring in an era where every legislator who has been elected can not only hold his head high, but is also able to discharge his duties, official duties, adequately and properly, without any pressure from those people who have contributed money towards his election expenses, will not be advisable to have a scheme by which no candidate or his Party would be allowed to incur any expenses towards election but the Government would finance the election expenses on its own? My second question is....

**MR. DEPUTY CHAIRMAN :** Your question number one is sufficient.

**SHRI SUSHIL CHAND MOHUNTA:** This is a connected question.

**MR. DEPUTY CHAIRMAN :** This has already been replied to.

(*Interruptions*)

**SHRI SUSHIL CHAND MOHUNTA :** In the recent Rajya Sabha elections, it has been talked about quite a lot, that people have spent huge amount of money. They do not come within the purview of the election laws. Are you prepared to amend the election laws so that these elections are also brought within its purview?

**SHRI JAGANNATH KAUSHAL :** Do not believe all these rumours.

(*Interruptions*)

**SHRI J. K. JAIN :** It is these people who spread these rumours.

**श्री शान्ति त्यागी :** उपसभापति जी, हमारे देश में अनेक इलाके ऐसे हैं, जहां गरीब आदमी को ताकतवर क्लासेज जो है, वह वोट देने के अधिकार से बच्चित रखती है। आपको यकीन आएगा कि नहीं मुझे मालूम नहीं, परन्तु हमारे पश्चिमी उत्तर प्रदेश में ऐसे बहुत से हजारों की तादाद में—मैं कहूँ कि लाखों की तादाद में वोटर्ज हैं और वह गरीब वर्ग है और शेबूल बास्ट्स के हैं, जिन्होंने कि आज तक बैलट पेपर और बैलेट बाक्स का मूह भी नहीं देखा है।

मैं माननीय मंत्री जी से पूछता चाहता हूँ कि इलैक्शन कमीशन की जानिब से या किसी पार्टी की जाबिन से, या स्वतंत्र रूप से आपके सामने कोई ऐसा प्रस्ताव विचाराधीन है जिससे कि इस कलंक को और जो बड़ी भारी लानत है हमारे लोकतंत्र पर, इसको रोकने का कोई प्रावधान हो, ऐसा कोई प्रस्ताव विचाराधीन है कि नहीं ?

**श्री जगन्नाथ कौशल :** यह जितनी मैंने रेकमेंडेशन्स का पौधा लगाया है, उसको पढ़िये तो आपको मालूम होगा कि सभी मामले विचाराधीन हैं।

**श्री शान्ति त्यागी :** उपसभापति जी इसके बारे में साफ नहीं हैं। उसमें बहुत सी बातें की गई हैं। यह इसका स्पष्ट उत्तर नहीं है।

**श्री उपसभापति :** पहले पौधा फूलीजिए, तो फिर कहिएगा।

**श्री शान्ति त्यागी :** मैं पढ़ चुका हूँ सफाई के साथ यह बात नहीं कही गई है।

**श्री चतुरनन मिश्र :** मंत्री महोदय ने कहा कि वे यह कहने में असमर्थ हैं कि सभी रेकमेंडेशंस पर सरकार निर्णय लें सकती या नहीं —मैं यह जानना चाहता हूँ कि क्या कुछ ऐसी भी रेकमेंडेशंस हैं, कम से कम एक भी, जिसका मौलिक महत्व हो, जिस पर सरकार निर्णय लेगी।

**श्री जगन्नाथ कौशल :** हमारी कोशिश यह है कि सभी मामलों का उससे पहले-पहले फैसला कर दिया जाय।

**श्री चतुरानन मिश्र :** हमने तो पूछा है कि एक भी मामले पर, सभी पर नहीं। एक भी मामले पर तो कहें।... (व्यवधान)

**श्री उपराजित :** उसका जवाब तो हो गया है।

**SHRI SURESH KALMADI :** We have read the reply of the hon. Minister. He says It is under active consideration. We know what the Government means by "active consideration". That means there is no thought at all. This is a subject of wide ranging impact and the question of electoral reforms has been a matter of public debate in this country. I am surprised to see that the Government is sleeping over the matter, especially when the elections are round the corner. Hardly five or six months are left and the Government says that it is still under active consideration.

I would like to know from the hon. Minister about political donations, whether you intend allowing companies to make political donations that they can do it by cheques for the coming elections, because if you do not allow that, it is going to be a severe handicap for the Opposition. The Government has got its licensing policy and it is destabilising many companies. The LIC and other financial institutions are threatening various companies and forcing them to give

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money for elections. We of the Opposition are having a tough time because they are not legalising company donations. It is the demand of the Opposition that company donations must be legalised. I would like to know whether for the coming elections, the companies can give donations to various political parties by cheques, or it is going to be the black money which is going to flow in?

**SHRI VISHVAJIT PRITHVIJIT SINGH :** Sir, this is the voice of capitalisms.

**SHRI SURESH KALMADI :** Not of the Maharajas.

**SHRI JAGANNATH KAUSHAL :** Sir, I would beg the House to accept what I say. When the hon. Members say that the Government is not considering these proposals, I am sorry to say that the Members are not fully informed.

**SHRI SURESH KALMADI :** There are just four-five months left for the elections. When are you going to wake up?

**MR. DEPUTY CHAIRMAN :** The reply is there. You do not read it.

**SHRI MURLIDHAR CHANDRA-KANT BHANDARE :** Sir, there is a manner in which questions can be put up. There is no need for arrogance, or insolence in this House. He must at least show respect to the Treasury Benches and to others.

**SHRI KALYAN ROY :** Sir, have you appointed him as your lawyer.

**SHRI JAGANNATH KAUSHAL :** Sir, I thought when I had stated that I will not be able to give any categorical answer on the matters which are under consideration and on which final decisions will be taken after consultation with the Opposition parties, how do...

**SHRI SURESH KALMADI :** But there is a time limit for that.

**MR. DEPUTY CHAIRMAN :** Please allow him to have his say.

**SHRI JAGANNATH KAUSHAL :** How do hon. Members expect me to say 'yes' or 'no', on a particular question which they raise.

**SHRI SURESH KALMADI:** Why don't you say 'no'.

**SHRI JAGANNATH KAUSHAL:** The whole point is under consideration and I have repeatedly said it. We are very much concerned, as much as the hon. Members are, but surely we cannot accept any half-baked solution. Any half-baked solution suggestion will be worse than the disease.

**SHRI KALYAN ROY:** Sir, you allow a Half-an-Hour Discussion on this.

**MR. DEPUTY CHAIRMAN :** It has been discussed many times. You know it.

**श्री सत्यपाल मलिक :** श्रीमन्, मौजूदा स्थिति में...

**श्री उपसभापति :** कृपा कर के सवाल पूछिए।

**श्री सत्यपाल मलिक :** इस वक्त कोई चुनाव बड़े भारी पैसें के बिना नहीं लड़ा जा सकता। चुनाव लड़ना जंग लड़ना हो गया है। ये माननीय मंत्री जी से जानना चाहता हूँ कि क्या आप को कुछ प्रार्टियों ने यह भी सलाह दी थी कि चुनावों का घर्चा सरकार वहन करे जैसा कि कुछ देशों में है।

**श्री उपसभापति :** आप पढ़ लीजिए, जवाब दे रखा है।

**श्री सत्यपाल मलिक :** मैं जो बात कह रहा हूँ वह यह कि '79 में जो सरकार चौधरी चरण सिंह की थी उस ने सिफारिश की थी इस बारे में। मैं सरकार का दृष्टिकोण जानना चाहता हूँ कैटेगोरिकल इस के बारे में कि उस की राय क्या है? और अगर आप इस छो स्वीकार नहीं करते....

**MR. DEPUTY CHAIRMAN :** Revision of maximum limit and compulsory regis-

tration of political parties—all these things are there in the reply.

**श्री सत्यपाल मलिक :** मैंने माना। आप इस का जवाब दें? वह हाँ करें, ना करें।

**श्री उपसभापति :** वह कितनी बार जवाब दें।

**श्री सत्यपाल मलिक :** आप ने मुझे सवाल करने के लिए कहा है, मैंने सवाल कर दिया, वह जवाब दें। मैं सिफारिश पर उन की स्पैसिफिक राय जानना चाहता हूँ।

**श्री उपसभापति :** बार-बार वही सवाल पूछ रहे हैं।

**श्री सत्यपाल मलिक :** यह कोई तरीका, नहीं है आप का। मैंने कोई ज्यादती नहीं की है।

**श्री उपसभापति :** टाइम बेस्ट मत करिए।

**श्री सत्यपाल मलिक :** मैं राय जानना चाहता हूँ। आप ज्यादती करते हैं।

**SHRI SURESH KALMADI :** Why are you giving the reply?

**श्री सत्यपाल मलिक :** मैंने कोई इर्लिवेंट बात नहीं कही। मैंने रूलिंग पार्टी के खिलाफ कोई बात नहीं कही, कोई आफेसिव बात नहीं कही। मैंने सिर्फ इतना जानना चाहा है कि जो सिफारिशें हैं उन में से इस पार्टिकुलर सिफारिश के बारे में आप की क्या राय है?

**श्री उपसभापति :** इस सिफारिश के बारे में भी राय लिखी हुई है। (द्वयधान)

**श्री सत्यपाल मलिक :** मैं कोई गलत काम करने तो आप रोकिये। मैं आप की रुलिंग मानने के लिए तैयार नहीं हूँ। मैं जानना चाहता हूँ कि यह जो पाटिकुलर प्लाइट है इस पर सरकार की क्या राय है?

**श्री जगन्नाथ कौशल :** मैं माननीय सदस्य द्वा ध्यान दिलाना चाहता हूँ कि मैंने जो जवाब पढ़ा है उस में जो मैंने रेकमेंडेशन मैंने कही कि छांट कर रखी हैं उन एक रेकमेंडेशन हैं क्लास 3 पर : Subvention to political parties.

जो अभी आप ने पूछा यह बात भी विचारधीन है, तो मैं जवाब कैसे दे दूँ जब तक कि इत्य पर कोई फैसला फैसला न हो जाय।

**MR. DEPUTY CHAIRMAN :** Replies are already there, I will not allow repetition. Whatever you might say, I don't mind it. Shri Gopalsamy.

**SHRI V. GOPALSAMY:** Sir, there is a suggestion which is mentioned in Annexure II about the problem of Regional Election Commissioner, which is an urgent need.

**MR. DEPUTY CHAIRMAN :** That point is under consideration.

**SHRI V. GOPALSAMY :** But I would like to know from the Minister.

**MR. DEPUTY CHAIRMAN :** It is from the Minister. It is not on my behalf.

**SHRI V. GOPALSAMY :** The Election Commissioner realises the need to send observers from other States. The budget of the Election Commission is very much limited. Unless it is brought under the "charged" list...

**MR. DEPUTY CHAIRMAN :** Please take your seat.

**SHRI V. GOPALSAMY :** Sir, it is a very specific question. Unless the expenditure is brought under the "charged" list...

**MR. DEPUTY CHAIRMAN :** Please take your seat. Already twenty minutes have been wasted on this.

**SHRI SURESH KALMADI :** We want a commitment from the Government.

**SHRI PARVATHANENI UPENDRA:** Kindly allow us. It is an important subject. You have allowed other parties. Please allow us also.

**MR. DEPUTY CHAIRMAN :** I am calling the next question. Smt. Maimoona Sultan. Already twenty minutes have been wasted on this. You raise Half-an-Hour discussion on this, I will consider it.

**SHRI SURESH KALMADI :** We want a commitment from the Government.

**MR. DEPUTY CHAIRMAN :** Smt. Maimoona Sultan. (Interruptions) Please take your seats.

**SHRI PARVATHANENI UPENDRA:** Sir, I have a question on this. You must allow this.

**श्री उपसभापति :** यह तो बच्चों जैसी हालत हो गयी कि एक खिलौना मिल गया तो अच्छे से अच्छा खिलौना देखने को तैयार नहीं हैं। एवं सबल आ गये तो उसमें सारे सदन का समय बर्बाद कर देंगे।

**श्री गुलाम रसूल मट्टू :** आप सुनिये तो, सही कि मैं क्या कह रहा हूँ।

**श्री उपसभापति :** अगर आप इसी तरह से डॉल बारेंगे तो बेहतर होगा कि सदन में एक क्वेश्चन ही लाया जाय और एक घंटा उस पर बहस हो। यह तो कोई तरीका नहीं है।

**SHRI B. SATYANARAYAN REDDY :** It depends on the importance of the question.

**SHRI PARVATHANENI UPENDRA :** Sir, I attended this meeting. The Chief

Election Commissioner had expressed his helplessness because the Government is taking years to consider his suggestions. He himself said this. The Minister must give an assurance how long he will take. He cannot say. "It is under consideration."

**श्री पारेलाल खड़ेलवाल :** आप इस पर अधिक धंटे की चर्चा स्वीकार कर दीजिए।

**श्री उपसभापति :** आप निब कर दी दीजिए।

**SHRI PARVATHANENI UPENDRA:** Sir, you allow one of us to ask a question.

**SHRI SURESH KALMADI :** Government must give a time limit within which it will implement this.

**श्री गुर्जम रसूल भट्टू :** मेरा सवाल अपर तरही आया होगा तो आप एलाइ करियेगा लेकिन आप मेरा सवाल तो सुनिये।

**श्री उपसभापति :** आप बैठ जाइये कृपा करके।

#### Recovery of unintended benefit from manufacturers of essential drugs

\*182. **SHRIMATI MAIMOONA SULTAN:** Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the manufacturers of Gentamycin and Doxycycline formulations have been issued notices for recovery of unintended benefit; if so, what are the names of the manufacturers who have issued notices;

(b) what is the unintended benefit made by each manufacturer and the steps taken to recover the same;

(c) whether it is a fact that notices for mopping up unintended benefits are being issued on a day-to-day basis;

(d) whether it is a fact that the manufacturers are defying Government directives in this behalf and are indulging in underhand means to checkmate the Government on this issue; and if so, what are the names of the major manufacturers who have defied Government on this issue; and

(e) what is the notified price of Doxycycline and at what price the same is available in the market?

**THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI VASANT SATHE):** (a) Yes, Sir. A Statement showing the names of the manufacturers who have been issued notices is attached.

(b) Only two manufacturers of formulations based on Gentamycin have sent the replies so far. Magnitude of unintended benefit would be known only after the details are received from all the concerned units.

(c) Notices are being issued on the basis of daily list of imports.

(d) None of the manufacturers have refused, so far, furnish the details in respect of Gentamycin and Doxycycline as called for.

(e) The present notified price of Doxycycline (bulk) is Rs. 5890 per kg. It is understood that the present market price is not higher than the price fixed by the Government.

#### Statement

*Name of the manufacturers of Gentamycin formulations who have been issued notices.*

1. M/s. Fulford (India) Limited
2. M/s. Nicholas Laboratories Limited
3. M/s. Standard Pharmaceuticals
4. M/s. Pharmaceutical Corporation of India
5. M/s. Lyka Laboratories