

मैं यहाँ पर यह चाहूँगा कि डीयरनेस-भ्रताउन्स देने की बात है, वह निश्चित रूप से केम में दिया जाना चाहिये। यह उस व्यक्ति को मदद के लिये दे रहे हैं जिसको रोज सामान खरीदना है। केवल कम्पलसरी डिपोजिट में जमा करना या उसको किसी आगे के समय के लिये देने वाली बात है इसे नान-इम्प्लेशनरी बनाने का जो हमारा एट्टीट्यूड है, न उसमें कोई सहायता नहीं हो पायेगी और न उनको, जिनको मंहगाई भत्ता देना चाहते हैं उनको किसी तरह की सहायता दे पायेंगे।

इसलिये इन आधारों पर अगर इस बजट का विचार किया गया तो हाँ सकता है कि इसमें से जनसाधारण के कष्टों को कम करने का कोई मार्ग निकले नहीं तो फिर यह बजट मैंने जैसे कहा कि दौड़ते हुआ बजट है, तेज से दौड़ने लगा है और ऐसा न हो कि दौड़ते-दौड़ते हॉइ इम्प्लेशन की ऐसा घाट में ले जाये जिसके कारण बेरोजगार और बढ़े।

**THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN):** Before I call Shrimati Roda Mistry to speak I want to take the views of the House. The Business Advisory Committee has suggested that we must have four hours of discussion on the General Budget everyday. We have to complete 16 hours of discussion. Today we have had 3 hours of discussion. If you agree, we will take up Half-an-Hour Discussion now and after that, the Budget debate will continue. There are a number of speakers from both the sides.

**SHRI SHIVA CHANDRA JHA (Bihar):** You consider from Monday as to what is to be done.

**SHRI N. K. P. SALVE:** Do I understand that we will finish the Half-an-Hour Discussion by 6.30 p.m. and then sit up to 7.30?

**THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN):** At least another 30 to 45 minutes.

**SHRI SHIVA CHANDRA JHA:** From Monday.

**THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN):** We will start Half-an-Hour Discussion and see after that.

#### HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF THE ANSWER GIVEN IN THE RAJYA SABHA ON 1ST MARCH, 1982, TO STARRED QUESTION 102, REGARDING ELECTORAL REFORMS

**SHRI LAL K. ADVANI (Gujarat):** Sir, I have carefully gone through the reply given to Starred Question on 1st March which is the basis of this Half-an-Hour Discussion which I propose to raise. I have also gone through the replies given to the Unstarred Questions that have been referred to in this question because it was on that basis that I had requested the Chairman to permit this discussion. When a reply given to the House to a Starred Question merely refers to two Unstarred Questions, i.e. one of June 1980 and the other of November 1980, it is impossible for a Member interested in the subject to put proper supplementaries. Sir, on November 24, 1980, replying to the question on the same subject of electoral reforms which had been tabled by me, the then Law Minister gave a resume of the Election Commission's recommendations or rather suggestions which he had made in a public speech organised by the Voters' Council and Citizens for Democracy. It is a longish reply and I do not want to read the whole 6 P.M. thing. He had also spelt out a number of very formal recommendations made by the Election Commission to the Government. And after giving this elaborate

[Shri Lal K. Advani]

answer, the Law Minister went on to say, and I quote:

"All these proposals connected with electoral reform are comprehensive in nature. The decisions on them not only require careful consideration of the full import of the implications...—what language, Sir, 'import of the implications?—'but also discussions with political parties and also with State Governments in certain cases."

This is the reply that was given to this House on November 24, 1980. And on that basis, it was also stated that it is not possible to fix the date by which this exercise can be completed because the political parties are to be consulted, because the State Governments are to be consulted about all these recommendations of the Election Commission.

Now, Sir, my first question to the Law Minister today is that, it is now 16 months since this reply was given to the House which I hold as an assurance given to the House that in respect of these numerous recommendations or suggestions made by the Election Commission we propose to consult the political parties, we propose to seek the opinion of the State Governments on this matter. My question, Sir, is: What has been done in pursuance of this assurance? Has there been any follow up because, Sir, I belong to an opposition political party and I can say that so far as this part of consultation with the opposition parties on the Election Commission's recommendations is concerned, nothing has been done. I do not know of any initiative taken in this regard, I do not know whether any initiative has been taken even in respect of consulting the State Governments which also is a part of the assurance given here. And if not, why not? 16 months have passed, and after 16 months the reply given to me is almost a paraphrase saying that this matter needs considerable consi-

deration and, therefore, no time can be indicated as to when the process can be completed.

Sir, I have been very keenly interested in this question of electoral reform. In fact, Parliament has been one of the main forums where this issue has been agitated over a decade now. If I were to trace briefly the background of the problem electoral reform vis-a-vis Parliament, I would say that it was in 1969 when in a very big way, in a major way, my senior colleague, my party leader, Shri Vajpayee raised this matter in the other House. And he suggested that just as in the case of the United Kingdom. After every general election there is what is called the Speaker's Conference comprising of representatives of all parties. And that Speaker's Conference sits and goes into the election, that have just been held and makes recommendations in respect of electoral reform. So, the electoral reform there has been the matter of an institutionalised arrangement and it is not an ad hoc arrangement. So, my colleague suggested in the other House that a similar institution might be developed in India also. And he suggested setting up of a Committee headed by the Speaker and including representative of all parties. The then Law Minister, Shri P. Govinda Menon, responded very favourably to this suggestion and in the House itself, on that very day—if I am not mistaken, I have the date with me when this happened; it was in March, 1969—he assured the House that the Government will certainly set up a committee of that kind that is suggested though whether the Speaker would like to associate himself with it or not, the Government cannot say and it is up to the Speaker. Sir, a Committee was set up in 1970 in pursuance of this assurance given by the then Law Minister. The Speaker did not associate himself with it. But it sections of the mittee comprised of all sections of the House. Without any specific Bill before it, it was entrusted with the task of going into the problem of electoral

reforms. The Committee did not last long because the Lok Sabha itself was dissolved in December 1970. And, after the Lok Sabha was dissolved, naturally the Committee came to an end. But in 1971, after the formation of the new Government, Shri Vajpayee again agitated the same question and shortly thereafter a committee was formed in July 1971. It included the then Law Minister, Shri Gokhale—Shri P. Govinda Menon was there before him—as a member of the Committee. (*Time bell rings*). Sir, I will do it briefly.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Mr. Advani, there are seven speakers and we have restricted the time.

SHRI LAL K. ADVANI: In this case, the others generally ask for only clarifications.

Sir, this committee was formed in July 1971 and within six months I may mention that... (*Interruptions*). Two members of the present Council of Ministers also were members of that committee. Mr. P. Venkatasubbaiah and Mr. Sawai Singh Sisodia were also members of that committee. And, Shri Vajpayee and myself also had an opportunity to serve on the same committee and the committee function for about six months, went into all the aspects of the electoral reform and produced, what I would say a very good report, a valuable report, though we did not agree with all the recommendations made by the committee. A two-volume report was submitted to Parliament in the year 1972. Mind you, it was done in 1972 and we are today in 1982; and ten years have passed since then. Sir, I have referred to this because many of the recommendations made by that committee were unanimous recommendations. A parliamentary committee comprising of the Law Minister, comprising of members of various parties, comprising of two members, who happen to be today in the Council of Ministers, made re-

commendations. Several of the recommendations made by that committee were unanimous recommendations and some of them were not unanimous. With some of the majority decisions we did not agree. We appended a note of dissent on them. But nevertheless I think that this report, parliamentary committee's report, is one of the major documents which the present Government should take into consideration while considering this issue of electoral reform.

The other day there was a supplementary asked here in reply to which the Law Minister gave the general reply, we will take all reports into consideration, including the report that was referred to. But, I wish to point out that now a situation has come, when a parliamentary committee has done considerable work, made several recommendations, and subsequent to that the Election Commission has made a series of recommendations, and all of them have been appended in the reply to the Unstarred Question posed in June 1980, it is a long thing, an elaborate thing, I do not want to read the whole thing, when my question to the Government would be is it possible for the Law Minister to assure this House that those recommendations of the parliamentary committee which have also been endorsed by the Election Commission, the Government would have no hesitation in accepting them, because the parliamentary committee was a committee including majority of the members of the ruling party then, which happens to be the ruling party today also, and I have named some members who are members of the present Government also. And, furthermore, to bear upon it we have the Election Commission's recommendations, which is not a political body at all, which is the constitutional body responsible for holding free and fair elections in the country. If I put a specific question to the Law Minister as to whether he will accept the recommendations of the parliamen-

[Shri Lal K. Advani]

tary committee that voting age be reduced from 21 years to 18 years, his reply would be that the matter is under consideration. His every reply would be, the matter is under consideration. But, in fairness to this House, is he in a position to convince us about the *bona fides* of the present Government so far as the electoral reforms are concerned by telling us that specifically, I cannot say, that all the recommendations of the parliamentary committee, which have also been endorsed by the Election Commission, I think the Government would have no hesitation in accepting them. Can he give an assurance of this kind? Can he give a declaration of this kind because this statement of his would reassure this House that this Government is earnest and sincere about the issue of electoral reforms around which, as I said the other day, democracy itself hinges. I have my doubts whether you will be able to say, you dare say it. It will be difficult for you, but if you say I welcome, I will be very happy because it would mean at least a policy statement. Here is a Parliamentary Committee which is not an ordinary committee. I am not talking of the Tarkunde Committee. The Tarkunde Committee did a very valuable work, but because it was a non-official Committee, I do not take it into account. But then I do take into account the Parliamentary Committee's recommendations, the Election Commission's recommendations and where both of them tally, I would say, the Government should not have the slightest hesitation in saying that we accept those recommendations.

Sir, I would refer to only three points which are in common. I have already mentioned about the voting age being reduced from 21 years to 18 years. It is an anomaly in this country that a person of the age of 18 is supposed to be fit for everything else, he can be the director of a company, director of a big concern, he can join army, he can choose the life partner for himself, but he is, by law, regard-

ed unfit to choose his representative, and it is said that he must wait for three more years. It is something anomalous. We have taken this 21-year business from England where the age of majority used to be 21 years. Today even in the U.K. the age of voting and the age of majority is 18. The Parliamentary Committee and the Election Commission have also favoured this.

The point number two which I regard as the most pivotal issue in so far as the electoral reforms is concerned, is the question on money power. How do you deal with it? And if you are unable to deal with it, democracy will gradually become a greater and greater farce. The more the importance of money power in elections, the less is the people's real participation in it. And as time passes, it seems almost impossible for a candidate to get elected unless he can pend a lot of money. Sir, that Committee and subsequently so many other non-official committees and also subsequently the Election Commission—all of them have gone into this question in detail and the basic thing that has to be accepted and which was very happily accepted by the Parliamentary Committee was that this Government and this country should accept in principle, that all election expenses should be regarded as a legitimate charge on the public exchequer and expenses today borne by the candidate or the party should be gradually sifted to the State. Only after that imposition of ceilings, imposition of stringent laws relating to ceilings would be quite correct. It happens that the Election Commissioner has also endorsed this. In fact, he has come out, he has worked out, he has computed and he has made a statement which is rather bold; and it is very bold. He says that if you give me an election fund of hundred crores of rupees, I feel it would be sufficient to conduct the elections as also to finance the political parties. Public funding of elections is a crucial issue. Where does the Government stand on this on principle? Is it still the mat-

ter which is 'still under consideration'? We are considering all aspects of the question, after all it is a difficult problem, after all it is a tricky problem—all these replies have been given off and on and the time has come when the Government should make up its mind on the issue of the voting age and on the issue of public funding of elections.

Sir, the third question; of course, that is a difficult one, very difficult one and, therefore I would not like to have a reply from the Law Minister here and now, though I personally have been strongly advocating adoption of the mix system prevalent in West Germany. It happens that the present Election Commission has also advocated that. In the Parliamentary Committee we considered this question at length. We could not persuade our other colleagues to accept our view points. I felt very happy when that Parliamentary Committee, after listening to the view point of those who advocated the list system or the mixed system, came to the conclusion that for the present, the majority system of election should continue, but they recommended in their report that the Government should set up a committee. If I were to quote their recommendation, "Government might appoint an Experts Committee consisting of eminent jurists, experts on constitutional law etc. to examine the feasibility of adopting the list system or any other system in relation to elections to Lok Sabha and the State Assemblies".

Sir, these are the three important recommendations made by the Parliamentary Committee and endorsed by the Election Commission. I would like to know, in principle where the Government stands on these.

Finally, I come to my last point because it arises in a way from a reply given only three days back. It is a big statement that I was given and I was keen to see that this question comes up. It was a Starred Question in

which I had asked about the details of complaints received from the public and political parties in respect of by elections conducted during the last 20 months and this is the full note that was supplied to me. I have tried to analyse it. I am amazed that out of 75 complaints that have been identified relating to the recent byelections, almost all of them relate to abuse of governmental machinery by the candidate of the ruling party. The conception of the 'candidate of the ruling party' varies. If it is election in Jammu and Kashmir or it is election elsewhere, it means the ruling party whosoever it is. But it is a general complaint. And what surprised me more is the action taken. What is the action taken? "Sent for enquiry". After that, "Result of enquiry, if report called for"—in most cases it is blank. Now here is a situation where the Election Commission has to depend upon officials who are the accused, for reporting on whether the accusation is correct or not. Therefore, there is no reply. It is significant that there were four Lok Sabha byelections in U.P.: Allahabad, Bareilly, Mirzapur and Amethi in the month of June, 1980. Eight or nine months have passed since then. Twenty-two complaints were actually forwarded to the authorities as to whether the misuse had taken place or not. Five have been replied and the reply is that the allegations are baseless. For seventeen, there is no reply absolutely, suggesting that those seventeen are correct and therefore there is no reply. Again the Election Commission has no wherewithal to follow it up. There is a complaint that Mr. Rajiv Gandhi used wireless set. And the reply given is, "It is baseless". There is a complaint that so-and-so, the SDM of Amethi worked openly for Mr. Rajiv Gandhi. There is no reply. It does not say, it is baseless. (Time bell rings).

SHRIMATI USHA MALHOTRA (Himachal Pradesh): Was any election petition filed at that time? How can you raise this here?

SHRI LAL K. ADVANI: I am coming to that.

SHRI SADASHIV BAGAITKAR (Maharashtra): It is an answer given by the Government.

SHRIMATI USHA MALHOTRA: But I can ask him all right whether any election petition was filed.

SHRI LAL K. ADVANI: You have raised a very valid point because there have been instances in the past where election petitions were filed in cases of this nature and what happened? I am referring to a very historic case. Now it has become a land-mark in the history of electoral law. When hon. Chairman of this House was the Chief Justice of the Supreme Court, an election petition was filed before him. Since the hon. lady Member wanted to know why election petition was not filed...

SHRIMATI USHA MALHOTRA: I wanted to point out that you are raising this over here and there was no election petition.

SHRI LAL K. ADVANI: That is what I am explaining to you.

SHRIMATI USHA MALHOTRA: I am not going to any other case; I am referring to the specific case you are referring to over here.

SHRI LAL K. ADVANI: Please listen to me. A case went to the Supreme Court in which Chief Justice Hidayatullah made a very pertinent observation. It is the case Ghasi Ram Vs. Dal Singh. He said that election is something which must be conducted fairly. To arrange to spend money on the eve of election in different constituencies, although for general public good is, when all is said and done, an evil practice even if it may not be a corrupt practice. The dividing line between an 'evil practice' and a 'corrupt practice' is a very thin one. And ever since then there has always been a concern among those concerned with electoral law that something may not

be a 'corrupt practice' warranting an election petition. But it may certainly be evil practice and unless this Parliament concerns itself with these evil practices, elections cannot be fair and free. And to substantiate my point, I would like to quote from the reply given to me—which we are discussing today—in June 1980 in which the Election Commission's recommendations were given to the House. What are the Election Commission's recommendations? This is the reply—and the Election Commission has actually identified evil practices:—

"(Arising out of the observations by the Supreme Court in Ghasiram Vs. Dal Singh and Others).

1. Disbursements out of the discretionary fund at the disposal of a Minister should be prohibited within a period of six months before the end of normal term of a House or from the date on which the election is called or, where the election is suddenly called, as the case may be.

2. Prohibition/restriction on the use of Government planes by the Prime Minister, Chief Ministers and Ministers.

3. Prohibition/restriction on the use of Government vehicles on work not wholly connected with official duties.

4. Use of personal staff of Ministers and other Government servants for electioneering work, redressal of public grievances on the spot, etc.

5. construction of rostrums by Government for meetings addressed by the Prime Minister; and

6. promise of construction of roads, provision of drinking water facilities, etc.;

should be prohibited under the law."

These are the recommendations made by the Election Commission in pursuance of the Supreme Court's judgement in the case of Ghasiram Vs. Dal Singh and Others. It has identified these as evil practices.

Sir, a mini General Election is round the corner now. Elections are due in West Bengal, in Haryana, in Himachal Pradesh, and elections are on the cards in Kerala also where all political parties including the present ruling party favoured holding of elections.

SHRIMATI USHA MALHOTRA:  
Point of order.

SHRI LAL K. ADVANI: Let me complete.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): She is raising a point of order.

SHRI LAL K. ADVANI: There is no point of order.

SHRIMATI USHA MALHOTRA:  
Let him give the ruling, please.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): First let us hear what the point of order is.

SHRIMATI USHA MALHOTRA:  
The point of order is this: He has read out these things as evil practices, but what did the Janata do? There were water supply schemes which had been completed.

(Interruptions)

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): There is no point of order.

SHRIMATI USHA MALHOTRA:  
Just a moment, please. Let me complete. There were water supply schemes which had been completed in my own State and elsewhere had been already inaugurated, were inaugurated second time just for the sake of

election, by Janata Government. Was that not an evil practice?

SHRI LAL K. ADVANI: They were evil. Whoever did it, it was evil. So so far as I am concerned... (Interruptions).

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): There is no point of order Mr. Advani, you please conclude. Already twenty-five minutes are over and there are others also.

SHRI LAL K. ADVANI: All that I want to say in conclusion is that with a mini General Election round the corner. I have identified four States—Himachal Pradesh, Haryana, West Bengal and Kerala—where elections are due or are likely to be held before May-June and in Delhi they are long overdue plus, of course, there is talk about holding elections even in Andhra and Karnataka. But with this kind of a situation, with the Law Minister muster courage and say that before these elections come he shall see to it that at least a substantial number of these recommendations some of which can be implemented even by executive order—will be implemented? Or at least he can say that he proposes to convene a meeting of all Opposition parties at the earliest, before these elections take place and identify which of these recommendations made by the Election Commission can be implemented and translated into law. Sir, there, is a long session before us, the Budget session, and I think the Law Minister will be doing a great service to the country and to the health of Indian democracy if he can really initiate suitable legislation in this regard in this very session. I would like to know very clearly from the Law Minister where he stands on this.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGANNATH KAUSHAL): Sir, my learned friend has given a

history of about 10—12 years since when...

**SHRI MURLIDHAR CHANDRA-KANT BHANDARE** (Maharashtra): Thirteen years. In March 1982, we complete 13 years, starting from 1969.

**SHRI JAGANNATH KAUSHAL:** Since then this matter is being raised over and over again in various forums especially in Parliament. Well, I am happy that he has given the history in a chronological manner. But one thing he has not mentioned; and that was the most crucial thing which he should have mentioned. He said that some of the recommendations are so simple that they are acceptable to all. The Election Commission has said so. The Joint Committee of Parliament has also said so. Then why not accept them at once? My friend is discreetly simple that they are acceptable to all power for more than two years. They could have done it.

**SHRI LAL K. ADVANI:** On a point of information, because he has posed that question. A sub-committee was constituted; they accepted all the recommendations that I have referred to. After all, it was obvious that we held parleys with the Opposition parties. In the meanwhile, your party stepped in and what happened is history now. But, so far as we are concerned, I would have no hesitation the also in saying that in principle I accept this. That is all. I want you to do nothing more than except to say that you accept this in principle.

**SHRI JAGANNATH KAUSHAL:** Mr. Advani, you appointed a sub-committee. They went into the matter. They went on and on. They took time. Ultimately, what you decided did not see the light of the day. No Bill was introduced and the matter stood where it was. Now, so far as we are concerned, we have done a real, serious exercise. If you are not satisfied, that is a different matter. But, so far as our bonafides are concerned, I tell you— and we have

been telling you and telling the House on more than one occasion—that as many seventy proposals have been identified. Now those proposals are before a Cabinet Sub-Committee. The process of consulting the Leaders of the Opposition and the States will start after the Cabinet Sub-Committee and then the Cabinet comes to tentative conclusions subject to the concurrence of all the parties, because if we introduce something which ultimately the Opposition parties again say is not acceptable to them, the cry will persist. Otherwise, there is no other way to convince you except to repeat that we have no intention of delaying it. We are at it. We want to go through the whole subject of electoral reform and take a decision and after we have taken a decision, certainly we will come to the Opposition parties before we take a final decision. So far as we are concerned, it will be final after all parties agree. So my submission is, to say that Government is not serious about it, is an unfounded charge. I would understand the Government being not serious if the Government had not devoted its mind to it or the Government had not formulated proposals, or the Government had not referred it to a committee of the Cabinet. Then I could understand that we are not serious about it. But you are not satisfied with that answer which was given long back. But that on the face of it does not seem to be an incorrect statement. These are matters which require real thinking because on coming to conclusion in these matters both the views are possible. If all the parties come to a particular view, surely, we will come to Parliament for passing that into a law. And if you are asking my opinion on any of the three questions which you are raising then my answer—I know you are not happy with that answer—is that we have not formed a positive opinion. After that we have to come to the House. Before we come in the House, we will consult you also.



But the matter is not so simple as you tried to pose it. If it were so simple, it could have been done in the two-and-a-half years of the Janata regime. But the Janata regime also thought that it was not so simple. The Janata regime went into the same exercise which we are going into. We are not saying that the Janata regime did a wrong thing. These are serious matters. The matters require a lot of consideration. Both the views are possible. The practical difficulties have to be seen.

But one thing is obvious. A number of suggestions have been made. The loopholes have been pointed by the courts, by the Election Commission, by the various parties. But by and large, you will agree that our system has stood the test of time. We say that this thing should be done and that thing should be done. But otherwise the law as it stands does not contain very many loopholes. We have to observe the norms, and definitely the norms have to be observed by the parties as well as by the candidates. And if they observe the norms, then, the complaints about what happened in the bye-election this and that, has this simple answer. You have pointed out that so many reports have come. May I point out to you that I also counted them. As many as 25 complaints were found to be baseless. And the complaints were raised by as responsible persons as Babu Jagjivan Ram, Vajpayeeji, Shri Subramaniam Swami. What happens is this. You know it. I know it. We have fought elections. During elections the workers are so agitated that the moment some complaint is brought to the workers, they at once put it to the Election Commission. Later on it is found that there is no merit in it. We have the experience of the law courts also. Sometimes in the form of complaints material is collected for filing an election petition also. On that matter what I say is that the norms are there, the instructions are there, and if some instructions

are violated and there is abuse of the Government machinery or the abuse of other things, to that, our answer is that we have to have better norms, better standards, because everything cannot be regulated by law. Of course, something can be regulated by law. Therefore, my answer and my submission to the House is that the House should not doubt our bona fides. The subject is complex. It is receiving our attention. And we have no reason to delay coming to conclusion, then coming to various parties and then coming to Parliament.

**SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra):** Mr. Vice-Chairman, Sir, the hon. Member who raised this issue should have known that example is better than precept. I have my own views on electoral reforms. There is no doubt that some of the electoral reforms are essential particularly such as the public funding to the political parties for the purpose of election. But that is far too complex an issue which can be decided before the coming elections because it involves handing over of a hundred crores of rupees or something like that to be worked out on that basis. But the most important thing is that despite the fact that there was, according to the hon. Member, Shri Advani, a report as early as in 1972, he conceded, they did not have sufficient time in 27 months to translate it into a proper legislation. And I am not prepared to accept the charitable view placed by the hon. Law Minister, that they could not finalise it because it was not all that simple. I think the intentions were very clear that is, when the elections come, let us do the same thing and come back to power. I think this is the way in which this debate should not be raised. I think there is no question of hustling the Government to take action is a matter of this nature. After all, a free and fair election is the very basis of our democracy. Article 326 of the Constitution of India gives

[Shri Murlidhar Chandrakant Bhandare]

a constitutional right to every citizen to vote. And before we do anything, I think it is absolutely essential to consult the State Governments. I would like Mr. Advani to tell me whether his Government had consulted the State Governments on this very vital issue.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): You have to put questions to the Law Minister.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Yes, yes; but the question still becomes relevant. He finds fault with our 16 months and not their 27 months. If you had not found fault with our sixteen months... (Interruptions). Twenty-one months? All right.

श्री. कलराज मिश्र (उत्तर प्रदेश) : सन 1972 से 1977 तक क्यों नहीं किया ?  
... (अवधान)

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am sorry that I gave them a life longer than they had. In fact, all along I wished that they should have a full five-year life so that we could have real democracy with two big parties. But it was one of the greatest misfortunes in our national life and in my personal life.

Be that as it may, some of these suggestions should be really rejected outright, like reduction of the age limit I do not know whether the hon. Member is very serious. My son is 18. He is just getting out of school. I do not know whether at 18 he can do anything else. I do not know what he can do. He cannot even get married in our country. To say that he is sufficiently mature at the age of 18 to participate in the political future of the country, with no job, with his education unfinished, is not correct.

The other suggestion with regard to the West German systems, I

think, will land our country in serious difficulties. There is no doubt whatsoever that is was rightly rejected. Therefore, to ask from the hon. Law Minister an assurance that all these things would be done before April—Why? Because there are going to be elections in four States—is something which is beyond my comprehension.

Electoral reforms are due in some areas, but I have positively come to the conclusion that people believe that just as everything is fair in love and war, it is so in elections, but the candidates and the political parties know that by and large these gimmicks do not work and that it is ultimately the political will of the people which is reflected in the results through the ballot. I feel that these minor things might crop up, but to my mind, they really do not disturb the election machinery. The most important area where we should have reform is the wastage of money in elections. According to me, there should be a public funding system. But that as I submitted, must...

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Please conclude.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: ... await the consensus of all concerned. So I think the Government is doing the right thing in having it referred to a Cabinet sub-committee. I do not think any report can be accepted even without the approval of the Cabinet sub-committee. It is equally right that it goes for consultation with the Opposition parties that it goes to all the States. In fact I would insist that it should be sent to all the States because it is the constitutional right of every citizen under Article 326 to vote. Omit no State. Why only some of the States? It should go to all the States. Should I say from Leh to Lakshdweep or Kashmir to Cape Comorin? I would say to please have this exercise as early as possible and let us go through

this problem of electoral reform within a reasonable period from today. Therefore my question is as to whether the Government will have a time-bound programme to complete the examination of this problem by the Cabinet Sub-Committee, consultation with the opposition parties and eliciting the opinion of the States in our country.

**THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN):** There are six more Members to speak. As you know, the purpose of Half-an-Hour discussion is to elicit some information on the matter and not to have a debate. So, please put your brief questions. I will give two minutes to each speaker and then the hon. Minister will reply. Shri Dhabe.

**SHRI SHRIDHAR WASUDEO DHABE (Maharashtra):** Mr. Vice-Chairman, Sir these are my important questions. You are restricting the time to two minutes. Nothing can be done in two minutes. Mr. Bhandare has rightly said that it is a serious matter. It cannot be decided in a short time. We are facing that problem. We were listening to the Additional Law Minister. He said that the questions are important.

**SHRI NARASINGHA PRASAD NANDA (Orissa):** Who is the Additional Law Minister?

**SHRI SHRIDHAR WASUDEO DHABE:** You know who spoke earlier. There are two speakers on behalf of the Law Ministry. I will be very brief. The question is whether we are going to hold our elections properly, fairly and freely. Two developments have taken place which are very serious. One is in West Bengal in which the ruling party and another political party have gone to the High Court. The concerned Article of the Constitution states specifically that election petition is the only remedy. The lacuna has been found in that remedy. Secondly in the Garhwal bye-election, the Elec-

tion Commission has no machinery and it is not able to hold the elections. It has to depend upon the State Government at least for the law and order position. Now, one of the recommendations of the Electoral Reforms Committee of the opposition political parties was that the Election Commission should have its own force and where the State Government does not cooperate, they will be able to hold the elections. These are very serious matters. I do not understand the Law Minister saying that he cannot indicate any time. Even the Sixth Five Year Plan has got 5 years' time. Will you assure this House that we will have five year plan in this also and it will be done before 1985. It is no use blaming the Janata Government or any other party. I would ask whether you are going to have a legislation for the political parties to have their accounts for public accountability. Large sums are collected in the name of elections and many malpractices take place which do not come directly and strictly under the purview of corrupt practices. Money power is having great influence in the elections and poor people cannot fight elections. If you can have an ordinance banning strikes all over the country or if you can have 24 or 25 ordinances, then on a matter of this prime importance of having free and fair elections, why should the Government not act immediately and accept public funding or financing by the Election Commission itself so that poor people can also fight elections. An article has appeared in the Washington Post entitled "Darker Side" of the Indian Democracy. It says:

"When people are elected here, it is not the verdict of the electorate, but it is verdict of the black money and the money power."

If that is so, may I know from the hon. Minister how many Cabinet Sub-Committee meetings are held after he came into power for discussing electoral reforms? He said that

[Shri Shridhar Wasudeo Dhabe]

the Cabinet Sub-Committee is considering it. I would like to know whether any meetings of this sub-Committee have been held and if so when you are going to decide the matter finally. Do you have a five-year plan for this or at least by 1985 will we have the electoral reforms?

श्री सदाशिव बागईतकर : श्रीमन्, माननीय मंत्री जी ने जो जवाब दिया है उससे लगता है कि everything has its time and this is the style of this Government. But I would like to tell him that this style is not good for the survival of democracy in this country.

श्रीमन्, 1972 की जिस रिपोर्ट का उल्लेख श्री आडवाणी जी ने किया है, उसके बाद 1980 का इलेक्शन कमीशन का रिपोर्ट है और उसमें भी उन्होंने अपनी रिक्मंडेशंस की हैं। यह बात सही नहीं है कि 1972 की जो ज्वाइंट सेलेक्ट कमेटी की रिपोर्ट है वहाँ एक डाकुमेंट आपके सामने है। उसके बाद 1980 का चुनाव हुआ और वाइस प्रेजिडेंट का चुनाव हुआ। उसके बाद रिपोर्ट्स है उसमें भी इलेक्शन कमीशन ने अपनी रिक्मंडेशंस दी हैं। असल में उसमें बात यह है कि आप लोगों की इसमें मंशा क्या है इसका साफ पता चलना चाहिये। इस मामले में मेरे मित्र भंडारे साहब जो अब यहाँ हैं नहीं, हर वक्त यह कहना कि जनता ने क्या किया, आपने क्या किया अखिरकार किन्तु देर तक इस बात को चलाते रहेंगे। 30 साल तक आप सत्ता में रहे हैं जनता रही केवल 27 महीने . . . (व्यवधान) आप जरा मुनिये। 30 साल आपका . . .

श्रीमती उषा मल्होत्रा : यह सही है पर आपकी गरजों से नहीं लोगों की मरजी से आए है, मैं यही कह रही हूँ।

श्री सदाशिव बागईतकर : आप सुन लीजिए। यह हर चीज को 27 महीने से जोड़ने से कोई लाभ नहीं होता है। इसमें कोई बुद्धिमानी नहीं है इसमें ज्यादा बुद्धि नहीं लगती है। (व्यवधान) जैसे औरत मर्द झगड़ा करते हैं वैसे मालूम होता है (व्यवधान) --

श्रीमती उषा मल्होत्रा : डकोरम आप नहीं रख रहे हैं, हम लोग रखते हैं (व्यवधान) जनता राज में औरतों के साथ यही आपने किया . . . (व्यवधान)

श्री धूलेश्वर मोंगा (राजस्थान) : किसी राष्ट्र या चीज को बनाने में टाइम लगता है गिराने में कुछ टाइम नहीं लगता है (व्यवधान)

श्री सदाशिव बागईतकर : तो श्रीमन्, मैं यह कह रहा था कि सरकार ने विधि मंत्री जी ने यह जो दलील दी है कि सरकार के सामने इसके बारे में जो सारे डकुमेंट्स हैं उसकी तरफ सरकार गौर से सोच रही है। सब कमेटी एक बनाई है सब कमेटी विरोधी दलों के साथ वार्ता करेगी, सब कुछ करेगी। इसका मतलब है कि यह कुछ टाइम बाऊंड आपका नहीं है। न सिर्फ मिनी जनरल इलेक्शन की बात जैसे कि आडवाणी जी ने की बल्कि आने वाले आम चुनावों में भी इसके लिए आप कुछ नहीं करना चाहते, इतना इसका मतलब साफ है। इसलिए मैं चाहूँगा जो लिस्ट सिस्टम है, प्रोपोरशनल सिस्टम ही न हो, यह तो जटिल समस्याएँ हैं लेकिन जिन चीजों पर एक राय है जैसे कि ऐज का सवाल है कि 18 साल वोटर की आयु हो उसको वोट देने का अधिकार देने के लिए जो बात है उसमें ज्वाइंट सेलेक्ट कमेटी में एक राय है। उसमें कोई मतभेद नहीं है। पार्टी फंडिंग और गवर्नमेंट फंडिंग का सवाल है। तीसरी और रिक्मंडेशन है। आगे का जो सिलसिला है जो अकाऊंट है उसकी रिटर्न के लिए खर्च देता है उसमें पार्टी

का जो खर्च है गिना नहीं जाता है और सारा फाड़ इसी तरह से होता है। उम्मीदवार के लिए वह अपना जो खर्च करता है वही हिसाब देने की पाबंदी है लेकिन पार्टी जो उसके लिए खर्च करती है उसको देने की जिम्मेदारी उस पर नहीं है। इससे सारे अकाउंट्स की रिटर्न फाइलेंट होती जा रही है। इसलिए कम से कम कुछ हिस्सा जो डाइरेक्टली उस उम्मीदवार को चुनने में मदद करता है उतना उसका हिसाब देने की जिम्मेदारी उम्मीदवार पर हो। यह भी उसका एक रिक्मेंडेशन है यानी ऐसे रिक्मेंडेशनस जिसके बारे में मतभेद नहीं हैं और जिनको तुरंत लागू करने में आपको कोई दिक्कत नहीं है। तो क्या मंत्री जी यह आश्वासन सदन को देंगे कि जिन सूचनाओं के बारे में, सुझावों के बारे में एक राय है, ऐसे सुझावों पर कम से कम जो कैबिनेट की सब-कमेटी है, वह बैठेगी और ये जो तीन चार राज्यों में चुनाव आगे आने वाले हैं, इन चुनावों के आने के पहले इस पर फैसला करेगा, कानून बना करके उसमें अमल करेगी। क्या सरकार इनको समयबद्ध तरह से करने के लिए राजी है, इतना ही मैं पूछना चाहता हूँ।

**श्री शिव चन्द्र झा (बिहार) :** उपसभाध्यक्ष महोदय, केवल देश में इलेक्ट्रोरल रिफार्म्स हों और उसके लिए हर सुधार सोचें, एक बड़ा इलेक्ट्रोरल रिफार्म्स का कदम आगे बढ़ेगा यदि हाउस की प्रोसीडिंग्स की सैक्रेटरी को हम सेंटन करें। यह बहुत बड़ा कदम होगा देश में जनतंत्र को मजबूत करने के लिए और इलेक्ट्रोरल रिफार्म्स के लिए। हाफ एन हावर डिसकशन में जो नोटिस टाईप के सवाल पर दिया जाता है, उसके मुताबिक सवाल पूछे जाते हैं और इस आर्डर को इधर उधर करना हाउस की प्रोसीडिंग को डिस-आर्डर करना और देश में जनतंत्र को कमजोर करना होगा, यह मैं आपसे निवेदन करना चाहता हूँ।

उपसभाध्यक्ष महोदय, चुनाव जो है वह देश में जनतंत्र का एक आधार है। यदि यह आधार खत्म हो जाता है तो जनतंत्र की इमारत ढह जायेगी। इमरजेंसी में कोशिश हुई थी इस इमारत को ढहाने की, इस आधार को खत्म करने की लेकिन जनता की मेहनत और आवाज की बदौलत और जनता के संघर्ष की बदौलत यह आधार हटा नहीं, जनतंत्र का हथियार कायम रहा है। यह हम लोगों के लिए सौभाग्य की बात है, खुशी की बात है, गौरव की बात है। हम चाहेंगे कि यह हथियार हम से छोना नहीं जाय, कोई नहीं छोने। लेकिन इस हथियार को बजट करने के भी बहुत से फीकटर्स हमारे समाज में काम कर रहे हैं जिनको हमें सुधारना है ताकि यह हथियार तेज रहे, कारगर रहे उसको बजट करने के जो फीकटर्स हैं, जो तत्त्व है वे न रहें। थोड़ी देर के लिए ले लीजिए बोगस पोलिंग बोगस लिस्ट जो होती है वोटिंग में, दूसरे के नाम पर, इसको रोकना। यह कोई मुश्किल काम नहीं है। इसके लिए स्पेशल बजट की जरूरत नहीं है, बहुत पैसे की जरूरत नहीं है। इसके लिए सरकार क्या कर रही है? एक फोटो का सिल-सिला आप कर सकते हैं हर वोटर के लिए। जैसे आप सबको देते हैं फोटों, एम० पी० को जैसे फोटो के साथ देते हैं पास, वैसे ही वोटर के पास रहे। यह व्यवस्था हो सकती है। या एक आटो-मैटिकमेशन होम जो उस पर खड़ा हो, जरा सांचा जाय, तो जब वह वोट भी देता हो तब उसका फोटो भी आ जाये, ताकि जब बोगस की बात उठेगी तो वह देखेगा कि अजबो केहरा कौन था। तो सरकार इस तरह से सांच रही है कि नहीं।

जहां तक बूथ कंपैरिंग का सवाल है, उपसभाध्यक्ष महोदय, यह मानना होगा कि जनतंत्र को शुरूआत जहां हुई, ये खामियां उसमें रही हैं। इतिहास बताता है।

[श्री शिव चन्द्र झा]

मैं ज्यादा नहीं कहना चाहता हूँ, लेकिन को चुनाव में घड़े की बढौलत, बंदूक की बढौलत बूथ कैप्चर हुए हैं, अमेरिका में, यह इतिहास बताता है। अमेरिका में ये सब खामियां रही हैं तो हमारे यहाँ ये खामियां न हों इसके लिए हम आगे बढ़े यह वैज्ञानिक युग है इसके लिए आप जनता की प्रतिनिधि कमेटो बनायें। हालांकि रिप्रेजेंटेटिव रहते हैं बूथ पर लेकिन उससे काम नहीं चलता है। दूसरी जनता का दस्ता वहाँ पर वने, बूथ कंप्यूटिंग पर सभी दल वाले उसमें हों, इससे बूथ कंप्यूटिंग रोकी जा सकती है।

तीसरी बात मनी पावर की है। यह तो जनतंत्र के आधार को खत्म करती है। जनतंत्र चाहे हिन्दुस्तान में हो, चाहे इंग्लैंड में चाहे अमेरिका में, यह मत समझें कि अमेरिका में जनतंत्र परफेक्ट है। मनी पावर, दो पार्टियों के अलावा तीसरी पार्टी की हिम्मत नहीं हो सकती है। बड़े सोशलिस्ट रेडिकल खड़े होते हैं। विल्सन कई बार खड़ा हुआ लेकिन कभी दो चार स्टेज से आगे नहीं बढ़ सका। ऐसे किसी इंडिपेंडेंट की हिम्मत नहीं हो सकती वहाँ अमेरिका में प्रेजिडेंट होने की, चूँकि वहाँ दो बड़े पावर वाले, पैसे वाले हैं और दोनों का खेला जनतंत्र है। यह खेला जनतंत्र उन्हीं का है। टू साईड्स आफ सेम क्वाइन मनी, बाल स्ट्रूट के हैं। तो यह पैसे की जो ताकत है उसको रोकने की कमजोर करने की सोच सकते हैं। इकनामिक डिस्पैरिटी है, वह लम्बा हिस्सा-किताब है।

आप कहेंगे कि यह धरती ताकत से बाह है। समाज में इकनामिक डिस्पैरिटी जो है, ग्लेयरिंग, इसको खत्म करके यदि हम इन्कम सोलिंग लगा करके करें, तो कुछ हम उसकी ओर अग्रसर हो सकते हैं, आगे बढ़ सकते हैं। लेकिन अभी की सैट-अप में आडवाणी जी ने ठीक ही कहा कि जो कैंडिडेट्स हैं, उनके एक्सपेंसेस को सरकार मीट करे।

आप लोग तो पैसे वाले हैं, अपने घर से पैसा लगाते हैं (समय की घंटी) वह तो बंद होया। सरकार वह खर्चा मीट करे और जो कैंडिडेट होते हैं, उनका दो दस या पचास हजार खर्चा होता है, वह सब सरकार वह न करे। तब तो जो पैसे का खेला है, वह खत्म होगा। लेकिन सरकार यह नहीं करेगी।

तब रही बात वोटर्स की एज घटाने की—अब भंडारी जी ने कहा कि हमारा लड़का तो अठारह साल का है... (व्यवधान)

उपसभाध्यक्ष (श्री आर० रामकृष्णन) : अब आप समाप्त कीजिए।

श्री शिव चन्द्र झा : जरा सुनिये तो। उसको हीश नहीं है। यही सब ही था अंग्रेजों के जमाने में कि देश में शिक्षा है, जनता शिक्षित नहीं है, यहाँ जनतंत्र कैसे चलेगा। एडल्ट फ्रैंचाइज कैसे है अंग्रेजी जमाने में (समय की घंटी) रेस्ट्रिक्टेड फ्रैंचाइज की बढौलत पं० मोतीलाल नेहरू थे, भूलाभाई देसाई थे, जिन्ना थे, मालवीय जी थे। यह रेस्ट्रिक्टेड... (व्यवधान)

उपसभाध्यक्ष (श्री आर० रामकृष्णन) : अब समाप्त कीजिए।

श्री शिव चन्द्र झा : आजादी के बाद मास एडल्ट फ्रैंचाइज हुआ। इसलिए यह कहना कि इक्कीस साल वाला जो है, वह बहुत काबिल है और अठारह साल वाला अभी इमैच्योर है, यह गलत धारणा है। जनतंत्र जो हम... (व्यवधान) उतना अच्छा है। इसीलिए वोटिंग एज को भी आपको घटाना होगा।

आखिरी सबल, यह ठीक बात उठाई गई गढ़वाल में इलैक्शन कमीशन बिल्कुल हैल्पलैस हो गया, जब बाबू विश्वनाथ प्रताप

मिनि ने कहा कि हम जिम्मेदार नहीं होंगे—  
(समय की घंटी)—यह भी बात सही है कि  
ला मिनिस्टर—आपसे पहले शिव शंकर ने  
उनको बहुत टैक्टफुल झाड़ दिया, कहा कि  
हमसे नहीं मांगा, सेंटर से नहीं मांगा, इलैक्शन  
कमीशन हमसे, सेंटर से मांगता और  
हम यदि कहते कि हम नहीं दे सकते, तो बात  
दूसरी थी, उत्तर प्रदेश सरकार ने कहा।

तो हमारे कहने का मतलब यह है कि  
इलैक्शन कमीशन को पास वह मशानरी  
नहीं है, वह फोर्स नहीं है जोकि चुनाव के  
वक्त फिर्मा को कंट्रोल कर सके। इसी-  
लिए इस परिस्थिति को गढ़वाल को लेकर  
जो परिस्थिति उत्पन्न हुई है, क्या आप इस  
प्रकार से गौर करेंगे और आप एक कमेटी  
समेट को बनायेंगे और विशेषज्ञों तथा संसद  
सदस्यों दोनों को मिला कर, कि इलैक्शन  
कमीशन को और पावर दी जाए कि वह स्टेट  
में ला एंड आर्डर मशानरी को भी मोबिला-  
इज करेंगे और उसको अधिकार होगा—  
(समय की घंटी)—यह मेरी बात  
है. . . (व्यवधान) यह यदि हो जाता है, तो  
चुनाव साफ होते हैं. . . (व्यवधान)  
आप जवाब दें।

SHRI SYED SHAHABUDDIN  
(Bihar): Mr. Vice-Chairman, Sir, I  
shall be extremely brief. I have only  
one comment to make on what has  
been stated by the Law Minister. I  
feel that the electoral malpractices  
that have been reported by the Elec-  
tion Commission have been taken very  
lightly. I think that any one of us  
who has been associated even in a  
very marginal manner with the elec-  
toral process knows about the dirty  
role played by various factors that  
have been explained here on the floor  
of the House. As far as I can see  
the play of what are called the four  
M's—Men Money, Muscle and Mate-  
rial—has vitiated the very credibility  
of the electoral process. Therefore,  
I would like the hon. Minister not to

take them so lightly or to consider  
them in the light of the few incidents  
that are reported.

My questions are as follows:

In Annexure II, in three parts, he  
has mentioned the recommendations  
made by the Election Commission to  
the Government. Now I would like to  
know the dates on which the Elec-  
tion Commission made these recom-  
mendations—these three sets of  
recommendations to the Government,  
so that we know precisely how long  
the Government has been seized of  
these recommendations by the Elec-  
tion Commission. That is my first  
question.

Secondly, Sir, I welcome very much  
that a Cabinet Sub-Committee has  
been formed to consider these recom-  
mendations. But we in this House  
are aware of the fact that one way of  
consigning the recommendations to  
oblivion is to transmit them to a  
committee for further consideration.  
And, therefore, my friend, Mr. Dhabe,  
has very rightly asked that the Minis-  
ter should take the House into con-  
fidence and inform us about the level  
of priority that has been given to this  
matter.

7 P.M.

And how urgently the Cabinet Sub-  
Committee proposes to deal with this  
matter which is a burning question?  
I would suggest that there should be  
a deadline that the Cabinet Sub-Com-  
mittee should set for itself by which  
all the 44 recommendations that are  
listed here and any other suggestions  
that might have been received by the  
Government, shall be scrutinised and  
that the Government shall come to  
definite conclusions about their accept-  
ability.

My third point is this. I very much  
welcome the idea that at the appro-  
priate stage, the Government proposes  
to consult the opposition parties. I  
think this is a matter which should  
really be above party politics. It is

[Shri Syed Shahabuddin]

a national issue. It is a question for the survival of democratic process in our country. Therefore, I welcome this idea. I would, on this point, endorse the suggestion made by my friend, Shri Jha that there should be a Joint Committee of the Parliament to look into all these recommendations. I do not see any contradiction between the continued existence of the Cabinet Sub-Committee and the establishment of a Joint Parliamentary Committee. That Joint Parliamentary Committee would provide for the Government a forum through its nominees to place the views of the Government before the nation. It shall also provide a forum, at the same time, to the opposition parties to place their views in the forum. Therefore, I would suggest that the Government should consider seriously the formation of the Joint Committee of the Parliament to finalise the legislation based on these recommendations. Thank you, very much.

**SHRI AMARPROSAD CHAKRABORTY (West Bengal):** Mr. Vice-Chairman, Sir, I am surprised to see how the hon. Law Minister who is not only the Minister but who has spent some years in the judicial line practising, has come out with the plea that the Janata Government did this and the Janata Government did that. Now, what is the harm in undoing this thing? I am assuming and not saying that the Janata Government did the wrong thing. But one wrong cannot make the other wrong right. What were they doing for eight years from 1972? I represented my party in the Election Commission and we discussed this issue several times. It has not been solved for 8 years from 1972 onwards. It can be discussed by setting up a Committee. I need not go into the history. The Cabinet Sub-Committee may decide it forthwith. Just see the language that the Law Minister has used. He has said: "You will kindly see the proposals are presently under consideration of the Cabinet Committee on Electoral Reforms. After provisional conclusions

have reached by the Committee, the proposal would be discussed with the political parties and wherever necessary with the State Governments as well. Hence taking up a final decision would necessarily take more time and it is not possible at this stage to indicate the time by which the proposals are finalised." What is the normal human conduct? You are experienced in this line. We are also experienced in this line. What is the normal human conduct of a person? He is the limb of a machine. That machine is that of the capitalists, hoarders and black-marketeers. They supply the money power before the election. Therefore, would they change it? I can say that they will not change it. They are there since 1972 and they have not done anything except accusing Janata or accusing somebody else. The real thing is that they won't do it. Let them say that Cabinet Sub-Committee will finalise it in a month. Let him say that they will do it in 3 months. He cannot say such a thing because they are interested only in delaying the matter. Articles 324, 326, 327 of the Constitution are there as far as the power of the Election Commission is concerned.

The Election Commission has recommended the matter to them in 1972. Till now nothing has been done. Even a by-election in Garhwal cannot be held for the last 20 months. Sir, what is the motive then? From the conduct of the Government what can you presume? There is no use of talking all these things. My firm question to the Law Minister is this. Let the hon. Minister be pleased to say how long will this Cabinet Sub-Committee take to come out finally? I know they will come before us saying, it is under consideration, it is under immediate consideration, it is expeditiously considered. We do not like all those lame excuses. Let him say when they would finish it and whether they are going to appoint, if necessary, a committee to expedite the matter. Sir, what is going on in this country?



They want all these blackmarketeers and hoarders to supply money power. They want that 18 years should not be the age for franchise because in the discussion we found that they do not want any change. They are going to have the Presidential system. They do not want any elections of this nature. They do not want any change in the electoral law. (*Interruptions*)

**SHRIMATI USHA MALHOTRA:** Sir, matured people like Mr. Bagaitkar and others in the opposition do not know even how to talk in the Parliament. They do not know how to keep the decorum in the House, and they are insisting on 18 years as age of franchise. (*Interruptions*) Is the age of 18 years mature enough. (*Interruptions*)

**AN HON. MEMBER:** The whole country was asking for lowering the age.

**SHRI AMARPROSAD CHAKRABORTY:** Sir, what is happening in West Bengal? I am appearing in a case before the High Court. What is going on, Sir? Sir, from 1967, if there is no electoral reform, if there is no electoral change, then the Prime Minister has been elected illegally, the President has been elected illegally and we are elected illegally, if that is the case. But they are creating it in the High Court there to stop the elections in West Bengal.

**THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN):** You have to conclude now.

**SHRI AMARPROSAD CHAKRABORTY:** I am asking the question, Sir. Let him kindly say when these electoral reforms—tackling the problem of vote-capturing, money power, and lowering the age—will be completed, when those will be finalised. How much time the Cabinet Sub-Committee is going to take? Are you going to form a committee to finalise it within a couple of months?

**SHRI SURENDRA MOHAN (Uttar Pradesh):** Mr. Vice-Chairman, Sir, the reply given by the... (*Interruptions*)

**THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN):** Order, please.

**SHRI SURENDRA MOHAN:** Sir, the reply given by the hon. Law Minister to my colleague, Mr. Advani's queries has surprised me. In fact, everyone who has heard him carefully must become very apprehensive because it appears to me that while there is a big debate, there has been a big debate in the whole country regarding the electoral process, the Law Minister has said that everything is foolproof. He has said that our system has been functioning very well. He seems to be sounding at least to me that there is no urgency in the whole matter at all. It is this attitude of the Government which brings some concern, which invites concern, and I would beg of you, Sir, to point it out to the Government that the matter is not so simple. On the one hand, Sir, the Law Minister said that much time will have to pass, much effort will have to be made to discuss the proposals with the Opposition parties, within the Cabinet Sub-Committee, with the State Governments and so on and so forth, and yet everything is sought to be dismissed lightly by saying that the whole system is foolproof, that the whole system is working very well. Sir, the first point I would like to ask the hon. Law Minister is whether he really thinks that electoral reforms are necessary and that they are urgently necessary. Sir, this sense of complacency of the Law Minister is also reflected in the mention that he has made regarding the rule of the Janata Party. Now, Sir, this Government has also been in power for the last 27 months. The Janata Government also ruled this country for 27 months only. On that score, Sir, we are quits. Twenty-seven months have already passed. But it seems to me, Sir, that the assertions of the hon. Law Minister might make it 27 years before anything is

[Shri Surendra Mohan] done on that score. Therefore, Sir, I would ask another question and that is this: I understand, Sir, that Government is a continuing process. I believe that the Janata Government had also appointed a sub-committee and I hope that whatever recommendations had been made by that sub-committee they also will be considered by the hon. Law Minister and by the present Government. I would like to know whether the Government has really given any thought to the recommendations of the sub-committee of which my hon. friend, Mr. Advani, and another friend, Shri Shanti Bhushan, were members. I would like to know whether that scheme of recommendations is also under the consideration of the Government or not. The third thing that I would like to ask is whether it is true that much apprehension is being expressed on the fact that it is not the Election Commission now which decides when the elections are to be held, although under the Constitution it is the Election Commission which has the superintending powers and all the powers of control of the electoral process, but that now it is sometimes the State Government and sometimes the Central Government itself and sometimes even the printing press, and who knows what, but in any case it is not the Election Commission now which really decides when the elections have to be held. There is a parliamentary bye-elections which ought to have been held in Bayana, a seat vacated by the former Chief Minister of Rajasthan, who was a Member of Parliament before, and yet the Government has not made known to any one when such vacancies will really be filled in and when the bye-elections will take place. Other instances of postponement of bye-elections have also been cited. I would, therefore, like to ask the hon. Law Minister whether he has any scheme by which such uncertainty can be removed.

SHRI JAGANNATH KAUSHAL: Sir, a number of suggestions have been

made by the hon. Members on the Opposition Benches. Some suggestions have also been made by Mr. Bhandare and you must have seen that in the suggestions also there is no concurrence and it is bound to be. The reason is that the subject is so complex that we hardly expect all Members to speak with one voice, which is just not possible. One hon. Member suggested even now that there should be a Joint Committee of Parliament to consider the matter. Now, if the Member is still of this view that this matter should again be referred to a Joint Committee of Parliament, what can we do. Well, I will certainly put before the Cabinet this suggestion also.

SHRI LAL K. ADVANI: Please don't. *(Interruptions)*.

SHRI JAGANNATH KAUSHAL: Now, the thrust of the whole discussion today is, as Shri Advani has said it, am I in a position to give an assurance that there is a time-bound programme and within that particular time the whole thing will be finalised? I will put it to the Members whether this is? Is it really possible for us to fix a time-limit?

SHRI SHRIDHAR WASUDEO: DHABE: Why not? One year or two years or five years.

SHRI JAGANNATH KAUSHAL: What is the use of asking for five years or twenty years or twenty-seven years? That is not the way to come to a positive result. The situation is such that to expect us to give a time, would be rather unrealistic, and that is why I said that you please accept when we say that these are not empty words and you should accept what we say. Seventy proposals have been formulated. That is not as if we are saying that we are thinking and thinking and thinking. Thinking has been done; but when the thinking has to assume the form of a legislation, then surely on such a vital question as electoral reforms,

the consensus of the country, of the opposition parties, the States, has to be taken.

With regard to other matters, some Members said that the voting age should be 18; some said it should be 21, and in the House itself we have seen some Members saying that the age 18 is not the proper age. So my submission to the House is, I quite agree that we have taken a long time but that time was taken, as I said, not because we never wanted reforms. Shri Advaniji knows that the matter was referred to,—and a Bill was also introduced but that Bill ultimately lapsed—the Joint Committee of Parliament; that report was also there and then when I said that the Janata Party Government could not do it in 27 months, I was not trying to blame the Janata Government. I was, in fact, trying to say that to simplify the issue and to say that this matter can at once be brought forward before the Parliament and at once a decision can be taken, is not realistic. I had only said it from that angle; I never blamed the Janata Government. They were serious about it... (*Interruptions*). I am not concerned; other Members might say; but my idea was when Advaniji was saying that the matter was so simple, I wanted to confront him that it is not so simple. It is a complex matter. On every matter, there is difference of opinion...

**SHRI SHRIDHAR WASUDEO DHABE:** Election Commission says you must have your own machinery for holding elections.

**SHRI JAGANNATH KAUSHAL:** Some sentence of mine has been taken out of context. When I said that this system, by and large, has stood the test of time for 30 years, my learned friend was saying that the Law Minister says that there is no need for reforms. We cannot take away one sentence from here and there. Therefore, consolidated statement is that the matter is now receiving attention at the highest level.

With regard to proposals which will ultimately come before the country and before the opposition parties, they have to be finalised.

One more point was raised as to when the report was received from the Election Commission. I may not be able to give the exact date but the consolidated list was received on 22nd of October, 1977. As I say, the Election Commission goes on making recommendations. Therefore, my very respectful submission to the House is, they should not doubt our *bonafides*. All I wish to say is, if you ask me to give a time-bound programme, I will say, that it is not possible and even if I give the time limit, it may not be possible, because of the various complexities, in sticking to the time schedule. I would request the hon. Members to accept what we have stated. We do not wish to give the impression that we do not want electoral reforms. Wherever these reforms are needed, Government will certainly come forward and ask the Parliament to pass the law.

**श्री लाडली मोहन निगम :** उपसभा-ध्यक्ष महोदय, एक क्लेरीफिकेशन चाहिए । कानून मंत्री जी ने कहा कि 70 चीजें उनके पास आ गई हैं । करीब-करीब मैं इनसे सहमत हूँ । इस बारे में मैं कुछ नहीं जानना चाहता । मैं इतना जरूर जानना चाहता हूँ कि आपके लिहाज में उन 70 चीजों में से कोई एक भी चीज है जिस पर सब कांसेन्स हो जाते हैं । इसको आप एक्सप्लेन कर दें ।

**श्री जगन्नाथ कौशल :** अकेले की बात कर दूँ और सब को पडा रहने दूँ तो इसमें कोई फायदा नहीं होगा ।

**श्री लाडली मोहन निगम :** एक के बाबे में भी आप कहने की स्थिति में नहीं है जिसको आप लागू करें ।

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Half-an-Hour Discussion is over. There are two speakers who would like to speak. Would the House like to sit upto 8 or shall be adjourned?

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at twenty minutes past seven of the clock till eleven of the clock on Friday, 12th March, 1982.