

MR. CHAIRMAN: He wants certain kinds of suits to bear court fees.

SHRI JAGANNATH KAUSHAL: All these matters will be considered after I know the views of the States.

MR. CHAIRMAN: Court fees in England were originally paid to the Judges and they were doing the work quickly. (*Interruptions*)

SHRI N. K. P. SALVE: It is a dangerous idea. (*Interruptions*)

MR. CHAIRMAN: Judges were not asked to do the work quickly, but only those who did more work got more of the court fee.

SHRI JAGANNATH KAUSHAL: All these matters as I have already said, may be examined after I get the views of the States.

SHRI NARASINGHA PRASAD NANDA: Sir,...

MR. CHAIRMAN: Mr. Nanda and then Mr. Banerjee, and then we pass on to the next question.

SHRI NARASINGHA PRASAD NANDA: Sir, is it a fact that the sub-Committee particularly examined the question of revenue from court fees, and on authentic material supplied by the Government, came to the conclusion that the proportion of income from court fees which bears to the total revenue is negligible—almost 0.1 per cent? Is it correct?

SHRI JAGANNATH KAUSHAL: This is correct.

MR. CHAIRMAN: But it is a paying concern. You do not know that. I have dealt with this as the Chief Justice. Mr. Banerjee.

SHRI B. N. BANERJEE: As the Law Minister explained, and I also know it, court fee is a State subject, and therefore any legislation on the subject will involve the States agreeing to this particular point of view about the abolition of the court fee. I would like to understand the position. The Law Minister can choose any State he likes—any State. What

is the total amount of court fee which is recovered in a year in respect of that State—he can choose any State—and what is the total expenditure on administration of justice in that State? And what is the total revenue earned by the Government in a year in that State, to enable us to understand the problem?

MR. CHAIRMAN: It is a plug for minus? Have you got the figures?

SHRI JAGANNATH KAUSHAL: I say it is not possible to give an answer unless you ask me about any particular State...

SHRI B. N. BANERJEE: He can choose.

SHRI JAGANNATH KAUSHAL: The sub-Committee had gone into the matter, examined the revenues and the income from the court fees from various States, and the conclusion which was arrived at by the sub-Committee was that it was less than 1 per cent of the total revenue.

Electoral reforms

*102. SHRI ASHWANI KUMAR:
SHRI LAKHAN SINGH: y

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

(a) the details of suggestions for electoral reforms as received from the Election Commission of India from time to time; and

(b) what is Government's reaction to each one of them, and by when the electoral reforms are expected to be made?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGANNATH KAUSHAL): (a) and (b) Details of the proposals for electoral reforms received on various occasions from the Election Commission which affect almost all

^tThe question was actually asked on the floor of the House by Shri Lakan Singh.

aspects of election law had already been placed on the Table of the House in connection with Rajya Sabha Unstarred Question No. 44 dated 9th June, 1980 and Rajya Sabha Unstarred Question No. 564 dated 24th November, 1980. Some recommendations of the Commission are also contained in its Report on the General Elections to the House of the People and the Legislative Assemblies, 1979-80 and Vice-Presidential Elections, 1979—Volume I, which was laid on the Table of the House on 22-12-1980. The proposals are presently under consideration of the Cabinet Committee on Electoral Reforms. After provisional conclusions have been reached by the Committee, these proposals would be discussed with political parties and wherever necessary, with State Governments as well. Hence taking of final decision would necessarily take some more time and it is not possible at this stage to indicate the time by which the proposal may be finalised.

SHRI LAL K. ADVANI; Sir, on a point of order. He has referred to a number of questions earlier in 1980-81. I am wanting to ask supplementaries on this particular question. But this answer does not enlighten me. I expect that on that basis either you reject the question—I can understand that—because this information has already been provided, therefore, this question will not be allowed. Now with this kind of a reply where I am referred to three questions about which answers have been given, how am I, who is very much interested in the subject, to put supplementaries? I do not know, unless I refer to them which are not available with me now.

MR. CHAIRMAN- Whatever is troubling you may be framed into a question and put right now...

SHRI LAL K. ADVANI: I would like to know specifically what are the recommendations of the Election

Commission, apart from what has appeared in the press...

MR. CHAIRMAN: Then he will read out to you all the answers that were given...

SHRI LAL K. ADVANI: My submission is that for future it is better they do not spring up on the House this kind of references without the necessary...

MR. CHAIRMAN: I would suggest if you refer to some replies given to questions put earlier, put that also as an annexure and lay it on the Table of the House for the Members to see. I think that would solve the problem.

SHRI LAL K. ADVANI: Yes, all right.

MR. CHAIRMAN: Will that be all right?

SHRI LAL K. ADVANI: If the answers given to the earlier questions are provided to us, it will facilitate; otherwise, at the moment I cannot even refer to them.

MR. CHAIRMAN: If the earlier question and the reply are put as an annexure, I think, that will be better.

SHRI JAGDISH PRASAD MATHUR: Sir, in view of what has been said now, the Minister may put the material on the Table of the House and the question may be deferred to the next day so that we may ask supplementaries...

MR. CHAIRMAN: Which means next week.

SHRI JAGDISH PRASAD MATHUR: All right. It does not matter.

SHRI LAL K. ADVANI: Or if you permit a Half-an-Hour Discussion on this, we would be very happy.

MR. CHAIRMAN: I shall see if I can postpone the question or allow Half-an-Hour Discussion.

SHRI B. N. BANERJEE: Sir, it would be better to have a Half-an-Hour Discussion on this.

MR. CHAIRMAN: You will be satisfied with a Half-an-Hour Discussion after...

SHRI V. B. RAJU: In spite of all this, still I have got a question to put.

MR. CHAIRMAN: After this supplementary is put, anybody else wants to put a supplementary? (*Interruptions*)

SHRI RAMAKRISHNA HEGDE: Sir, I would suggest that this question may be postponed so that the Minister...

AN HON. MEMBER: Sir, you have a Half-an-Hour discussion. (*Interruptions*)

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SHRI V. B. RAJU: I will not be here to put my question. That is what I am saying. He is agreeing to my question, (*Interruptions*)

MR. CHAIRMAN: After Mr. Raju has unburdened himself of the question which he has got...

SHRI MURASOLI MARAN: Sir, I have got a supplementary.

MR. CHAIRMAN: You will come into the Half-an-Hour Discussion.

SHRI LAL K. ADVANI: Sir, if the supplementaries are to be asked, then, of course, the Member who raised the question has the first right unless you decide to postpone it or to...

MR. CHAIRMAN: I am in your hands.

SHRI LAL K. ADVANI: Sir, I would be happy if it is postponed and we are given the replies to the earlier...

MR. CHAIRMAN: What I suggest is let Mr. Lakhan Singh ask his supplementary and then Mr. Raju. And I will give a Half-an-Hour Discussion.

SHRI V. GOPALSAMY: Please permit Mr. Maran also.

MR. CHAIRMAN: Then nothing will be left for the Half-an-Hour Discussion.

श्री लखन सिंह : सभापति महोदय निर्वाचन आयोग ने समय समय पर सरकार को सजेशन भेजे हैं, उस संबंध में मेरा कहना यह है कि चीफ इलेक्ट्रोल आफिसर्स राज्य सरकारों के अधीन काम करते हैं, इन अधिकारियों पर चुनाव विभाग का कोई नियंत्रण नहीं है, इससे बड़ी गड़बड़ी होती है और चुनाव निष्पक्ष तथा स्वतंत्र नहीं हो सकते। तो मेरा आपके माध्यम से मंत्री महोदय से सीधा प्रश्न यह है कि चुनाव निष्पक्ष और स्वतंत्रता से हो सकें इसलिए इस संबंध में सरकार ने कोई कारगर कदम उठाये हैं या नहीं ?

श्री जगन्नाथ कौशल : ये सारे सवाल एकदम इकट्ठा किये जा रहे हैं। सिर्फ एक सवाल जो मेम्बर ने पूछा यही नहीं और भी बहुत से सवाल हैं जिन पर मैंने बताया कि वे मामले सब कमेटी के सामने पेश हैं और हर चीज पर ध्यान करने के बाद फिर निर्णय लिया जाएगा।

श्री लखन सिंह : मेरा दूसरा एक प्रश्न रद्द गया (व्यवधान)

MR. CHAIRMAN: Either we have questions and answers or no Half-an-Hour Discussion. I have already said that.

श्री जयदीप प्रसाद माधुर : हाफ एन हावर तो होता ही है हाफ एन हावर डिस्कशन होने पर कोई बंधन नहीं होता हाफ एन हावर तो कोई उत्तर नहीं होता है

You cannot restrict the discussion here...

SHRI LAL K. ADVANI: Sir, I may point out that I have raised no objection not because I was not prepared for this kind of discussion but because the necessary information was not supplied to me here. That is the only basis. I want you to direct him that in future it should be supplied. And, therefore, as a corollary I suggest that this question may be taken up when this information is supplied. Half-an-Hour Discussion does not in any way preclude discussion here at this moment or tomorrow. Not at all. In fact, very many times, even after questions and supplementaries being raised in this House, Half-an-Hour Discussion is allowed.

MR. CHAIRMAN: It depends on what is the content of the reply.

SHRI LAL K. ADVANI: Therefore, Sir, they do not in any way score out the other. If you have permitted now, let the supplementaries be asked.

SHRI PILOO MODY: Let the supplementaries go on.

श्री साखन : सिंह: दूसरा सवाल . :

MR. CHAIRMAN: Your second supplementary, Mr. Lakhah Singh, and then Mr. Raju.

श्री साखन सिंह : श्रीमन, यह सर्व-विदित है कि आज के वक्त चुनाव निषेध नहीं हो पाते हैं, एक ओर तो काले धन का दबाव इस पर पड़ रहा है। दूसरी ओर विदेशी धन का प्रभाव भी हमारे चुनाव पर पड़ रहा है। तो मैं आपके माध्यम से मंत्री महोदय से यह जानना चाहता हूँ कि काले धन के प्रभाव और विदेशी धन के प्रभाव को रोकने के लिए, उसके नियंत्रित करने के लिए आप कौन से कारगर कदम खास करके उठा रहे हैं और उठाना चाहते हैं। यह आप बतायें।

श्री जगन्नाथ कौशल : मेरा उत्तर फिर भी यही है कि यह सभी बातें ज़रूरी हैं और जब तक (इयबधान)

श्री सभापति : सुनें तो।

एक माननीय सदस्य : जवाब तो वही होगा।

श्री जगन्नाथ कौशल : जवाब वही है क्योंकि सवाल आप बार-बार वही पूछते हैं। जब मैंने कहा कि यह सारा मामला लॉ मिनिस্ট्री ने एक्जामिन करके भेज दिया है।

श्री सभापति : हर पहलू से सब-कमेटी के पास है।

श्री जगन्नाथ कौशल : सब कमेटी के पास है, तो मेरी समझ में नहीं आता कि पीसमील सवाल करने से क्या फायदा हासिल होता है।

श्री सभापति : वह तो फायदा निकालना चाहते हैं।

SHRI V. B. RAJU: Sir, the hon. Minister has said that there is a sub-committee going through all these recommendations or suggestions. May I request the Minister to see that these things are also placed before the sub-committee and not only the Election Commission's recommendations or suggestions as such, but also what the Parliamentary Committee in 1972, a decade ago, had said when it had prepared an elaborate report and submitted recommendations? These recommendations also should be placed before the sub-committee. Will the hon. Minister consider the question of placing these two items also before the sub-committee as money is playing its worst part in the elections? Will the Government be pleased to place them before the sub-committee for consideration of amendment of the Representation of the

People Act, so that no other person shall incur any expenditure on behalf of the candidate except through the election agent of the candidate, and find out whether an amendment of this nature could be made in the Representation of the People Act as it is available or obtaining in the U.K.? Today the position is that a group of people can join as supporters, as helpers, collect money and incur any expenditure for which the candidate does not submit any statement of expenditure. The Parliamentary Committee also had made a suggestion of this nature for the purpose of strengthening the party-system in this country. I would like to know whether the Government will be prepared to provide statutorily financial assistance to the parties, recognised parties, depending upon their performance in the earlier elections. A suggestion of this type was made by the Parliamentary Committee to the Government. Will these two things also be placed before the sub-committee?

MR. CHAIRMAN: The suggestions are there.

SHRI JAGANNATH KAUSHAL: The proposals which are there, they are not based only on the proposals by the Election Commission. The proposals which are there are based on various suggestions which have been made by the committees and the suggestions which have been given by the political parties. All these matters are being examined.

MR. CHAIRMAN: These may also be noted.

SHRI V. B. RAJU: These suggestions also may be examined.

SHRI MURASOLI MARAN: Sir, article 324 provides for the appointment of more than one Election Commissioner; in that case only one will act as a Chief Election Commissioner. I do not know for what reason there is only one Election Commissioner and he is also designated as the Chief Election Commissioner. To call the

sole Election Commissioner as the Chief Election Commissioner, I think, is a misnomer. So, I would like to know from the hon. Minister whether there is a suggestion from the Election Commission itself or from other quarters to appoint more Election Commissioners and regional commissioners, as provided in article 324.

SHRI JAGANNATH KAUSHAL: I must again submit to the House that those points have been raised by people from time to time, namely, whether there should be more than one Election Commissioner. All these matters are under consideration.

MR. CHAIRMAN: Last question, Mr. Mathur.

श्री जगदीश प्रसाद माथुर : क्या मंत्री महोदय यह बताएंगे कि जो सामान्य चुनाव है उनके अलावा, जो मिड टर्म इलेक्शंस हैं या बाई इलेक्शंस हैं, उनकी भी सीमा बांधी जाए, जैसे उदाहरण दे रहा हूँ—दिल्ली के इलेक्शंस टालते जा रहे हैं, गढ़वाल के इलेक्शंस टालते जा रहे हैं। तो क्या इस कमेटी के सम्मने यह भी विचार है कि बाई इलेक्शंस या मिड टर्म इलेक्शंस की सीमा बांधी जाए कि किस समय तक में होना चाहिए, विशेष कर दिल्ली के बारे में।

श्री जगन्नाथ काँशल : यह सवाल भी विचाराधीन है।

श्री सहायति : सभी कुछ सोच रहे हैं।

श्री जी० सी० बहाचार्म : कितने दिन विचाराधीन रहेगा ?

SHRI PILOO MODY: Actually now; the Minister is also under our consideration, Sir.

SHRI SUNDER SINGH BHANDARI: Not consideration, but observation.

MR. CHIRMAN: Next question.