

**SUPREME COURT'S OBSERVATIONS ON
ELECTION EXPENSES BY POLITICAL PARTIES**

♦272. SHRI B.P. NAGARAJA
MURTHY: SHRI
SHYAMLAL GUPTA : SHRI M.
KADERSHAH : SHRI B.
RACHAIAH:

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

(a) whether in view of the observations made by the Supreme Court in a recent judgment in an election petition regarding ceiling on election expenditure by a political party on its general party propaganda, Government propose to amend the Representations of the People Act;

(b) if so, whether any code of conduct to be followed by political parties in regard to the expenditure incurred by them on elections has been evolved by Government in consultation with the different political parties; and

(c) if not, by when a decision in the matter is proposed to be taken?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) Government have an open mind in the matter and are thinking of holding a meeting with the leaders of political parties to discuss the question of election expenses.

(b) No, Sir.

(c) As early as possible.

ELECTORAL REFORMS

273. SHRI SAWAISINGH SISODIA:
SHRIMATI LAKSHMI KUMARI
CHUNDAWAT;

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

(a) whether Government propose to bring about electoral reforms, including steps to cut down the election expenses;

(b) if so, what are the details in this regard; and

(c) the steps taken by Government in this regard ?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) to (c). A Bill for amending the election law, namely, the Representation of the People (Amendment) Bill, 1973, is pending consideration in the Lok Sabha.

Government are thinking of holding meeting with the leaders of political parties to discuss the question of election expenses.

श्री जगदीश प्रसाद माथुर : आपने जो स्टेटमेंट दिया है और इसमें सरकार द्वारा जो कुछ खर्च किया गया है और उम्मीदवारों द्वारा जो कुछ खर्च किया गया है, उन दोनों का अनुपात अगर आप देखें और उम्मीदवारों द्वारा जो कुछ खर्च किया गया है उसमें वे उम्मीदवार भी शामिल हैं जिनकी जमानत जम्बत हुई है या जिनको बहुत कम वोट मिले, लेकिन अगर उनको निकाल दें तो लगता है कि सरकार द्वारा जो कुछ खर्च किया गया है, वह उम्मीदवारों द्वारा खर्च की गई राशि का आठ गुना से भी ज्यादा आता है। ऐसी स्थिति में उम्मीदवारों द्वारा जो इतना कम खर्च किया गया है, क्या सरकार इस बात पर विचार करेगी, क्योंकि उम्मीदवारों के खर्च के सम्बन्ध में आज एक विवाद का विषय उठ खड़ा हुआ है और इस बारे में एक इलेक्शन पिटीशन स्वीकार किया जा चुका है और इलेक्शन में बहुत ज्यादा पैसे खर्च होने के कारण एक विशेष स्थिति उत्पन्न हो गई है। आपके जो इलेक्टोरल रूल्स हैं उन्हें आपको बाद में रद्दी में बेचना पड़ता है और अगर आप उम्मीदवारों को छः सात कापियां जितनी आवश्यकता हो उतनी सप्लाई करें और चीफ इलेक्शन कमिशनर साहब की ओर से सप्लाई करें, और प्रिंटिंग मैटेरियल अगर आप अपनी ओर से सप्लाई करें, यह सब सप्लाई करने के कारण उम्मीदवारों पर ज्यादा व्यय नहीं आएगा। इसके साथ क्या सरकार इस बात पर विचार करेगी, जैसा वेस्ट जर्मनी में है, जो जेनुइन पोलिटिकल पार्टिज के कैंडिडेट्स हैं, जिनकी जमानत जम्बत हो जाती है, ऐसे केसेज में

सरकार अपनी ओर से खर्च वहन करे क्योंकि जो खर्च का हिसाब आपने बताया है वह चूंकि प्रामाणिक है, इसको सरकार वहन करे तो जो आज रुपये का व्यय होता है, और चुनाव में जो भ्रष्टाचार का तरीका इस्तेमाल होता है वह रक सकता है। तो क्या इस दृष्टि से सरकार ने अपने ऊपर भी कोई जिम्मेदारी लेने का विचार किया है ?

SHRI H. R. GOKHALE: As the hon'ble Member rightly said, in the two items which are given in the annexed statement, the first refers to expenditure incurred by Government and the second, expenditure incurred by the candidates. As the position stands today, the expenditure incurred by the candidates is very high, and this is on the basis of the returns which are required to be filed relating to election expenditure after the election within a specified time, which would also include the returns filed by defeated candidates. And, as, Sir, you know, there are a very large number of candidates in the country, over 3,000 for the Parliamentary and several thousand for the Assembly constituencies. In the last elections there were about 250 million voters. Taking that into view this question may be considered. But I agree with the hon'ble Member that certain suggestions had been made to cut down the expenses of individual candidates by Government taking over some of the burden. Now that report is under consideration. But I can say this that on a simple examination of it the liability which will come on the Government is huge and tremendous. Therefore, I cannot give any assurance at the moment.

श्री जगदीश प्रसाद माथुर : मंत्री महोदय, स्वयं जानते होंगे क्योंकि उन्होंने भी चुनाव लड़ा है, और सदन के बहुत से सदस्यों ने भी चुनाव लड़ा है कि उम्मीदवार जो खर्चा दाखिल करता है उसके संबंध में जो सीलिंग बनाई है वह आज के वातावरण में बिल्कुल एक फार्स है। प्रत्येक उम्मीदवार जो कि अपना रिटर्न भरता है, या तो फिर वह पार्टी की ओर से अपना खर्चा दिखावे या इस नाते से क्या सरकार अपनी ओर से, जैसा कि आपने

कहा है कि चुनाव प्रणाली में सुधार की दृष्टि से एक समिति बनाने वाले हैं, सभी राज-नैतिक दलों के नेताओं को बुला कर, तो पहली जो लिमिट है, उस लिमिट को हटाने की दृष्टि से और लिमिट के बारे में सरकार की स्वयं की क्या राय है उस दृष्टि से भी क्या सुधार करना चाहती है ?

SHRI H. R. GOKHALE : Sir, there are two views in the matter with regard to the limit. The limits have been fixed under the Representation of the People Act read with the relevant rules. A limit for a Parliamentary constituency is not the same everywhere. But, by and large in most of the constituencies it is Rs. 35,000. The question whether there should be any limit at all or not was discussed in the - Joint Select Committee and the view taken there was that there should be a limit. Therefore, Sir, the provision with regard to the limit on expenditure has not been altered. The Bill will come before the House in course of time. As the hon'ble Member will see at that time, that limit will be there. But the other view is, as I have seen being expressed in this House and in the other House, that this limit which is fixed for the present is too low. Rs. 35,000 is too low. And, therefore, account should be taken of the changed circumstances. This limit, at any rate may not only remain, it should be enhanced.

The second question is under examination. Normally we do this in consultation with the Election Commission. I have already had occasion to answer earlier that the Election Commission is going to discuss this with the political parties and then take a decision in this matter.

SHRI SUBRAMANIAN SWAMY: Sir, I am sure the Minister shares my concern that some of the expenditure on election should be reduced. I would like to ask him,

SHRI MOHAMMAD " YUNUS SALEEM : Reduced or enhanced?

MR. CHAIRMAN : No, no.

SHRI SUBRAMANIAN SWAMY: Please do not interrupt. Sir, I take the interruption very seriously

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MR. CHAIRMAN: Therefore, I am not allowing it.

SHRI SUBRAMANIAN SWAMY: Sir, I would like to ask the Minister whether it is not a fact that Government expenses in the conduct of the 1971 and 1972 elections, namely Parliamentary and Assembly elections combined, are equal to the combined expenses of holding elections in 1957, 1962 and 1967 and that per-voter expense has gone up very considerably? If so, would he consider amending the laws to make the holding of Parliamentary and Assembly elections together mandatory so that the expenses could come down?

SHRI H. R. GOKHALE: Sir, it is a fact that because the last elections were not held together for Parliament and for Assemblies, as distinct from the position in 1967, the expenses have been much more. The hon. Member is right on that point. The question he has asked me is whether in view of this, the Government will consider holding the elections together. Now, holding of elections to Assemblies depends on several factors. For example, an Assembly may be dissolved and President's rule may be promulgated depending on various imponderable circumstances. In one case, even the Lok Sabha had been dissolved. Therefore, the Government has no proposal under consideration at present to say that these will be held together.

श्री ओउम् प्रकाश त्यागी : सभापति, महोदय, मंत्री महोदय ने अभी जो उत्तर दिया कि वे प्रत्याशी का खर्चा बढ़ाने के सम्बन्ध में विचार कर रहे हैं। क्या यह सत्य नहीं है कि जो वर्तमान चुनाव पद्धति है, जो खर्चा वर्तमान प्रत्याशी के लिए लागू है, उस चुनाव पद्धति के अनुसार देश में कितने ही योग्यतम आदमी हैं, गरीब आदमी हैं, जो देश के चुनावों में खर्च की वजह से खड़े होने का साहस नहीं कर सकते हैं। जो पूँजीपति हैं, पूँजीपतियों के एजेंट हैं या जिन्हें पूँजीपतियों से सह मिली हुई है। और पूँजीपतियों को विक्रय गये हैं, वही आदमी आजकल के चुनावों में खड़ा हो सकता है।

दूसरा इस चुनाव पद्धति का यह परिणाम निकला है कि आजादी के पहिले जातिवाद,

साम्प्रदायिकवाद और भाषावाद का इस देश में झगड़ा नहीं था और न ही इस तरह का वातावरण ही था। लेकिन जो आजकल चुनाव पद्धति है उसके कारण देश में भाषावाद, साम्प्रदायिकवाद और जातिवाद को प्रोत्साहन मिला है और यह जो चुनाव पद्धति है वह पूँजीवाद और साम्प्रदायिकवाद पद्धति है। कांग्रेस का जो सिक्कूलरिज्म और समाजवाद का लक्ष्य था, क्या वह आजकल की चुनाव पद्धति से प्राप्त किया जा सकता है? इस लिए मैं मंत्री जी से यह जानना चाहता हूँ कि आजकल जो पूँजीवाद और साम्प्रदायिकवाद वाली चुनाव पद्धति है, जिसमें इस देश का योग्यतम व्यक्ति, गरीब व्यक्ति इस सर्वोच्च पार्लियामेंट में खर्च की वजह से नहीं आ सकता है, उसमें परिवर्तन करने के बारे में सरकार विचार करेगी?

MR. CHAIRMAN: What is the information that you want from the Minister?

श्री ओउम् प्रकाश त्यागी : क्या इस वर्तमान पूँजीवादी और साम्प्रदायिकवादी चुनाव पद्धति में परिवर्तन करने का सरकार विचार करेगी, ताकि योग्यतम व्यक्ति यहाँ आ सकें और साम्प्रदायिक आधार पर चुनाव को प्रोत्साहन न मिल सके?

SHRI H.R. GOKHALE: Sir, looking at the membership of the House, I think very able members have come to this House and to the Lok Sabha. But apart from that, I know that no electoral system can be regarded as flawless. But looking at the size of the population, the size of the voting strength and the size of the country, what we have been feeling is that this is the best system that we have in this country. But if the hon. Member has any particular suggestion to make, I am willing to consider it.

श्री ओउम् प्रकाश त्यागी : मैंने कहा कि जिसके पास पैसा नहीं, जो योग्यतम आदमी है, गरीब आदमी है, वह इस चुनाव में नहीं खड़ा हो सकता है। मैंने यह सवाल किया था कि क्या सरकार चुनाव पद्धति में इस प्रकार से

परिवर्तन करेगी, चुनाव का खर्चा स्वयं सरकार उठायेगी ताकि देश में जो योग्यतम व्यक्ति और गरीब व्यक्ति हैं, वे भी आसानी के साथ चुनाव में लड़कर यहां और असेम्बलियों में आ सकें ?

SHRI H. R. GOKHALE: Sir, as I have said, I share the concern of the hon. Members. But what I am telling the hon. Member is Daft if there is any concrete suggestion i over this difficulty, Government at have an open mind and consider it.

श्री रणवीर सिंह : एक गरीब कांग्रेसी किसान ने बिड़ला को हराया था ?

श्री ओड़म प्रकाश त्यागी : हम सबको मालूम है कि वे कैसे हारे ?

श्री रणवीर सिंह : कांग्रेस ने हराया ।

श्री ओड़म प्रकाश त्यागी : मैंने सजेशन दिया है, इशारा किया है कि लिस्ट सिस्टम दूसरे देशों में भी है, जर्मनी में है, उस लिस्ट सिस्टम के आधार पर यहां भी चुनाव होने चाहिये ।

MR. CHAIRMAN: That is a suggestion of yours. They will consider that.

SHRI H. R. GOKHALE: Sir, that was also considered. The List System was thought of. Germany is a small country in size and population. It is doubtful whether that system will be successful here considering the size and population of our country.

SHRI SHYAMLAL GUPTA: Just after the Supreme Court's decision in Shri Amarnath Chawla's case, what was the necessity of issuing an Ordinance ? Is it because that stakes of some high-ups are involved? I understand that an election petition against the Prime Minister is also pending? Was the Ordinance issued only because the stakes of some high-ups are involved?

SHRI H. R. GOKHALE : I would say that this was not done for the benefit of any single individual, whether the Prime Minister or anyone else. Looking at the large number of election petitions pending in the country some of which have raised the question of election expenses, including the election petitions of Opposition Parties,

the Ordinance was issued to protect all the elected candidates.

MR. CHAIRMAN : Only one question is allowed. Shri Kadershah.

SHRI M. KADERSHAH : There is a general feeling among the public that there is misuse of donations by various organisations and if so what action the Government is going to take to check that misuse of funds?

SHRI H. R. GOKHALE : I do not know whether the hon. Member, by organisations, refers to companies. He knows that under section 293A of the Companies Act, there is a total ban on company donations.

SHRI B. RACHAIAH : May I know from the hon. Member the number of election petitions pending before the Supreme Court ?

SHRI H. R. GOKHALE : I do not have the total number. But I can make this observation subject to correction that there are at least 15 election petitions in the Supreme Court in which the question of election expenses has been raised.

SHRI B. RACHAIAH : Is the Ordinance applicable to all such cases ?

SHRI H. R. GOKHALE: It will be applicable to all such cases.

SHRI SAWAISINGH SISODIA: I would like to know from the hon. Minister as to what are the main points under consideration of the Government regarding electoral reforms in order to cut down election expenses ? Will they include lowering down of age of electorate and changing of the present system of election?

! SHRI H. R. GOKHALE: There are two aspects of the matter. One is amendment of the election law and the other is amendment of the Constitution. The question [of age comes under the latter. At the moment Government is considering amendment of the election law and a Bill on this has already been introduced in the other House and it will, inturn , come here. Even before that, if suggestions are made in any quarter Government will consider them.

MR. CHAIRMAN: Only one question.

SHRI SAWAISINGH SISODIA: This question is in my name.

MR. CHAIRMAN: No, two questions.
Shrimati Lakshmi Kumari Chundawat.

श्रीमती लक्ष्मी कुमारी चूंडावत : इलेक्शन के खर्च को कम करने के लिए क्या सरकार प्रपोर्शनल रिप्रेजेंटेशन के ऊपर विचार कर सकेगी?

SHRI H. R. GOKHALE: I do not know how proportional representation will cut down expenditure. Again, to repeat, considering the size of the country and magnitude of the electorate, I have my own doubts whether proportional representation can be successful here.

SHRI NIREN GHOSH: Government refuse to include Party expenses on election in the election expenses of the candidate. Is it because the Congress party commands a huge amount of black money that they are refusing to do so? Will the Government accept the fact that since each and every Government at the Centre and in the States has not been able to command even 50 % of the votes cast, it is a minority Government? The present Congress Government at the Centre is a minority Government. Is it not so? Sir, aspersions are cast on the independence of the Chief Election Commissioner because though he is appointed by the judiciary, the Chief Election Commissioner is given posh jobs after retirement and they, therefore, turn a blind eye to the large scale rigging and corruption in the elections. So, would the Government consider appointing such an Election Commission as would consist of one representative of the Prime Minister, one of the Chief Justice of India and one from amongst the Opposition parties? Since this type of a Commission would be independent and if the elections are not held properly, it would cancel that election and Order a fresh poll, will the Government consider this proposal?

Then, Sir, about proportional representation, he said that this does not take into consideration the vastness of the country and so on. Sir, this is too vague an assertion.

MR. CHAIRMAN: what is your question?

SHRI NIREN GHOSH: Proportional representation in a multi-party system— in our country there is no bi-party system— and that is the only way to reflect the people's

will inside and outside the Parliament and it is quite feasible. Do you reject it only because it will cut down the Congress size and the Congress will not be able to form governments either in the States or at the Centre? Is it for this partisan end and against the interest of democracy that you are rejecting this proposal?

MR. CHAIRMAN: Please Let the Minister reply.

SHRI H. R. GOKHALE: Sir, I think there are two or three questions which have been rolled into one. With regard to expenditure by the political parties, first of all, as far as I know, the election expenditure is incurred not only by the ruling party, but by all the parties; 10 in respect of their elections...

SHRI MONORANJAN ROY: All parties do not incur that much.

SHRI NIREN GHOSH: We agree that all the parties incur expenses.

SHRI H. R. GOKHALE: Therefore, Sir, the question is not confined to the ruling party only.

Secondly, Sir, I refuted the suggestion that the Election Commission has not been independent. It has been given an independent status under the Constitution.

SHRI NIREN GHOSH: It is subservient to you. I allege. I make the accusation point-blank.

SHRI H. R. GOKHALE: It is not subservient.

SHRI NIREN GHOSH: I have found it so in my personal experience.

SHRI H. R. GOKHALE: In fact, Sir, I have known of a large number of cases in which the Congress has made many suggestions and the other political parties also have made suggestions to the Election Commission and in a number of cases the suggestions made by the Congress have been turned down and their suggestions also have been turned down sometimes, but also accepted some times. Therefore, Sir, I would very much feel sorry if an independent body like this is criticised here.

SHRI NIREN GHOSH: You have not answered my last point.

SHRI H. R. GOKHALE: What is your last question?

SHRI NIREN GHOSH: I asked whether it is not a fact that the present Congress governments are minority governments and also I asked why you are rejecting the proposal about proportional representation. Your answer is too vague. I say that this is the only system which will make a representative government possible here.

SHRI H. R. GOKHALE: Sir, the honourable Member has given his view and I have given my own. I forgot to deal specifically with this because, as I said, there were two or three questions rolled into one. Sir, I do not think that this Government is a minority Government. Under the present system, this is the only way in which democracy functions, not only India, but wherever a similar system is operating.

SHRI NIREN GHOSH: Minority government is ruling. This is the Congress view of democracy.

SHRI MONORANJAN ROY: Sir, on a point of order.

SHRI NIREN GHOSH: This is the Congress view of democracy. Minority rule is democracy.

SHRI MONORANJAN ROY: Sir, he has been saying (*Interruptions*).

MR. CHAIRMAN: No. You are not allowed. I am calling another hon. Member.

SHRI MONORANJAN ROY: Sir, I am not putting a question. I am on a point of order.

MR. CHAIRMAN: No explanation is necessary. Please resume your seat.

SHRI MONORANJAN ROY: Are you the Chairman or not? I am on a point of order.

MR. CHAIRMAN: No, please.

SHRI MONORANJAN ROY: Please hear me first.

MR. CHAIRMAN: Please resume your seat. When the next question is taken up, you will get an opportunity. Why are you not allowing the other Member to put his question? Please resume your seat. There should be order.

SHRI D. N. DWIVEDI: Sir, in the past a great deal has been said about electora

reforms and many questions have been asked and every body who is anybody is talking about poll reforms without knowing what he is talking about. Sir, in his reply, as far as I have understood him, the honourable Minister has expressed the willingness on the part of the Government to have a dialogue with the Opposition with a view to evolving a consensus on certain fundamental questions which are involved in the whole question of electoral reforms. I presume that when the Government has a dialogue with the Opposition, it will have some concrete proposals before it. My question is this: Has the Government applied its mind to the concrete proposals with regard to electoral reforms?

If so, what are those concrete proposals ?

SHRI H. R. GOKHALE: Government has already made certain proposals to Parliament in the Bill. That is one thing. But that is not the end of the matter. I appreciate the question. In view of the general debate which is going on in respect of electoral reforms, Government is considering this question in its various aspects, including the question whether certain items of expenditure during an election should be banned, or, at any rate, there should be a limit on that expenditure, as also the question whether there can be any limit on the political parties or the question whether they should be required to file their return of expenditure, so on and so forth. But I must, at the same time, mention that this question was discussed in the Joint Committee, and the Joint Committee came to the conclusion that it is not practically feasible to insist on political parties to file their returns.

SHRI MONORANJAN ROY: Sir, the hon Minister said that Election Commissioners are all independent. May I know, because of the help and aid given by Mr. Sen Verma the then Election Commissioner during the General Elections in West Bengal, totally rigged elections, was he not rewarded by giving him a higher post after his retirement as Election Commissioner, and, if so, what post was he given ?

SHRI H. R. GOKHALE: I do not see how this question arises. But, first of all I would categorically say that Mr. Sen-Verma, to whom reference has been made

was one of our best Election Commissioners, and he did not help one party or the other in any General Election. There is no question of any reward.

SHRI MONORANJAN ROY: Was he not given any post after his retirement?

MR. CHAIRMAN: That supplementary does not arise out of this question.

SHRI MONORANJAN ROY: Was he not given a prize post?

MR. CHAIRMAN: No, please. Sit down Mr. Alva.

DR. K. NAGAPPA ALVA: Is it not a fact that the Ordinance promulgated to validate any amount of party expenditure in the election of a candidate, interferes with the independence of the Judiciary and has nullified the findings of the Supreme Court? Does it not prove that the Government and the ruling party are determined to see that the Opposition parties are kept at a disadvantage while fighting the elections against the party in power which has got all the advantages of power, position, money and influence? Also, is this not a forerunner of the much talked of election reforms?

SHRI H. R. GOKHALE: It is true that the necessity of the Ordinance arose because of the Supreme Court judgment. That is no disrespect to the judiciary. This has been done in a number of cases before where even the Constitution was amended, when it was found that the intentions of the Parliament were not expressed by the judicial pronouncement. There is, therefore, no question of contempt of the judiciary. The question is whether in future any other line was to be taken. I have repeatedly said that this may not be the matter for all time. We can consider it in future as to what should be done.

SHRI MOHAMMAD YUNUS SALEEM: May I know from the hon. Minister, who is himself a great jurist and is responsible for deciding many leading cases on election law, whether he has examined the recent pronouncement of the Supreme Court and found that it is in fact an *obiter dictum*, because from what I learn from newspapers, no issue was raised by the petitioners when they filed the original petition before the High Court regarding the authority of political parties

incurring expenses on behalf of candidates? Therefore, this issue was not placed before the Supreme Court for decision. This is number one. The second question that I would like to ask from the hon. Minister is this: Is it not a fact that a contrary view has been taken by the larger Bench of the Supreme Court wherein it has been observed by Their Lordships that the expenses incurred by the friends of candidates or by political parties is not covered by the election law and it does not come within the mischief of election law? Is it not a fact?

SHRI H. R. GOKHALE: I will deal with the second part first.

We did take the view and I think we are right in taking the view that the interpretation of the relevant Section 77 means that the expenses incurred by political parties or by other persons were not to be included in the expenses which were incurred by the persons concerned. In view of the doubt which was created by the Supreme Court judgment, the position should be made clear and the election of those persons who have already been elected, should not be prejudiced, with regard to *obiter dictum*, though I do not say that it is *obiter dictum*, even if it is so, the *obiter dictum* of the Supreme Court is entitled to the greatest weight. The Government has no shadow of doubt with regard to this matter.

SHRI MOHAMMAD YUNUS SALEEM: I wanted to know whether this question regarding the expenditure incurred by the political parties was raised by the petitioner when the application was filed in the High Court.

SHRI H. R. GOKHALE: I do not wish to go into the merits of the case.

MR. CHAIRMAN: You need not reply to that part of the question.

SHRI K. S. MALLE GOWDA: Will the hon. Minister be pleased to tell us whether, as a part of electoral reforms, there is a proposal for limiting the number of terms for which the President, Vice-President, Prime Minister, Chief Ministers or the Ministers can hold office and whether the All India Radio and Television will be brought under the control of an independent corporation?

SHRI H. R. GOKHALE : With regard to the first part, there is no such proposal. The second part is not concerned with the question of electoral reforms.

श्री सीताराम सिंह : माननीय मंत्री जी इस बात को जानते हैं कि चुनाव के दरमियान कारें, गाड़ियां, ट्रक और बसें इस्तेमाल होती हैं और इन वाहनों के माध्यम से दूसरे क्षेत्रों से वोटरों को लाकर वोट डाले जाते हैं। ऐसी स्थिति में क्या आप कोई ऐसी व्यवस्था करेंगे कि चुनाव के दो रोज पहले सारी गाड़ियां बन्द कर दी जायें और सारे परिवहन को बन्द कर दिया जाय ? दूसरी बात मैं यह जानना चाहता हूं कि अभी मंत्री महोदय ने कहा कि मैं नहीं समझता कि यह अल्पमत की सरकार है, ऐसी स्थिति में क्या यह बात माननीय मंत्री जी की समझदारी पर निर्भर करेगी या जो वोट डाले जाते हैं और जिस अनुपात में इस देश में वोट पड़ते हैं, उस पर यह बात निर्भर करेगी ?

SHRI H. R. GOKHALE • Sir, the hon. Member must be knowing whether the transport is used for carrying voters.

MR. CHAIRMAN : There are very clear rules about it.

SHRI H. R. GOKHALE : If such transport is used, then the election will be set aside. With regard to the minority Government, it is his view which I have repudiated.

MR. CHAIRMAN : Next question. We have already spent 25 minutes on this.

RAILWAY EMPLOYEES WHOSE APPEALS FOR RE-INSTATEMENT WERE REJECTED

•271. SHRI YOGENDRA SHARMA:

SHRI BHOLA PRASAD :

SHRI BHUPESH GUPTA:

Will the Minister of RAILWAYS be pleased to state:

(a) the number of appeals for re-instatement filed by railway employees, which have been rejected by the Railway authorities, zone-wise and division-wise;

•]The question was actually asked on the floor of the House by Shri Bhola Prasad 2—712 RSS/74

(b) whether the judgments of the Calcutta, Gujarat and Kerala High Courts were taken into consideration while rejecting these appeals; and

(c) what are the names of the Trade Unions to which appellants, whose appeals have been rejected, belong?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHAMMAD SHAFI QURESHI): (a) and (c). Information is being collected and will be laid on the Table of the Sabha. (b) Appeals have been or being filed.

SHRI G. LAKSHMANAN: This is no reply. He says that the information is being collected.

श्री भोला प्रसाद : सभापति महोदय, यह बहुत ही महत्वपूर्ण सवाल है और इसके ऊपर पूरे देश में लाखों रेलवे मजदूरों में कितना असंतोष है, ऐसे सवाल को यह सरकार और मंत्री महोदय इस ढंग से चलाने की कोशिश करते हैं। मैं पूछना चाहता हूं कि क्या यह बात सही है कि गुजरात हाई कोर्ट के जस्टिस ठाकुर और कलकत्ता हाई कोर्ट के जस्टिस मुकर्जी ने इस सम्बन्ध में जो निर्णय दिया है कि रेलवे मजदूरों को जिस ढंग से बर्खास्त किया गया है और उन्हें बिना उचित मौका दिये या सफाई दिये बगैर जिस ढंग से बर्खास्त किया गया है वह अनुचित है और वह न्याय के खिलाफ है ? तो गवर्नमेन्ट को इस रुलिंग का खयाल करना चाहिए था लेकिन अभी तक गवर्नमेन्ट रेलवे कर्मचारियों की अपील के ऊपर उस रुलिंग के आधार पर विचार करने की बजाए उसको रिजेक्ट करती आई है। सरकार खुद इस तरह के सवाल को डालती है। तो क्या सरकार का यह बताना यह नहीं बताता है कि सरकार रेलवे मजदूरों के साथ बदला लेने की नीति से काम कर रही है ?

شری محمد شفیع قریشی : سر یہ

بات بالکل غلط ہے۔ کہ ہم

ریلوے کرم چاریوں کے ساتھ بدلے

کی نیٹی رت ہے ہیں سوال جو