

(c) and (d) Government has considered the matter and is of the view that the Calcutta Metropolitan Development Authority is essential for generating the necessary resources, administering the funds, formulation, allocation, co-ordination and supervising the execution of various development schemes in the Calcutta Metropolitan District. ✓

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

RESULTS OF THE INQUIRY CONDUCTED BY THE DEPUTY CHIEF ELECTION COMMISSIONER ON THE SURPLUS BALLOT PAPERS FOUND IN CHANDIGARH

SHRI N. R. MUNISWAMY (Tamil Nadu): Sir, I beg to call the attention of the Minister of Law and Justice to the results of the enquiry conducted by the Deputy Chief Election Commissioner on the surplus ballot papers found in Chandigarh.

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE): Sir, on the evening of 25th March, 1971, a deputation consisting of Shri S. N. Misra, M. P., Shri Digvijay Narain, M. P., Shri M. S. Gurupadaswamy, M. P., Shri L. K. Advani, M. P. and Shri Ravinder Varma, ex-M. P. met the Chief Election Commissioner at his residence and produced a bunch of ballot papers of a Parliamentary Constituency in Punjab. All these ballot papers were in good condition and were serially numbered. They alleged that thousands of ballot papers of the various Parliamentary Constituencies in Punjab, Haryana and Chandigarh similar to those produced by them were recovered from a godown in Chandigarh and that as a result of the printing of ballot papers very much in excess of the actual requirement, the poll in most of the constituencies was vitiated. As the matter required on the spot enquiry the Chief Election Commissioner directed Shri P. I. Jacob, Deputy Election Commissioner to proceed to Chandigarh as early as possible and conduct a thorough investigation into the matter. He reached the Government Press, Chandigarh, at about 10 a.m. on 26.3.1971. The Chief Electoral Officer and Additional Chief Electoral Officer, Chandigarh, the Controller of

Printing, Chandigarh, the Joint Chief Electoral Officer, Punjab, the Chief Electoral Officer and Deputy Chief Electoral Officer, Haryana and the Controller of Printing, Haryana, were present for the enquiry.

The ballot papers for the 13 Parliamentary constituencies in Punjab, 9 in Haryana and 1 in Chandigarh, i. e. 23 Parliamentary constituencies in all, were printed in the Government Printing Press at Chandigarh under the Chandigarh Administration. In the formes used for the printing, 2, 3 and sometimes even 4 constituencies were combined in a single forme. Some of the combinations were as follows:—

| <i>Name of the constituency</i> | <i>No. of ballot papers required</i> |
|---------------------------------|--------------------------------------|
| I. Hissar | 5,14,500 |
| Mohindergarh | 5,33,700 |
| Ambala | 4,92,000 |
| II. Sangrur | 5,11,300 |
| Amritsar | 5,13,400 |
| Phillour (SC) | 5,21,700 |
| Rupar (SC) | 5,25,100 |
| III. Fazilka | 5,49,300 |
| Bhatinda | 5,33,000 |
| Ludhiana | 5,98,200 |
| IV. Rohtak | 5,14,700 |
| Karnal | 5,07,000 |

When a single forme is used for printing the ballot papers of more than one constituency as above, the number of copies taken will be for the highest number required for any of these constituencies. Thus in the first forme above, for each of the constituency 5,33,700 ballot papers were printed, though Ambala constituency required only 4,92,000 and Hissar constituency 5,14,500. In this procedure, which is followed in every State for the expeditious printing of the ballot papers, the production of a certain surplus number of ballot papers for most of the constituencies is inevitable.

The total number of ballot papers required to be printed for all the 23 constituencies together was 1,18,61,800 while the actual number of ballot papers printed was 1,21,14,431. There was thus a surplus of 2,52,631 ballot papers for all the constituencies put together which worked out to 2% in excess of the actual number required. Usually the

wastage allowed in the printing of ballot papers is 5%, whereas in the case under consideration, the actual wastage was only 2%.

The Controller of Printing, Chandigarh, had issued a written direction on 15.2.1971 that after the completion of the printing of ballot papers, waste papers should be destroyed in the presence of the Assistant Controller of Printing. Unfortunately this direction was not carried out. Some of the surplus ballot papers, which were treated as waste, were cut into small pieces and deposited in the waste paper shed attached to the press. Some other ballot papers were stored in the waste paper shed without being cut into pieces, that is, in good condition. On 15.3.1971 and 17.3.1971, about 6,000 kilograms of waste paper were removed from the waste paper shed by the contractor. Along with the waste paper so removed, some ballot papers in good condition were also included. The contractor took the waste paper to his godown in Chandigarh. On 24.3.71 in the absence of the contractor, some persons entered the godown, filled a gunny bag with about 10 kilograms of ballot papers i.e. about 10,000 to 12,000 ballot papers in good condition and removed it in spite of the protests of the staff of the contractor. These papers were distributed freely in Chandigarh and other places and the bunch of ballot papers produced before Parliament and before the Chief Election Commissioner obviously belonged to this consignment.

It is clear from the above that about 2.5 lakhs of surplus ballot papers were printed for the 23 parliamentary constituencies in Punjab, Chandigarh and Haryana in accordance with the usual procedure adopted in the States for the printing of ballot papers, that some of the surplus ballot papers which were treated as waste were allowed to be removed by the waste paper contractor after 15.3.71 when the voting of the Fifth General Election, the counting of the votes and the declaration of the results were over and that these surplus ballot papers did not in any way affect or influence the poll.

Towards the end of Mr. Jacob's inquiry, Shri Balraj Madhok, ex-M. P. and Shri Sri Chand Goyal, ex-M.P. met him in the Government Press, Chandigarh. He showed them the forms in which constituencies requiring varying number of ballot papers were

combined in a single form and explained to them that on account of this procedure, the printing of surplus ballot papers for almost all the constituencies was inevitable and should be accepted as normal. After seeing the forms, they seemed to be satisfied that the printing of surplus ballot papers was not in any way abnormal. He also arranged in their presence for sorting all the ballot papers still remaining in the Press and in the godown, constituency-wise and for preserving them intact.

Before a ballot paper is issued to a voter at a polling station, a distinguishing mark which is different and separate for each polling station is affixed on it. The ballot paper has also to be signed in full with the signature of the Presiding Officer of the polling station. Consequently even if a blank ballot paper reaches the hand of any person before the poll, it would be quite useless to him as it will not be possible for him to affix the distinguishing mark and to get the signatures of the Presiding Officer on it. The blank paper would be like a blank cheque without a signature.

After the poll is over, the ballot box is sealed by the Presiding Officer who affixes his own signature on the seal and the signatures of such of the agents of the candidates as wish to affix them. Thereafter the ballot box is put inside a cloth cover which is also sealed both at the opening and at the end. The signatures of the polling agents are taken on the seals on the cloth cover also. The cloth covers and the seals are opened only at the counting place in the presence of the counting agents of the candidates. It would be quite impossible to put any matter into the ballot box after it is sealed at the polling station.

All this would show that even if a few blank papers are obtained surreptitiously, they would be of no use to anybody.

SHRI N. R. MUNISWAMY : Sir, the very Statement creates an impression that this election has not been fair and free. The Statement itself indicates certain irregularities and infirmities. The irregularities are that the ballot papers have been printed far in excess of our requirements, may be $2\frac{1}{2}$ lakhs or 3 lakhs, with a view to covering the wastage.

[Shri N. R. Muniswamy]

It is quite possible, but this excess printing of ballot papers lends support to the suspicion that has been cast at this election that these ballot papers could have been smuged after the election was over and by the time the boxes were removed to the counting places.

MR. CHAIRMAN: Please put your question.

SHRI N. R. MUNISWAMY: Just I have to make my position clear, as the statement is pretty long. I am putting the question. Kindly excuse me. This is a very serious matter. I only want that they should restore the confidence of the people. The entire nation is suspicious of this. It is in their interest that I am saying that it is better to clear this doubt. From his own statement I find that there is irregularity. The irregularity is in the printing of ballot papers in excess of the number required, and this leads to the suspicion that these papers might have been smuggled into all these ballot boxes.

MR. CHAIRMAN: You are making a statement. You put a question.

SHRI N. R. MUNISWAMY: Very well, I am putting a question. I only want to say that these ballot boxes have not been sealed in the presence of the agent. Only the first one is sealed. The subsequent ones are not sealed. Instead of asking Mr. Jacob to do the job, it would have been better if he had ordered a judicial enquiry to probe into the whole thing. It should be a high level Commission of Inquiry consisting of three Judges instead of one. I want to know whether he will give an assurance to have a probe into this by a judicial inquiry so that the entire doubt will be cleared and confidence is restored.

SHRI H. R. GOKHALE: As the statement has made clear, all that happened a little irregularity might have happened—had happened after the 15th when even the declaration of the results had taken place. The hon. Member will remember that in this country there are over 3000 constituencies. The hon. Member will also remember that over 250 million people were concerned in these elections and over 300 million ballot papers had to be

printed all over the country. Invariably, why invariably, without exception, all the ballot papers were printed in Government Presses only in the respective centres. Precautions were taken from the beginning to the end, right up to the end, when the elections came to an end after the declaration of the results; very adequate precautions to safeguard the ballot boxes had been taken; there was no scope whatsoever for any tampering either with the ballot boxes or with the ballot papers until the results of the elections were declared. In this case, only an isolated instance as I have stated here, this happened after the 15th, after the declaration of the results where the contractor who was supposed to remove the waste from the printing press was allowed to remove the waste without following the requirement of cutting them into pieces. I might now tell the House this because I have got the information which I did not have earlier. Some allegation was made that some ballot boxes had left in two wagons to some other place. When I spoke in the other House, at that time I had no information, but I have the information now that even those two wagons have been intercepted and direction has been given that these wagons would be opened in the presence of the duly authorised Chief Electoral Officer and of the representative of the Jan Sangh and the contents verified. Therefore, even those complaints which came there in Chandigarh and those complaints which came subsequently are under very careful examination by the Election Commission, and I am confident that so far as the present instance is concerned nothing wrong has happened. I entirely agree with the hon. Member that everyone of us, to whichever side we may belong, is very anxious that elections in this country should be free and fair and the purity of the elections should not be tampered with. But the hon. Member will also agree that it is also the duty of all concerned to see that on the basis of suspicions which are unfounded the fair name of democracy in this country is not brought into disrepute. We must also see that while we must make all allegations which are well-founded, we do not make allegations which are not well-founded so that this democracy which is regarded as the biggest and freest in the world does not come into disrepute.

Another point which has been raised is that these ballot boxes can be filled with ballot

papers afterwards. Sir, I consider it as impossible. As I said, while the paper for the printing of the ballot papers is removed from the mill right up to the stage to which it has to reach in the printing press, precautions are taken that they are under armed guards. Even when they reach the press adequate precautions are taken to protect them. Directions were issued by the Election Commission well in advance and also by the Chandigarh Administration as well as the authorities of the Chandigarh Press to see that adequate precautions should be taken to see that the papers are protected, and there was no possibility at all of anything as suggested by the hon. Member happening of putting wrong and invalid ballot papers or ballot papers which are spurious into the ballot boxes. Now, it has been said.....

SHRI MAHAVIR TYAGI (Uttar Pradesh) : Why don't you.....(*Interruptions*)

MR. CHAIRMAN : Yes, you continue.

SHRI MAHAVIR TYAGI : Sir, one question which is relevant is this. In the circumstances what was the necessity of changing the old practice of counting votes booth-wise and ordering that the ballot papers of all the ballot boxes be mixed together and then counted ?

SHRI H. R. GOKHALE : I have noted it and I will deal with it. It has also been said that the boxes were not sealed in the presence of the agents. Now, this really does not arise out of this Calling Attention Notice. As far as my information goes, all ballot boxes have been sealed in the presence of the agents wherever the candidates took care to see that their agents were present.

Now, it has been said that instead of sending Mr. Jacob who is a junior officer for the purpose of this enquiry, some Committee should have been constituted. I only want to make this clear that Mr. Jacob is a very senior officer under the Election Commission. The Election Commission, as Members know, is a body constituted under the Constitution itself. And safeguards have been provided to see that the Election Commission functions independently, almost.....

SHRI LOKANATH MISRA (Orissa) : However senior he may be, he is junior to the Election Commissioner. That is the point.

MR. CHAIRMAN : According to you, every junior officer commits wrong.

SHRI H. R. GOKHALE : Ultimately, from that point of view, even if a Judge of the Supreme Court is deputed, he will always be junior to the Chief Justice. So, the only thing which I want to say is that the Election Commission is an independent body. It is not under the control of the Government so far as the conduct of the election is concerned; and it is a body which has got safeguards.....

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमन्, मेरी एक प्रार्थना सुनिये। मेरा निवेदन है कि इतना लम्बा जवाब होने के बाद आदरणीय प्रधान मंत्री अपना वक्तव्य साढ़े बारह बजे देंगी, तो....

श्री सभापति : उस समय मैं इसको स्टाप कर दूंगा। मुझे मालूम है।

SHRI H. R. GOKHALE : I can make it short if the questions are also short.

That is about deputing Mr. Jacob. And I have already said that no case, in my view, is made out at all for holding an enquiry by anybody else.

SHRI N. R. MUNISWAMY : Sir, my second question is this. He is not going to deny it, Sir. It is a revealing thing. Is it not a fact that long prior to the holding of the elections on the 5th March, even three or four days earlier, the ballot papers were handed over to the presiding officers to get their signatures so that they would put their signatures on them? Does it not infringe the secrecy? I want to know whether it is a fact or not.

SHRI H. R. GOKHALE : I do not think it is a fact.

श्री मान सिंह वर्मा (उत्तर प्रदेश) : श्रीमन्, माननीय मंत्री जी ने जो वक्तव्य यहां पर दिया है उसको मैंने ध्यानपूर्वक पढ़ा भी है और सुना

[श्री मानसिंह वर्मा]

भी है। मैं पहले इस बात को स्पष्ट कर दूँ कि श्री जैकब का जो स्टेटमेंट है वह मिसलीडिंग है और तथ्यों पर आधारित नहीं है। मैं स्वयं उस मीटिंग में शामिल था जब कि श्री जैकब से बात चीत हुई थी। उन्होंने कहीं पर भी अपने वक्तव्य में मेरा नाम नहीं शामिल किया, इस लिए....

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) : बहुत गलत किया।

श्री मान सिंह वर्मा : जो वर्तमान एम० पी० है उसका ही नाम नहीं है। मैं आपको यह बता देना चाहता हूँ कि मिसलीडिंग इस वास्ते मैंने कहा है क्योंकि जिस प्रकार से उन्होंने कहा है : 'Two ex-MP.s seen to be satisfied.' यह विलकुल मिसलीड करने वाली बात है, भ्रम में डालने वाली बात है। ऐसी कोई बात नहीं थी। हमने अपनी यह आशंका प्रकट की थी जब कि उन्होंने कहा कि प्रत्येक कांस्टीटुएन्सी में कुछ न कुछ जायद बैलेट पेपर छापे जाते हैं; क्योंकि एक फर्मा होता है और यह नहीं कर सकते कि साढ़े अठारह हजार छापना है तो बीस हजार न छपे, वह बीस हजार छप जाता है, तो हमने कहा कि यह चीज समझ में आने के काबिल है, लेकिन जिस प्रकार से हमने बैलेट पेपर्स को खुद गोडाउन में देखा है, एक तो कांट्रैक्टर के गोडाउन में और दूसरे गवर्नमेंट प्रेस के गोडाउन में—मैं स्वयं वहाँ पर गया, वहाँ उसमें तो ताला लगा था, बाहर से खिड़कियों से यह देखा गया कि वहाँ पर सैकड़ों तादाद में बैग्स पड़े हुये हैं और बैलेट पेपर्स बिलकुल स्पष्ट रूप से वहाँ नजर आ रहे थे। उसके पश्चात् जब हम मि० जैकब के पास गवर्नमेंट प्रेस में गये, तो गवर्नमेंट प्रेस में जिस रूम में मि० जैकब बैठे हुये थे, उस रूम की खिड़की में गवर्नमेंट प्रेस का गोडाउन भी स्पष्ट रूप से नजर आ रहा था, उसमें हमने देखा कि वहाँ पर बैग्स पड़े हैं, उन बैग्स को खोल करके तितर-बितर किया हुआ था। तो मैंने श्री जैकब से उम वक्त यह कहा था कि जब यह चीज प्रकाश में आ गई कि इस प्रकार से जायद तादाद

में बैलेट पेपर्स यहाँ मिले हैं, तो उस चीज के प्रकाश में आने के बाद फिर यहाँ पर इस बात का प्रयास किया गया कि गवर्नमेंट प्रेस में जितने भी बैलेट पेपर्स थे, उनको एक स्थान से दूसरे स्थान पर ले जाया गया और कुछ को तोड़ने मरोड़ने और उनको बर्बाद करने की कोशिश की गई।

श्री सुलतान सिंह (हरियाणा) : प्वाइंट आफ आर्डर, सर।

श्री सभापति : वर्मा जी, आप क्लेरिफिकेशन के लिये सवाल पूछिये।

श्री मान सिंह वर्मा : उसका बैकग्राउंड दे करके....

श्री सभापति : बैकग्राउंड कितना लम्बा होगा ?

श्री ना० कृ० शेजवलकर (मध्य प्रदेश) : बहुत रिलेवेंट बैकग्राउंड है। पर्सनल नालेज की बात है।

श्री सुलतान सिंह : श्रीमन्, प्वाइंट आफ आर्डर। मेरा प्वाइंट आफ आर्डर यह है कि कुछ लोग हिन्दुस्तान की डेमोक्रेसी को बदनाम करना चाहते हैं और यह बैलेट पेपर का मामला है....

श्री सभापति : यह प्वाइंट आफ आर्डर नहीं है। तो प्वाइंट आफ आर्डर।

श्री सुलतान सिंह : मेरा प्वाइंट आफ आर्डर मुन तो लीजिये।

MR. CHAIRMAN : This is not a point of order. No point of order.

श्री सुलतान सिंह : मेरा प्वाइंट आफ आर्डर यह है कि इनको यह सब कहने की इजाजत नहीं होनी चाहिये।

MR. CHAIRMAN : Sit down, please.

श्री सुलतान सिंह : यह सारा मामला “सब-जुडिस” है।

श्री ना० कृ० शेजवलकर : आपको पता कुछ है नही।

श्री मान सिंह वर्मा : श्रीमन्. माननीय मंत्री जी ने अपने वक्तव्य में यह कहा है कि ज्यादा छापे जाते हैं, यह मानने को तैयार हूं, किन्तु मैं माननीय मंत्री जी से यह पूछना चाहता हूं कि जब वह प्रेस में छप जाता है, तो उसके पश्चात् उसको नम्बर दिया जाता है; कटिंग करने के पश्चात् नम्बर दिया जाता है, तो इस प्रकार से सबके ऊपर सीरियल नम्बर किसी प्रकार से डाला गया, क्योंकि यहां पर जो बैलट पेपर्स मिले हैं, सब पर सीरियल नम्बर लगे हुए हैं।

तो मैं यह प्रश्न करना चाहता हूं कि प्रत्येक कांस्टीट्यूंसी के लिये किस सीरियल नम्बर से किस सीरियल नम्बर तक अलग-अलग बैलट पेपर छपवाये गये थे और किस सीरियल नम्बर तक प्रयोग में आये हैं और बाकी प्रत्येक कांस्टीट्यूंसी में किस-किस सीरियल नम्बर तक के वचे हैं—इसको बनाने की आप कृपा करें।

आपने यह अभी स्वीकार किया है कि वहां से पहले सिहोर के लिये डिसपैच हो चुका है और मैंने श्री जैकब का ध्यान इस ओर आकषित किया था; क्योंकि रेल के ठेकेदार ने हमको यह बताया कि उससे से एक बैगन जो कि सम्भवतः 23 मार्च को वहां से डिसपैच हुआ था, उसमें कम से कम 50 परसेंट...

श्री सभापति : अब आप खत्म कीजिये। आधा घंटे का सवाल नहीं होता।

श्री जगदम्बी प्रसाद यादव (बिहार) : वह इतनी देर तक सफा देते रहे और आप कुछ नहीं कहें। आश्चर्यजनक बात है। इतनी बड़ी समस्या देश के सामने आई।

श्री सभापति : आप बैठिये।

श्री मान सिंह वर्मा : प्रजातंत्र के जितने रखवाले वह हैं उससे ज्यादा रखवाले हम हैं। यह ठेकेदारी उनकी नहीं है कि वहां प्रजातंत्र की रक्षा करें। यह प्रश्न इसी दृष्टि से किया जा रहा है। तो प्रश्न यह किया जा रहा है कि प्रत्येक कांस्टीट्यूंसी के अलग-अलग सीरियल नम्बर देने की कृपा करें।

दूसरी बात यह है कि यह तय हुआ था, उस रोज उस गोदाम में ताला लगा हुआ था और वह ताला उस समय खुलेगा जब आप इस प्रकार की सूचना दे देंगे कि प्रत्येक कांस्टीट्यूंसी में इस सीरियल नम्बर से उस सीरियल नम्बर तक वहां है। दूसरी चीज आपने यह फर्मायी है..

श्री सभापति : अब आप खत्म कीजिये।

श्री मान सिंह वर्मा : मैं खत्म कर रहा हूं।

श्री सभापति : खत्म कीजिये। दिन भर इसमें लगा दीजिये, यह क्या बात है।

श्री मान सिंह वर्मा : यह प्रश्नता की बात है कि आपने दोनों बैगन को इन्टरसेप्ट कर दिया है। तो उसमें से बैलट पेपर्स जितनी तादाद में निकलेंगे, किस सीरियल से किस सीरियल तक निकलेंगे, क्या इसकी भी आप कृपा करके सूचना देने की कृपा करेंगे?

श्री सभापति : मैडम प्राइम मिनिस्टर।

श्री ना० कृ० शेजवलकर : जवाब तो आ जाए।

संसद-कार्य विभाग में राज्य मंत्री (श्री ओम् मेहता) : रिप्लाय वाद में हो जाएगा।