

[Sliri Abid AIL]

number of persons employed today, the figure is much more. There is no doubt about it, but that is not enough. The Plans ought to have taken cognizance of the employment opportunities to be created for the persons who would be coming into the market. Our educational system is wrong, I submit. Then, up to a certain level we are opening a large number of schools. Very necessary. We are having a large number of colleges. Very essential. Even in communist countries and in other countries, so far as colleges are concerned, there are restrictions. Only brilliant students, those who are competent to become journalists or doctors or scientists and the like, get admission. Scientists have full opportunities, but not everybody. They have the satis-

r) of becoming a BA or an MA. Now, after becoming a graduate, people have been trained to go and milk the cow. Here the moment one becomes a middle-pass or a matriculate, he leaves his village. And the villagers may have to walk two or three miles to get letters read or written. These boys come to Delhi and want to become chaprassis if not clerks. At least the Government, I hope, will be able to see that stem of education which has now been proposed is according to the conditions and requirements of our country. All these things should be properly planned.

Then, we have population. I here has been so much of population increase. From the very beginning some of us were urging that family planning should be taken up in all seriousness. I am happy that at least in this Plan a sum of more than Rs. 300 crores has been provided for family planning. I should explain again that the way it is being done, my feeling is that some re-thinking is necessary. On this family planning some time we go to a Mulla and take his certificate that family planning is according to the Muslim law. As against one Mulla, ten Mullas will come and say that it is not according

to the Muslim law. Why should we take the help of Mullas for this purpose? People do not need that. People should be convinced from economic point of view. You have got plenty of people. Go and propagate it from the economic point of view, from the responsibility point of view. Formerly a Lohar's son would be a Lohar and a carpenter's son would be a carpenter. Now, everyone's son should be properly educated and he wants to go high up. He can become the President of India.

THE DEPUTY CHAIRMAN:

Now, it is 5.30. You will have five minutes after the Law Minister.

STATEMENT RE BANASKANTHA BY-ELECTION

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI P. GO VINDA MENON): Madam, it is after ng to Parliament today that I came to know that there is a controversy about this matter of the steps taken by the Chief Election Commissioner in directing that the result of the election shall be withheld. In the Lok Sabha also there was a ref< to that matter and in the debate that took place there I was able to understand that two Members of Parliament, Prof. Ranga and Shri Piloo Mody, belonging to the Swatantra Party, that is the party of the defeated candidate, made representations to the Chief Election Commissioner in the night yesterday, one by letter and the other personally that there have been certain ballot boxes which have been tampered with, that seals were not there, etc. When that information was received, the Chief Election Commissioner immediately sent his seniormost Deputy, Mr. Jacob, there to enquire into it, and the direction given is that till the enquiry is complete the result may not be declared. Beyond that the facts are not known.

As you know, Madam, the Chief Election Commissioner is one of the

highest authorities under our Constitution. Article 324 says that the direction, superintendence and conduct of election are with the Chief Election Commissioner. He does not take orders from me or from any other Minister or from the Cabinet or from anybody. Like the Chief Justice and the Auditor General he is an independent authority. If there are facts which justify his action, he has got the power also.

SHRI BABUBHAI M. CHINAI
(Maharashtra): Under what section?

SHRI P. GOVINDA MENON:
Under section 66 of the Representation of the People Act, 1951 . . .

SHRI BABUBHAI M. CHINAI:
What about section 58?

SHRI P. GOVINDA MENON: . . . which was amended in 1966 in order to give this power. We need not be exercised over this matter because the Chief Election Commissioner has no power to set aside an election. Although the result of an election may be declared a few hours later, he cannot set aside an election. That is the matter which is important. There is section 58 in which it is stated that if he finds that the ballot boxes from certain polling areas are not intact, he can order a repoll confined to those particular areas, and the section further says that even if those votes are discounted, are not taken into account, and if the result of the election will not be affected thereby, repoll will not be necessary. I understand from the circumstances which were presented to me from the debate in Parliament that all that he wanted to do was to see whether there was anything, and until that was done he postponed or directed the postponement of the declaration of the result of the election. I submit. Madam, that it is not proper to cast reflections against the conduct of such a high dignitary as the Chief Election Commissioner.

SHRI M. H. SAMUEL (Andhra Pradesh): Not even congratulations.

SHRI P. GOVINDA MENON: Not even that, because we do not know, and it is also not proper to attribute motives to what he has done. After all let us wait for a few hours more and see what happens. He cannot undo the result of an election. All that he can do is, if there are a few ballot boxes from a certain area which are not properly sealed and all that, he can order a repoll, provided the result will be affected otherwise. That is the position. If after receiving these complaints the Chief Election Commissioner did not act in this manner, that would also have been a ground for complaint. It is not enough that justice is done: justice should also appear to be done. That is the only submission I can make on this matter.

SHRI BABUBHAI M. CHINAI: Madam Deputy Chairman, I think the House is grateful to the hon. Law Minister for the statement which he has made. But I would like further to enlighten myself and I hope the House will also like to be enlightened on two aspects of this subject. When the Chief Election Commissioner got a complaint in writing from Prof. - Ranga and personally from Mr. Mody and from two or three others, was any complaint referred by the returning officer from Palanpur to the Commissioner? If no complaint

referred by the returning officer from Palanpur, without reference from him under section 58, how is it that he has taken action? Because some influential Parliament Members went to him he took it? The hon. Minister also mentioned about section 58. It clearly says that he has got powers provided it is referred by the returning officer. Unless it is referred by the returning officer, the Chief Election Commissioner cannot take cognisance of the whole matter. What has happened today is he has been pressurised by one or two Members of Parliament, Prof. Ranga and Shri Piloo Mody, who belong to that same party whose candidate has been defeated. That is the matter at issue, whether

[Shri Babubhai M. Chinai.]

lie was right in acting at the instance of these Members. When it was known by 7.40 yesterday evening that the lead of Mr. Patil was nothing less than 90,000 odd, and you must have read in this morning's papers that the lead is about 1,07,000 odd, under these circumstances was it right for Commissioner to take action just because they happen to be Members of Parliament? Was it right for him to do it? I can quite appreciate the hon. Law Minister's statement that the Commissioner has got the total authority, he is not questionable, he cannot reply even to the Law Minister or anybody. But after all he is a responsible officer. When he takes a certain step, he must know the consequences of what he is doing. The hon. Minister said that Mr. Jacob, his deputy, was sent there. He got the news at night. Mr. Jacob went by the morning plane. He reached the Ahmedabad aerodrome at 10.4 a.m. It took three hours for him to reach Palanpur. It is now 5.30. I got a call at 5 o'clock and I was told that even though Mr. Jacob is there since the last two or three hours, no decision has been taken yet because he is listening to the advocates of the candidate. If this is the position, how is it that the hon. Minister is in a position to say that after hearing Mr. Jacob he will declare the result and there will not be any question of withholding the result? I would like to be enlightened on this.

SHRI P. GOVINDA MENON:

Madam, as I submitted earlier, I have absolutely no information whether the returning officer did make a reference to the Chief Election Commissioner or not. But in the situation as it stands section 66 gives plenary power to the Chief Election Commissioner.

SHRI BABUBHAI M. CHINAI:

What about section 58?

SHRI P. GOVINDA MENON:

Please wait. This was amended in 1966 to meet certain contingencies. The section is:

"When the counting of votes has been completed, the returning officer shall, in the absence of any direction by the Election Commission to the contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder."

That is to say, the Chief Election Commissioner has got the right under this section to give a direction after the counting of votes to stop the declaration. This was intended to meet the contingency contemplated by section 58. In this case I understand from paper reports and from the statement made by my hon. friend that the difference is more than 100,000. Suppose the difference were only 10 or 12 and there were complaints with respect to one or two ballot boxes, in which case under section 58 with respect to the areas from which those ballot boxes came it is open to him to order a repoll. And the result of the repoll will affect the election. But it is said in section 58 that:

"if (the Election Commission, is)

satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election."

On the basis of my statement that we may have some patience is that I believe the statement that the difference is about one hundred thousand. I am also told that if even the allegation is only with respect to a few places...

SHRI ABID ALI (Maharashtra): How many? About three or four?

SHRI P. GOVINDA MENON: It is not said.

SHRI BHUPESH GUPTA (West Bengal): Five hundred thousand.

SHRI P. GOVINDA MENON:

Why should we speculate? We have not got the material before us. (Interruptions.) Even if 50,000 votes are subtracted from the total which the Congress candidate is reported to have got, even then, he will win. Therefore, I say, let us not make a hue and cry today in Parliament and we might bide our time. And because the Act and the Constitution do not give any power to the Chief Election Commissioner to set aside an election, that is why I say, let us bide the result. Mr. Jacob is not a Lawyer. I know him. He is an IAS officer. If the advocates go and argue before him, has he not got to listen? Are we not under a system which is governed by the rule of law? And if advocates come and speak, you will have to hear them. Do we not carry on discussion in this House even on this matter when we have no material before us? Advocates who are engaged by the parties concerned and paid for to argue, they will go on arguing and if three or four hours are taken, that is no indication that anything untoward is going to happen.

SHRI BABUBHAI M. CHINAI:

I want to seek only a small clarification. I am not making a speech. When we discussed this in this House this morning, we were told that the hon. Law Minister would make a 'iaiciii.' in the House. We discussed this before lunch at 1.00. But the hon. Minister comes here at 5.30. Is he not expected to contact the Election Commissioner and find out the facts and tell us something, as to what is the fact? The Election Commissioner is not at Palanpur, he is sitting right in Delhi. For the hon. Law Minister to say that he has not got the facts, that he is only saying all this out of the discussion which took place in this House or the other House, is not fair. He should have got the facts from the Election Commissioner and put them before us.

SHRI P. GOVINDA MENON: I may be excused. I was fully engaged in the other House and now came 19-12 RSS/ND/69.

over here. By tomorrow, if the result of the election has not been declared by that time, I will be able to give some more information.

SHRI MULKA GOVINDA RED-

DY (Mysore): Madam Deputy Chairman, under section 6G of the Representation of the People Act, the Election Commission is competent. I would like to draw the attention of the Minister of Law that under section 66 of the Representation of the People Act, the Election Commission is competent to give a direction with regard to the declaration of the result which he has done and which he has obtained. Nobody can question that. This is number one. Under section 64(a), if there is any tampering of the ballot papers (Interruptions) or as is reported, any bundle of unauthorised ballot papers is found in the ballot boxes, a repoll can be ordered. The Minister was telling us that the election cannot be set aside. If it is a single ballot box or ten ballot boxes which are not going to materially affect the result, then the election need not be set aside and should not be set aside. But as is reported in the Press, if there was a large-scale tampering of ballot boxes . . . (Interruptions) and bundles . . . (Interruptions) No, no. Ballot papers.

THE DEPUTY CHAIRMAN:

Please. Let him finish.

SHRI MULKA GOVINDA RED-

DY: Bundles of unauthorised ballot papers were found in those ballot boxes. So, he is competent to order a repoll in such of the polling booths where there was such a large-scale tampering. Thirdly, this is not a simple matter. Mr. Law Minister. If we accept this that it is a minor offence, then there will not be any free and fair elections. Tampering of ballot papers and unauthorised ballot papers being used and put into the ballot boxes is a very serious matter. This looks something like rigging the elections. So, this is a serious matter. Whatever the result that the Election Commissioner, after

[Shri Miilka Govinda Reddy.]

going into the matter and after getting the advice . . .

THE DEPUTY CHAIRMAN: He cannot set aside. He has explained that point.

SHRI MULKA GOVINDA RED DY: He is competent. The Election Commissioner is competent, according to us, under section 64 (a) of the Act.

THE DEPUTY CHAIRMAN: That was explained by him.

SHRI MULKA GOVINDA RED DY: This is a very serious matter. If there is even one unauthorised ballot paper in any one of these ballot boxes, it is a matter to be investigated into. The Chief Electoral Officer and the Returning Officer and others who are connected with the conduct of this election should all be subjected to some enquiry and a detailed report should be submitted and, if necessary, a judicial Commission should be appointed to go into the conduct of this election.

SHRI P. GOVINDA MENON: What I submitted was that the election will not be set aside because the election result has not been declared. If there are too many ballot boxes, then there will be a recount.

SHRI MULKA GOVINDA RED DY: Recount or repoll.

SHRI P. GOVINDA MENON: If there are a few ballot boxes which are not sealed and things like that, you can have an enquiry. But the declaration of the results of the election will not wait till that enquiry is completed.

SHRI MULKA GOVINDA RED DY: He has not answered my question. Suppose there are unauthorised ballot papers found in those ballot boxes and if there was wholesale tampering of ballot boxes, what is he going to do?

THE DEPUTY CHAIRMAN: He has answered it very fully.

SHRI M. P. BHARGAVA (Uttar Pradesh): I am sorry to remark that the hon. Law Minister has not been very fair to the House. It would have been a fair proposition if he had come to this House to make a statement after ascertaining all the facts. His statement does not lead this House any further than the position which was in the morning. I would therefore appeal to the Law Minister to ascertain all the facts as I had enunciated in the morning whether any complaint was made by any of the candidates or the agents to the Returning Officer—that is number one—then, whether the Returning Officer made any representation or reference to the Chief Election Commissioner—this is number two—and number three, whether the Chief Election Commissioner has acted under the influence of certain high personalities in Delhi including the hon. Members of the Swatantra Party whose names have been freely mentioned. Unless all these facts are made out in a statement by the hon. Law Minister, it serves no purpose in discussing this matter. And therefore, I would again appeal. Let him ascertain all the facts in a day or even two days and come to this House because in my personal opinion whether the result is now declared or not is absolutely immaterial to the situation. If parliamentary elections are to be held in a free and fair manner which the country expects from the Chief Election Commissioner and which function is entrusted by the Constitution to the Chief Election Commissioner, it is absolutely necessary to reassure the countrymen throughout the length and breadth of the country that the Chief Election Commissioner has acted above board and there has been no hanky-panky deal through him in declaring the result. That is absolutely necessary if we want to reassure the country and I want that assurance from the Law Minister that he will ascertain all the facts.

and make another statement before this House.

SHRI P. GOVINDA MENON: I have ascertained and informed the House.

SHRI LOKANATH MISRA (Orissa): There has been a little twisting of facts by some hon'ble Members in this House because of names being taken of Prof. Ranga and Mr. Piloo Mody by either the Law Minister himself or by some other Members. Now, the facts are these. Madam, I want to put the record straight.

On information from the so-called defeated candidate the President of the Party, Prof. Ranga, had to do something in the matter, and what he has done is definitely regular. He wrote to the Chief Election Commissioner that he has received authentic information, may on the telephone or from the candidate that such and such a thing had taken place. There was nothing wrong about it. Mr. Piloo Mody personally carried the letter and handed over to Mr. Sen Verma. What is wrong about it? There have been allegations, Madam, very wrongly made. Probably the hon'ble Members of the Congress Party have got used to a particular type of influencing people whosoever they may be. That is why they took it for granted that anybody who even went and approached a particular concerned authority for lodging a complaint or with a grievance has acted in a manner which a Congress Member is used to. Under the law whatever is permissible has been done by Prof. Ranga and Mr. Piloo Mody. Therefore, whatever allegations have been made are all out of place and motivated.

DR. B. N. ANTANI (Gujarat): Madam, you must have observed that the Members of the Swatantra Party have remained advisedly and systematically quiet and not said a word about the whole row that has been created since this morning as if Heavens have fallen. What they have done is that the Leader of the Swa-

tantra Party has made a representation to the responsible authority.

THE DEPUTY CHAIRMAN: That he has said.

DR. B. N. ANTANI: Yes. When they have made only lawful and rational request they are called "influential". For this these people have moved heaven and earth as if they were the masters of India and the whole earth. That is our complaint.

SHRI P. GOVINDA MENON: Madam, Mr. Misra of the Swatantra rally did not say anything more than what I said. That is to say, the representatives of the party which reportedly did not get a majority of the votes made a representation.

SHRI ABID ALL: He said "defeated candidate".

SHRI P. GOVINDA MENON: I used the correct word. Because there is no declaration, hence "reportedly". Which did not get a majority of vote* approach the Chief Election Commissioner and represented that there had been certain irregularities and the Chief Election Commissioner thought it fit in his wisdom that they should be enquired into. Even he is not in a position to inform me because his Deputy has not returned to Delhi. I know that.

SHRI BHUPESH GUPTA: Madam, now that we are discussing it from the legal and constitutional angle, I think the record should be set straight. Let us not go into personalities.

SHRI ABID ALL: Records are always straight so long as you do not stand up.

SHRI BHUPESH GUPTA: You will not understand it. Now, Madam, there are two things. First, whether the Election Commissioner has the power and, secondly, if he has got the power, whether he has exercised this power mala fide or bona fide. I concede the right of the

[Shri Bhupesh Gupta.]

Members to criticise the Election Commissioner if the power has been exercised seemingly, *prima facie mala fide*. These are the two things.

First of all, Madam, the Election Commissioner as I pointed out, derives his authority from article 324 of the Constitution which gives wide powers. Let it be made clear that the Election Commissioner is not an officer of the Government for whom the Minister is answerable to this House.

SHRI LOKANATH MISRA: That the Law Minister has said.

SHRI ABID ALL: That is a fact. Let him also repeat.

SHRI BHUPESH GUPTA: The Election Commission is an independent authority of the Republic of India. Therefore, the power should be read in the light of that particular outstanding fact. What does it say? It says:—

"The Superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission referred to in this Constitution as the Election Commission."

All powers are vested in him. No other authority or agency is invested with this power. How that power should be exercised is determined under the Representation of the People Act.

Now my friend, Mr. Babubhai Chinai, for once tried to be a lawyer. I thought he always employs lawyers.

SHRI BABUBHAI M. CHINAI: You are a lawyer.

SHRI BHUPESH GUPTA: The Representation of the People Act has

a special Chapter, Chapter V, which deals with "Counting of Votes". That is the heading. Let us not import into this chapter what has been said elsewhere. That Chapter begins with section 66. I need not read it here.

SHRI ABID ALI: Go ahead. Was te our time as much as you can.

SHRI BHUPESH GUPTA: Churchill said there should be magnanimity in victory. You do not have magnanimity. Whether you have won or not is a different matter. Section 66 says—carefully listen to the interpretation of section 66 given by me:—

"Declaration of Results:—When the counting of the votes has been completed, the Returning Officer shall, in the absence of any direction by the Election Commission to the contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder."

AN HON. MEMBER: He is a lawyer.

SHRI BHUPESH GUPTA: The trouble is that while some are lawyers, others are liars. I am a lawyer. Now counting has not been yet completed.

SHRI ABID ALI: I congratulate you for the discovery.

SHRI BHUPESH GUPTA: The accounting has not been yet completed. Postal ballots are still coming. The results have not been declared. Before the declaration of results the Returning Officer certainly has to take into account the direction, if any, given by the Election Commission. In the present case the intervention by the Election Commission has taken place which comes within the meaning of section 66 of the Representation of the People Act and section 58 has no relevance here. The hon'ble Member asked whether the Returning Officer moved the Chief Election Commissioner. Section 66

never says that the Election Commission has to be moved by the Returning Officer. He can move sua motu . . .

THE DEPUTY CHAIRMAN: What do you want to point out? Get an answer from him.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, you being in the Chair should protect the Chief Election Commissioner when many in the ruling party have launched an

attack against him. It is a G P.M. strange - phenomenon, a strange spectacle, in Parliament that the Ruling Party is launching an attack against the Chief Election Commissioner and I am defending him. Now, the point is, it is irrelevant whether . . .

SHRI SRIMAN PRAFULLA GO SWAMI (Assam): On a point of order, Madam. The point of order is this. The Law Minister clearly said that it is the discretion of the Chief Election Commissioner and no one else, and that he is an independent authority, and the Minister cannot interfere. After that, we were all satisfied, we were convinced. But Mr. Bhupesh Gupta...

(Interruptions)

SHRI BHUPESH GUPTA: Is this a point of order? He may be satisfied.

(Interruptions)

SHRI ABID ALI: There must be some sense of decency.

(Interruptions)

SHRI BHUPESH GUPTA: Is that a point of order, Madam?

SHRI ABID ALI: Yes. Shame on you.

(Interruptions)

SHRI SRIMAN PRAFULLA GO-SWAMI: My point of order is, as the Election Commission is an independent authority and as the Law Minister cannot interfere with its working, it is not a good thing that this subject should be discussed here.

It is sub judice, something like a case in the Supreme Court and we should not discuss it. When the Chief Election Commissioner gives his judgment, whatever is the judgment, we can discuss it...

THE DEPUTY CHAIRMAN: That will do. Please sit down.

SHRI SRIMAN PRAFULLA GO SWAMI: Further discussion will prejudice the issue. It should not be allowed.

HIE DEPUTY CHAIRMAN: Please sit down. Mr. Bhupesh Gupta, you must wind up now. I personally think all the points have been covered. We shall have to call a halt somewhere.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, every section of this House over a matter like this (Interruption by Shri Sriman Prafulla Goswami.) You control him. I want to express my point of view and he is disturbing me.

THE DEPUTY CHAIRMAN: Mr. Goswami, please sit down. I am appealing to you, Mr. Gupta, that you must wind up.

SHRI BHUPESH GUPTA: I want to support the Law Minister; I want to say something more. (Interruption by Shri Sriman Prafulla Goswami.) Why is he getting up like a jack in the box all the time? Kindly control him. Is it because he belongs to the Congress party? I want to know whether I have a right to have my say without being disturbed by him.

SHRI SRIMAN PRAFULLA GOSWAMI: How can the Law Minister interfere with the Election Commission?

SHRI BHUPESH GUPTA: If you allow him to speak, I will sit down.

THE DEPUTY CHAIRMAN: I have told him to sit down. Now you must finish within one minute.

SHRI BHUPESH GUPTA: I cannot be treated like this, because the moment I started, he started disturbing. (Interruptions) These people who are tools of Mr. S. K. Patil are trying to disturb me. The hirelings of S. K. Patil are disturbing me. (Interruptions) I am entitled to have my say. The hireling of S. K. Patil cannot silence me. I have dealt with S. K. Patil... (Interruption by Shri Sriman Prajulla Goswami) Kindly control him. This hireling of S. K. Patil should not be allowed to silence me.

(Interruptions)

THE DEPUTY CHAIRMAN: -You must wind up.

SHRI BHUPESH GUPTA: It is shocking, Madam; in 16 years of our Parliament, I have not seen the Election Commission subjected to this kind of virulent attack by some people on the Congress side. The Law Minister should categorically state that.....

THE DEPUTY CHAIRMAN: Please put your question and sit down.

SHRI BHUPESH GUPTA: The Law Minister is under no obligation to consult the Chief Election Commissioner. We cannot ask him to do something which the Constitution does not make it obligatory for him. That is number one. Secondly, what the Chief Election Commissioner has said and his conduct cannot be discussed except on a substantive motion...

THE DEPUTY CHAIRMAN: You should wind up. You are taking up the time of the House.

SHRI BHUPESH GUPTA: The conduct of the Chief Election Commissioner cannot be discussed except on a substantive motion by some people. Therefore, I request that all the remarks that had been made against the Chief Election Commissioner be expunged from the proceedings of the House.

THE DEPUTY CHAIRMAN: That will do, please sit down. Mr. Niranjana Varma. I hope you will be brief.

श्री निरंजन वर्मा (मध्य प्रदेश) : मैं एक दो बातों का यहां पर जिक्र करना चाहता हूं। संविधान की धारा 324 में और पीपुल्स रिप्रजेंटेशन ऐक्ट की धारा 66 और 58 में और जो अमेन्डमेंट 66 में हुआ है, उसको देखते हुए यह बिल्कुल साफ है कि हमारे ला मिनिस्टर साहब ने जो बात कही है वह अपने स्थान पर बिल्कुल सही है। इलेक्शन कमिशन को यह अधिकार है। कांग्रेस के मित्रों द्वारा जो बात कही गई कि स्वतंत्र पार्टी के एक दो आदमियों द्वारा प्रेसराइज करने पर यह बात की जा रही है, बिल्कुल गलत बात है। इलेक्शन कमिशन के पास आदमी जा सकते हैं और अपनी बात कह सकते हैं। कांग्रेस मित्रों के लिए इस तरह का मोशन लाना और प्रेसराइज की बात करना शोभा नहीं देता है। क्या वे यह समझते हैं कि इलेक्शन कमिशन उन्हीं की बात सुन सकता है और दूसरों की बात नहीं सुन सकता है। यही मेरा निवेदन है कि ला मिनिस्टर साहब अपनी जगह पर सही हैं।

SHRI A. P. CHATTERJEE (West Bengal): Madam Deputy Chairman, I think the lion. Law Minister has not been quite fair to the House. I agree with and repeat this observation of Mr. Bhargava but from another point of view. The lion. Law Minister, I think, completely misinterpreted section 66 of the Representation of the People Act. It is not a question of setting aside the declaration of the result of the election. The point is that the result is not declared until the counting is complete.

SHRI P. GOVINDA MENON: That is what I said.

SHRI A. P. CHATTERJEE: Just a minute. Will you kindly listen to me? The result is not declared until

the counting is complete. And before the result is declared, if the Election Commission finds that large-scale corruption has taken place, by virtue of article 324 of the Constitution, he can not only order a re-poll in certain polling booths, but he can order a re-poll in all the constituencies or in all the polling booths. The honourable Law Minister has confused between the declaration and (Interruptions) Will you kindly listen to me? The honourable Law Minister has confused the declaration of the result of the election and the stage of the election just before the declaration. Now we are at the stage before the declaration. We are in the stage of counting. And if the Election Commission finds that the election has been vitiated by large-scale corruption and if it finds that the declaration has not yet been made, then, according to Article 324 the Election Commission can not merely order repolling of some booths, but it can order repolling of all the booths in the constituency. This is the interpretation. The honourable Law Minister should not try to mislead the House by interpreting Section 66. He should be fair to the House.

SHRI P. GOVINDA MENON: (Interruptions) I agree with the honourable Member.

(Some hon. Members rose to speak.)

THE DEPUTY CHAIRMAN: That is enough. No more. Now, Mr. Shinde has to make a statement.

STATEMENT

RE MINIMUM PRICE OF SUGAR CANE FOR CRUSHING YEAR 1969-70

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHEB SHINDE): Madam, the Government has decided that no change will be made in the minimum price of sugarcane

for the crushing year 1969-70. The minimum price at present in force is Rs. 7.37 per quintal linked to a recovery of 9.4 per cent or less with 5.36 paise per quintal for every increase of 0.1 per cent in recovery above 9.4 per cent.

SHRI A. K. KULKARNI (Maharashtra): Madam, I would like to ask one point. The Government has quoted the price per quintal of sugarcane as per last year. In this very House as well as outside the honourable Shri Tagjivan Ram by a statement promised that the minimum that an agriculturist would get would be Rs. 10. But the Indian Sugarcane Mills Association and its representatives have not observed the agreement made with the Government. In view of this may I request the Government that the price to be declared should be Rs. 10 and not Rs. 7.37 in the interests of the agriculturist?

THE DEPUTY CHAIRMAN: Any answer to this, Mr. Shinde?

SHRI ANNASAHEB SHINDE: Madam, this is entirely beyond the purview of the statement that I have made.

MOTION Rf. FOURTH FIVE YEAR PLAN— contd.

THE DEPUTY CHAIRMAN: Mr. Abid Ali, you will continue your speech.

SHRI ABID ALI: Madam, we had some interesting interlude, stormy also. During that period Mr. Bhupesh Gupta said that an agreement was there with a foreign power and all that in regard to a Member of our party. The Member himself is a stooge of foreign powers and he should be ashamed of it.

Then, I was talking about the family planning. I hope it will be taken up with much more seriousness and made effective because, as I said earlier, this has been responsible for adding to our trouble to a great extent.