

PROF. V. K. R. V. RAO: Pakistan has offloaded Indian cargo from the ships and we also in turn have done the same thing from the Indian ships which were carrying cargo to Pakistan as well as from the neutral ships which were carrying cargo to Pakistan and which touched our ports. Regarding machinery I have to ask for notice. The information is not with me at the moment.

*231. [The questioner (Sardar Ram Singh) was absent. For answer, vide col. 1865 infra.]

चुनाव याचिकायें

*232. श्री विमलकुमार मन्नालालजी चौर-

ड़िया : † ११

श्री सुन्दर सिंह भण्डारी :

श्री नरेन्द्र सिंह ब्रार :

क्या विधि मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले आम चुनाव में प्रत्येक राज्य में बरती गई अनियमितताओं के विरुद्ध कितनी चुनाव याचिकायें प्रस्तुत की गई ;

(ख) कितनी चुनाव याचिकायें मुख्यतः (i) भ्रष्ट तरीकों तथा (ii) अधिकारियों द्वारा नियमों की अवहेलना किए जाने से संबंधित हैं ;

(ग) चुनाव याचिकाओं का शीघ्र निपटारा करने के लिये क्या विशेष व्यवस्था की जा रही है ; और

(घ) क्या मतदाता सूचियों में नकली मतदाताओं के पंजीकरण के विरुद्ध कोई प्रक्रियायें प्राप्त हुई थी, और यदि हा, तो किन-किन राज्यों से और उन पर क्या कार्यवाही की गई है ?

‡[ELECTION PETITIONS

*232. SHRI V. M. CHORDIA:†
SHRI SUNDAR SINGH
BHANDARI:
SHRI NARINDAR SINGH
BRAR:

Will the Minister of LAW be pleased to state:

(a) the number of election petitions filed against irregularities committed in the last General Election in each State;

(b) the number of election petitions which are mainly concerned with (i) corrupt practices; and (ii) disregard of rules by officers;

(c) what special arrangements are being made for early disposal of election petitions; and

(d) whether any complaints against registration of bogus voters in the electoral rolls were received, and if so, from which States and what action has been taken thereon?]

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI D. R. CHAVAN): (a) and (b) As under the Representation of the People Act, 1951 as amended by the Representation of the People (Amendment) Act, 1966 all election petitions have to be filed before the High Court or the Judicial Commissioner's Court of the State or Union territory concerned, the number of election petitions referred to in part (a) of the question and the number of election petitions referred to in sub-part (i) and sub-part (ii) of part (b) of the question are not yet available. Election Commission has, however, information that in the State of Jammu and Kashmir the number of election petitions challenging the assembly elections in that State is 25; the Election Commission also understands that the number of election petitions challenging parliamentary (Lok Sabha) elections in that State is

†The question was actually asked on the floor of the House by Shri V. M. Chordia.

2. Further details about these election petitions are not yet available.

(c) Apart from the provisions contained in the Representation of the People Act, 1951, some of which, such as those relating to the trial of election petitions by the High Courts, have been inserted by the Representation of the People (Amendment) Act, 1966, no special arrangements are being made for the early disposal of election petitions.

(d) A few complaints regarding registration of bogus voters were received from the States of West Bengal, Assam, Madras, Punjab, Jammu and Kashmir and Union Territory of Delhi. All these complaints have been referred to the Chief Electoral Officers of the States concerned and reports are awaited.

†[विधि संचालन में उपसत्री (श्री डी० आर० चव्हाण) : (क) और (ख) चूक लोक प्रतिनिधित्व (संशोधन) अधिनियम, 1966 द्वारा यथा संशोधित लोक प्रतिनिधित्व अधिनियम, 1951 के अधीन सभी निर्वाचन अर्जियां सम्प्रकृत राज्य या संघ राज्यक्षेत्र के उच्च न्यायालय अथवा न्यायिक आयुक्त के न्यायालय के समक्ष फाइल की जानी होती है, अतः इस प्रश्न के भाग (क) में निर्दिष्ट निर्वाचन अर्जियों की संख्या तथा इसी प्रश्न के भाग (ख) के उपभाग (i) और उपभाग (ii) में निर्दिष्ट निर्वाचन अर्जियों की संख्या अभी उपलब्ध नहीं हुई है। किन्तु निर्वाचन आयोग को यह जानकारी प्राप्त है कि जम्मू काश्मीर राज्य में, उस राज्य के सभी निर्वाचनों पर आपत्ति करने वाली निर्वाचन अर्जियों की संख्या 25 है। निर्वाचन आयोग को यह भी पता चला है कि उस राज्य में संसदीय (लोक सभा) निर्वाचनों पर आपत्ति करने वाली निर्वाचन अर्जियों की संख्या 2 है। इन निर्वाचन अर्जियों के बारे में अधिक ब्यौरे अभी उपलब्ध नहीं हुए हैं।

† [] Hindi translation.

(ग) लोक प्रतिनिधित्व अधिनियम, 1951 में अन्तर्विष्ट उपबन्धों के अलावा, जिनमें से कुछ, जैसे कि उच्च न्यायालयों द्वारा निर्वाचन अर्जियों के विचारण से सम्बद्ध उपबन्ध, लोक प्रतिनिधित्व (संशोधन) अधिनियम, 1966 द्वारा अन्तः स्थापित किए गए हैं, निर्वाचन अर्जियों के शीघ्र निबटारे के लिए कोई विशेष इंतजाम नहीं किए जा रहे हैं।

(घ) नकली मतदाताओं के रजिस्ट्रीकरण की बाबत कुछ शिकायतें पश्चिमी बंगाल, आसाम, मद्रास, पंजाब, जम्मू-काश्मीर और दिल्ली संघ राज्यक्षेत्र से प्राप्त हुई थीं। ये सभी शिकायतें सम्प्रकृत राज्यों के मुख्य आफिसरों को निर्दिष्ट कर दी गई हैं और रिपोर्टों की प्रतीक्षा की जा रही है।]

श्री विमलकुमार मन्नालालजी चौरड़िया : श्रीमन्, मैं आप का प्रोटोकेशन चाहूंगा। प्रश्न के पहले और दूसरे भाग के उत्तर में जवाब दे दिया कि नाट अवलेबिल और फिर कह दिया कि फर्दर डिटेल्स आर नाट अवलेबिल। तो यह अवलेबिल क्यों नहीं हो सका, क्या पर्याप्त नोटिस नहीं था या क्या बात थी ?

SHRI D. R. CHAVAN: The question is: under the new amending Act of 1966 what is the position and what was the position previously. Under the Representation of the People Act of 1951, election petitions could be presented to the Election Commission within forty-five days of the date of the declaration of the returned candidate. Now these election petitions will be presented to the various High Courts and the time limit for that is also 45 days. Therefore, reports from the various High Courts and the Judicial Commissioners' court will have to be called. They are not readily available with the Election Commission.

श्री विमलकुमार मन्नालालजी चौरड़िया : क्या श्रीमन् यह बतलाने की कृपा करेंगे कि

यह जम्मू और काश्मीर में जो विशेष शिकायतें आईं, उसके ऊपर शासन ने कोई विशेष ध्यान दिया या उसको भी रूटीन मैटर समझ कर ऐसे ही छोड़ दिया ?

SHRI D. R. CHAVAN: With regard to that also I have replied in the main answer to the question that these complaints have been referred to the Chief Electoral Officer of the State and the report is awaited.

श्री बिमलकुमार मन्नालालजी चौरड़िया :
चीफ इलेक्शन ऑफिसर जब वहां गये थे जम्मू काश्मीर में और उन्होंने जो वातावरण देख कर एक स्टेटमेंट इस आशय का दिया था कि कोई विशेष गड़बड़ियां नहीं हुईं, तो वह स्टेटमेंट देने का क्या औचित्य था जब तक कि सारी बातों की जानकारी न हो जाती और अगर अनौचित्य था, तो फिर सरकार ने उसके बारे में क्या किया और यदि औचित्य था, तो अब जांच करवाने की क्या आवश्यकता है ?

SHRI D. R. CHAVAN: The Election Commission is constituted under an article of the Constitution. It is an independent body and cannot be removed from office unless one resorts to the provision that is made applicable to the removal of the Judges. Whatever the statement, he must have made it on the basis of the information that might be with him but so far as that information is concerned, it is not available.

SHRI R. T. PARTHASARATHY: Will the hon. Minister be pleased to give an assurance to this House that all election petitions will be completed within the period prescribed by the statute?

SHRI D. R. CHAVAN: It is as a result of the recommendations made by the Election Commission in their Report on the General Elections that a statutory shape was given to their recommendations in the Representation of the People (Amendment) Act, 1966.

Now the position is that election petitions will be presented to the High Courts and as far as possible they would be disposed of expeditiously. Previously, there were two other stages. First of all the election petition could be presented to the Election Commission and then after a preliminary enquiry the petitions used to be referred to the Tribunal. Those two stages have been avoided now. Straightway election petitions could be presented to the High Court.

MR. CHAIRMAN: What he wants is whether you can assure them that the petitions would be disposed of within the time.

SHRI D. R. CHAVAN: No assurance can be given but provision has been made in section 86(6) and (7) of the Representation of the People Act where it has been mentioned that they should be disposed of as expeditiously as possible.

SHRI A. P. CHATTERJEE: May I know whether he has received a report from Tripura that ballot papers which were put in the ballot boxes at the time of the elections somehow were taken out and were found to be circulating in the hands of the members of the public, particularly ballot papers marked with the voters' preference for the hammer, sickle and star of the Communist Party (Marxist)?

SHRI D. R. CHAVAN: Concerning that I have not got any information with me.

SHRI MULKA GOVINDA REDDY: I would like to know whether it has come to the notice of the Government that an election petition has been filed against the Chief Minister of Mysore for malpractices and whether the Government has come to know if the different High Courts have appointed Judges to dispose of these election petitions expeditiously and, if so, which High Courts?

SHRI D. R. CHAVAN: I have answered in the main reply to the question that information concerning election petitions filed before the High Courts and all that is not readily available.

श्री गोडे मुराहरि : मैं सरकार से यह जानना चाहूंगा कि क्या सरकार के पास ऐसी कम्प्लेंट्स आई है कि पिछले आम चुनावों में कई जगह राज्य सरकारों के जो अफसर होते हैं, उनको इलेक्शन कमीशन ने अपने कामकाज के लिए नियुक्त किया ? उससे यह हुआ कि कई चीफ मिनिस्ट्रो ने, जैसे मध्य प्रदेश के मुख्य मंत्री आर. भैसूर के मुख्य मंत्री हैं, अपने अपने अफसर या उनके इन्फ्लुएन्स में जो अफसर उन्हें कुछ कास्टीटुएन्सीज में भेज कर वहां के सारे इलेक्शन को गड़-बड़ाया और क्या यह भी सरकार को मालूम है कि डुप्लीकेट बेलट पेपर जगह-जगह पर छपवा कर बटवाए गए ? इस हाल में मैं यह जानना चाहूंगा कि क्या सरकार यह उचित नहीं समझती है कि जहां तक इलेक्शन का काम है, इसके लिए अलग स्टाफ हो, जो राज्य सरकार से कोई ताल्लुक न रखे ?

SHRI D. R. CHAVAN: There is no basis for the allegation that has been made by the hon. Member, unless he can specifically point out a particular case in which duplicate ballot papers were issued. As regards the independent staff to be appointed, that will be a huge machinery. Therefore, anything and everything that has to be done will have to be done through the agency of the State Government.

SHRIMATI YASHODA REDDY: Is it not a fact that when a special committee was appointed by both Houses of Parliament to look into the amendment of the Act in 1966, the suggestion made by the hon. Member just now from the Opposition was considered about appointing independent staff? Even the Opposition Members themselves found that it was not feasible and we could not have extra staff. Is it not a fact that it was found impracticable and we could not afford it?

The present system is the best system. I would like to know whether it is not so.

SHRI D. R. CHAVAN: His question has been answered by the hon. Member.

SHRI A. D. MANI: May I ask the Minister whether the Election Commission has considered the possibility of having itself represented in every election case, either through its agent or as *amicus curiae*? Many of the decisions, in which advice is tendered by the Election Commission as *amicus curiae* will be valid for the other cases.

SHRI D. R. CHAVAN: That has not been considered.

AIRPORT TAX FOR EXTERNAL TRAVELS

*233 SHRI ABID ALI: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether his Ministry has received suggestions to introduce airport tax on passengers for external travels and also for charging for air coach services so that the said amount is utilised to build suitable airports and give improved service for travel by coach, particularly for international travellers, and

(b) if so, what is the decision of the Government in this connection?

THE DEPUTY MINISTER IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (SHRIMATI JAHANARA JAIPAL SINGH): (a) and (b) Suggestions for charging passenger service fee in respect of persons embarking at airports in India for destinations outside India have been received. A proposal in this regard has been formulated and is now under examination.

Air India and Indian Airlines Corporation as well as other foreign airlines operating into India provide to their passengers free ground trans-