

THE REPRESENTATION OF THE
PEOPLE (AMENDMENT) BILL, 1964—
contd.

SHRI BHUPESH GUPTA (West Bengal) : Sir, we have heard a very interesting speech about democracy delivered by Shri Hathi. It seems that the importance of being Shri Hathi lies only in speaking about something which everybody knows—good things—namely, that we should be democrats, we should run democracy well and we should not do this and that thing. In this connection, we are discussing the question of the return of election expenses. Our idea was to eliminate this provision from the law.

[THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) in the Chair]

The whole idea was to make it obligatory for a candidate to give election returns showing the expenditure. But as I said, Mr. Vice-Chairman, these are secondary matters. I do not believe that this Congress Government is at all serious about democracy. I do not believe that even when you abolish all these things, even if you provide for a more stringent law, the situation is going to be fundamentally any different from what it is today. I can tell you that Shri Gulzarilal Nanda went to Calcutta to explore the possibility of breaking what he called the deadlock in the Legislature there. The entire West Bengal Opposition in the Legislature is out of the House. Well, they have boycotted it following suspension, mass arrests and so on. Now, naturally, if he were at all serious that the West Bengal Legislature should come to function properly, then he should release all those people, MLAs and MLCs, who are in detention there. Up to now we find that though some have been released from prison, many others, about 20 or so, are still in detention. Am I to understand, Mr. Vice-Chairman, that the parliamentary institutions in our country are going to be run by the party in power putting the Opposition members *en masse* in detention and then taking advantage of that? It can never happen. Therefore, when these people issue sermons to the country about democracy, other people laugh and take a cynical disregard of what they say because it is all sermons and platitudes on their part, neither of which they practise when it

comes to their self-interest. I will just give an example. The primary demand is being made by the Opposition leaders to the Chief Minister that all the members of the Legislature in West Bengal who are in detention should be set free so that conditions could be created for the normal functioning of parliamentary institutions. Up to now that has not been done. Here is the other House. Shri Gopalan, a sitting Member of Parliament and a leading Member of Parliament and that too in the opposition, is in detention because some people want him to be detained and along with him, several members of his party, practically a sizeable group, in the Lok Sabha are in detention today. Now, am I to understand that this is the way in which they are going to run democracy? Therefore, I say that I have really no faith in them. I think the way in which the Congress ruling class is behaving is a negation of democracy. This is what I would like to say. Shri Pathak is sitting there, he will make arguments in favour of his case.

If he had been on this side, he would have produced another argument. That is the task of the eminent lawyer in the country. The argument depends on whether you get a Ministry or sufficient favours. I am not saying that Mr. Pathak asks for sufficient favours. But certainly he cannot deny that he got the Ministry. This is the position. Therefore, I say that these are all secondary matters. But what we are discussing is that as far as money is concerned, money will come. Can this gentleman think of winning election without the power of money? I know there are individuals in his party who may win election without money. But taking the party as a whole this party which controls about 70 per cent. of the seats with less than 50 per cent. votes in the country, would not be in a position to command so many seats, out of proportion to its electoral strength, but for the money that it gets from big business. Therefore, it is big business which inducts money into elections and raises election expenditure and then it becomes a matter of corruption at the time of submitting election returns.

I have seen, Mr. Vice-Chairman, what isolation the Congress suffers from in West Bengal. I was in West Bengal for a whole week. The Party is completely iso-

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lated. Congressmen have disappeared. Big Congressmen, I do not know where they are. Many of them may be good too, but before the wrath and anger of the people, before the all-embracing unity of the entire Bengali people, they have disappeared. Why? Because they have behaved in this manner. How are they going to fight the election without the money? At the time of elections again, they will approach the big people, multi-millionaires, and others, in Calcutta in order to get money. And I can tell you the food situation in West Bengal is largely the result of the fact that the Congress Party in West Bengal, as indeed in other places, realised handsome subscriptions and donations from the big landlords and hoarders. That is why, Mr. Vice-Chairman, when the levy was introduced by Mr. Profulla Sen, the Chief Minister of West Bengal, the procurement policy of the Government laid down by him was not implemented against the big landlords and *jotdars*. And why was that not done? Everybody knows it. They helped the Congress candidates, spent money on Congress election campaign. In such a situation, when the ruling party behaves in this manner, realises donations from the big people and indulges in heavy expenditure for winning election, how any change in law would make any difference to the situation? Therefore, the main thing in this connection is for the ruling party to decide as to whether or not it is time for it to disengage itself from the clutches of the big money in the matter of election. This is the main thing that I wish to point out in this connection. Once it is done, I do not think the election expenditure problem will be such a problem which would have to be discussed in this House or outside in the country. Maybe, here and there deviations will take place, lapses will take place. But by and large there will not be any corrupt practices. But the ruling party exactly does the opposite. It exactly sets a wrong example before others. If the ruling party goes in for money and expenditure of that type, others naturally will be tempted to do the same thing. Therefore I say that the main responsibility for the malpractices in the matter of election expenses, as also in the matter of some fraudulent election results, must be owned by the Congress Party, must be owned by the Government

which thrives on such things. It is no use trying to blame others unless you correct yourself. This point has to be borne in mind.

As far as our position is concerned, we should like the elections to be as cheap as possible. We should like the elections to be as free as possible from the influence of money or power, from the influence of anything that is bad either in social or in political life. Certainly we should not like elections to be fought on the strength of the money and the elections funds that a party collectively or a candidate individually can command. That is our position quite clear.

But then they are arranging things in such a manner that unless you spend money you cannot conduct the elections. For example, the Congress Party brings in motor vehicles in the elections. As you know, in the Orissa mid-term election, they contested about 128 seats or so, and it is well known that Mr. Biju Patnaik brought about 136 jeeps from the concern, Mahendru and Mahendru. The number of these jeeps was so much that some of them could not be used because they were not needed, apart from other costs that were there. These cars were sold again to some other concern in Calcutta. I should like to know how much these cars were sold for. May I know whether this item was included, shall we say, within the election expenses permissible in the case of an individual candidate? A mere jeep would cost anything about Rs. 12,000 or Rs. 13,000.

Now certainly the Party spent that money. Everybody knows that this money was spent. It was done quite openly. We saw new jeeps going round the entire State, new jeeps suddenly brought in there by the Chief Minister, rather the aspirant Chief Minister of that time and who did become the Chief Minister, Mr. Biju Patnaik. He succeeded in winning the election with the use of the big money and jeeps. Am I to understand that this Party Government is going to have any control over the use of funds? Can it restrict immorality in this respect so that things are proved better? I do not think so. I do not want to go into this very much.

Mr. Vice-Chairman, as far as the Congress Party is concerned, it is the source of

all corruption in our public life. The Congress Party in power is the source of all corruption in public life.

SHRI M. P. BHARGAVA (Uttar Pradesh) : Question.

SHRI BHUPESH GUPTA : There are individual Members there for whom I have got the highest regard. That is not at all the thing. What I say is the ruling party is behaving as a politically, morally, corrupt party and the more it gets isolated from the people the greater it indulges in unmitigated corruption. That is what is happening. Once there is corruption in the texture of the administration, in the texture of its behaviour, whether the corruption is expressed in political, economic or other problems, you have a projection of that corruption in all spheres of life and the entire atmosphere is poisoned by the behaviour of the ruling party.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) : May I remind the hon. Member that he is making this speech in continuation of a speech made by him a fortnight ago and, therefore, he should come to an end soon ?

SHRI BHUPESH GUPTA : A fortnight, Mr. Vice-Chairman, is a long time. You forget everything that you said a fortnight ago. A little reminder is needed. Therefore, when I say the "Congress Party", I mean the Congress Party in power, in administration, in relation to it. I do not cast any aspersion on individual members of the Congress Party. There are good Congress Members. There are also not so good Congress Members. There are poor Congress Members who are not corrupt and there are others who might be open to that charge. These things have been found out by investigation and so on. Therefore, I say the real source of corruption in running our Parliamentary institutions and democracy is the Congress Party and the Congress Government. You see how they are behaving. As I said, in every sphere they are behaving in a corrupt way. Corruption does not mean only when you take money as bribe. Corruption means when you are lost to sense of values either in political or in social life.

Today we are talking here, Mr. Vice-Chairman, about elections and election expenses. We are almost approaching the middle of the year. In another seven or eight months' time there will be general elections in the country. At least we shall be on the threshold of the general elections. You see how they are behaving, putting the Opposition people in jails, keeping them in detention for months and months, coming in the way of their normal functioning and slandering them whenever they like. They maintain the emergency despite the opposition to it by all jurists, everyone, in the country. Is this not corruption ? It is political corruption. Absolute power corrupts absolutely and I have no hesitation in saying that the ruling party that sits there is corrupted absolutely by its usurpation of absolute power. Therefore I say that to day they discuss election expenses, etc. but I say that you should make the Congress Party conform to elementary standards of democracy. As you see, if somebody is killed among the police side, they make a big noise about it but when in Bengal seventy, if not more, civilians had been killed as a result of the police firing or the military firing, not a drop of tear comes from their eyes against such terrible destruction of human life but when one policeman is killed, the great Home Minister of the country comes before the House and tells us as if the whole world is cracking down because a policeman has been killed. I do not suggest for a moment that people should be killed on either side. I am not for it but the point is this. They should show some morality in such matters. What was the intention of these people when they shed tears and made big noise and beat their breasts when a single policeman was killed but at the same time they kept not only silent when seventy people were killed by the police and the military firing but afterwards they started repression and atrocities as they are doing now in Bengal ?

THE VICE-CHAIRMAN (Shri M. RUTHNASWAMY) : Let us drop down to election expenses.

SHRI BHUPESH GUPTA : That will drop down. If you shoot down there is no need for elections. Then the Congress alone wants to be in power, that is what they

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want. They may want it but West Bengal, to my pride, has shown that it is not going to be an easy affair. They may command as many guns as they like but the people cannot be so easily suppressed as has been demonstrated in the recent weeks in the State from which I come. So I say this about this party. Indians are great in many ways, they are great as saints, they are great in many other respects but when they are hypocrites they are also very great. I have no doubt about it and the example of it I find sometimes. I may frankly tell you that when I talk of the ruling party, coming from a State like Bengal where they talk about democracy, people laugh at it. If you go and talk about this subject, they will say: 'You have no other job to do than to talk about elections. What elections, with such a Government in power? What elections with such people running the administration and seeing that no standards or norms remain in existence?' Therefore I say that Mr. Bhargava, my esteemed friend, has been good enough to give me this opportunity to speak on this subject and I hope I have not angered him because all my attacks are concentrated on the Government. I know that he supports his Government and therefore he may feel a little offended but I am glad that as far as he is concerned, he is motivated by good ideas so far as the Bill is concerned. I am sure his object is not to promote corruption or to allow big money to come in. On the contrary he wants to be a conscientious objector as to why people should sign an election return which is false. Therefore he says: 'Take away the election returns so that the men who are not guilty need not be placed in a situation where they have to sign such returns.' This is one way of fighting for social morality. I can understand it. It is a good motive but then what they will do is, these gentlemen who are spending Rs. 50,000 will spend one lakh and will not have even the occasion to sign or will not have any risk of being confronted with an election petition on that score. Therefore what you are eliminating is not corruption. On the contrary whatever little check there may be, whatever little possibility there may be for others to question on the ground of exceeding the legal limit, you are removing it. That is no support. You find that some people do not tell the truth, that somebody is in the

habit of telling lies. Will you make him dumb for that reason? No, you will not make him dumb. It will be something like that. Since he tells lies will you use some surgical operation and make him dumb so that he cannot tell lies? The point is to see that his moral values are so developed, that his conscience is so roused that he gives up telling lies and sticks to truthful utterances. That is how things should be settled. Mr. Bhargava is an intelligent man generally and what I like in him is he has good commonsense. Men with good commonsense I always like and he has not got any pretensions about him but I cannot bring myself to understand as to why he took into his head that this is a provision that would help on the score of election expenses. It would be better if he raised the banner of revolt within his party, created scenes in the Congress Parliamentary Party and other forums of that party and impress on the high command or low command, not so low command at that, that they should not go in for this kind of big money affair in the elections. Suppose Mr. Bhargava has started a fast saying that no Congressman should take money from the big business or the big landlords in the forthcoming general elections and says 'I start a fast unto death and I demand that the Congress President, Mr. Kamraj, has to give a public pledge to save my life if he is so interested, that he would see that not one person of the Congress Party, either as a partymen or otherwise, takes money from the big business and the rich people in order to contest the election' would it not be better to tone up the morale in the country?

SHRI M. P. BHARGAVA: If all the parties agree to take that pledge I can assure on behalf of the Congress that they will do it.

SHRI BHUPESH GUPTA: I wish Mr. Bhargava was so powerful and influential within the Congress but I can tell you if you are of that mind that we should take this pledge I give it here and now unilaterally that we shall not take big money. We have given it but here on the floor of the House . . .

SHRI M. P. BHARGAVA: Neither foreign money.

SHRI BHUPESH GUPTA : Big money, whether foreign or Indian, is all the same. I say foreign money is abominable, that is even worse. Even if it comes from small people that way, but here your Bill is concerned with election expenses.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) : The hon. Member ought to address the Chair.

SHRI BHUPESH GUPTA : He has asked for a pledge. I can tell him that I can give it here and now and I can have the authority of my entire party publicly reiterated and announced. Will he tell me if he signs a pledge that Mr. Kamraj will endorse that pledge and his party, Working Committee or the A.I.C.C. would pass a resolution to that effect? He cannot say that because I know the Congress leaders have spoken here and had said that they would take money from everybody including Mr. Tata. I do not know what Mr. Kamraj feels, I am not concerned with it—I am quite sure that in some ways he is a very decent man, but I am more concerned with what the party does and what the party tells. They will not be able to say that. Therefore do not ask a pledge from me. All that we need do is, if you are interested, let us move in each party where all the trouble is more, sit down and then mutually come together and lay down certain codes of behaviour tabooing, outlawing altogether morally, politically and if necessary, legally if we can do it, the invasion of big money in coming general elections. I think, if we put our heads together, we can arrive at a solution. But then the trouble with you, the Congress Party—this is my final point—is that you maintain your political power by means of money and force. Force you have displayed—it is not the matter of discussion now. But the money that we are discussing now is really your sinews of war in elections, and I do not see, unless you abandon some of your basic policies, some of your basic affiliations, unless you turn more and more to the people from whom, in the pre-independence era, you sought most of your support, you will not be in a position to set any good example before the members of your own party, the ruling party, and as a consequence certainly not before the

nation. When such malpractices are made a thing of the past, we should like, Mr. Vice-Chairman, to see our country's elections free not only from big money, but also from other malpractices, of which we know, and which the Congress Party is indulging in on a large scale specially for keeping the ruling power in its hand, by hook or crook, by fair means or foul, more by foul means, less by fair means. Unless the change is made in the ruling party, I do not think much will come out of whatever we may or may not do in this matter by way of legislation.

Thank you.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) : The House will now adjourn and meet again at 2.30.

The House then adjourned for lunch at eleven minutes past one of the clock.

The House reassembled after lunch at half-past two of the clock, **THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY)** in the Chair.

SHRIMATI TARA RAMCHANDRA SATHE (Maharashtra) : Vice-Chairman, Sir, I rise to oppose the Bill which is placed before the House by the hon. Member, Shri M. P. Bhargava but, at the same time, I thank him because, as he placed this Bill, we got the opportunity to discuss the most important problem and the most important thing of expenses of the General Elections.

Ours is a democratic country and we are devotees of democracy. Democracy is of the people, for the people and by the people. Every adult is a voter, and democracy is the means, and not an end. By democracy we want to make this country enjoy *Suraj* (सुराज) for ever. Now every adult has got one vote. We call it *matadan*, and that is by ballot, and because it is voting by secret ballot, we call it *guptadan*. We always say, whenever one has to give something as *dan* and he gives it, naturally with the right hand, that the left hand should not know what was given. And another thing is that when we give away a *dan*, we are not expected to expect some-

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thing in return. That is why nobody is allowed to take any money in this matter of elections; neither is one to go to the polling booth by the conveyance which is supplied by the contesting candidates. So the idea in voting is this, that it should be from the point of view that it is a duty, and not as going for somebody else, or some party, or for gaining something from that voting. It is just a responsibility and a duty. At the same time, the candidate, who is there to contest the election, is a *Lok Sevak* and he is the *Pratinidhi*, the representative of the public, and he is expected to do his work without expecting anything from the public, and whatever public good he can do, he should try his best to achieve that thing.

I want to propose one thing. Just as our Constitution has given the right of voting to everybody, at the same time the time has come now when we should compel everybody to vote. There should be a sort of compulsion for voting. If one does not exercise that right, if one does not vote then, unless and until that person gives a satisfactory cause for it, I think that his right to vote must be suspended for five years. If we do not do this, nobody will feel that it is a duty, it is the sacred duty of a citizen in a democratic country to vote, and voting is so much valuable that it cannot be counted in terms of money.

Then I learn that many of the candidates give money for the vote, and I learn that in some municipal elections also there are groups of people who go to a candidate and say, "Here is our temple. You promise us one thousand rupees"—it may be two thousand rupees or more or less—"as a donation to our temple, or to our organisation. We have got a hundred votes"—or ten votes or fifty votes—"and all the voters will come and they will vote for you." So this sort of donation, and all this idea is based on as if it is the duty of a candidate or a political party only to gain votes. It is not so. So this is a very fundamental thing that everybody should know that it is as much his duty to vote as it is his right to vote.

Now coming to the voters' lists, there are so many lists prepared in the country. Some time back I had asked a question in

this very House as to why Government does not want to make them one list, because the voters are the same. Now adult franchise is everywhere, may be a *panchayat*, may be a *zila parishad*, or may be a municipality or a municipal corporation. But there the voters are the same. As far as the voting lists for the Assembly and Parliamentary Constituencies go, that is one list and, at the same time, two votes are cast, one for the Assembly and one for the Parliament. But what I feel is that for the *panchayat* and for the *zila parishad*, or may be, the municipal or municipal corporation areas, the voters' lists should be the same. So, in order to avoid duplication of work, waste of money and energy, all this should be avoided.

Now coming to the nomination, any person who is of a certain age is allowed to fill in the nomination form. Anyone who is a voter can fill in the nomination form. Of course there are some restrictions in the case of Assemblies and Houses of Parliament—I am coming to that point afterwards. Now the Election Commission's suggestion is to increase the deposit. Shri Bhupesh Gupta, an hon. Member of this House, opposed this suggestion. He said that the parties have not got so much money and so the deposit should not be increased. But I do not agree with him. I feel that the deposit should be increased and the individual contesting candidate must be ready to give that deposit because of the fact that, after that, he has to incur so much expenditure. So one cannot argue this way, that he has not got any money to furnish that sum as a deposit. Now we know also that the said deposit is returnable under given circumstances. Now after the election is over, if he gets a certain proportion of the total votes cast as laid down in the election law, even if he is not returned as a successful candidate, he can get his deposit back. Only in the case of those who do not get a certain proportion of the total votes cast, as laid down in the law, that deposit is forfeited. The Election Commission also has referred and we know it from our experience that there are certain persons who file their nominations in order to withdraw them later. Just to gain something they go on putting in their nominations, and we know it. At least all of us have heard about it. They go on managing something and the person

then withdraws. In order to avoid this danger, if a person withdraws, this deposit should not be returned at all. Thereby, to some extent, this evil will be stopped. Of course, if one has to withdraw in four or five days, within a very small time-limit, not even a week, if there is only that much time between the filing and nomination and the withdrawal date, then the person cannot think of changing his mind overnight. If one has to contest election he has to think about it ten times and well before filing his nomination. Therefore, my humble suggestion is that if there is withdrawal then the deposit should not be returned but it should be confiscated. As for the time intervals between the filing of nomination and withdrawal and election, the Election Commission has suggested that the periods between these should be lessened. I agree with that because after the filing of the nomination and after the withdrawal and all that, there comes the final list and then everybody goes for doing the propaganda. If the time between the coming of the final list of contestants and the elections is more then expenses will be more. If this time-limit is more, then the expenses are naturally more. In order to avoid this, this time-limit should be as little as possible. After all, the election machinery is ready and also the political parties will have to be alert always. Nowadays we see that the parties start their work at the end of the five-year period, just before the elections are to take place. That will not do. Every party will have to be alert. If we see the elections in the United Kingdom we can see how they do it. Recently we saw that the Ministry there had been dissolved and a new election will take place soon. So every political party is ready at any time for the elections. So any propaganda that has to be carried out should be carried out all through the five years or three years or two years, whatever be the time for the next elections. And the voters also will have to be always alert.

Coming to the question of the age of the candidate, I feel that it is time now for us to think over this matter. I feel that the age limit for a candidate to the Lok Sabha should be increased to 30 years and that for the Rajya Sabha should

be increased to 40 years. I do not think many will agree with me. But this is my humble suggestion. It should be the same for the Vidhan Sabha and Zilla Parishads and for the Vidhan Parishads the age limit should be more. Also there should be some sort of educational qualifications laid down. Already some fifteen years have passed and the time has come for us to think over these matters.

Next I come to the canvassers for the elections. The Election Commission has rightly said that there should be no remuneration given to the canvassers. There is no election agency in this country which is paid. We do not have such a provision. There are no paid canvassers except the office staff which is there, as far as my knowledge goes. Therefore volunteers and those in the party and friends, all of them, hundreds of them work for the candidate. They do the work for the political party and they work for independent candidates if they are contesting the elections. If we go on paying them then nobody will be able to work. It is the work of the party and these volunteers and party workers, they are doing it and they should do this. So no remuneration should be given.

SHRIMATI LALITHA (RAJAGOPALAN) (Madras): There are some poor people who may need remuneration.

SHRIMATI TARA RAMCHANDRA SATHE: This election is not a Udyog Mandir or something which should provide remunerative work. The party has to work and the party's staff is there and it is the duty of every member of the political party to work for the party. If we start giving remunerations there will be difficulty. We have got experience. As soon as we start the work of these elections so many people will come and say, "We are poor. So please give us something. We will work for you. Why not give us something? Why not provide us with this or that?" And also there will be some people who will try to catch these workers and tell them, "You don't work for that party. We give you so much more money. So don't work for that party. You go and sit at home." After all, I am thinking in terms of lessening the

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election expenses. The Election Commission has suggested that either some drastic amendments are needed or the provision should be repealed. I agree with the Commission in regard to the suggested amendments but not to repealing the provision. The hon. Member Shri Bhargava is for repealing and I am against it. The voters should be always alert and the political parties should be alert and they should work all the year round.

Nowadays we see another thing. When a candidate goes and requests the voters to give him their votes the voters say, "Oh, where were you all these years, these last five years? We voted last time for such and such candidate of your party and he was elected. But he did not turn up at all afterwards. Now you will also do the same thing." After all it is physically impossible for anybody to approach every voter in the country. When I stood for election to the Lok Sabha in 1957, I had three districts and for the Vidhan Sabha, there were four constituencies in Poona district, one in Kolaba district and three in Ratnagiri district. So it is impossible for any person to approach each and every voter. If you go to a village there you have a meeting and to that meeting every villager cannot come. Some will come and you see them. But those whom you do not meet will say, "This candidate had come to our village and we did not see him. So we won't vote for him." This is not a good idea. It is impossible in our country to go and meet every voter. This is the work of the political party. There may be some exceptions, but I don't think that there are many persons who can gain votes on their own capacity or by their own virtues. The candidate may be a good person. He may be a very good worker. But one is not expected to be known all over the country and by every one of the voters. It is the work of the political parties and through the political parties the candidates approach the voters. The voters take the candidate to be the representative of the political party. We take the manifesto of the political party and go to work for the party. It is very difficult in a democracy for an individual to work effectively.

SHRI M. M. DHARIA (Maharashtra): I do not want to interrupt the hon. Member much. But is it not the duty of the elected candidate or person to visit his constituency? It may not be possible to visit every voter. But is it not incumbent on his part to visit his own constituency at least? There are many members who never visit even the important towns in their constituency.

SHRIMATI TARA RAMCHANDRA SATHE. There I agree with Mr. Dharia. Of course every candidate, every member who has that feeling that he represents so many persons and who is conscious of it and wants to do his duty as a "lok sevak" as I said at the beginning, is bound to go and see his constituency. He does not expect those people to invite him. He himself will go and he himself will work there. If there are some people who do not, then they will not be "lok sevaks" or representatives of the people. I agree with Mr. Dharia. It is like that and I wanted to say that also. The political parties will go and make the voters know all these things and thereby save money, time and energy. Otherwise the candidates and their friends will have to run from one end to the other and they cannot do that within the very limited time.

Then I come to the subject of propaganda methods and here I must mention about posters. I was in the United Kingdom and there I saw that the posters were very small, only about 10 inches by 3 inches and they were pasted on the glass of motor cars or on window panes. And the voters there are quite alert and the money which is required for these posters is included in the expenses of the candidate. But here we see there are hundreds of posters. One day one party sticks its poster at a particular place and the next day another party comes and tears it off and pastes its poster there and so on it goes. Also nowadays it is the fashion for young persons to say, "There is a certain poster of such and such person in the Chowk of the town and it is 6 ft by 3 ft and on cloth. So we must have a poster which is 8 ft. by 3 ft and also on cloth." It is a sort of competition, but it is all a very costly affair. And they want it to be carried on motor cars and hung in bazars and so on. Thousands and thousands of posters

are required and it is quite an expensive thing. Therefore, I request the hon. Law Minister who is here now, and the Election Commission, to see that there is some restriction put on such posters. It is very essential to have this restriction. I would like to quote the Election Commission in regard to election processions. The Election Commission says—

"A complete ban of such processions, demonstrations, displays organised for the purpose of promoting or procuring the election of a candidate would not help the parties or candidates in reducing their election expenses. It will also not help the authorities in maintaining peace and order in the constituency."

Sr., it has become a fashion nowadays to go in for processions. Every Party would like to take out its Party symbol in procession, the Congress will have so many pairs of bullocks, another Party will have a procession of *Jhonpris*, a third Party will have trees. Like *julus* this thing will go on. As they play on the Rang Panchmi day, they will use *gula*. This sort of thing will become very expensive and I perfectly agree with the Election Commission in this regard. I do not feel that this will in any way help propaganda. If one Party takes out a procession extending to a mile, the other Party would like to exceed this and go in for a procession of two miles. This sort of competition would only end up in increasing the expenses. The Election Commission says that the use of loudspeakers and radios should be banned and I agree. In the case of a major meeting, I can understand this but nowadays even in a small hotel we find installed big loudspeakers. This has become a nuisance and it is more so at the time of elections. Neighbours living near a big Party office are harassed. I agree with the Election Commission that a ban on such things will save expenditure to some extent.

I do not agree with what the Election Commission has said in regard to the entertainment programmes. This is what the Commission says :

"Occasionally a candidate arranges for staging dramas, music, dance and

some form of entertainment as an attraction to further their main purpose of canvassing and spend considerable sums on such entertainment."

They say that this is done in order to attract the voters. I do not think that this is the only way of attracting the voters. If the Election Commission agrees that they spend considerable sums, I do not know why the Commission wants this to continue. The Commission goes on further to say :

"This practice, however, does not remain widespread. The Commission does not consider it practicable or necessary to impose restrictions on this type of election propaganda "

I do not agree with the Election Commission. I will say why. This is another thing which is coming up and which should be nipped in the bud because this leads to competition among the various Parties. A good singer may agree to sign for one Party at the rate of two or three hundred rupees and then the next day another Party will arrange a dancer and pay her something more. This would go on like the Ganapati Utsav which we in Maharashtra have for ten days. Thousands of rupees would be spent for this purpose. There this sort of entertainment and *bhajan* is used for *jagran* but that is not so in the election entertainment. I do not know why this is being allowed. This must be stopped by law. Even though nowadays there is not much a time will come when it would be impossible to check this. This is now in the very initial stages and we must try and stop this. When a music or dance performance is going on people are not interested in the speech or in the election manifesto. They will say, "Oh, go on with the song".

Television cannot have much play in the coming election but in the next it is bound to play an important role. The Election Commission has said something about radio. The Election Commission says that three hundred minutes were given and this time was divided in proportion to the number of seats at present held by each Party in the Lok Sabha. Another

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condition was that not less than one-sixth of the general seats should be contested by a political Party to get the use of radio broadcasts. This was a very good suggestion and I think the Parties would have gained thereby but the Election Commission says that there was no unanimity amongst the political Parties and so this idea was left out. I was in the United Kingdom and there they ask important members of the political Parties to sit on the same table and in the same room and then questions are put to them. Each Party representative replies and sitting face to face with the representatives of other Parties they have to take special care to see that they do not go astray but stick to the Party manifesto. Here, instead of allowing all the Parties to meet at one place, we allow them to have a meeting today, another tomorrow, convened by another Party and so on. This leads to a tremendous amount of waste of energy. I had an opportunity to contest elections and I am sorry to say that my experience has not been good. We should be careful in our elections. Stones are thrown, *palitias* are taken and they try their best to disturb meetings of other parties. Later on, one has to go to the police, lodge a complaint, go to a court or to the Election Commission and do all these things. Nobody has got the time as each is busy with his own work. I want to say one thing about the processions. This has become the fashion nowadays. In the villages, there is neither electricity nor gas lights. The people take a stick, wrap some cotton cloth round the stick at one end, dip it in kerosene which is in short supply today and burn the cloth. They take out hundreds of such things. We call them *palitias*; I do not know what they are called here. This sort of thing should be stopped.

The Election Commission says that some people had suggested that cards should be given to the people containing details about the voters so that they could use them at the time of elections. The Election Commission does not agree with this suggestion. I was in the United Kingdom and there I found that every voter had a card and he used to go with the card to the booth which served as a

sort of identification. When I discussed this matter here, some people said that if this was sent by post, there was the possibility that the wrong man might get, not the real voter. I do not think we should thereby say that the Posts and Telegraphs Department will not do its duty. I want to suggest another thing in order to have this identification. I just want to put it to you for your consideration. This is just my idea and I do not know how far the other Members would like it. If on that very card a photo is stuck of the voter just as we have got photos on the identity cards—nowadays the labourers, workers, clerks, everybody has got identity cards with their photos on them—I think it will remove many of the difficulties. Somebody said that it will be very expensive but we must remember that bogus voting can be stopped thereby and identification will also be easier. Otherwise the agent has to be alert all the while and sometimes this is used to disturb the trend of the voting also. Sometimes in order to disturb the line of the voters the agents of the other parties will stop them and say, 'Oh, you are not so and so' and it takes time to establish the identity of that person clearly and by that time the trend of voting gets disturbed. All sorts of things take place during elections. So far the purpose of clear identification I think sticking photos on the cards will be very helpful. Long back some 10 years ago I had seen in Bombay small rooms, not even rooms but small box-like things five feet by four feet where for one rupee they used to give six photos almost immediately. And it was not negatives or anything of that sort but clear finished photos used to be given. I think there are methods by which we can get cheap photos. Even if it should be expensive I think it should be worth trying. If not all over the country, at least let us try it out in the four big cities of Delhi, Calcutta, Madras and Bombay. If you had these photos it will help in quick identification and at the same time prevent bogus voting.

Now, I come to the other things which are required on the last day of the election. There are these *mandaps*. This is another big thing so far as expenses go. Now, the booth is at a certain place. There may be a polling station having two booths

or three booths and sometimes in villages where there are only 900 voters or 1,000 voters there is just one booth. And the system is whenever a voter comes, one should catch his eye and take the voter to the *mandap* or *pandal* and give a slip on which the number of the voter is written.

The Election Commission says that it is a good method because it saves the time of the Election Commission people. I do not agree with it. Even though the number is given they check up again. So instead of having two people for this job let the Election Commission have three and do the whole thing themselves. Why do they expect the political parties to give this number at a heavy cost, at a heavy expense? Another thing they say is that the candidates will like to meet the voters on the last day. It is very difficult to meet the voters on the last day at the *pandal*. There is one candidate while there may be even 400 booths for a parliamentary seat and it is impossible for anybody to go to all the booths and meet the voters even for a Vidhan Sabha seat. So I do not agree with the argument given by the Election Commission. If the candidate or his agents or the members of the party want to meet them, they can only just say *namaste* to them in the *pandal*. And they have to spend on so many things; you want chairs, tables, volunteers, flags, slips, stationery and what not. Everything has to be provided for. (*Time bell rings*). Is there any time-limit, Sir I wish you could give me some more time so that I could finish all what I have to say.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Are you going to exhaust the whole election procedure?

SHRIMATI TARA RAMCHANDRA SATHE: Yes; wherever it is a question of expenses, if you will allow me.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): How many more minutes do you want?

SHRIMATI TARA RAMCHANDRA SATHE: I cannot say; at least 15 minutes I might require.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Then will you

kindly allow the Law Minister to intervene? He wants to intervene now and then you can resume your speech.

SHRI M. P. BHARGAVA: That is not possible under the Rules of Procedure of this House. It is not the rule that a Member yields to the Minister and then resumes his or her speech.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Then let the hon. Member finish her speech.

SHRIMATI TARA RAMCHANDRA SATHE: So in order to stop all these things, *pandals* should not be allowed by the law. Now the distance allowed between the *pandal* and the booth is 300 feet and every party is keen to have its *pandals* exactly at the 300 feet. So all this considered I feel that in order to save expenses this should be banned by law.

Now, coming to election expenses by the political parties, all parties have to do it. I know the election expenses which are incurred by the political parties as far as my knowledge goes are not included in the expenses of the candidates. In the U.K. I saw whatever expenses the political party incurs that expense is taken in the expenses of the candidate. Suppose in a certain area a big meeting of a big leader is held, it costs thousands of rupees. Whoever are the candidates in that area who have taken advantage of that speech of the leader, the expenses in connection with that meeting are distributed among these candidates. Then there are papers which are run by the parties, the literature which is distributed, the manifesto etc. should not be included in the election expenses of candidates. But other expenses incurred by the political party at the time of the election for the candidates should be included in the candidates' expenses. The hon. Shri Bhupesh Gupta has referred to the expenses of the political parties and how the parties take money. I do not want to go into that matter. I know that there are some rich people who give money to all the political parties. They want to please all the people; so I do not want to go into that. But what I feel is that the expenses incurred for the candidate by the party except that of literature should be included in the candidate's expenses.

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Now I come to ballot boxes and counting. The ballot boxes are kept in various places and it is very difficult for the presiding officers to arrange for the ballot boxes to be brought together at a certain place immediately after the election is over; the election is generally over at 6 O'clock I was in the U.K. and I found that after the election was over the ballot boxes were brought to one place and within one hour the result was given out. But that is a very small country and they have got all the transport facilities while we have not got that much of transport facilities. When I had to send my polling agents to different booths they had to walk distances of even ten miles; they had to cross mountains. So it is very difficult to bring these ballot boxes in one place but I know the Election Commission takes great care of these ballot boxes. We do come across some cases where they are tapped but that is very rare and all told a good job is being done.

Now, coming to the political parties, if every party could think what it would have done if it had been in power at that time, I think many of the criticisms in Parliament and outside as well as at the time of the election will not be there. In the U.K. I saw there is a shadow Cabinet of the Opposition party. If there is a shadow Cabinet of the Opposition party a lot of time of the Parliament will be saved and in the country also propaganda will be easier and the voters will know what every party is saying and they will not be confused. It is time that we educate our voters and thereby the whole country.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) : The hon. Member has taken thirty minutes.

SHRIMATI TARA RAMCHANDRA SATHE : I am winding up. The Election Commission should be more and more strict. I said in the beginning that the question is whether we should repeal it or drastic amendments should be there. I am for drastic amendments. Otherwise, elections will become difficult day by day and there will be more and more waste of

money and energy. This should be controlled by the Election Commission and by the Government and we should make the people feel that it is their right as well as their duty to vote. When we took to democracy, I know what many foreign countries thought about it. They thought that India would not be able to achieve the goal of democracy, being such a vast country, with a vast population, which is uneducated, poor and distributed in the far corners of the country where there are no facilities of transport and all that. We have conducted three elections successfully. I am sure we are going on the right path, but there are some little things which are to be corrected. I hope that the Election Commission and the Government will do that. When I was in college, there was an essay competition and the subject was whether India deserves to be a democratic country or not. Those were British days and people were thinking in this way, whether we deserved it or not. Now, we have proved our ability and capability. There is a Sanskrit verse which says :—

न भेजिरे भीमविषेण भीतिम् ।

When there was "Samudra Manthan" by Devas and Danavas, first there appeared "Hala-hala", but they did not get afraid. They went on churning the ocean and then "Amrit" came out of it. So, we will also go on churning. We will educate our people. If we are wrong, we will find out our defects. We will try to remove them. We shall make democracy an ideal one and we shall enjoy that.

Once again, I am very much thankful to you for giving me this time and I once again say that instead of repealing this measure, a drastic amendment should be made to it. I am also thankful to Shri Bhargava for giving us an opportunity to discuss it. I request the hon. Law Minister also to consider whatever suggestions I have made. With these words I once again thank you and oppose the Bill, which is before the House.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) : The Law Minister.

شری عبدالغنی (پنجاب) : میں
نے بھی نام دیا تھا ۔

†[श्री अब्दुल गनी (पंजाब) : मैंने भी नाम दिया था]

THE VICE-CHAIRMAN (SHRI M. RUFHNASWAMY) : Order, order. He is intervening, not replying.

THE MINISTER OF LAW (SHRI G. S. PATHAK) : Mr. Vice-Chairman, the Government opposes this Bill for the obvious reason that the Bill, as has been described by the Mover himself, is of a negative character. The discussion has covered a wide field and the Government will take into consideration all the various views which have been expressed in this House, omitting, of course, the irrelevantities of my friend, Mr. Bhupesh Gupta, who is not here. The reason why this Bill has been introduced is said to be that heavy expenditures are incurred at the time of elections and that in some cases those expenditures are not correctly shown in the accounts. That is the reason which is given. The present law exercises a check on this evil, which has been described by the hon. Member, Shri M. P. Bhargava, in great detail. Breach of the existing law is visited with a severe penalty, because it is a corrupt practice. Therefore, if you repeal the law, delete these provisions, the result will be that those who contest the elections will be completely at large in the matter of expenditure. Instead of removing this evil, the Bill, if passed into an Act, will further aggravate it. But as the hon. Member, Shri M. P. Bhargava, has said, that his object is not really to have the Bill passed. That is how I have understood him. His object is to expose the evil and in this object he has achieved great success, because he has had a full discussion more than once, in this Session and in the earlier Sessions and for this I think we have reason to be grateful to him.

Mr. Bhargava knows, as everyone of us knows here, that in every country, where democracy is practised, where the Govern-

ment is run on democratic lines, there are provisions of the type which we have here and in no such country has anyone thought of repealing such laws. Mr. Bhargava put a question addressed to me, when he was speaking. He wanted to know which part of the Election Commission's Report the Government was proposing to accept. I may tell him for his information that with the exception of three matters, which are the subjects of recommendations, i.e., election expenses, multiplicity of candidates and Presidential elections, the Government is accepting the recommendations with regard to other matters, namely, electoral machinery, electoral rolls, election materials, election programme, aspects of electioneering, the poll and the gaining of votes. One more important recommendation the Government is accepting and that is that the Tribunals shall be abolished. The trial shall be held in the High Courts. The High Courts will deal with the election petitions on their original side. In the last election there were about 360 election petitions, some of which still remain undecided. Therefore, the Government was concerned with the question of expedition of these election petitions. The Government proposes to abolish the existing Tribunals, the present system and allow election petitions to be tried by the High Courts. This will cut out one stage and thereby curtail the time taken in the disposal of election petitions.

Mr. Vice-Chairman, many views have been expressed with regard to the election expenses. They are varying views. Some hold the view that these provisions should be repealed, as Mr. M. P. Bhargava ostensibly holds the view. Others say that they should be retained as they are. There are some other views according to which the figure of Rs. 25,000—that is the figure of the maximum expenses; I have mentioned the figure only of Parliament—should be raised. Others hold the view that that should be lowered. Now having regard to this conflict of views and having regard to the fact that the present provision was made in the year 1956 after a full discussion, also having regard to the fact that when the Amendment of 1961 was being considered no suggestion was made for amending these provisions, the Government has thought fit to leave this provision untouched, to give it further trial

†[] Hindi transliteration.

[Shri G. S. Pathak.]

and to see whether the alleged evil can be checked by other means. We must remember, Sir, that it is the members of the Legislature or those who want to come into the Legislature who are concerned with this evil, that is to say, who are concerned with this question, namely, spending more than the statutory limit, which is forbidden, and showing in the accounts the entire amount of expenditure incurred. The real remedy therefore lies in the hands of the legislators or those who want to become the legislators. So far as the public is concerned, the voters are concerned, they possess a certain amount of wisdom, which wisdom has been exhibited at the time of elections. Many of them are not literate; yet they possess the wisdom; they know whom to elect and whom not to elect. I submit Sir, that it is not correct to say that generally speaking the voters in this country are influenced by money. We know who are elected. We cannot say that only the rich people are elected, and therefore we must trust to the wisdom and discretion of the electorate itself and also to the political sagacity of those who contest the elections.

Now, Sir, public morality, electoral morality and political education are the real remedies. Develop these, develop public morality; develop electoral morality, and politically educate the people. That is the real remedy. Law is not a remedy for every evil. We have got cases of laws which, though on the Statute Book, have not destroyed the evil. The Dowries Act is one example. Therefore, this alleged evil must be destroyed by recourse to other means. It is refreshing to find how in other countries this evil has been met. I will, Mr. Vice-Chairman, with your leave read two or three passages from the recent book: "Elimination of corrupt practices in British Elections"—this is by Cornelius O'Leary. It is stated by the author at page 228:

"The English petitions showed that the old-fashioned practices of bribery and treating were almost a thing of the past. While contests were becoming more numerous (the second election of 1910 was exceptional), petitions were becoming fewer and fewer."

At page 231 the author says:

"The very reduced incidence and the altered character of petitions may be taken to indicate a reduction in the general prevalence of corrupt and illegal practices, since the petition trial has been throughout our period the main barometer of electoral morality."

Lastly, Mr. Vice-Chairman, at page 233 there is this passage:

"The moral revulsion against these practices came at much the same time as the revulsion against drunkenness. Political consciousness also struggled forth elections not only lost their corrupt aspects but also much of their colour and their festival character. The exercise of the franchise was at last regarded as a solemn duty, a right of citizenship but also a responsibility."

When all is said, however, it was the Members of the House of Commons who from first to last set the moral tone, unprompted by outside pressure groups. At the cost of personal sacrifice to some of its Members Parliament managed within one generation to sweep away traditions that were centuries old and were regarded by many as well nigh ineradicable. It is an achievement of which any Legislature might well be proud."

Mr. Vice-Chairman, I feel no doubt that our legislators and those who contest for seats in the Legislatures will create a public opinion which will, if not completely destroy, completely uproot, at least reduce this alleged evil. That is the way in which success lies, and that is the way which we shall follow.

شری عبدالغنی : وائس چیرمین ،

سر، میں شکریہ ادا کرتا ہوں مسٹر
بہارگو کا کہ —

نکل جاتی ہے سچی بات

جس کے منہ سے مستی میں

فقیہ مصلحت بین سے

وہ زند باد خوار اچھا

بھارگو صاحب کانگریس کے ایک بڑے پرانے ذمہ دار آفس بیرر رہے اور ورکر ہیں۔ انہوں نے دیکھا کہ گاندھی جی کے سدھانتوں سے ٹل کر چونکہ کانگریس والے ۵۰ فی صدی سے زیادہ پارلیمنٹ میں چن کر آئے ان کو دکھ ہوا کہ آئے ہیں گاندھی بابا کے نام پر خرچ کیا زیادہ۔ بنایا کم اس سے اچھا ہے کہ اس دفعہ کو ہی اڑا دیا جائے۔ اس لحاظ سے ان کا شکر گزار ہوں کہ سچی بات ان کے منہ سے نکل گئی۔ اور کچھ کہنے سے پہلے میں کچھ سجھاؤ دینا چاہتا ہوں سرکار کو کہ ہم جمہوریت کا دعوہ بھی کرتے ہیں اور فخر بھی کرتے ہیں اور مجھے بھی فخر ہے کہ ہمارے دیش میں جمہوریت کافی حد تک کامیاب ہوا لیکن الیکشنوں میں جو کچھ ہوتا ہے وہ شاید قابل فخر نہیں ہے۔ ایک بات بھارگو صاحب نے مانی اور دوسری باتیں دنیا کے سامنے آئی ہیں جو طرح طرح کی بد دیانتیاں ہوتی ہیں۔ بد دیانتیاں کس ڈھنگ سے ہوتی ہیں۔ میں وائس چیرمین صاحب—بتلانا چاہتا ہوں۔ اس کا ڈھنگ سادھارن ہے۔ وہاں ایک اسٹیمپ رہتا ہے جو اسٹمپ نام والے کے لگانے کے لئے رہتا ہے اور اس سے ووٹ شمار ہوتے ہیں لیکن جب کسی کو ہرانا ہوتا ہے جو گنتے

والا پٹواری وہاں پر بیٹھا ہوتا ہے وہ اپنے انگوٹھے کو سیاہی لگا کر چلا جاتا ہے۔ آپ نے دو تین الیکشنوں کی رپورٹ پڑھی ہوگی کہ اس طرح سے لاکھوں ووٹ ردی کی ٹوکری میں ناجائز پڑی ہوئی دکھائی دیتی ہیں۔ تو میرا سجھاؤ سرکار کو یہ ہے کہ ایک ایسا اسٹمپ رہے جس میں سیاہی کی ضرورت نہ رہے بلکہ جس میں نشان پڑ جائیں۔ کیونکہ ہمیں ماننا پڑے گا کہ ہمارے دیش میں ان پڑھ لوگ بہت ہیں الیٹریسی بہت زیادہ ہے وہ لوگ نہیں جانتے کہ کس پرچی کو بند کر کے ڈالنا ہے۔ تو اگر وہ ایسی مہر لکائیں جس سے نشان پڑے لیکن سیاہی کی چٹنا نہ ہو تو وہاں جو ووٹر نشان لگائے گا وہی نشان رہے گا اور اس طرح سے جو لاکھوں پرچیاں ضائع جایا کرتی تھیں وہ نہیں ضائع جائیں گی۔

دوسری بات جو سرکار نے اجازت دے رکھی ہے کہ تھوڑے تھوڑے فاصلہ پر امیدوار اپنے کیمپ لگا سکتے ہیں اس طرح سے کیمپ لگانے میں ہزاروں روپیہ ٹینٹ اور کرسیوں کے نذر ہوتا ہے اور اکثر وہاں تلخیاں بھی ہو جاتی ہیں اور لڑائی بھی ہو جاتی ہے۔ تو میرا سجھاؤ یہ ہے کہ الیکشن کی بیماری کو لینے سے اس کے ایکسپینسز سے بچنے کے لئے ان سب کیمپوں کو ختم کر دیا جائے۔

[شری عبدالغنی]

سوائے ایک سرکاری کیمپ کے جس میں جا کر لوگ اپنا نشان دیکھ آئیں کہ کس طرح کا نشان پرچی پر لگانا ہے اور پھر وہاں جا کر لگا آئیں۔ اگر گرمی کا موسم ہے تو ٹھنڈا پانی پی آئیں اور سردی کا موسم ہے تو چائے کی پیالی پی کر اپنا ووٹ ڈال آئیں۔ وہاں پر کسی امیدوار کے نمائندے کو رہنے کی ضرورت نہیں ہے۔ سرکار کافی ہے اور اپنا وہ ٹینٹ کا خرچ جو ہے وہ خود لگائے تاکہ اصلیت قائم رہے۔

تیسرا سبھاؤ جو میں دینا چاہتا ہوں وہ یہ ہے کہ جگہ جگہ اشتہارات نکلتے ہیں اور پمفلٹ بھی ایک ایک امیدوار کے حق میں شائع ہوتے ہیں۔ اکثر امیدوار کہتا ہے یہ میری ذمہ داری نہیں ہے۔ میرا سبھاؤ یہ ہے کہ چار سے زیادہ پوسٹر یا لیف لیٹ نہیں نکالے جائے چاہئیں۔ جس سے خرچ میں بچت ہو۔ یہ پوسٹر یا لیف لیٹ چاہے پارٹی کی اور سے نکالے جائیں چاہے اس کے نام پر نکالے جائیں جو بھی اس طرح کے اشتہارات نکالتا ہو اس پر کینڈیڈیٹ کے دستخط ہوں۔ تاکہ وہ اس کی پوری ذمہ داری اپنے اوپر لے۔ پیچھے جا کر یہ نہ کہے کہ دوسرے نے کیا میں نے نہیں کیا۔ اگر اس طرح کی بات کی

جائے گی نو اس سے جو خرچہ ہوتا ہے اس سے بھی بچا جائے گا اور خرچ بھرتے سمے جو جھوٹ بولنا پڑتا ہے وہ بھی نہیں کرنا پڑے گا۔ بہارگوا صاحب یہ بات ضرور مانیں گے اور اس طرح وہ اپنی اخلاقی کمزوریوں سے بچ جائیں گے۔ اس لئے میرا سبھاؤ یہ ہے کہ جو کچھ کسی کینڈیڈیٹ کے حق میں شائع ہو وہ اس کی ذمہ داری پر ہو۔ ایک بات میں یہ عرض کرنا چاہتا ہوں کہ پانچ سو روپیے کی جو ضمانت کینڈیڈیٹ سے لی جاتی ہے بہت سے لوگ نمائشہ دیکھنے کے لئے بھی اپنا کینڈیڈیچر دے دیتے ہیں اور نامینیشن پیپر بھر دیتے ہیں تاکہ دوسرا امیدوار کچھ پیسہ ان کو دے دیں۔ وہ لوگ نامینیشن بھرتے وقت سیریس نہیں ہوتے اس لئے میرا سبھاؤ یہ ہے کہ پانچ سو کے بجائے جتنا سرکار خوشی سے منظور کرنا چاہتی ہے اگر آدھا روپیہ رہے تو اچھا ہے۔ اگر ضمانت ضبط ہو گئی تو سب روپیہ جاتا رہے گا۔ جب یہ شغل بن جائے گا تو دوسرے لوگ جو کینڈیڈیچر کے لئے سیریس نہیں ہوتے جو پیسہ کے لئے دوسروں کے پیچھے بھاگتے ہیں وہ اس طرح کی بات نہیں کریں گے۔ اس لئے میرا سبھاؤ یہ ہے کہ وہ روپیہ سرکار ٹرانسپورٹ کے انتظام کے لئے کرے۔ میٹنگ جہاں بھی ہو وہاں پر اسٹیج میں سرکاری لاؤڈ اسپیکر لگے اور ٹرن بائی

ٹرن امیدوار جو اپنی بات کہتا تھا کہ اس طرح سے اب جو ایک وائٹورن چاہتے ہیں کہ کوئی چھوڑا نہ ہو زیادہ خرچہ بھی نہ ہو اس طرح سے سرکار کا اس کام میں پیسہ لگے گا اور اس کا انتظام بھی ہوگا اور لوگوں کا رویہ بھی نہ جائے گا۔ ورنہ ہر ایک امیدوار الگ الگ اپنے لاؤڈ اسپیکر کا انتظام کرے گا جس کی وجہ سے کافی خرچہ بڑھ جاتا ہے اگر اس طرح سے کیا گیا تو اس سے بڑی بھلائی ہونے والی ہے۔ اگر اس میں کسی نے ۲۰ ہزار روپیہ رکھا ہے اور ساڑھے بارہ ہزار وہ لے لے تو اس میں بھی سرکار کو پارٹی والے مینی فیسٹو چھاپے ہیں اپنی طرف سے الگ الگ چھاپے ہیں وہ سرکار کی طرف سے چھاپا جائے۔ اگر اس طرح کا سارا کام ایک حکمہ کرے۔ سرکار اپنے یہاں چھاپے گی تو اس طرح سے چھاپائی میں لوگوں کا خرچہ ہونا ہے وہ کافی نہ جائے گا۔

جہاں تک سلیٹ پسر کا تعلق ہے اس کے بارے میں بھلا تجربہ میرا یہ ہے کہ وہ لور بھجے گئے تھے اور میں نے اس بارے میں لکھ کر بھی بوجھا تھا الیکشن آفیسر کو اور یہاں بھی اس بار کہا تھا کاس—سرکار میرے اوپر مقدمہ چلائی—میں نے کہا تھا کہ جو

ڈپلیمٹ سلیٹ پسر جو اسٹیٹ سرکاری اپنے پرسوں میں سرکاری پرسوں میں چھاپتی ہیں اور کئی حلقوں میں اس طرح سے ڈپلیمٹ پسر چھپے ہیں اور عالمہ میرے پاس اب بھی ہوگا۔ اس لئے میں عرض کرنا چاہتا ہوں کہ اس طرح سے ناسک میں ایک حکمہ نوٹ چھپے ہیں اسی طرح سے سرکاری انتظام میں بھی ایک ہی جگہ سلیٹ پسر چھپیں اسٹیٹ سرکاروں کو جو کہ اس طرح کے سلیٹ پسر چھاپتے ہیں اس طرح کا انہیں اخسار نہ ہو۔ انہیں ڈپلیمٹ پسر چھاننے کے لئے اخسار نہیں دینا چاہئے۔ کون کہ اس کا نتیجہ یہ ہونا ہے کہ جس کڈنڈٹ کو وہ ہرانا چاہتے ہیں اس طرح کے ڈپلیمٹ پیپر چھاپ کر ہرا سکتے ہیں۔ اور جس کو جیتانا چاہتے ہوں اس کو حسا سکتے ہیں۔ اس لئے میرا سچھاؤ نہ ہے کہ سرکار کو سلیٹ پیپر چھاپنے کا ایک ہی جگہ انتظام کرنا چاہئے اور یہ اخسار اسٹیٹوں کو نہیں دینا چاہئے۔

پھر جو حلقہ ساری ہونی ہے وہ بالکل لوز ہونی ہے۔ تو میرا سچھاؤ یہ ہے کہ وہ باقاعدہ ایک حصہ میں ہونا چاہئے اور جو آدمی سلیٹ پیپر لیتا ہے اس میں اس کے دستخط ہوں، نشان ہوں۔ اور ساری دہہ داری ہو اور وہ لور نہیں ہوئے چاہئیں۔ اگر ہم واقعی میں ڈیموکریسی کا

[شری عبد الغنی]

دعوہ کرنے ہیں اور ہم چاہتے ہیں کہ اس میں اچھائیاں آئیں اور اس میں اچھائیاں آئی چاہئیں تو الیکشن کو اس ڈھنگ سے کیا جانا چاہئے جس میں چاہے پریذائڈنٹ آفیسر ہو یا کوئی اور ہو وہ کسی طرح کی بددیوانی نہ کر سکے۔ وائس چیرمین صاحب—یہ بھی مصیبت ہے چون کہ الیکشن میں عملہ درکار ہوتا ہے اور اس کام میں کمپس پر پٹواری لا ہونا ہے۔ کمپس پر ٹیچر لگا ہونا ہے اور کمپس پر سرکاری ملازمین لگے ہونے ہیں۔ جب الیکشن آتا ہے تو ہر ایک کنڈیڈٹ اس بات کی کوشش کرتا ہے کہ وہ اپنے آدمیوں کو ایسی جگہ ٹرانسفر کرا دے جہاں وہ اس کے الیکشن کو ون کر سکے اور ان کے الیکشن میں ہر طرح کے مدد کی صورت پیدا کرے۔ نو میرا سبھاؤ یہ ہے کہ جب الیکشن ہو اس سے چھ مہینے پہلے کوئی ٹرانسفر نہ کیا جائے۔ اسٹبٹ سرکاروں کے ہاتھ میں جو اس طرح کے اختیار ہیں ان اخباروں کو وہ تھوڑی دیر کے لئے استعمال نہ کرے۔ اور ہماری سرکار کو اس طرح کا اسٹیٹوں کو سبھاؤ دینا چاہئے کہ وہ الیکشن کے پہلے اپنے اختیاروں کو ٹرانسفر کرنے میں استعمال نہ کریں۔ ٹھیک ہے بھارگو صاحب کا

میں ممتون ہوں کہ انہوں نے اس طرح کا سبھاؤ دیا ہے لیکن ایک اور مصیبت ہے جیسے سرکار کے یہاں جو پٹواری ہے اس کے اوپر جو گرداور ہے قانون کو ہے نائب تحصیل دار ہے ڈپٹی کمشنر ہے اب اس میں سرکار نے بی ڈی اوز اور پنچائٹ آفیسر بھی گھسیڑ دیئے ہیں اور پتہ نہیں کیا کیا رکھدئے ہیں۔ ان لوگوں کے پاس محکمے چلانے کے لئے اپنے سادھن ہیں اور وہ سب کانگریسی امیدواروں کے حق میں استعمال ہوتے ہیں اور اس کا خرچہ کانگریس مینوں کو نہیں پڑتا کیوں کہ مفت میں ان کو گرام سیوکائیں ملی ہوتی ہیں اور اس وقت وہ والنٹیئر بن جاتی ہیں۔ سچ بات تو یہ ہے اگر وائس چیرمین صاحب—سرکار غصہ نہ کرے کہ اس وقت تمام الیکشن سرکار نہیں لڑتی ہے۔ کانگریس نہیں لڑتی ہے بلکہ آفیسر لڑتے ہیں۔ ان سے جیسا نہیں جاتا۔ میں صاف کہنا چاہتا ہوں کہ نہ صرف وہ بد دیوانی کرتے ہیں آفیسر۔ کہلم کھلا پھرنے ہیں امیدواروں کے لئے کانگریسی امیدواروں کے لئے بلکہ اس سے کہیں زیادہ وہ کسی کو چھپا لیتے ہیں کسی کو اٹھوا دیتے ہیں کسی کو دبا دیتے ہیں اور جو من میں آتا ہے وہ کرتے ہیں۔ اس لئے نہ صرف بنادالے بند ہونے چاہئیں بلکہ آفیسروں کے دورے بھی اس وقت

بد ہونے چاہئیں سوائے اس کے کہ الیکشن کمشنر کا اس ایک عملہ ہو جو سارے دورے کرے اور مناسب طور پر وہ جا کر انتظام کرے اور یہ جو بی ڈی اوز ہیں وہ جو نجائے آفسر ہیں وہ جو ایس ڈی ایم ہیں جو ریٹرننگ آفسر بنا دیئے جائے ہیں ان سے چھٹکارا دلانا چاہئے۔ اگر واقعی آف کو الیکشنوں میں ایمان داری لانا مقصود ہو اور آف وہ چاہے ہوں کہ ایمان داری کے ساتھ الیکشن لڑے جائیں۔ اس سے خرچہ بھی بچتا ہے۔ اس میں نہیں سے منہ ہوں کہ چھوٹے دیسوں میں شاید آسانی ہو لیکن ہمارے یہاں ابھی سڑکس ہی کی نہیں ہیں بجہ نہیں ہیں جس سے اسی وقت بلٹ سر آ سکتے۔ پھر لوگ کہتے ہیں کہ وہ بلٹ نکسز بدل دیئے ہیں وہ بلٹوں کو بدل دیئے ہیں اور اس وجہ سے لوگ وہاں بڑے سوئے ہیں کوئی باہر نہرہ دےا ہے اور کوئی ساتھ ساتھ بھاگتا ہے۔ اس کے بجائے راستہ وہ نکالنا چاہئے۔ وہ میرا سچھاؤ ہے اور ممکن ہے جس آ جائے کہ جسے دسترک بورڈوں میں کہتے نا لوکل نا میں کہتے امی وہ وہ ریلز دے ہیں اسی طرح وہ وہاں کا ریلز سائنس ہی نہیں بلکہ جسے اسدوا ہوں سب سے اسی وہ ان کے نمائندوں سے جو ان کے سرٹیفائڈ نمائندے

ہوں ان سے دستخط لے کر ایک ایک کابی ان کو بھی دے دیں۔ ریٹرننگ آفسر کا صرف اتنا ہی کام رہ جائے کہ اس کے پاس سب ریٹرنس آ جائیں اور وہ سب کا ٹوٹل کرے۔ یہ نہ ہو کہ جس کا نتیجہ ہوا اور آف کو علم ہی ہے کہ کس طرح سے پنجاب میں امدھار گردی ہوئی اور کس طرح سے ہارنے والے جیتے۔ کئی بار وگرس بدلے پڑے۔ نو مری ریکورسٹ نہ ہے کہ کوئی ٹنٹا ہی نہ رہے اور وہاں سے صرف کاغذوں کا لانا مقصود ہو اور وہ بھی اس ریٹرن کا کہ انہی اسے اس امدوار کو ووٹ ملے۔ اس سے بھی خرچہ میں کمی ہونے والی ہے۔

ایک سچھاؤ میرا اور ہے اور وہ وہ ہے کہ وہ ٹھیک ہے کہ ہمارے ڈپٹی مسٹر نے فرمانا کہ ہم ٹریبونل کو اڑانا چاہتے ہیں یہ بہت مبارک ہے ضرور اڑا دینا چاہئے کہوں کہ ان کا بھی کبہا ٹھیک ہے اور وہ اس الیکشن کی بات کہتے ہیں کئی بجھلے الیکشنوں کے ابھی سادہ فصلے نہیں ہوئے ہیں۔ کہوں کہ اسی میں کافی برٹیاں ہیں اور ان کا خیال ہے کہ ہائی کورٹ میں کام چلدی حل جائے گا۔ لیکن میرا تجربہ یہ ہے کہ ہائی کورٹ میں بھی میں ایک سال کی میں نہا برسوں کے دیوانی دعوے بھی پڑے ہوئے

[شری عبد الغنی]

ہیں اور ان کا ٹرن ہی نہیں آتا ۔
تو آیا یہ ہائی کورٹ میں پھر وہ
ٹریبونل کے فرائض جو ہیں وہ کسی
جج کو دے دینگے ایک ایک
کو اور وہ اپنے ہائی کورٹ کے
پیمانے پر اس کو ختم کرینگے یہ
بات ابھی صاف نہیں ہوئی کہ
ہائی کورٹ میں جا کر بروسیجر کیا
رکھینگے اس کا ۔ اس لئے میرا
یہ بھی سمجھاؤ ہے کہ ہائی کورٹ
کا فیصلہ ہو یا ٹریبونل کا ہو جس
کو بھی یہ اختیار دیں اس کے یہاں
کام جلدی ہونا چاہئے ۔ اب الیکشن
کمشنر کی سفارشات کو ماننے والے
ہیں کہ ٹریبونل کو اڑا دیا جائے
اور اس سے میں بہت خوش ہوں
لیکن ہائی کورٹ کو کتنا موقعہ
رہے گا وہ کتنے دنوں میں ختم کر
دیں گے یہ بات انہوں نے کچھ فرمائی
نہیں اور اس لئے میری یہ عرض ہے
کہ تین مہینے سے زیادہ کسی کیس کو
نہیں لگنا چاہئے ۔ ریٹرن جب
سب جگہ سے آگئیں تو بھر جھگڑا تو
یہی ہو سکتا ہے جیسا میرے کیس
میں ہوا ۔ قانون میں اتنی لچک ہے
کہ سب سے زیادہ بیلٹ مجھے ملے
پرچیاں مجھے ملیں اور میں ہار گیا
کیوں کہ ریٹرننگ آفیسر کو ادھیکار
تھا کہ وہ جس پرچی کو چاہے اس کو
رد کرے اور جس کو چاہے اسے
قبول کر لے ۔ پھر میں ٹریبونل میں

جیتا ہائی کورٹ میں جیتا اور سپریم
کورٹ میں جیتا ۔ اس لئے میں یہ
عرض کرنا چاہتا ہوں کہ جہاں
تک اس ہاؤس کے لا کا تعلق
ہے اس کو بھی صاف کرنا چاہئے ۔
اس میں چار شرطیں تھیں ۔ پہلی
یہ کہ کاؤنسل آف اسٹیٹ میں یعنی
راجیہ سبھا میں آنے کے لئے اگر کسی
کے آگے فیگران نہیں ہے ایک نہیں
ڈالا ہوا ہے تو وہ ناجائز ہوگی ۔
دوسرا یہ کہ دو جگہ ون ہی
ڈالا ہوا ہو تو کہا بنہ چلے کہ
کس کو پرفرنس اس نے دیا اور
وہ ضائع ہو گئی ۔ تیسرا یہ کہ اگر
ایک بھی ڈالا ہوا ہو اور اس کے
ساتھ دوسرا بھی ڈالا ہوا ہو تو وہ
ناجائز ہوگی ۔ چوتھی جو ہے
وہ بڑے مزہ کی ہے کہ اگر
اس پر کوئی نشان ہو یا رائٹنگ
ہو جس سے یہ پہچانا جائے کہ ووٹر
کون ہے کس کو دینا چاہتا ہے
تو وہ ناجائز ہے ۔ اب یہ دیکھنے والی
بات ہے کہ یہ تو میں مان گیا
کہ اگر ایک نہ ہو تو وہ کٹ جائے
گا لیکن جہاں نشان پڑ جائے تو
میں کیوں ضروری ہے کہ
ننگ آفیسر یہ عدالت لے کر
جے کہ اس نے نشان کس لئے
دیا چاہے وہ کراس کا نشان ہو
چاہے وہ سرکل کا نشان ہو چاہے وہ
سیمی سرکل کا نشان ہو اور کیوں
یہ ثابت کرنا پڑے کہ اس کا

بری ارینج بھا ہسہ لینے کے لئے یا اپنا احسان جانے کے لئے یا سرکار کو خوس کرنے کے لئے یا سرکار سے کوئی رعایت لینے کے لئے اس نے ایسا نشان کیا ۔ دو آب کو اپنی اس دفعہ کو بھی زیادہ صاف کرنا ہوگا اور جس پر کوئی نشان بھی ہو کوئی بھی فیگر یا رائٹینگ ہو اس کو آب ناجائز قرار دیں تاکہ ریٹرننگ آفیسر کے ہاتھ میں ایسا نہ رہے کہ سب سے زیادہ بیلٹ بسے والے عبدالغنی کو ۷ مہینے کے لئے باہر رکھ سکے نو مہری عرض یہ ہے کہ لا منسٹر صاحب کو اس کونسل آف اسٹیٹ کے بارے میں بھی غور کرنا ہوگا کہ کوئی اگر فیکروں کے علاوہ کوئی بھی نشان کہیں ڈال دے تو کوئی ضرور نہیں ہے اس کو یہ دیکھنے کی کہ اس نے بے ایمانی سے پہلے سے کچھ ہسے لے لئے ۔ سب جانتے ہیں اب دو بین بین لاکھ روپیے چار چار لاکھ روپیے خرچ کرنے والے راجہ سبھا میں آئے ہں ۔ سارے میں نہیں کہا لیکن کچھ لوگ ہیں جو آنے والے جنرل الیکشن کی قیمت ابھی پوری کر لیں گے چار پانچ دن میں ہی اور جہاں نک میرا تجربہ ہے ایک ایک بین تیز سولتا ہے ۔ نو اس کا وچار چھوڑ دینا چاہئے کہ کونسل آف اسٹیٹ کے لئے بھی اگر کہیں ایک فیگر یا کوئی چیز ہو تو اس کو رد کرنا

چاہئے ۔ ہاں ایک باب یہاں میں اور کہنا چاہتا ہوں کہ پریفرنس کا اس لئے رکھا گیا ہے کہ یہ پتہ چلے کہ ووٹر کس کو پریفرنس دیتا ہے لیکن اگر وہ ایک کے آگے خالی کراس کرنا ہے مگر ایک نہیں لگانا دو نہیں لگانا بین نہیں لگاتا چار نہیں لگانا اور وہ صرف کراس لگانا ہے کہ میں ایک کو ہی ووٹ دینا چاہتا ہوں تو میرا بہ سجھاؤ ہے کہ اس کو رد نہ کیا جائے ۔ اسمبلی میں میری طرح کے کئی ان پڑھ آدمی آجاتے ہیں اور ان کو اگر سمجھ میں نہیں آیا اور ایک ہی آدمی کے آگے انہوں نے کراس کیا تو بڑا کلر ہے کہ ان کا فرسٹ پریفرنس چھوڑ کر سب پریفرنس اسی کو ہیں ۔ اس لئے لا کو ایسا بنائے جس سے دیش کو ہانی بھی نہ ہو کیونکہ بہت سے ایم ایل ایز کو اتنی سمجھ نہیں ہے کہ وہ کس طرح سے فرسٹ پریفرنس، سیکنڈ پریفرنس یا تھرڈ پریفرنس دیں ۔ نو ایسی ہانی بھی نہ ہو اور بات بھی بن جائے اور اس کا جو دلی متشا ہے وہ بھی پورا کر دیا جائے ۔ خرچہ کے چونکہ دونوں پہلو تھے ایک لوک سبھا کا پہلو تھا اور ایک یہاں کا پہلو تھا نو یہاں بھی آپ عزت رکھئے اور پیسہ کتنا لے اور کتنا نہ لے یہ ہائی کورٹ دیکھ لے گا جب کوئی ہٹسن کرے گا ۔ میں نو ہنس پڑا جب میں

[شری عمد العنی]

سب سے زیادہ ووٹ لئے ہر ہار گیا۔ مجھ سے کسی نے ہوجھا کتا عبدالغنی ہار گئے۔ تو میں نے کہا—ہاں۔ ہار گیا—وہ کہے لگے کیوں ہار گئے۔ میں نے کہا کوئی ہمارے چیف منسٹر کو مبارک باد دینے گیا کہ عبدالغنی ہار گیا تو اس نے کہا مجھے کموں مبارک باد دیتے ہو جا کر رنٹرننگ آفسر کو دو۔ میں نے رنٹرننگ آفسر سے کہا۔ تو گرو کی اولاد ہے کیوں نا جائز ایکٹ کرنا ہے اور اپنے ہاتھ خون میں رنگنا ہے۔ اس نے کہا مولوی صاحب—آپ دیکھ لیں گے بات میری پختہ رہے گی۔ بات اس کی پختہ نہیں رہی کیوں کہ سپریم کورٹ نے میرے حق میں فیصلہ دیا۔ میری عرض یہ ہے کہ حتیٰ ادھیکار رنٹرننگ آفسر یا پولنگ آفسر یا پریڈائننگ آفسر کو ہوئے ہیں وہ سب سرکار کے نمائندے ہوئے ہیں۔ بلکہ سروٹ کہلانے ہیں لیکن کریے وہ ہیں جو مسٹر کہیں، کریے وہ ہیں جو حیف مسٹر کہیں۔ کریے وہ ہیں جو مسٹر کے مسٹر کہیں۔ سب کے الیکشن آگے ہونے والے ہیں۔ اس لئے میری درخواست ہے کہ جیسے بیلک سروس کمیشن تو آپ نے اختیار دے رکھا ہے کہ جو ان کے من میں آئے بات کہیں سبارڈنٹیٹ

سروس کمیشن کو الگ کر رکھا ہے ان کو آزادی دے رکھی ہے۔ کارپوریشن بنا رکھی ہے بجلی کا بورڈ بنا دیا ہے اسی طرح سے الیکشن کمیشن کو اختیار دینے کے جس کو چاہے، جہاں سے چاہے بھجوائے، لگائے اور جس ڈھنگ سے چاہے وہ ووٹ لے۔ اگر آپ کے من میں آجائے جہاں تک سٹک کا تعلق ہے وہ ایسی شکل میں ہو کہ جو نکسا ناھر پڑا ہو وہ پردے کے پیچھے سناں لگائے اور حب ڈالے تو وہ کوئی ایسی ٹھوس چیز کی طرح معلوم ہو کہ ہر ایک کو پتہ چل جائے کہ اس نے ووٹ ڈال دیا ہے۔ ہونا کیا ہے جو بیلٹ ڈالنے جائے ہیں جن کو مری طرح کم دکھائی دیا ہے وہ پریڈائننگ آفسر کو پوچھتے ہیں کہ یہ نام کہاں ہے فلاں نام کہاں ہے یا فلاں شان کہاں ہے۔ یہ پریڈائننگ آفسر کے رحم پر ہونا ہے کہ وہ اپنی اچھا ابوسار نشان لگانا ہے یا اپنے سائن مالک یا مسٹر کے اشارے پر کام کرنا ہے۔ میری عرض یہ ہے کہ اگر کوئی دھا ہوا کسی کو کم دکھائی دیتا ہے اس کو آپ ادھیکار دیں کہ وہ میسجی ہوئے بھائی ماں ناں جس کو چاہے ساتھ لے جائے اور ان سے اپنا سناں لگوائے۔ پریڈائننگ آفسر کو یہ اختیار نہیں دینا چاہئے۔

کچھ ووٹس ایسی ہی ٹری رہ جاتی ہیں ان کے بارے میں بھی سوچنا ہوگا۔ یہ نہ ہو کہ پہلے زمانہ والی بات دکھائی دے۔ کبھی بلیٹ کپسوں میں پڑے پائے گئے۔ وہ کپسوں میں بولے نہیں گئے ہوں گے جو بڑے رہ گئے وہ کسی نے اٹھا کر ہسٹک دیئے ہوں گے۔ کدوں کہ وہ خود ووٹر ہو پھینکنے نہیں جائے گا۔ وائس چیرمن صاحب—نہ یہی بات ہوئی ہے کہ کچھ اوگ کہتے ہیں کہ اپنا ووٹ باہر لاؤ۔ صرف رسوب سے کر نہیں کرنے۔ لوک سبھا میں نہیں راجہ سبھا کے الیکس میں بھی ہونا ہے۔ پیسے بے مل سکے جب تم اپنا ووٹ باہر لاؤ اور ہمیں دکھاؤ کہ ہم نے ہمیں اپنا ووٹ دے دیا تب تمہیں بانج ہزار یا دس ہزار دیں گے۔ جو دھنی آدمی دیئے ہیں۔ اتنا ووٹ اگر لائے ہیں اور بعد میں جو دوسرا جانا ہے وہ اسے اپنے ساتھ لے جاتا ہے اور جہاں اپنا ڈالنا ہے وہاں اس کا ڈال دیتا ہے اس کو روکنے کے لئے چاہے لوک سبھا کا ہو چاہے راجہ سبھا کا ہو وہ بلیٹ سب کے سامنے اس کو گرانا ہوگا۔ چاہے وہ اسمبلی کا ممبر ہو چاہے وہ سادھارن ووٹر ہو۔

بھارکوا صاحب نے اپنی عرض سرکار کے سامنے رکھنے کا موقعہ دیا کہ کس طرح سے اس کو سادھارن کر دیں کہ خرچہ بھی کم ہو بے ایمانی نہ ہو۔

ایک بات میں اور عرض کرنا چاہتا ہوں اپنی پہلے دنوں راجستھان میں دو نائی الیکس بھی ایک جگہ جہاں کانگریس سرکار کے راجستھان سرکار کے جسٹس ۵ انہیں کافی کماں دیا وہاں تو انہوں نے وہ بے کر لیا۔ جہاں ہار کا امکان تھا وہاں کہا کہ نہ ہمارے پاس بٹرولیم ہے نہ ہمارے پاس اسی پولیس ہے۔ اور الیکشن کمیشن صاحب نے نہ آؤ دیکھا نہ ناؤ نہ ان کے دماغ میں یہ بات آئی کہ جب ایک جگہ ہو سکتا ہے تو دوسری جگہ کیوں نہیں۔ ایک جگہ بٹرولیم ہو سکتا ہے تو دوسری جگہ کیوں نہیں یہ انہوں نے نہیں دیکھا اور اس کو ۲۷ دن کے لئے ملدوی کر دیا۔ میں سمجھتا ہوں کہ اس ادمکار الیکس کمیشن کو نہیں ہونا چاہئے۔ جہاں میں چاہتا ہوں کہ اس کو بڑے بڑے ادمکار ہوں وہاں اس کو ایسا ادمکار نہیں دیا چاہئے کہ ایک ہی اسٹٹ میں دو نائی الیکس ہو اور وہ ایک جگہ کرے دے کہ سرکار کی حمایت کرے کس کا مددگار ہو جائے۔ اس کا کرنے کی الیکشن کمیشن کو اجازت نہیں ہونی چاہئے۔

[سری عبد الغنی]

انک اور عرض کر کے میں اپنی گذارشات کو ختم کروں گا وہ بہ کہ کئی بار سوال اٹھا ہے کہ سلیٹ جو میں ان کا شمار بھر سے کیا جائے۔ وہ کیوں اٹھتا ہے کیوں کہ کئی بد دناساں سامنے آئیں۔ جب درجہوں کا شمار ہوا تو بالکل الٹا نکلا اس سے جو پہلے ظاہر ہوا تھا۔ کیوں کہ بڑے بڑے ادھیکار ہوتے ہیں ریٹرننگ آفسر کو۔ مری درخواست یہ ہے کہ اگر بھر سے شمار ہو درجہوں کا اس بنا پر کوئی پٹیشن ہو تو وہ اختتام الیکشن کمیشن کو ہی دے دیا جائے۔ وہ اپنے سامنے بکسے منگوائے اور بکسے منگوا کر اپنے سامنے شمار کرائے چاہے راجیہ سبھا کا الیکشن ہو چاہے لوک سبھا کا ہو اس کا فائدہ یہ ہوگا کہ نہ ٹینٹین لمبے جا سکیں نہ زیادہ جھگڑے بڑھ سکیں گے۔ نہ بڑے بڑے وکیل کرنے بڑیں گے۔ وکیل نے حاروں کا ضرور نقصان ہوگا لیکن جہاں تک گنتی کا تعلق ہے اگر مبری گنتی ہو گنتی ہوئی تو مجھے سب مہرے کے لئے اس ہاؤس سے الگ نہیں رکھا جا سکتا تھا۔ کون کہ تہ حل جانا کہ عبد الغنی کو سب سے زیادہ ووٹ ملے۔ گنتی کے متعلق قانون میں اسی لچک لائیے کہ الیکشن کمیشن ہی اپنے سامنے گنتی کرائے اور اس کو ادھیکار

ہونا چاہئے۔ وہ ریٹرننگ آفسر سے بھی بہت بڑی ہستی ہے اور یہ فیصلہ تو وہیں ہو جانا چاہئے۔

جہاں تک کرپٹ بریکٹسز کا تعلق ہے وہ تو میرا خیال ہے کہ ہائی کورٹ کو اب نے اختیار دیا ہے۔ وہ دیکھ لے گا کہ کرپٹ بریکٹسز ہے یا نہیں۔ اگر ہوں گی بھی تو وہ کرے گا کیا۔ وہ اس لئے کہ وہاں ایک آدمی ہار گیا اور راشٹر پتی جی سے یہاں کہئے یا ہائی کمانڈ سے کہئے اس کو ٹکٹ مل جائے گا اور وہ راجیہ سبھا میں آ جائے گا۔ چھ سال بھر مزہ کرے گا۔ آج وائس چیرمین صاحب، ساری دنیا ہماری ہنسی اڑانی ہے۔ کانگریس ہائی کمانڈ یا مکھ منتری جی کہئے، پردھان منتری جی کہئے جس کو وہ نکالتے ہیں اس لئے کہ اس نے امپروپرائٹی کی، میں نہیں کہتا کہ ڈس آنسٹی کی، میں نہیں کہتا کہ رسوب لی۔ جس پر یہ ہے کہ اس نے اسوز آف پاور کیا۔ پاور کو مسیوز کیا۔ یہاں سے اس کو چلنا کرتے ہیں یہ میں نے آج دسور دیکھا۔ گاندھی جی کا دستور اور تھا۔ ان کے یہاں اگر کوئی اپنی شان سے نہ چلے گا تو بھر اس کے لئے آسرم میں کوئی جگہ نہیں تھی لیکن یہاں یہ ہے کہ ہائی کمانڈ والے کہتے ہیں کہ اسی سزا کیا

کم ہے کہ اس کو ہم نے مکھ منتری
پد سے ہٹا دیا ۔ ان کے نزدیک تو
یہ بڑی سزا ہوئی لیکن اس نے جو
لاکھوں کروڑوں روپیہ بنایا ہے اس
کے لئے اس کو بخسا کیوں جائے ۔
اس کی انکوائری کموں نہ ہو ۔ لیکن
یہ سرکار بڑی سان والی سرکار ہے ۔
گندھی بابا کا نام لینے والی سرکار
ہے ۔ وہ نہ صرف اس کی انکوائری
نہیں کرانی بلکہ ان کو ورکنگ
کمٹی میں خاص دعوت دے کر بلاتی
ہے ان کی اہمیت کو بڑھایا جاتا
ہے ۔ ان کو طرح طرح سے پھر سے
لانے کی کوشش کی جاتی ہے ۔ اس
لئے یہ ہائی کورٹ کیا کرے گا ۔
مجھے اس سے کوئی زیادہ چنتا
نہیں ہے ۔ میں تو صرف یہی چاہتا
ہوں کہ الیکشن زیادہ سے زیادہ
سرل ہو، زیادہ سے زیادہ صاف ہو، زیادہ
سے زیادہ آسانیاں اس میں ہوں ۔
پھر چاہے کانگریس والے ۱۰۰ فی
صدی آجائیں اس کی مجھے کوئی
شکاب نہیں ہے ۔ میں سمجھتا ہوں
کہ ڈیموکریسی میں جس کو جو
حق ملتا ہے وہ ملنا چاہئے ۔

نو میری عرض یہ ہے کہ جو
سجھاؤ میں نے عرض کئے ہیں ان
پر وحار کریں اور ساتھ ہی اس بات
پر وحار کریں کہ واقعی دیش کے
بہتر ایک آدمی نے فکری کے ساتھ
جائے ۔ کوئی ضرورت نہیں ہے کہ

لوٹوں کے گھروں پر ترجیاں بانٹی
جائیں ۔ آج اس آئڈنٹیفیکیشن کارڈ
سائے جس پر اس کا ووٹر نمبر درج
ہو جس کا جو بھی ووٹر نمبر ہو وہ
آئڈنٹیفیکیشن کارڈ پر درج ہو وہ اس
کا کر کارڈ دکھائے تو اس کو سٹ
ملے اور سب کے سامنے وہ اس پر
دش کر کے جہاں چاہے دال سکے ۔
اس سے نہ صرف یہ آسانی پیدا ہو
جائے گی کہ کسی کو کسی کے
باس جانے کی کوئی جیسا نہیں رہے
گی بلکہ اس کی کوئی شناخت کی
ضرورت بھی نہیں رہے گی ۔ اس میں
اس کی تصویر ہوگی اور ایک آدمی
نئی جگہوں پر ووٹ نہیں ڈال سکے
گا جیسا کہ آج کل ڈالے جس ۔ اگر
پانچ سال میں پانچ الیکشن ہوئے جس تو
حو سٹ جاری کریگا وہ کارڈ کو ہر بار
پس کر دے گا ۔ اور اس سے نہ
صرف یہ آسانی پیدا ہو جائے گی کہ
ووٹس ووٹر نہیں بنیں گے بلکہ یہ بھی
ہو جائے گا کہ دیس میں کوئی
دس دروہی نا ماہر سے آنا ہوا کوئی
اسلیٹر نہیں رہے گا ۔ کموں کہ
ہر ایک کے پاس کارڈ ہو جو اس کی
صائب ہوگی کہ وہ کون ہے کس
گاؤں کا رہنے والا ہے ۔

ابھی وائس چیرمین صاحب نے
چرچا ہوئی کہ جھوٹے جھوٹے بارہ
سال کے اسکول کے بچوں کے ووٹ
بھرے ہوئے تھے لڑکوں کے ووٹ

[شری عبدالغنی]

بہرے ہوئے تھے۔ ہمارے امرت سر کے ضلع میں کافی اس طرح کی شان دار مثالیں مل سکتی ہیں۔ نو آڈٹیفیکیشن کارڈ بن جانے کے بعد کوئی بارہ سال کا بچہ ووٹ نہیں دے پائے گا۔ کوئی ایک دوسرے مقام کا رہنے والا امرت سر کا رہنے والا بھٹنڈہ میں جا کر ووٹ نہیں کر سکے گا۔ تو میری عرض یہ بھی ہے کہ آڈٹیفیکیشن کارڈ بنایا جانا چاہئے دینس کے بچاؤ کے لئے بیوی اور الیکشن مس بوکس ووٹرز کو ختم کرنے کے لئے بھی آڈٹیفیکیشن کارڈ بنانا جانا چاہئے۔ وہ سبھی طرح کا کام دے گا اور آسانی پیدا کرنے کا۔ ہماری ہوم منسٹری کے لئے بھی اور ایکسٹرنل افسرس منسٹری کے لئے بھی آسانی پیدا کرے گا۔ اس کے علاوہ چلتے پھرتے آدمی کو ۱۰۹ دفعہ میں نہیں پکڑا جا سکے گا اور اگر ۱۰۹ دفعہ میں پکڑے جائیں گے تو اس کو ضمانت لانے کی ضرورت نہیں ہوگی۔ پولیس غلط طور پر اسے پھانسی نہیں سکے گی۔ اسے مصیبت میں نہیں ڈال سکے گی۔

تو میں نے یہ چند سبھاؤ پیش کئے ہیں۔ ان میں چاہے ایک کو بھی آب قبول کریں یا نہ کریں اور چاہے میرے کچھ سبھاؤ قبول کریں لیکن میری عرض ہے کہ ان سے پارٹیوں کی تلخیاں بھی کم ہو جائیں

گی اور خرچہ بھی کم ہو جائے گا جو کہ بھارگوا صاحب کا اصل منشا ہے۔ یہ کہا گیا کہ کچھ سرمایہ دار لوگ ہیں جو پیچھے بیٹھے جیسا کہ میری بہن نے کہا کہ وہ کچھ روپیہ دے دیتے ہیں اور یہ ہوتا ہے جیسا کہ نندا صاحب نے دوسرے ہاؤس میں کہا تھا۔ جہاں تک میں جانتا ہوں یہاں ایسے ایسے لوگ ہیں جن کا نام نہیں لبتا کیوں کہ چیرمین صاحب نے کہا تھا کہ نام کم لیا کرو۔ نام لینے کی ضرورت بھی نہیں ہے کیوں کہ ویسے ہی ظاہر ہو جاتا ہے۔ تو نندا صاحب نے کہا تھا کہ ۶۰ ووٹ تو ایک انڈسٹریل کے قبضہ میں ہیں چاہے وہ بڑا ہوں، ٹاٹا ہوں، ڈالمر ہوں، میں نام نہیں لیتا اور یہاں کسی ممبر نے کہا تھا کہ اسی چند پیارے لال جس کی بڑی چرچا ہوئی ہے اب میں جس کا آگے کو نام نہیں لوں گا اس کی جیب میں بھی تیس ووٹ ہیں اور وہ جو چاہتے ہیں سب طرح کی بدگمانی کرتے ہیں۔ تو اس سے کافی حد تک لوگ بچ جائیں گے اس طرح سے امیر آدمیوں کے پاس جانے سے کیوں کہ الیکشن فیر ہوگا۔ اور پھر یہی ہوگا کہ ووٹر کی مرضی جس کو چاہے دے۔ اس کی ضرورت نہیں ہوگی کہ آپ اپنے زیادہ آفیسروں کو بھیجیں یا یہ بہانہ رکھیں

کہ بولس ہمارے پاس نہیں ہے۔ بولس کی ضرورت کہا ہے۔ دوسرے ملکوں میں اس طرح سے تھوڑا ہی ہوتا ہے کہ بولس والے ہوں۔ لوگ جاتے ہیں ڈاروں میں سٹھکر، بدل یا اسکوٹر یا سائیکل پر اور جا کر ووٹ ڈال دیتے ہیں۔ تو اس کو جتنا صاف کیجئے گا اتنا اچھا ہوگا۔ اب گاندھی جی کے حملے ہیں گاندھی بابا کا نام لیتے ہیں۔ میں بڑی کئی برسوں تک آپ کی طرح عہدہ دار رہا کافی طاقت میں رہا انگریز کے زمانہ میں۔ انگریزوں کے بعد طاقت میں آنے کی ضرورت نہیں رہی۔ اب میں بھی بہت سے برائی دینے والے ہیں بہت سے ہیں جنہوں نے برائی دی ہے۔ وہ کوئی ہوں۔ ہمیں اس سے کوئی جرحا نہیں۔ ہمیں اس سے کوئی غصہ نہیں کہ دن میں سنگھ کیوں عین فلاں کیوں ہے فلاں کیوں نہیں ہیں۔ جس کو پسند کریں اس کو رکھئے اس سے بحث نہیں لیکن آپ نہ کوشش ضرور کیجئے کہ فیر الیکشن ہو نہیں تو آپ کی بدنامی ہوگی۔

بھر یہ دیکھئے کہ دنیا میں ڈیموکریسی کہاں کام بات ہے وہاں جہاں کہ جب ضرورت پڑی ہے جرحل سے کہا کہ رہو اور جب ضرورت نہیں پڑی تو کہا کہ اس وقت ضرورت نہیں ہے۔ الگ ہو جاؤ۔ یہ

سمجھنا چاہئے کہ جہاں طاقت ہے وہاں بڑا عذاب بھی ہے کہوں کہ جو پارٹیاں زیادہ برائی ہوتی ہیں ان کی بدنامی بھی زیادہ ہوتی ہے۔ بری کو امبارک نے نجات دلائی لیکن اس کی برائی کو بھی ہٹا دیا گیا وہ سان دار بھا لیکن ایک آدمی اپنی کدی کو فائدہ رکھنے کے لئے طرح طرح کی بددیانتی کرتا ہے وہ کہیں تو طرح طرح کے برٹ جاری کرتا ہے اور نہیں کوٹہ جاری کرتا ہے۔ میں تو سرکار کو نہ بھی سچھاؤں دوں گا کہ وہ اس بات کو قبول کر لے کہ الیکشن کے دن سے تین مہینے پہلے اور تین مہینے بعد کوٹہ سسٹم کو، لائسنس سسٹم کو یا دوسری رعائتیں جو طرح طرح کی آتے دیتے ہیں اس کو چھ مہینے کے لئے آپ روک دیں۔ اس طرح میں سمجھتا ہوں کہ آدھی بیماری کا علاج ہو جائے گا۔

تو میں امید کرتا ہوں کہ سرکار سری عرض دانشوں پر، سرے سچھاؤں کے اوپر دھماں دینے کی کوشش کرے گی۔ یہ یہ سمجھئے کہ مجھے کوئی اس لئے اختلاف ہے کہ میں چاہتا ہوں کہ نہ سرکار بدل جائے۔ بالکل نہیں۔ سرکار رہے لیکن فرسٹ سے رہے۔ آپ طاقت حاصل کریں عوام کی طاقت

[سری عبد الغنی]

کے بھروسہ پر نہ کہ سرکاری آفسروں کی طاب کے بھروسہ پر۔ سرکاری آفیسر جہاں آپ کو کام باب رکھ سکتے ہیں وہاں آپ کو گرا بھی سکتے ہیں۔ تو ان کے ہاتھ میں اپنی باگ ڈور نہ دیجئے۔ ابی باگ ڈور جہاں کے ہاتھ میں دیجئے تاکہ جہاں جس ڈھنگ سے چاہے اور جیسا چاہے وسال کر سکے۔ جیسا کہ برطانیہ میں ہے کہ کبھی لبر کو آگے لائے کبھی انہما پسندوں کو آگے لائے۔ کبھی رجعت پسندوں کو جن کو ٹوری کہتے ہیں آگے لائے۔ تو یہ نو دیس کا اپنا کام ہے کہ یہاں کون کامیاب ہو کون ناکامیاب ہو۔

تو میں سمجھا ہوں کہ بھارگوا صاحب جو بل لائے ہیں اور جس نے ہمیں موقعہ دیا کہ اس پر ٹیکا ٹپنی کر سکیں اور کچھ باتیں کر سکیں اس سے فائدہ ہی ہوگا بشرطیکہ سرکار اس روشنی میں اس کو لے جس روشنی میں اس نے عرض کیا ہے۔ بھنگ یو۔

†[श्री अब्दुलगनी (पंजाब): वाइस चेयरमैन, सर, मैं शुक्रिया अदा करता हूँ मिस्टर भागंव का कि—

निकल जाती है सच्ची बात जिसके मुह से मस्ती में, फकीहे मसलहत-बी से वह रिन्दे वादा-खार अच्छा ॥

भागंव साहब कांग्रेस के एक बड़े पुराने जिम्मेदार आफिस बेयरर रहे और वर्कर हैं। उन्होंने देखा कि गांधी जी के सिद्धान्तों से टल कर चूकि कांग्रेस वाले 75 फीसदी से ज्यादा पार्लियामेंट में चुन कर आए उनको दु:ख हुआ कि आए हैं गांधी बाबा के नाम पर, खर्च किया ज्यादा, बनाया कम, इससे अच्छा है कि इस दफा को ही उड़ा दिया जाए। इस लिहाज से उनका शुक-गुजार हूँ कि सच्ची बात उन के मुह से निकल गई। और कुछ कहने से पहले मैं कुछ सुझाव देना चाहता हूँ सरकार को कि हम जम्हूरियत का दावा भी करते हैं और फखर भी करते हैं और मुझे भी फखर है कि हमारे में जम्हूरियत काफी हद तक कामयाब हुआ लेकिन इलेक्शनों में जो कुछ होता है वह शायद काबले फखर नहीं है। एक बात भागंव साहब ने मानी और दूसरी बातें दुनिया के सामने आई हैं जो तरह-तरह की बद-दयानतिया होती हैं; बद-दयानतियां किस ढंग से होती हैं, मैं वाइस चेयरमैन साहब, बतलाना चाहता हूँ। इस का ढंग साधारण है। वहां एक स्टैम्प रहता है जो स्टैम्प नाम वाले के लगाने के लिए रहता है और उस से वोट शुमार होते हैं लेकिन जब किसी को हराना होता है, जो गिनने वाला पटवारी वहां पर बैठा होता है वह अपने अंगूठे को स्याही लगा कर चला जाता है। आपने दो तीन इलेक्शनों की रिपोर्ट पढ़ी होगी कि इस तरह से लाखों वोट रही की टोकरी में नाजायज पड़ी हुई दिखाई देती है। तो मेरा सुझाव सरकार को यह है कि एक ऐसा स्टैम्प रहे जिस में स्याही की जरूरत न रहे बल्कि जिसमें निशान पड़ जाएं। क्योंकि हमें मानना पड़ेगा कि हमारे देश में अनपढ़ लोग बहुत हैं, इलिट्रेसी बहुत ज्यादा है, वे लोग नहीं जानते कि किस पची को बन्द करके डालना है। तो अगर वे ऐसी मुहर लगाएं जिस से निशान पड़े लेकिन स्याही की चिन्ता न हो तो वहां जो वोटर निशान लगाएगा वही निशान रहेगा और इस तरह

से जो लाखों पचियां ज़ाया करती थी वह नहीं जाया जाएगी ।

दूसरी बात जो सरकार ने इजाजत दे रखी है कि थोड़े-थोड़े फासले पर उम्मीदवार अपने कैम्प लगा सकते हैं इस तरह से कैम्प लगाने में हजारों रुपये टैन्ट और कुर्सियों की नज़र होता है और अक्सर वहां तलखियां भी हो जाती हैं और लड़ाई भी हो जाती है । तो मेरा सुझाव यह है कि इलेक्शन की बीमारी को लेने से, उसके एक्सपेंसिज़ से बचने के लिए, इन सब कैम्पों को खत्म कर दिया जाए । सिवाए एक सरकारी कैम्प के जिस में जाकर लोग अपना निशान देख आएँ कि किम तरह का निशान पर्ची पर लगाना है और फिर वहां जा कर लगा आएँ । अगर गर्मी का मौसम है तो ठंडा पानी पी आएँ और सर्दी का मौसम है तो चाय की प्याली पी कर अपना वोट डाल आएँ । वहां पर किसी उम्मीदवार के नुमाइन्दे को रहने की ज़रूरत नहीं है । सरकार काफी है और अपना वह टेन्ट का खर्च जो है वह खुद लगाए ताकि असलियत कायम रहे ।

तीसरा सुझाव जो मैं देना चाहता हूं वह यह है कि जगह-जगह इश्तहारात निकालते हैं और पम्फलेट भी एक एक उम्मीदवार के हक में शायी होते हैं । अक्सर उम्मीदवार कहता है यह मेरी ज़िम्मेदारी नहीं है । मेरा सुझाव यह है कि चार से ज्यादा पोस्टर या पम्फलेट नहीं निकाले जाने चाहिये, जिस से खर्च में बचत हो । यह पोस्टर या पम्फलेट चाहे पार्टी की ओर से निकाले जाएँ चाहे निजी तौरसे निकाले जाएँ चाहे उसके नाम पर निकाले जाएँ जो भी इस तरह के इश्तहारात निकालता हो उस पर कैंडिडेट के दस्तखत हों । ताकि वह इसकी पूरी ज़िम्मेदारी अपने ऊपर ले । पीछे जाकर यह न कहे कि दूसरे ने किया मैंने नहीं किया । अगर इस तरह की बात की जाएगी तो इससे जो खर्चा होता है इससे भी बचा जाएगा

और खर्च भरते समय जो झूठ बोलना पड़ता है वह भी नहीं करना पड़ेगा । भार्गव साहब यह बात जरूर मानेंगे और इस तरह वह अपनी इखलाकी कमज़ोरियों से बच जाएंगे । इसलिये मेरा सुझाव यह है कि जो कुछ किसी कैंडिडेट के हक में शायी हो वह उसकी ज़िम्मेदारी पर हो । एक बात में यह अज़ब करना चाहता हूं कि पांच सौ रुपये की जो जमानत कैंडिडेट में ली जाती है, बहुत से लोग तमाशा देखने के लिए भी अपना कैंडिडेटचर दे देते हैं और नोमिनेशन पेपर भर देते हैं ताकि दूसरे उम्मीदवार कुछ पैसा उनको दें । वे लोग नोमिनेशन भरते वक़्त सीरियस नहीं होते इसलिये मेरा सुझाव यह है कि पांच सौ के बजाय जितना सरकार खुशी से मंज़ूर करना चाहती है अगर आधा रुपया रहे तो अच्छा है । अगर जमानत ज़ब्त हो गई तो सब रुपया जाना रहेगा । जब यह शुगल बन जाएगा तो दूसरे लोग जो कैंडिडेटचर के लिए सीरियस नहीं होते, जो पैसे के लिए दूसरों के पीछे भागते हैं वह इस तरह की बात नहीं करेंगे । इस लिये मेरा सुझाव है कि वह रुपया सरकार ट्रांसपोर्ट के इन्तजाम के लिए करे । मीटिंग जहां भी हो वहां पर स्टेज में सरकारी लाउड स्पीकर लगे और टर्न बाई टर्न उम्मीदवार जो अपनी बात कहना चाहता है कह ले, इस तरह से आप जो एक वातावरण चाहते हैं कि कोई झगड़ा न हो, ज्यादा खर्चा भी न हो, इस तरह से सरकार का इस काम में पैसा लगेगा और इसी का इन्तजाम ही होगा और लोगों का रुपया भी बच जाएगा वरना हर एक उम्मीदवार अलग-अलग अपने लाउडस्पीकर का इन्तजाम करेगा जिस की वजह से काफी खर्चा बढ़ जाता है । अगर इस तरह से किया गया तो इससे बड़ी भलाई होने वाली है । अगर इसमें किसी ने 25 हजार रुपया रखा है और साढ़े बारह हजार वह ले ले तो उसमें भी सरकार जो पार्टी वाले मेनिफ़ेस्टो छापते हैं, अपनी तरफ से अलग-अलग छापते हैं, वह सरकार की तरफ से छाप

[श्री अब्दुल गनी]

जाए। अगर इस तरह का मार्ग काम एक जगह सरकार अपने यहां छापेगी तो इस तरह से छपाई में जो लोगो का खर्चा होता है वह काफी बच जायगा।

जहां तक बैलेट पेपर का ताल्लुक है उसके बारे में पिछला नजुर्वा मेरा यह है कि वह लूज भेजे गये थे और मैंने इस बारे में लिख कर भी पूछा था इलेक्शन आफिसर को और यहां भी तीन बार कहा था, काश, सरकार मेरे ऊपर मुकदमा चलाती, मैंने कहा था कि जो डुप्लिकेट बैलेट पेपर जो स्टेट सरकारें अपने प्रेसों में, सरकारी प्रेसों में, छापती हैं और कई हलकों में इस तरह से डुप्लिकेट पेपर छपते हैं और गालिबन भेजे पास अब भी होगा। इस लिए मैं अर्ज करना चाहता हूं कि जिस तरह से नासिक में एक जगह नोट छपते हैं इसी तरह से सरकारी इन्तजाम में भी एक ही जगह बैलेट पेपर छपें। स्टेट सरकारों को जो कि इस तरह के बैलेट पेपर छापते हैं इस तरह का उन्हें अख्तियार न हो। उन्हें डुप्लिकेट पेपर छापने के लिए अख्तियार नहीं देना चाहिए। क्योंकि इसका नतीजा यह होता है कि जिस कैंडिडेट को वह हराना चाहते हैं इस तरह के डुप्लिकेट पेपर छाप कर हरा सकते हैं और जिसको जिताना चाहते हों उसको जिता सकते हैं। इसलिए मेरा सुझाव यह है कि सरकार को बैलेट पेपर छापने का एक ही जगह इन्तजाम करना चाहिए और यह अख्तियार स्टेटों को नहीं देना चाहिए।

फिर जो जिल्दसाजी होती है वह बिल्कुल लूज होती है। तो मेरा सुझाव यह है कि वह बाकायदा एक हिस्से में होना चाहिए और जो आदमी बैलेट पेपर लेता है उसमें उसके दस्तखत हो, निशान हों, और सारी जिम्मेदारी हो और वह लूज नहीं होने चाहिए। अगर हम वाकई में डेमोक्रेसी का दावा करते हैं और हम चाहते हैं कि इस में अच्छाइयां आएं

और इस में अच्छाइयां आनी चाहिए तो इलेक्शन को इस ढंग से किया जाना चाहिए जिसमें चाहे प्रेजाइडिंग आफिसर हो या कोई और हो वह किसी तरह की बद-दयानती न कर सके। वाइस चैयरमैन साहब, यह भी मंमोबत है चूंकि इलेक्शन में अमला दरकार होता है और उस काम में कहीं पर पटवारी लगा होता है, कहीं पर टीचर लगा होता है, और कहीं पर सरकारी मुलाजमीन लगे होते हैं। जब इलेक्शन आता है तो हर एक कैंडिडेट इस बात की कोशिश करता है कि वह अपने आदमियों को ऐसी जगह ट्रांसफर करा दे जहां वह इसके इलेक्शन को बिन कर सके और उनके इलेक्शन में हर तरह की मदद की सूरत पैदा करे। तो मेरा सुझाव यह है कि जब इलेक्शन हो इससे 6 महीने पहले कोई ट्रांसफर न किया जाए। स्टेट सरकारों के हाथ में जो इस तरह के अख्तियार है उन अख्तियारों को वह थोड़ी देर के लिए इस्तेमाल न करें और हमारी सरकार को इस तरह का स्टेटों को सुझाव देना चाहिए कि वह इलेक्शन के पहले अपने अख्तियारों को ट्रांसफर करने में इस्तेमाल न करें।

ठीक है भार्गव साहब का मैं ममनून हूं कि उन्होंने इस तरह का सुझाव दिया है लेकिन एक और मुसीबत है जैसे सरकार के यहां जो पटवारी हैं उसके ऊपर जो गिरदावर है, कान्गो है, नायब तहसीलदार है, डिप्टी कमिश्नर है, अब इसमें सरकार ने बी० डी० ओ० और पचायत आफिसर भी घुसेड़ दिए हैं और पना नहीं क्या क्या रख दिए हैं। उन लोगो के पास महकमे चलाने के लिए अपने साधन हैं और वह सब कांग्रेसी उम्मीदवारों के हक में इस्तेमाल होते हैं और इसका खर्चा कांग्रेसी मैनों को नहीं पड़ता, क्योंकि मुफ्त में उनको ग्राम सेविकाएं मिली होती हैं और इस वक्त वे वालंटियर बन जाती हैं। सच बात तो यह है कि अगर वाइस चैयरमैन साहब, सरकार गुस्सा न करे कि इस वक्त तमाम इलेक्शन सरकार नहीं लड़ती है,

कांग्रेस नहीं लड़ती है बल्कि आफिसर लड़ते हैं। उनसे जीता नहीं जाता। मैं साफ़ कहना चाहता हूँ कि न सिर्फ़ वह बद-दयानती करते हैं आफिसर खुलम खुला फिरते हैं उम्मीदवारों के लिए, कांग्रेसी उम्मीदवारों के लिए बल्कि इससे कहीं ज्यादा वह किसी को छिपा लेते हैं। किसी को उठवा देते हैं, किसी को दबा देते हैं और जो मन में आता है वह करते हैं। इसलिए न सिर्फ़ तबादले बन्द होने चाहिए बल्कि आफिसरों के दौरे भी इस वक्त बन्द होने चाहिए। सिवाए इसके कि इलेक्शन कमिश्नर का अपना एक अमला हो जो सारे दौरे करे और मुनासिब तौर पर वह जाकर इन्तजाम करे और यह जो बी० डी० ओज़० है, यह जो पचायत आफिसर है, यह जो एस० डी० एम० है, जो रिटर्निंग आफिसर बना दिए जाते हैं उनसे छुटकारा दिलाया जाए। अगर वाकई आपको इलेक्शन में ईमानदारी लाना मकसूद हो और आप यह चाहते हो कि ईमानदारी के साथ इलेक्शन लड़े जाएं, इससे खर्चा भी यकीनन कम होगा। मैं अपनी बहन से मुत्तफिक हूँ कि छोटे देशों में शायद आसानी हो लेकिन हमारे यहाँ अभी सड़के ही पक्की नहीं हैं, पुख्ता नहीं हैं, जिससे इस वक्त बैलटपेपर आ सकें, फिर लोग कहते हैं कि यह बैलट बोक्सिज बदल देते हैं, यह बैलटों को बदल देते हैं और इस वजह से लोग वहाँ पड़े सोते हैं, कोई बाहर पहरा देता है और कोई साथ-साथ भागता है। इसके बजाए रास्ता यह निकालना चाहिए—यह मेरा सुझाव है और मुमकिन है पसन्द आ जाए—कि जैसे डिस्ट्रिक्ट बोर्डों में कहिए, या लोकल बाडीज़ में कहिए, उसी वक्त वह रिजल्ट सुना देते हैं इसी तरह वह वहाँ का रिजल्ट सुनाएं ही नहीं बल्कि जितने उम्मीदवार हों सबसे उसी वक्त इनके नुमाइन्दों से जो उनके सर्टिफाइड नुमाइन्दे हों उनसे दस्तखत ले कर एक एक कापी उनको भी दे दे। रिटर्निंग आफिसर का सिर्फ़ इतना ही काम रह जाए कि इसके पास सब रिटर्न्ज़ आ जाए और वह सब का टोटल कर ले। यह न हो कि जैसा कि पीछे

हुआ और आप को इलम ही है कि किस तरह से पंजाब में अधेर गर्दी हुई और किस तरह से हारने वाले जीते। कई बार फिगर्स बदलने पड़े। तो मेरी रिक्वेस्ट यह है कि कोई टटा ही न रहे और वहाँ से सिर्फ़ कागज़ों का लाना मकसूद हो और वह भी इस रिटर्न का कि इतने-इतने इम-इम उम्मीदवार को वोट मिले। इस में भी खर्च में कमी होने वाली है।

एक सुझाव मेरा औ ह और वह यह है कि यह ठीक है कि हमारे डिप्टी कमिश्नर ने फरमाया कि हम ट्रिब्युनल को उडाना चाहते हैं यह बहुत मुवारक है जरूर उडा देना चाहिए क्योंकि उनका भी कहना ठीक है और वह इसी इलेक्शन की बात कहते हैं, कई पिछले इलेक्शनों के अभी गायद फैसले नहीं हुए हैं। क्योंकि उसमें काफी त्रुटियाँ हैं और उनका खयाल है कि हाई कोर्ट में काम जल्दी चल जाएगा। लेकिन मेरा तजुर्बा यह है कि हाई कोर्ट में भी मैं एक माल की नहीं कहता बरसों के दीवानी दावे अभी पड़े हुए हैं और उनका टर्न ही नहीं आता। तो आया यह हाई कोर्ट में फिर वह ट्रिब्युनल के फराइज जो हैं वह किसी जज को दे देगे, एक एक को, और वह अपने हाई कोर्ट के पैमाने पर उसको खत्म करेंगे यह बात अभी साफ़ नहीं हुई कि हाई कोर्ट में जाकर प्रोसीजर क्या रखेंगे इसका। इसलिए मेरा यह भी सुझाव है कि हाई कोर्ट का फैसला हो या ट्रिब्युनल का हो जिसको भी यह अख्तियार दे उसके यहाँ काम जल्दी होना चाहिए। आप इलेक्शन कमिश्नर की सिफारिश को मानने वाले हैं कि ट्रिब्युनल को उडा दिया जाए और इससे मैं बहुत खुश हूँ लेकिन हाई कोर्ट को कितना मौका रहेगा, वह कितने दिनों में खत्म कर देगे, यह बात उन्होंने कुछ फरमाई नहीं और इसलिए मेरी यह अर्ज है कि तीन महीने से ज्यादा किसी केस को नहीं लगना चाहिए। रिटर्न जब सब जगह से आ गई तो फिर झगडा तो यही हो सकता है जैसा मेरे केस में हुआ। कानून में इतनी लचक है कि सब से ज्यादा बैलट मुझे मिले, पंचिया

[श्री अब्दुल गनी]

मुझे मिली और मैं हार गया क्योंकि रिटनिंग आफिसर को अधिकार था कि वह जिस पर्ची को चाहे उसको रद्द करे और जिस को चाहे उसे कबूल करले। फिर मैं ट्रिव्यूनल में जीता, हाई कोर्ट में जीता और सुप्रीम कोर्ट में जीता। इसलिए मैं यह अर्ज करना चाहता हूं कि जहां तक इस हाउस के ला का ताल्लुक है उसको भी साफ करना चाहिए। इसमें चार शर्तें थी। पहली यह कि कौंसिल आफ स्टेट ने यानी राज्य सभा में आने के लिए अगर किसी के आगे फिगर वन नहीं है, एक नहीं डाला हुआ है, तो वह नाजायज होगी। दूसरा यह कि दो जगह वन ही डाला हुआ हो तो क्या पता चले कि किस को प्रेफ़ेंस इसने दिया और वह जाया हो गई। तीसरा यह कि अगर एक भी डाला हुआ हो और उसके साथ दूसरा भी डाला हुआ हो तो वह नाजायज होगी। चौथी जो है वह बड़े मजे की है कि अगर इस पर कोई निशान हो या राइटिंग हो जिससे यह पहचाना जाए कि वोटर कौन है, किस को देना चाहता है, तो वह नाजायज है। अब यह देखने वाली बात है कि यह तो मैं मान गया कि अगर एक न हो तो वह कट जाएगा लेकिन जहां निशान पड़ जाए तो हमें क्या जरूरी है कि रिटनिंग आफिसर यह अदालत लेकर बैठे कि इसने निशान किस लिए लगाया चाहे वह क्रास का निशान हो, चाहे वह सर्कल का निशान हो, चाहे वह मेमिसर्नल का निशान हो और क्यों यह मावित करना पड़े कि उसका प्रीअरेंज था पैसा लेने के लिए या अपना एहसान जिताने के लिए या सरकार को खुश करने के लिए या सरकार से कोई रियायत लेने के लिए उसने ऐसा निशान किया। तो आपको अपनी इम दफ़ा को भी ज्यादा साफ करना होगा और जिस पर कोई निशान भी हो, कोई भी फिगर या राइटिंग हो, उसको आप नाजायज करार दे ताकि रिटनिंग आफिसर के हाथ में ऐसा न रहे कि सब से ज्यादा बैलट लेने वाले अब्दुल गनी को 7

महीने के लिए बाहर रख सके, तो मेरी अर्ज यह है कि ला मिनिस्टर साहब को इस कौंसिल आफ स्टेट के बारे में भी गौर करना होगा कि कोई अगर फिगर वन के इलावा कोई भी निशान कहीं डाल दे तो कोई जरूरत नहीं है उसको यह देखने की कि इसने बेईमानी से, पहले से, कुछ-कुछ पैसे ले लिए। सब जानते हैं अब तो तीन-तीन लाख रुपये, चार-चार लाख रुपये, खर्च करने वाले राज्य सभा में आते हैं। सारे में नहीं कहना, लेकिन कुछ लोग हैं जो आने वाले जनरल इलेक्शन की कीमत अभी पूरी कर लेंगे चार पांच दिन में ही और जहां तक मेरा तर्जुबा है एक-एक तीन तीन सौ लेता है। तो उसका विचार छोड़ देना चाहिए कि कौंसिल आफ स्टेट के लिए अगर कहीं एक फिगर या कोई चीज हो तो उसको रद्द करना चाहिए। हा एक बात यहां मैं और कहना चाहता हू कि कि प्रेफ़ेस का इसलिए रखा गया है कि यह पता चले कि वोटर किसको प्रेफ़ेंस देना है लेकिन अगर वह एक के आगे खाली क्रास करता है, फिगर एक नहीं लगाता, दो नहीं लगाता, तीन नहीं लगाता, चार नहीं लगाता और वह सिर्फ क्रास लगाता है कि मैं एक को ही वोट देना चाहता हूं तो मेरा यह सुझाव है कि उसको रद्द न किया जाए। असेम्बली में मेरी तरह के कई अनपढ़ आदमी आ जाते हैं और उनको अगर समझ में नहीं आया और एक ही आदमी के आगे उन्होंने क्रास किया तो बड़ा क्लीयर है कि उनका फर्स्ट प्रेफ़ेंस छोड़ कर सब प्रेफ़ेंस उसी को है। इसलिए ला को ऐसा बनाइये जिस से देश की हानि भी न हो क्यों कि बहुत से एम० एल० एज० को इतनी समझ नहीं है कि वह किस तरह से फर्स्ट प्रेफ़ेंस, सेंकेण्ड प्रेफ़ेंस या थर्ड प्रेफ़ेंस दें तो ऐसी हानि भी न हो और बात भी बन जाए और उसका जो दिली मंशा है वह भी पूरा कर दिया जाए। खर्च के चूक दोनों पहलू थे, एक लोक सभा का पहलू था और एक यहां का पहलू था, तो यहां भी आप इज्जत रखिए और पैसा कितना ले और कितना न ले यह हाई

कोर्ट देख लेगा जब कोई पिटिशन करेगा । मैं तो हस पड़ा जब मैं सबसे ज्यादा वोट लेने पर हार गया । मुझे किसी ने पूछा कि क्या अब्दुल गनी हार गये तो मैंने कहा हा, हार गया । वह कहने लगे क्यों हार गये ? मैंने कहा कोई हमारे चीफ मिनिस्टर को मुबारकवाद देने गया कि अब्दुल गनी हार गया । तो उसने कहा मुझे क्यों मुबारकवाद देते हो जाकर रिटनिंग आफिसर को दो । मैंने रिटनिंग आफिसर से कहा तू गुरु की औलाद है, क्यों नाजायज एक्ट करता है और अपने हाथ खून में रंगता है ? इसने कहा मौलवी साहब, आप देख लेगे बात मेरी पुख्ता रहेगी । बात इसकी पुख्ता नहीं रही क्योंकि सुप्रीम कोर्ट ने मेरे हक में फैसला दिया । मेरी अर्ज यह है कि जितने अधिकार रिटनिंग आफिसर या पोलिंग आफिसर या प्रिजाईडिंग आफिसर को होते हैं वह सब सरकार के नुमाइन्दे होते हैं, पब्लिक सर्वेंट कहलाते हैं लेकिन करते वह हैं जो मिनिस्टर कहे, करते वह हैं जो चाफ मिनिस्टर कहे, करते वह हैं जो सेटर के मिनिस्टर कहे । सबके इलेक्शन आगे होने वाले हैं इसलिए मेरी दरख्वास्त है कि जैसे पब्लिक सर्विस कमिशन को आपने अख्तयार दे रखा है कि जो उनके मन में आए बात कहें । मबोर्डिनेट सर्विसिज कमिशन को अलग कर रखा है, उनको आजादी दे रखी है । कारपोरेशन बना रखी है, बिजली का बोर्ड बना दिया है, इसी तरह से इलेक्शन कमिशनर को अख्तयार दीजिए कि जिसको चाहे, जहा से चाहे, भिजवाए, लगाए और जिस ढंग चाहे वह वोट ले । अगर आपके मन में आ जाए जहा तक बैलट का ताल्लुक है वह ऐसी शकल में हो कि जो बक्सा बाहर पड़ा हो वह पर्दे के पीछे निशान लगाए और जब डाले तो वह कोई ऐसी ठोस चीज की तरह मालूम हो कि हर एक को पता चल जाए कि उसने वोट डाल दिया है । होता क्या है जो बैलट डालने जाते हैं, जिनको मेरी तरह कम दिखाई देता है, वह प्रिजाईडिंग आफिसर को पूछते हैं कि

यह नाम कहा है, फला नाम कहा है या फला निशान कहा है । यह प्रिजाईडिंग आफिसर के रहम पर होता है कि वह अपनी इच्छा अनुसार निशान लगाता है या अपने माई, मालिक या मिनिस्टर के इशारे पर काम करता है । मेरी अर्ज यह है कि अगर कोई अधा हो या किसी को कम दिखाई देता हो उसको आप अधिकार दे कि वह अपनी बीबी, बेटे, भाई, मा, बाप जिस को चाहे साथ ले जाए और उससे अपना निशान लगवा ले । प्रिजाईडिंग आफिसर को यह अख्तयार नहीं देना चाहिए ।

कुछ वोट ऐसी ही पड़ी रह जानी हैं उनके बारे में भी सोचना होगा । यह न हो कि पहले जमाने वाली बात दिखाई दे । कभी बैलट खेतों में पड़े पाए गये । वह खेतों में तो ले नहीं गये होंगे जो पड़े रह गये वह किसी ने उठा कर फेक दिए होंगे । क्योंकि वह खुद वोटर तो फेंकने नहीं जाएगा । वाइस चेयरमैन साहब, यह भी बात होती है कि कुछ लोग कहते हैं कि अपना वोट बाहर लाओ । सिर्फ गिणवत लेकर नहीं करते । लोक सभा में नहीं राज्य सभा के इलेक्शन में भी होता है । पैसे तब मिलेंगे जब तुम अपना वोट बाहर लाओ और हमें दिखाओ कि तुम ने हमें अपना वोट दे दिया तब तुम्हें पांच हजार या दस हजार देगे—जो धनी आदमी देते हैं । वह अपना वोट बाहर लाते हैं और बाद में जो दमरा जाना वह इसे अपने साथ ले जाता है और जहा अपना डालना है वहा उसका डाल देता है । उसको रोकने के लिए चाहे लोक सभा का हो चाहे राज्य सभा का हो वह बैलट सब के सामने उसको गिनाना होगा । चाहे वह असेम्बली का मेम्बर हो चाहे वह साधारण वोटर हो । भार्गव साहब ने अपनी अर्जी सरकार के सामने रखने का मौका दिया कि किस तरह से सराको साधारण कर दे कि खर्चा भी कम हो बेइमानी भी कम हो ।

एक बात मैं और अर्ज करना चाहता हूँ अभी पिछले दिनों राजस्थान में दो बाई

[श्री अब्दुल गनी]

इलेक्शन थे एक जगह जहां कांग्रेस सरकार के राजस्थान सरकार के जीतने का उन्हें काफी गुमान था वहां तो उन्होंने वक्त पर कर लिया। जहां हार का अमकान था वहां कहा कि न हमारे पास पिट्रोलियम है न हमारे पास इतनी पुलिस है। और इलेक्शन कमिशनर साहब ने न आव देखा न ताव, न उनके दिमाग में यह बात आई कि जब एक जगह हो सकता है तो दूसरी जगह क्यों नहीं। एक जगह पिट्रोलियम हो सकता है तो दूसरी जगह क्यों नहीं यह उन्होंने नहीं देखा और उसको 27 दिन के लिए मुलतवी कर दिया। मैं समझता हूं कि ऐसा अधिकार इलेक्शन कमिशनर को नहीं होना चाहिए। जहां मैं चाहता हूं कि उसको बड़े-बड़े अधिकार हों वहां उसको ऐसा अधिकार नहीं देना चाहिए कि एक ही स्टेट में दो बाई इलेक्शन हों और वह एक जगह करने दे और सरकार की हिमायत करके उसका मददगार हो जाए। ऐसा करने की इलेक्शन कमिशनर को इजाजत नहीं होनी चाहिए।

एक और अर्ज करके मैं अपनी गुजारशात को खत्म करूंगा वह यह कि कई बार सवाल उठता है कि बैलट जो हैं उनका शुमार फिर से किया जाए। वह क्यों उठता है क्योंकि कई बददियानतियां सामने आई जब पंचियों का शुमार हुआ तो बिल्कुल उलटा निकला। इससे जो पहले जाहिर हुआ था क्योंकि बड़े-बड़े अधिकार होते हैं रिटर्निंग आफिसर को। मेरी दरखास्त यह है कि अगर फिर से शुमार हो पंचियों का, इसी बिना पर कोई पिटिशन हो तो वह अख्तियार इलेक्शन कमिशनर को ही दे देना चाहिये। वह अपने सामने बक्से मंगवाए और बक्से मंगवा कर अपने सामने शुमार कराए, चाहे राज्य सभा का इलेक्शन हो चाहे लोक सभा का हो उसका फायदा यह होगा कि न पिटिशन लम्बी जा सके न ज्यादा झगड़े पड़ सकेंगे और न बड़े बड़े वकील करने पड़ेंगे।

वकील बेचारों का जरूर नुकसान होगा लेकिन जहां तक गिनती का ताल्लुक है—अगर मेरी गिनती हो गई होती तो मुझे सात महीने के लिए इस हाउस से अलग नहीं रखा जा सकता था। क्योंकि पता चल जाता कि अब्दुल गनी को सब से ज्यादा वोट मिले। गिनती के मुताल्लक कानून में ऐसी लचक लाइये कि इलेक्शन कमिशनर ही अपने सामने गिनती कराए और उसको अधिकार होना चाहिए। वह रिटर्निंग आफिसर से भी बहुत बड़ी हस्ती है और यह फैसला तो वहीं हो जाना चाहिए।

जहां तक करप्ट प्रेक्टिसेज का ताल्लुक है वह तो मेरा ख्याल है कि हाई कोर्ट को आपने अख्तियार दिया है। वह देख लेगा कि करप्ट प्रेक्टिसेज हैं या नहीं। अगर होंगी भी तो वह करेगा क्या। वह इसलिए कि वहां एक आदमी हार गया और राष्ट्रपति जी से यहां कहिए या हाई कमांड से कहिए उसको टिकट मिल जाएगा और वह राज्य सभा में आ जाएगा। छः साल भर मजा करेगा। आज वाइस चैयरमैन साहब, सारी दुनिया हमारी हंसी उड़ाती है। कांग्रेस हाई कमांड या मुख्य मंत्री जी कहिए, प्रधान मंत्री जी कहिए जिसको वह निकालते हैं इसलिए कि उसने इम्प्रोप्राइटी की—मैं नहीं कहता कि डिस आनेस्टी की, मैं नहीं कहता कि रिशवत ली जिस पर यह है कि इसने अब्यूज आफ पावर किया, पावर को मिसयूज किया, यहां से उसको चलता करते हैं यह मैंने आज दस्तूर देखा। गांधी जी का दस्तूर और था। उनके यहां अगर कोई अपनी शान से नीचे गिर गया तो फिर उनके लिए आश्रम में कोई जगह नहीं थी लेकिन यहां यह है कि हाई कमांड वाले कहते हैं कि इतनी सजा क्या कम है कि उसको हमने मुख्य मंत्री पद से हटा दिया। उनके नज़दीक तो यह बड़ी सजा हुई लेकिन इस ने जो लाखों करोड़ों रुपये बनाया है उसके लिये उसको बखशा क्यों जाए। उसकी इन्क्वायरी क्यों न हो। लेकिन यह

सरकार बड़ी शान वाली सरकार है। गांधी बाबा का नाम लेने वाली सरकार है। वह न सिर्फ उसकी इन्क्वायरी नहीं कराती बल्कि उनको वर्किंग कमेटी में खास दावत देकर बुलाती है, उनकी हिम्मत को बढ़ाया जाता है। उनको तरह-तरह से फिर से लाने को कोशिश की जाती है। इसलिए यह हाई कोर्ट क्या करेगा। मुझे इससे कोई ज्यादा चिन्ता नहीं है मैं तो सिर्फ यही चाहता हूँ कि इलेक्शन ज्यादा से ज्यादा सरल हो, ज्यादा से ज्यादा साफ हो ज्यादा से ज्यादा आसानियाँ इसमें हों। फिर चाहे कांग्रेस वाले 100 फीसदी आ जाएँ उसकी मुझे कोई शिकायत नहीं है। मैं समझता हूँ कि डेमोक्रेसी में जिस को जो हक मिलता है वह मिलना चाहिए।

तो मेरी अर्ज यह है कि जो सुझाव मैंने अर्ज किए हैं उन पर विचार करे और साथ ही उस बात पर विचार करें कि वाकई देश के भीतर एक आदमी बेफिकरी के साथ जाए। कोई जरूरत नहीं है कि लोगों के घरों पर पर्चियाँ बाँटी जाएँ। आप ऐसा आइडेंटिफिकेशन कार्ड बनाइये जिस पर उसका नम्बर दर्ज हो। वह अपना जाकर कार्ड दिखाए तो उस को बैलट मिले और सब के सामने वह इस पर निशान करके जहाँ चाहे डाल सके। इससे न सिर्फ यह आसानी पैदा हो जाएगी कि किसी को किसी के पास जाने की कोई चिन्ता नहीं रहेगी बल्कि उसकी कोई शनाख्त की जरूरत भी न रहेगी। इसमें उसकी तस्वीर होगी और एक आदमी कई जगह पर वोट नहीं डाल सकेगा जैसा कि आजकल डालते हैं। अगर पांच साल में पांच इलेक्शन होते हैं तो जो बैलट जारी करेगा वह कार्ड को हर बार पंच कर देगा और इससे न सिर्फ यह आसानी पैदा हो जाएगी कि वोगस वोटर नहीं बनेंगे बल्कि यह भी हो जाएगा कि देश में कोई देश द्रोही या बाहर से आया हुआ कोई इन्फिलेटर नहीं रहेगा। क्योंकि हर एक के पास कार्ड होगा जो उसकी जमानत होगी कि वह कौन है किस गांव का रहने वाला है।

अभी वाइस चैयरमैन साहब, यह चर्चा हुई कि छोटे-छोटे बारह साल के स्कूल के बच्चों के वोट भरे हुए थे, लड़कियों के वोट भरे हुए थे। हमारे अमृतसर के जिले में काफी इस तरह की शानदार मिसालें मिल सकती हैं। तो आइडेंटिफिकेशन कार्ड बन जाने के बाद कोई बारह साल का बच्चा वोट नहीं दे पाएगा। कोई एक दूसरे मुकाम का रहने वाला, अमृतसर का रहने वाला भटिंडा में जाकर वोट नहीं कर सकेगा। तो मेरी अर्ज यह भी है कि आइडेंटिफिकेशन कार्ड बनाया जाना चाहिए देश के बचाव के लिये और इलेक्शन में बोगस वोटर्स को खतम करने के लिए। वह सभी तरह का काम देगा और आसानी पैदा करेगा। हमारी होम मिनिस्ट्री के लिए भी और एक्सटरनल अफेयर्स मिनिस्ट्री के लिये भी आसानी पैदा करेगा। इसके इलावा चलते फिरते आदमी को 109 दफा में नहीं पकड़ा जा सकेगा और अगर 109 दफा में पकड़े जाएंगे तो उसको जमानत लाने की जरूरत नहीं होगी। पुलिस गलत तौर पर उसे फांस नहीं सकेगी। उसे मुसीबत में नहीं डाल सकेगी।

तो मैंने यह चन्द सुझाव पेश किए हैं। उनमें चाहे एक को भी आप कबूल करे या न करें और चाहे मेरे कुछ सुझाव कबूल करें लेकिन मेरी अर्ज है कि उनसे पार्टियों की तलखिया भी कम हो जाएगी और खर्चा भी कम हो जाएगा जो कि भार्गव साहब का असल मशा है। यह कहा गया कि कुछ सरमायादार लोग हैं जो पीछे बैठे जैसा कि मेरी बहन ने कहा कि वह कुछ रुपया दे देते हैं और यह होता है जैसा कि नंदा साहब ने दूसरे हाउस में कहा था। जहाँ तक मैं जानता हूँ यहाँ ऐसे लोग हैं, मैं नाम नहीं लेता क्योंकि चैयरमैन साहब ने कहा था कि नाम कम लिया करो। नाम लेने की जरूरत भी नहीं है क्योंकि वैसे ही जाहिर हो जाता है। तो नंदा साहब ने कहा था कि 60 वोट तो एक इण्डस्ट्रीलेस्ट के कब्जे में हैं चाहे वह बिडला हो टाटा हो, डालमिया हो मैं नाम नहीं लेता

[श्री अब्दुल गनो]

और यहाँ किसी मेम्बर ने कहा था कि अमी चन्द प्यारे लाल जिस की बड़ी चर्चा हुई है अब मैं जिसका आगे को नाम नहीं लूंगा उसकी जेब में भी तीस वोट हैं और वह जो चाहते हैं सब तरह की बदगुमानी करते हैं। तो इससे काफी हद तक लोग बच जाएंगे इस तरह से अमीर आदमियों के पास जाने में क्योंकि इलेक्शन फेयर होगा। और फिर यही होगा कि वोटर की मर्जी जिस को चाहे दे। इसकी जरूरत नहीं होगी कि आप अपने ज्यादा आफिसरों को भेजे या यह बहाना रखे कि पुलिस हमारे पास नहीं है। पुलिस की जरूरत क्या है। दूसरे मुल्कों में इस तरह से थोड़ा ही होता है कि पुलिस वाले हों। लोग जाते हैं कारों में बैठकर, पैदल या स्कूटर या साइकल पर और जाकर वोट डाल देते हैं। तो आपको जितना साफ कीजिएगा उनका अच्छा होगा। आप गांधी जी के चेल हैं। गांधी बाबा का नाम लेते हैं। मैं भी कई बरसों तक आपकी तरह ओहदेदार रहा काफी ताकत में रहा अंग्रेज के जमाने में। अंग्रेजों के बाद ताकत में आने की जरूरत नहीं रही आप में भी बहुत से कुर्बानी देने वाले हैं, बहुत में हैं जिन्होंने कुर्बानी दी है। वह कोई हों हमें उससे कोई चर्चा नहीं। हमें उससे कोई गुस्सा नहीं कि दिनेश सिंह क्यों है, फला क्यों है, फला क्यों नहीं है। जिसको पसन्द करे उसको रखिए, उसमें वहस नहीं लेकिन आप यह कोशिश जरूर कीजिए कि फेयर इलेक्शन हो नही तो आपकी बदनामी होगी।

फिर यह देखिये कि दुनिया में डेमोक्रेसी कहा कामयाब है वहाँ जहाँ कि जब जरूरत पड़ी तो चर्चिल से कहा कि रहो और जब जरूरत नहीं पड़ी तो कहा कि इस वक्त जरूरत नहीं है तुम अलग हो जाओ। यह समझना चाहिए कि जहाँ ताकत है वहाँ बड़ा अजाब भी है क्योंकि जो पार्टियाँ ज्यादा पुरानी होती हैं उन की बदनामी भी ज्यादा होती है। तुर्की

को अतातुर्क ने निजात दिलाई लेकिन उसकी पार्टी को भी हटा दिया गया वह शानदार था लेकिन एक आदमी अपनी गद्दी को कायम रखने के लिये तरह-तरह की बद-दियानती करता है वह कहीं तो तरह-तरह के परमिट जारी करता है और कहीं कोटा जारी करता है। मैं तो सरकार को यह भी सुझाव दूंगा कि वह इस बात को कबूल कर ले कि इलेक्शन के दिन से तीन महीने पहले और तीन महीने बाद कोटा सिस्टम को, लाइसेंस सिस्टम को, या दूसरी रियायतें जो तरह-तरह की आप देते हैं उसको छः महीने के लिए आप रोक दें। इस तरह मैं समझता हूँ कि आधी बीमारी का इलाज हो जाएगा।

तो मैं उम्मीद करता हूँ कि सरकार मेरी अर्ज दाशतों पर, मेरे सुझावों के ऊपर ध्यान देने की कोशिश करेगी। यह न समझिए कि मुझे कोई इसलिए इख्तालाफ है कि मैं चाहता हूँ कि यह सरकार बदल जाए, बिल्कुल नहीं। सरकार रहे लेकिन फेयर मीन्स से रहे। आप ताकत हासिल करे अवाम की ताकत के भरोसे पर न कि सरकारी आफिसरों की ताकत के भरोसे पर। सरकारी आफिसर जहाँ आपको कामयाब रख सकते हैं वहाँ आपको गिरा भी सकते हैं। तो उनके हाथ में अपनी वागडोर न दीजिए। अपनी वाग डोर जनता के हाथ में दीजिए ताकि जनता जिस ढंग से चाहे और जैसा चाहे वैसा कर सके। जैसा कि वर्तमानिया में है कि कभी लेबर को आगे लाए कभी इन्तहा पसन्दों को आगे लाए। कभी वजीहत पसन्दों को जिनको टोरी कहते हैं आगे लाए। तो यह तो देश का अपना काम है कि यहाँ कौन कामयाब हो कौन नाकामयाब हो।

तो मैं समझता हूँ कि भागवत साहब जो बिल लाए हैं और जिसने हमें मौका दिया कि इस पर टीका-टिप्पणी कर सकें और कुछ बातें कर सकें। इससे फायदा ही होगा बशर्ते कि सरकार इसी रोशनी में इसको ले जिस रोशनी में मैंने अर्ज किया है। थैंक-यू।]

SHRIMATI LALITHA (RAJAGOPALAN) Madam Vice-Chairman we are now coming to a conclusion of the debate on this Bill. We have already got the Report of the Third General Election in India, 1962 and we have also come to know that there is not going to be any change in the election law. Though the provisions of this Bill are not to be implemented, I think when Government amends the election law, the provisions of this Bill as well as the recommendations of the Election Commission would be borne in mind. At the very outset, on the 4th March, 1966, Shri Bhargava said that it was never his intention to do away with the ceiling on election expenses. What he wanted was that the question should be highlighted, people should be made aware of the defects in the election law as far as returns of election expenses are concerned. At the same time, it should be remembered that it is not possible to give a free licence or freedom to anybody to spend any amount. This tendency is increasing and we have to check it. That is the aim of this Bill and in this connection I would like to draw the attention of the House to the summary of recommendations at the end of the Report. The first recommendation says

"The Commission is of the view that the legal provisions relating to election expenses as they stand at present are of no use and call for drastic amendment of total repeal."

The Law Minister stated that they are not going to accept it but I hope that when they amend the election law they would see that the election expenses are restricted to an amount which could be within the reach of both the poor and the rich. Shri Bhargava is afraid of more moneyed people coming into politics. In a democratic country we cannot prevent the moneyed people from entering politics. In my opinion it is the moneyed people who are helping all the Parties to win elections. In a democracy this would be a growing tendency and the only thing is that we must find ways and means of checking this tendency or lessening this tendency. Again Mr. Bhargava has suggested that all the parties should come to either to an understanding or effecting cheap and sound elections. This is a very good suggestion but I

would like to know whether all the Parties would like to come and meet and discuss this question. This morning Mr. Bhupesh Gupta, while making his speech, said that all the Parties should take a pledge. I really welcome this idea and I only hope that he is serious about it. The recommendation of the Election Commission is on the lines of the Bill in some aspects. The Bill was introduced in 1962 and as the Member had to retire at that time the Bill has now been brought in again. If only Government and the Election Commission had taken pains to see the drawbacks, especially as the Bill was originally introduced in 1962, something could have been done promptly. The elections are fast approaching and the election law is not going to be changed in any aspect. The Commission has suggested some very good measures. As there is no time to implement these suggestions, I hope the Parties would go through this Report and would give serious attention to these recommendations and also see that they keep the expenses to the minimum.

One of the recommendations of the Election Commission is on the lines of provisions of section 63 of the British Representation of the People Act, 1949. This is commendable. By this, only persons authorised by the candidate could submit the return of election expenses to the appropriate officer. This provision strictly prohibits any other person from incurring expenses on behalf of the candidate. In this way, I think, election expenses can be checked. I hope in future elections this provision would be added in the election law. Another important recommendation relates to political Parties incurring expenses for a particular candidate or group of candidates. This is not shown in the election expenses of the candidate or candidates. I think the expenses so incurred should also be shown against the candidate or candidates concerned. The third thing relates to the time limit for counting the election return of the candidate. The limit is confined to the date of the calling of the election and the date of the declaration of the result. This recommendation forgets the fact that before calling the election and the declaration of the election result, there is bound to be expenditure. Naturally there would be evasion. There are some loopholes in the election law. My colleague, Shrimati Sathe, has

[Shrimati Lalitha (Rajagopalan).]

analysed completely the drawbacks, the defects, the malpractices and the amendments which could be made in our coming elections. She has explained her experience of the United Kingdom and so I am not going into the details of anything but I would just like to say something as far as the elections are concerned. Not only on the eve of the election or on the election day but days before we find several malpractices going on. There has been no check at all, there has been no remedy at all and this thing is still going on. The voters are given money beforehand, not on the election day or on the eve of the election day, to cast their votes for a particular candidate. They are also provided with vehicles to come to the polling booths. The candidates do not say that they are sponsoring these but at the same time we find vehicles at the doors of the voters to take them to the polling booths. Mrs. Sathe has mentioned about bogus voters which malpractice is on the increase. She has suggested that to avoid this menace there should be the system of identity cards. Shri Abdul Ghani has also suggested this and I support this measure that identity cards should be provided to every voter so that this malpractice of bogus voters would be stopped.

I would like to say something about the polling agents. I am not saying this from hearsay but out of experience of working in three General Elections as a canvassing agent as well as the polling agent. They are all biased and there should be some sort of check or vigilance of the polling agents. I can say from my own experience of my own constituency that some of the polling agents of a particular Party are very prejudiced against the interests of the country. They are appointed as canvassing agents or as polling agents or as counting agents.

In conclusion I would like to say that as the Bill is going to be withdrawn by Mr. Bhargava, what he said about highlighting the defects must be kept in mind. He said that his intention was not to scrap the ceiling on expenditure. He only wanted to highlight this problem. He has achieved this purpose. I hope the provisions of his Bill would be borne in mind when the Election Commission's recommendations are taken up

by the Law Ministry for amending the election law.

I would like to say that this Bill, in all sincerity seeks to find a solution for a cheap and sound election so that a rich as well as a poor man can contest elections with the least inconvenience. I am sure the hon. Minister will give thought to this Bill and evolve in future a code of conduct which will strengthen our democracy. Thank you.

SHRI K. V. RAGHUNATHA REDDY (Andhra Pradesh): Madam Vice-Chairman, at the very outset I must congratulate Mr. Bhargava for having raised this question in the form of a Bill and inviting the attention of the public to the malpractices existing in the field of elections. With the experience of the various elections that he has had in mind perhaps he wanted to invite the attention of the public as to how far the provisions contained in sections 77 and 78 relating to expenses are being observed either in practice or in the breach. I am happy that Mr. Pattabhi Raman, an experienced lawyer and one who has contested general elections, unlike some of us who are sitting in the Rajya Sabha, is sitting here so that he might be able to appreciate some of the complications that one has to face in relation to elections and also in observing the procedures laid down in sections 77 and 78. Sections 77 and 78 lay down the principle that an election candidate or his election agent who *pari passu* has got a status similar to that of the election candidate in relation to liabilities under the election law shall maintain and submit a return of election account to the Returning Officer within a prescribed time and they must maintain not only an account book showing day to day account but also the receipts which they have received and all those must be accounted for and submitted in the prescribed form. And if anybody fails in this respect or if anybody exceeds the limit of expenditure prescribed in section 77 he attracts the disqualification of section 123 (7). Sub-section (7) of section 123 lays down that whoever exceeds the limit of the expenditure prescribed by section 77 would be committing a corrupt practice within the meaning of section 123 and thereby his election not only will be set aside but he will also incur the disqualification of being prevented from contesting an election for a period of six years. This is the essence of section 77

read with section 123 (7). May be the grounds of social morality or the exigencies of political morality have been responsible for the law-makers to come forward with a provision like the one contained in sections 77 and 78. This Representation of the People Act is based mainly on the Representation of the People Act of England; most of the sections have been completely copied from that Act of England with some verbal alterations here and there to suit certain conditions of Indian life.

One peculiar feature I would like Mr. Pattabhi Raman to notice is that as far as section 77 is concerned the election account has to be maintained from the date of publication of the notification calling the electorate to elect and the date of declaration of the result thereof, both dates inclusive. In the case of an Assembly election the Governor of the State issues a notification calling upon the constituencies to elect candidates to fill up the vacancies caused in the Assembly which Assembly could have been earlier dissolved by a notification by the Governor or the notification may proceed in the same Gazette the notification relating to calling the electorates to elect the candidates and from that date onwards the election account is supposed to be maintained either by the candidate or the candidate's election agent and that must be up to the date when the declaration of the election takes place. In this context, Madam Vice-Chairman, I would like to invite the attention of the Government to certain peculiar circumstances that have arisen due to certain judicial interpretations in this field. Courts have interpreted section 77 to mean in a different manner than is warranted by the language of section 77. Mr. Pattabhi Raman would remember one of the judgments of the Supreme Court in 1957 delivered by Mr. Justice Venkatarama Iyer. I do not exactly remember the case but probably it was Noosmulla Khan's case. Anyway the facts of the case are very clear. Congress Members would be fully aware of the fact that about June or July when the Congress Committees think of selecting their candidates for ensuring elections they call for applications from various intending candidate with a sum of Rs. 200, Rs. 500 or Rs. 1000 as fees for considering their applications. In certain cases for the purpose of setting the election machinery in motion even donations might be collected from various Con-

gress Leaders and workers. In the case in point which I just mentioned what happened was the candidate had sent an application with Rs. 500 to the District Congress Committee sometime in September. In January the Governor of the Madras State dissolved the Assembly and called upon the electorate to elect the candidates to fill the vacancies and in February after the election was over the election return was submitted. Then an election petition was filed against the returned candidate on the ground that there was a violation of the provisions of section 77 as a result of which he attracted the provision of section 123(7) resulting in the invalidation of the election of the elected candidate. Rather by a peculiar interpretation of section 77—I hope Mr. Pattabhi Raman would agree with me—the Supreme Court held that the money which he had sent along with his application to the Congress Committee for the consideration of his application in September should have been included in the election return. He had shown an amount of Rs. 6700 in his election return which was perfectly valid because the prescribed limit is Rs. 7,000. But when this sum of Rs. 500 is added to Rs. 6,700, it becomes Rs. 7,200 which is in clear violation of the provision in section 77. Therefore whatever might be the statute we might pass the interpretation given by the court is the law of the land under article 141 of the Constitution and there is no remedy unless you amend the law. In what form this amendment can be brought forward I do not know because as far as the statute is concerned, by a simple grammatical interpretation of it, it is clear even beyond any fantastic doubt that it should mean only from the date of calling upon the electorate to elect the candidates to the date of declaration of the result of the election. When it is so very clear, if an interpretation is sought to be given like this, we do not know where we stand and I do not think, Madam Vice-Chairman, this decision has been revised at any time later. So this decision stands as a valid decision and as a valid decision of the Supreme Court it is binding on every one of us. I want only to warn all those intending persons who have a desire to contest the general election in 1967 to remember this decision and act accordingly because the various Congress Committees are in the habit of calling for applications with application fees to be paid for the consideration of their applica-

[Shri K. V. Raghunatha Reddy.]

tions. So probably instances like this must have made our hon. friend, Mr. Bhargava, to come forward with a Bill like this in order to expose not only the social malpractices that are prevailing in the field of election but also the legal misinterpretations that have been given to the clear statutes so that the lacunae and the shortcomings in the field may be rectified by the Ministry of Law headed by a very able and experienced lawyer, Mr. Pathak assisted by Mr. Pattabhi Raman who is no less able, because it may be Mr. Pattabhi Raman himself who may be the victim if he contests the next election and if he does not remember the Supreme Court decision of 1957. I do not think for a moment that Mr. Bhargava wants to encourage or he wants to allow the money bags to run amuck in the field of election. Certainly it is not his intention. It is his desire that the rules of the game in matters of money and every regulation must be strictly obeyed; he does not want the situation to develop in such a way where money can be spent right and left. The first act which an M.L.A. or a legislator does immediately after his election is invariably in most of the cases to swear to a false statement of account.

That is, a legislator begins his life swearing to a false statement.

SHRIMATI C. AMMANNA RAJA (Andhra Pradesh): With mental reservations.

SHRI K. V. RAGHUNATHA REDDY: With considerable mental reservations, with a considerable agony in his mind that he is swearing to a statement, which is not correct. This is the way how the law has been worked. Law must reflect the social necessities of an existing situation in a country. If the law does not reflect the social objectives and necessities of a situation in a country, the law ought to be amended in order to give it better effect. Thereby it does not mean that we should allow our people to run amuck with their money bags and spend as they like. We know of cases of money bags which work to our detriment, how they enter the Assemblies and Parliament through the means of money, etc.

SHRI M. P. BHARGAVA: Also, in indirect elections.

SHRI K. V. RAGHUNATHA REDDY: There are judgments of courts. I am not making any statement on my own responsibility. I can cite a number of judgments where the corrupt practices have been held to be proved and the persons have been disqualified.

Another lacuna is that the candidate need not spend money. The election agent need not spend money. There is no prohibition on any other person spending money, unless he is brought within the compass of an agency and it is a very difficult proposition. I know, and Mr. Pattabhi Raman must be knowing, several things have happened in Madras where there were rich people giving one lakh, two lakhs or three lakhs of rupees to other friends. There is no prohibition on their spending on their behalf, because the link has to be established. It is very difficult for that link to be established, if somebody else spends. Even if I give money to somebody and that somebody spends it for my election, unless the agency is proved, in law, I cannot be liable to be questioned in any election petition. Therefore, in spite of section 77 and the rigours imposed by law, the whole situation is such that the provisions of the law have become farcical in practice, though they exist in the Statute Book. Only for this purpose, to expose this anomaly, I think Mr. Bhargava has brought forward this legislation. Nevertheless, on grounds of political and social morality, we cannot help some provisions of law being on the Statute Book, even though they are unworkable in practice. If thefts increase we are not going to take away provisions relating to theft from the Indian Penal Code. Similarly, even though the provisions of law have been observed more in their breach than in their observance, we cannot escape certain provisions of law being put on the Statute Book in the interests of the people and in the interests of political morality. Therefore, I appeal to Mr. Bhargava to withdraw his Bill, but the purpose with which he has moved his Bill has been served very eminently. Thank you.

DR. S. CHANDRASEKHAR (Madras): Madam Vice-Chairman, I just want to

make one point in this matter. To begin with I want to congratulate Shri Bhargava on bringing this Bill before the House. The aims and objects of this Bill are very obvious and clear. We know that there are several malpractices, loopholes, difficulties and defects. We also know that the Election Commission's recommendations have, by and large, been accepted by the Government. Except this one point on which the hon. Member, Mr. Reddy, has spoken at length, I believe there is one other point that we should remember. If any particular Act happens to be in the Statute Book drafted in such a manner that it goes counter to existing practices of the people at large, then it ceases to have its function of enforcing a particular kind of political or social morality, and it is high time that the Government realised it and withdrew it. It is no use at all having any particular Act or a provision of an Act on the Statute Book, which we know for certain is being violated by everybody. Yet, if we make a pretence that this Act as it exists is being followed and practised by the people for whom it is meant, then that, I submit, is a mockery. Despite the difficulties that the Government may find in accepting this amending Bill, passing it through all the stages that it has to go, before the election is on us, I would request them to see that something is done, so that the candidates concerned who contest the elections, are not expected to make any returns of election expenses. Despite the fact that I have had no direct experience—being in the Rajya Sabha I came by the easy way—I know the way it actually happens. I have had discussion and I have talked to people who have contested general elections, particularly to the Lok Sabha. They go on spending from the day they throw their hats in the ring and then I do not think it is humanly feasible or possible or practicable for these contesting candidates to keep a minute account of every important item of expenditure by an expert. There is difficulty even to demarcate which particular item of expenditure is directly related to the election and which item is not related to the election. Then, what really happens is, when the elections are over, he forgets what he has spent, and puts down roughly what he thinks he has spent, which is invariably smaller than the amount that he has actually spent. We should not forget that the purpose of the

man or his main agent is that he wants to win the election, irrespective of any important political Party. He is spending enormous sums of money. He is compelled and persuaded to spend a lot of money and, thereby, he is made by the law, if I may say so, to be dishonest in showing a certain amount, which might be considerably less than what he has actually spent or spent by his friends who support him in the electioneering campaign. Therefore, I am really happy that Shri Bhargava has brought forward this amending Bill, not because he wants this to be adopted. Despite the Government's difficulties, he wants to focus the attention of the Government on this very important aspect of this particular provision, which we know is being constantly and regularly violated during the last three elections. I hope and trust that the Government, even if they do not find it possible to do anything about it now, will keep this in mind to see that adequate steps are taken in this regard so that the honesty of the people is not made to appear as dishonesty, because people would like to be honest and report what they do, but it is just not practicable to do so. Thank you.

SHRI M. P. BHARGAVA : Madam Vice-Chairman, I am really grateful to all the hon. Members who have participated in the debate on the Bill under discussion. I have given the reasons why I brought forward this Bill in my opening remarks and I need not cover that ground again.

Well, Mr. Bhupesh Gupta, in his usual eloquence, has utilised the opportunity for propagating some of his views so often repeated in this House from time to time. Those are matters which have been discussed so many times in this House that I do not want to waste any further time of the House in dealing with them.

Mrs. Sathe has chosen to oppose the Bill, but while opposing my Bill she has given all the arguments in favour of removing the lacunae which exist in the present election law, and that is exactly what I want to be done. I shall presently deal with it while dealing with the recommendations of the Election Commission.

Then, Mr. Abdul Ghani has always been kind to me and in his usual manner he

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spokes something about me, for which I am grateful to him. He has also tried to bring before the House certain corrupt practices which are possible and he wants the steps taken against them to be tightened.

Mrs. Lalitha (Rajagopalan) again dealt with the same question of corrupt practices. Mr. K. V. Raghunatha Reddy has given ample reasons why this Bill should have come before the House and how things can go astray in the implementation of the law.

Lastly Dr. Chandrasekhar has very ably put one point of view, and I do agree with him that after the elections there will be another occasion to review the whole election law and try to amend it in time before the fifth general elections take place.

Coming to the remarks of the Law Minister which he made while intervening in the debate, he said that all the recommendations of the Election Commission were being accepted—so much so good. He said that there were three recommendations which it was not possible to accept. Now let us examine what were those three recommendations which were not possible to be accepted and how much weight they had. The first recommendation which is not being accepted is about the multiplicity of candidates, and what are the recommendations of the Election Commission on that account? It says:

"If a clear verdict is to be obtained from the electorate grouped in single-member constituencies, it is essential that the contest should be limited to a few worthy candidates, and light-hearted participation by individuals who do not have any substantial electoral support must be checked."

If I may say so, this is a recommendation which is not practicable, and why I say this is, who is to decide before the elections, who are the worthy candidates and who are not the worthy candidates? Who is to say that a particular candidate is filing in a light-hearted manner and another particular candidate is serious? Those are propositions which cannot be implemented, and I quite agree with the Government

when they say that they are unable to accept this recommendation.

- شری عبدالغنی : بعض جو ہر سال کھڑے ہو جاتے ہیں ہر جگہ کے لئے ظاہر ہے وہ بے ایمانی سے کھڑے ہوتے ہیں -

†[श्री अब्दुल गनी : वाज़ जो हर साल खड़े हो जाते हैं हर जगह के लिए, ज़ाहिर है वह बेईमानी से खड़े होते हैं।]

श्री महाबीर प्रसाद भार्गव : कितने आदमी होंगे ऐसे, 10, 5, 15 होंगे जो हर साल हर चीज़ के लिए खड़े होते हैं। ऐसे आपको ज्यादा नहीं मिलेंगे।

The second part of the same recommendation is :

"The security deposit of candidates prescribed in the law should be increased to Rs. 1,500 in respect of an election to the House of the People and Rs. 750 in respect of an election to a Legislative Assembly."

The whole purpose of bringing this Bill was to highlight how election expenses can be curtailed by agreement between parties, by tightening the law. That was my approach, and if we raise the security deposit, the very purpose is defeated. A higher security deposit will make it impossible for poor candidates even to take their chance, because the first hurdle of making deposit of a big amount would be there, and many of us would be there who would not be able to cross this very first hurdle if the deposit is to be increased.

The third part of this recommendation is :

"In regard to the unduly large number of independent candidates, it is common knowledge that many of them only stand with a view to striking a bargain with

†[] Hindi transliteration.

one or the other of the serious candidates and then withdrawing from the contest for a consideration or with a view to splitting the votes of a small section of the people on caste or communal grounds. These are tendencies which militate against fair democratic elections and should be eliminated."

There may be quite some weight in what is said in this recommendation. But there again the difficulty comes of implementation. Who is to deal with the various candidates, the independent ones, and find out from them "What is the motive, why you have filed this nomination paper? Do you want to bargain? Are you a serious candidate or are you a non-serious candidate?" Those are things again which are very difficult to ascertain before the elections, because before the elections even the weakest candidate thinks that he has the brightest chance. Nobody is prepared to say before the elections that he is a weak candidate and he has no chance. Therefore, it is very difficult to judge what the real state of affairs is before the elections, and that is how this recommendation which is not being accepted by the Government in my opinion is a proper decision.

Coming to the second recommendation which is not being accepted, it is about the Presidential elections. There they say:

"Every candidate for the Presidential election should be required by law to deposit with the returning officer a sum of Rs 1,000 to be forfeited in the event of his getting less than one-tenth of the valid votes polled at the election."

The second part of the recommendation is:

"The nomination paper of a candidate, in addition to being subscribed by two electors as proposer and seconder, should be subscribed by eight other electors as supporting the nomination."

As far as the first part of the recommendation is concerned, my objection is the same as for increasing the deposit, and therefore I agree with the Government that this should not be accepted. But the second part of the recommendation, I

think, is a very healthy recommendation and I wonder why it is not being accepted. Where is the difficulty in accepting that instead of two persons ten voters should send in the proposal for a particular candidate? If a candidate for a Presidential election cannot even get ten electors to propose or second his name, I personally feel that he is not worth being a candidate for Presidential election. I would therefore humbly request the Government to again consider this question and see if the second part of the recommendation can be accepted by them, because I feel the second part of the recommendation would be a very healthy decision as past Presidential elections have shown that there have been candidates who really file their nomination for the sake of showing that they also ran in the Presidential election. There have been such cases in all the three elections, and therefore this will be a safeguard against such candidates filing their nomination and trying to run in the Presidential election. Presidential election is for the highest office of the country and it should be a serious matter, and no light-hearted person should be allowed to take part in the election to such a high office.

Having disposed of these two recommendations, I come to the third recommendation which is not being accepted, and that is about the election expenses, the subject-matter of the Bill under discussion. From what I have heard from the Law Minister my fear has almost come true. Probably the Government has no time at its disposal to amend the law before the coming elections, and that seems to be the reason for not accepting the recommendation. The recommendations are very clear, and they are such recommendations which should have received the consideration of the Government. And what are the recommendations:

"(i) The Commission is of the view that the legal provisions relating to election expenses as they stand at present are of no use and call for drastic amendments or total repeal

"(ii) The fact that the expenses incurred by the political parties on the electioneering campaign of individual candidates or groups of candidates do not require to be included in the accounts of the latter makes the prescribed maxima unreal and meaningless.

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(iii) Although the heavy expenditure now incurred by parties and candidates on their election campaign is undesirable, it is not easy to find practical, effective and generally accepted methods which would make them spend less.

(iv) The number of motor vehicles that may be used for electioneering purposes should be limited to three in an assembly constituency and to six in a parliamentary constituency.

(v) Processions and demonstrations and the display of large sized streamers and banners should be prohibited.

(vi) The use of peripatetic loudspeakers on roads and highways for election propaganda should be prohibited.

(vii) The employment of any paid canvassers other than the duly appointed election agent of a candidate should be prohibited.

(viii) The Commission does not consider it desirable to impose restrictions on other forms of propaganda like large public meetings with loudspeakers arrangements, payment of incidental expenses to voluntary adult members, election manifestos and pamphlets etc.

(ix) The two main defects in the existing law relating to accounts of election expenses, namely, limiting the period of accounting to the interval between the date of calling the election and the date of declaration of the result and not requiring the inclusion of expenditure incurred by political parties, should be removed by amending the law."

And lastly :

"(x) The legal provisions should be spelt out in greater detail so as to make them effective. In particular there should be a provision which prohibits election expenses being incurred by any person other than the candidate or his election agent unless authorised in writing by the candidate and which further provides that, where any such authorised person incurs expenses, he should furnish a detailed return of those expenses."

Now all these are recommendations which should have got the serious attention of the Government, and I am sorry that they are not receiving the attention which they should have.

Madam, I am not satisfied with the reasons given by the hon'ble Law Minister for not accepting these recommendations. In fact, instead of meeting the case for not accepting these recommendations by arguments, he went around the circle and read out some portions from a book under the name of "Elimination of Corrupt Practices in British Elections". That was not a thing to be done. Simply quoting from other places and not acting to remove the lacuna in the law is a thing which I do not understand. Therefore, I thought that I should plead with him that even at this late stage Government should act expeditiously and try to bring amendments to the Representation of the People Bill with a view to implementing those recommendations which have been made by the Election Commission because they are satisfied and they have categorically stated that the legal provisions relating to election expenses are not at present able to be implemented and call for drastic amendments or total repeal. Well, that is a clear, categorical recommendation. I do not know why it is not possible to implement it. Therefore, I will still plead with the Law Ministry and the Government of India to reconsider this whole question because still we have, as I stated in my remarks, time enough to go through the whole process in a hurried manner and be ready for the elections in time. As I had said earlier—and I repeat—the amendments can be drafted in this month, and by the middle of the next month the amending Bill as regards the election expenses can be got ready and we can get through the motion of reference of this amending Bill to the Select Committee before Parliament rises in May. The Select Committee can be charged with the specific duty to report by the end of, say, June or the middle of July. Then the two Houses can consider it even in August-September session and the Bill can become law by the end of September. If that is done, we will have still time enough to make the people understand the law and implement it in the coming general elections to be held in the beginning of the next year. This time-table is there. It is

possible to amend the law. Let us not make our new legislators who are to be elected on the basis of the 1967 elections, fall in line with others, as happened in the last three general elections, to file election returns which are unreal, which are not on a basis as recommended by the Election Commission. Let us make the election law such as can be properly implemented during the course of the elections also.

I expect nobody to keep day-to-day expenses of what he is spending every day in the heat of the elections. That is something impossible to be achieved. It is neither feasible nor practicable. Therefore, I will still request once again, with all the emphasis at my command, that the Government should reconsider the issue and try to bring forward an amending Bill as quickly as possible.

I do hope the question will be reconsidered and proper steps would be taken to see that this is done. Since the provisions of my Bill about the filing of election expenses do not bring out or do not fulfil the objective, I do not intend to press the Bill any further and leave it to the Government to take such steps as they may think necessary.

Madam Vice-Chairman, with your permission I would like to request the House to permit me to withdraw the Bill.

The Bill was by leave, withdrawn.

5 P M

REFERENCE TO REPORTED ARREST OF SHRI YAGYA DATT SHARMA

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh) Madam, on a point of personal explanation. In the morning I referred to the reported arrest of Shri Yagya Datt Sharma. It so happened that when I was about to speak, I got a slip from a Press correspondent informing me that Shri Yagya Datt Sharma had been arrested but a little while ago I have got a message from the Prime Minister that Shri Yagya Datt Sharma has been arrested so far. I am sorry for the information. In fact, I should have

personally verified and then referred to the matter. I apologise.

HALF AN-HOUR DISCUSSION ON JAYANTI SHIPPING CO LTD.

SHRI DAHYABHAI V. PATEL (Gujarat) Madam, with your permission, I rise to raise a half-an-hour discussion on a matter that has been engaging the attention of the House if I may say so, for some years. Sometimes public memory is short. This House sent me to the P.A.C., two years ago, four years ago rather—I retired two years ago—and in the P.A.C.—Shri Tyagi was our Chairman—certain enquiries were made into the affairs of the Jayanti Shipping Company of India and doubts were expressed about it. Well, that happens in the case of many of the blue-eyed boys of the Congress, the matter was just hushed up. Again this House was pleased to send me to the National Shipping Board and the first meeting that I could attend after the election was in July 1965 in Madras. There also certain remarks were made pertaining to its affairs and doubts were expressed. At the meeting that followed in Bombay, in October much more was said and the then Minister for Transport, Shri Raj Bahadur promised a full enquiry and a statement before the meeting. The Director General of Shipping was also present and he promised to go into it. No report has yet been forthcoming and therefore I had to raise this question in this House. It is not that I suddenly asked for information. I had been reminding the Chairman to hold a meeting of the National Shipping Board ever since. In fact he had promised to hold a meeting at Bhubaneswar so that the Members could have an idea as to what the Paradip Port was like. Somehow that meeting was cancelled. A few weeks later we were told that a meeting was going to be held at Calcutta. That also was cancelled and when I pressed the Chairman of the National Shipping Board, Shri Raghunath Singhji again and again, wrote to him, then a meeting was announced in February when unfortunately I had to go for a party meeting at Madras. My meeting had already been announced a month earlier and I did point it out to the Chairman but he said I am sorry. I would like the new