

MR. CHAIRMAN. This is not against the Minister of Education.

श्री राजनारायण श्रीमन्, मैं यह कहना चाहता हूँ कि माननीय चागला साहब ने केवल यह कहा था कि यह बात मेरे डिपार्टमेंट से सम्बन्धित नहीं है, इसका सम्बन्ध अशोक मेहता के डिपार्टमेंट से हो सकता है, मोशल बैलफेयर से। तो मैंने चागला साहब से कहा कि आप नेता मदन के हैं। राज्य सभा के। तो मैं आपको सूचित कर देता हूँ "नाऊ इट इज यूअर इयूटी टु इफार्म अशोक मेहता"। तो मैं यह कहना चाहूंगा कि मुझे जीवन में किसी ने झूठा नहीं कहा है, मैं किसी को गुमराह नहीं कर सकता हूँ, मैं रज कर सकता हूँ। श्रीमन्, ऐसी बात श्री चागला साहब को नहीं कहनी चाहिये थी।

श्री सभापति उन्होंने तो यही कहा कि मेरे डिपार्टमेंट से इसका ताल्लुक नहीं है और अब श्री खान ने बयान कर दिया है और सब चीज माफ हो गई है।

• श्री राजनारायण अब तो बहुत चीजें मालूम हो जायेंगी। अब तो सन्धार ने कह दिया है कि उसका कोई सम्बन्ध नहीं है। जैसा कि सम्मानित सदस्य ने कहा कि सरकार का इसमें डायरेक्टली और इन्डायरेक्टली कोई सम्बन्ध नहीं है। अब हम इस बार के में आगे भूव करेंगे।

श्री सभापति आगे जो होगा, वह होगा।

#### THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1966—contd.

SHRI NIREN GHOSH (West Bengal): As I was saying, the question of conveyance during elections is very important. I know of cases where hundreds of jeeps of Mahendra and Mahendra, a monopoly concern, and hundreds of lorries and trucks were placed at the disposal of the Congress Party, in assembly, on the election day.

[THE DEPUTY CHAIRMAN in the Chair.]

It absolutely vitiated the election. So, I would like that in any constituency, whatever be the normal conveyance, public conveyance, besides that, no other conveyance should be imported into that constituency, except that the candidate and his election agent may travel around. For that he should get any conveyance that he requires.

Then, as regards the officers, particularly the presiding officers and the other higher-ups in the election machinery, I would like to say that absolute freedom should be given to the Election Commissioner to choose his own officer for the purpose of conducting and supervising the elections. The State Governments, etc. should not be given any choice of officers from whom the Election Commissioner has to choose. He should build up an independent machinery for the purpose under his own jurisdiction, so that the fairness of the election is maintained. When the State Government suggests a quota of officers and where the particular State Government is directly concerned, the Government would choose such officers who are liable to be partial towards the particular Party which is at the helm of that Government.

As regards the police arrangements, I can say from personal experience that cases have occurred when particular booths have been completely taken control of by some goonda elements, but even after repeated representations, no police came and saw to it that the voters would cast their votes. So, the presiding officer and the election machinery should be given mobile police teams and the police must be placed at their disposal. There should be a sufficient number of them. I have a great apprehension that in the ensuing general elections, and we have heard it, that the Congress is building up a "Pratirode" and it is being talked about that no fair elections will be conducted this time. There may be stabbings and anything by these goondas. So, I want an assurance, when such a Bill is before us, that they would take note of it.

Finally, I would say that when the preliminary voters' lists are compiled by the representatives of the political Parties in a constituency, their help should be taken

in order to compile that list. In the preliminary voters' list it has been found that some 3,000 persons have gone from the voters' list, in one case. In another case, in a mud-house, there is nobody and it is a vacant house, but you see that five hundred voters are there. So, after these things have occurred, then to raise objections, to eliminate the bogus voters and to get the real voters into the voters' list, it is almost a superhuman task. So, I would suggest that there should be a clause to say that when the preliminary voters' list is compiled, the help of every political Party should be taken. They should depose their persons and their advice should be taken. This arrangement should be made.

**SHRI BHUPESH GUPTA (West Bengal):** Madam Deputy Chairman, we certainly need a very radical amendment of the Representation of the People Act and I may say now that we also need amendment of the Constitution. Our experience in the matter of elections and especially with the present Election Commission Office is somewhat very unsatisfactory and we have reasons to believe from direct and other experience that the present Chief Election Commissioner is politically prejudiced against the left Opposition in the country.

When I make this statement, I 3 P.M. make it with a full sense of responsibility because I represent one such all-India Party, the Communist Party of India. As you know, in 1958 there was a strike in Jamshedpur. It was a workers' strike, and in that connection a number of well-known trade union leaders were arrested and later on tried and convicted. Among them were Kedar Das who was once an M.L.A., Barin Dey A. K. Gopalan, Ali Amjad and Satya Narayan Sinha. These were the people arrested, accredited leaders of the workers. After the arrest when they were in custody already, certain violent incidents followed due to provocations and other things. Anyhow when these incidents took place, they were not present, most of them. Then a case was started and they were convicted by the court and they suffered imprisonment. When they came out, we asked for the removal of their disqualification on the ground that it was a genuine trade

union dispute which resulted in the strike—it was a very successful strike, it was discussed in this House and so on—and that they were *bona fide* trade union workers and leaders and some of them also leaders of the Communist Party of India. Naturally we expected that the Election Commission would take a sympathetic view of this matter, a broad political view, that these accredited leaders of the workers were not under disqualification. Please remember, Madam, that after the Tata strike of 1958 we contested in Jamshedpur and we captured the parliamentary seat and also an Assembly seat. Therefore, neither the workers nor the public took them to be criminals or people who had committed crimes of that nature.

Now what happens? They are all disqualified and our experience in this matter is bitter, and I am sorry that I have to say this thing about the Election Commission. Hon. Members who have been in this House for the last fourteen years or so know very well how careful I am when I talk about the Chief Election Commissioner or about that office. Never did I say anything even under provocation. Mr. Sukumar Sen, the then Chief Election Commissioner, set an example which should be followed by all Chief Election Commissioners. He carried the confidence not only of the Congress Party but to the eternal credit of that great departed officer, of the entire Opposition. Today against the present Election Commissioner we have serious complaints, and the Samyukta Socialist Party, another all-India Party, has serious complaints. Why? Have we suddenly gone wrong or have we become partisan? No, we have not. We have very strong grounds for complaint because we want the Election Commission not only to be an independent authority but to be an authority which is above political prejudices, which it is not. It shows a hostile attitude towards the Communist Party, and I can tell you that the present Election Commissioner is an anti-Communist. Let it be known. Once, I know from facts, when representation was made with regard to this particular case, lectures were delivered as to violence and non-violence, that the Communist Party believed in violence, that the Communist Party was responsible for the disorders in the country. What business had the Chief

[Shri Bhupesh Gupta.]

Election Commissioner to deliver such lectures? First of all it was all wrong. He does not even know the Constitution of the Communist Party of India, neither its policy. He is carried away by certain prejudices against the Communist Party of India and that is why he made such remarks. Anyway I would not go into more details about it, I felt very sorry about it. How to convince the Chief Election Commissioner. He would not understand that the Communist Party does not stand for violent things in its programmes or policies. That is very clear. Even if we did, it is to be tackled at the political level by other political agencies. So long as we are a recognised party and carry the symbol, it is none of the business of the Election Commissioner to go into all that kind of thing and make such insinuations and so on. And statements have been made, I say it with all sense of responsibility. I have come to the conclusion that we cannot expect much justice from him. If he does it, well and good and for whatever little mercies he shows we shall be very grateful to him. Still I would like his office to be maintained in its integrity. But I think we should tell you, the Parliament should be told, that here in Jamshedpur these people are disqualified.

I tell you that Mr. Sarju Pandey, a member of that House, in 1950 was held up in a murder case and he was convicted and when he came out he represented his case to Mr. Sukumar Sen, and many other similar cases of Telengana were represented to him and he took a political view of the matter and all the disqualifications were removed, and they are there, some of them there in Andhra Assembly and some here in the Lok Sabha. What we say is this. First we are disqualified. First of all the Tata Company sent these people in a frame-up, and that story had been told in Parliament in 1958, and I can tell you it was a frame-up. Sometimes you can get convictions even after a frame-up. Convictions do not mean that the case is absolutely justified. Besides, when this incident took place, they were in prison. They are held to be responsible for what happened after, and not only that, the Election Commission holds that they cannot contest the election. Let the Election

Commission take a referendum in Jamshedpur city whether these people are loved and are popular there, and you will see what the people say. Let him come to Jamshedpur city and address the public. If the public says that they are popular, the bar should be removed. Why this political victimisation? They have suffered at the hands of the Tata Company, the Tata Iron and Steel Company. They have suffered at the hands of the Bihar Government. They remained in prison for years. Now when they want to return to public life fully as accredited leaders of the working people, the Election Commission comes and its long hand is extended to bar the way. I say this is not right. I know that the Election Commission has ample power and it can retaliate, but I hope it will not retaliate. I do not speak in terms of retaliation. I express my grievances, but then I say that something should be done. Here, Madam, I shall read out from the New Age what has appeared on September 4th :

"It is also understood that when the petition on behalf of the leaders of the Jamshedpur Mazdoor Union was placed before the Election Commission, the latter sought to justify the disqualification on the basis of its own assessment of what the policies of the C.P.I. amounted to. It is learnt that the Election Commissioner has already come to the conclusion that the C.P.I. is wedded to violence, that it is responsible for much of the violence that appears to be taking place in country, and that removal of disqualification of Jamshedpur leaders would only be an encouragement to violence."

What? The Election Commission has translated itself from the field of Constitutional functions to the field of party-political functions. Here he is against us. In the matter of symbol we suffer. Now again we suffer. The Samyukta Socialist Party made a public statement criticising him. We have not issued a public statement yet. I know that he will not remove the disqualification. Whether we should go to the Supreme Court or not, we shall discuss. But in this Parliament certainly we shall agitate. The issue shall be taken to the public. Suppose I am convicted for a political case or a trade union case,

does it mean that I cannot return to Parliament even after my release and I am to suffer disqualification? If that is so, how many people would be eliminated one after another if they fall under the technical law of disqualification? And then the Election Commissioner does not exercise his power judiciously and in a democratic manner. The Election Commissioner in this matter is arbitrary, undemocratic and hostile to the Communist Party. This is what I am very sorry to say. What crime have we committed? What crime have we committed that the Election Commissioner should treat us like this? I know of no sympathy from the Election Commissioner. I do not wish to go into all that. But what crime have we committed that we should be treated in this manner?

Are they just small people? They are the trusted and beloved leaders of the working class. Do they become socially and constitutionally untouchable if some employers get them convicted in a court of law by using the authority and money that are there in their possession? I would like to know. Therefore, it is a very bad example. Mr. Sukumar Sen was there. You saw at that time that we had the Telengana trouble. Many people were convicted in Telengana. Some were even sentenced to life imprisonment. In Bengal people were convicted. And never did I approach the House with such a complaint against Mr. Sukumar Sen from our party because we thought that he was on the whole right. Even though we did not have any satisfaction in every single case, by and large, we felt that Mr. Sukumar Sen was not prejudiced against the Communist Party or the Left parties as such. That is why even when we had grievances, we did not complain. But I find that the present Election Commissioner completely disregards the Opposition. In Calcutta, he arbitrarily used the photo system when the entire Opposition begged of him not to introduce the photo system for identification in Parliamentary elections and so on. But he did it. In this House we made representations. He did not pay any heed. Then, he must have realised his folly and abandoned this system of photography. But may I not ask him that he should have listened to us a little? We are living in the world of the common people; we are not living among officials or supernannuated or otherwise. We

are in life. Therefore at least we should be listened to. But we were not listened to. Proceedings of the Parliament would show that. Now, of course, he has himself given it up. Therefore, I tell you—my comrades in Bihar have suffered under law, under the Preventive Detention Act, under the DIR and under the IPC. Now they will suffer from the provision of the Constitution which makes the Election Commissioner the supreme authority. I would not like it to be done. But I should like, by an amendment of the Constitution, to make the actions of the Election Commissioner justiciable before the Supreme Court. Otherwise, we cannot have protection because people with wrong sympathies, with party and political sympathies, become the Chief Election Commissioner. What is the guarantee that other parties will be protected? There is no guarantee. Therefore the time has come for the Government to consider this matter and initiate an amendment of the Constitution in such a manner that these matters can be justiciable by the High Court or the Supreme Court. I am prepared to make it by the Supreme Court. We need not even give the power to the High Court because I would like to keep the Chief Election Commissioner's office really strong and independent. Therefore I do say this thing with great sorrow. I do hope that the present Election Commissioner will not misunderstand me. But I shall be failing in my public duty if I had not expressed the grievances and the sense of disappointment of one of the all-India parties of the country, and I hope that note will be taken even at this time.

The Election Commissioner made recommendations and you know that as a result of it the Bill has come. He proposed the raising of deposit—the amount of deposit was proposed to be raised. Many other things were done. Obviously, he does not know that in this poor country high deposits do not ensure democracy and free elections. He should have known it. Yet, Government has not accepted many of the things. Some they have accepted. I am not saying that everywhere he is bad, I am not saying that everywhere he is wrong. It is far from me. I am sure that in many matters he is right also. In some matters we may be also wrong. I do maintain, I am not saying that all is wholesale wrong, or that all is wholesale right. But I think I shall be failing in

[Shri Bhupesh Gupta.]

my duty if the voice of one party is not expressed here. There is disappointment. I should like this august House to be independent, invoking confidence of all the parties in the country just as Mr. Sukumar Sen commanded the confidence of all. You have got the records here—not one word was uttered by any one of us against that man who was appointed as the Chief Election Commissioner after the Constitution came into being.

How is it that the present Election Commissioner has become such a controversial figure that at least two parties have openly come out and other parties have also got complaints? Why? Why is it so? See it for yourself. And I hope that the Chief Election Commissioner will himself ponder over this matter because if he does good, it is good for the country. If we are mistaken, nothing is lost. But if he is mistaken, parliamentary democracy will be made into a mockery and election will be rigged. Things easily go wrong. He is the source of power and authority. We on this side, if we go wrong, we can be pulled up by very many people including all the other political parties, including the many other agencies. But if the Chief Election Commissioner goes wrong, well, many things go wrong as indeed the things are going wrong, I tell you.

Within the few minutes that I have left, I come to another point, that of big money. Big money is invading our elections today. The Chief Election Commissioner and others should have applied their minds to the task of preventing the invasion of big money in the elections to our legislatures. Everybody knows that in another House it was said publicly that there are about 100 Members, somewhere, of Lok Sabha who can be called as an American Lobby, a political term. It was said there. Mr. Gulzarilal Nanda said that 45 Members were supported by Mr. G. D. Birla and so on. I am not concerned with it. But these things are being talked about and we fear that the number may be more. Therefore, big money is here. I will only quote two people here. One is Mr. Chagla and another is Mr. Asoka Mehta. Mr. Asoka Mehta, before he crossed over to the other side, when he was in the Opposition, said on February 2, 1958 :

"The Tata Iron and Steel Company has contributed Rs. 20 lakhs to the Congress Election Fund."

It was published in the Hindustan Times of February 4, 1958. And he claimed that he spoke on authority. Now, Mr. Asoka Mehta is on that side.

And there is Mr. Chagla who dealt with a case in connection with the 1956-57 elections. That was a case in which the Tata Iron and Steel Company wanted their Memorandum of Association to be altered in order to make a contribution of Rs. 10,30,000 to the Congress, Rs. 6 lakhs to the AICC, Rs. 3,30,000 to Bihar—and we have got that case, the case I have referred to where our people suffered—and Rs. 1 lakh to the State Congress in Orissa. Two or three shareholders contested this application and the case went up before the Bombay High Court and this is what Mr. Chagla said, I will remind you, and I do not wish to say very much. Mr. Chagla said in this case—I do not know whether Mr. Chagla is here now :

"Before parting with this case, we think it our duty to draw the attention of Parliament to the great danger inherent in permitting companies to make contributions to the funds of political parties. It is a danger which may grow space and which may ultimately overwhelm and throttle democracy in this country. Therefore, it is desirable for Parliament to consider under what circumstances and under what limitations companies should be permitted to make these contributions."

This is what he said in that famous Tata Iron and Steel Company case. Then he went on to say :

"It is with considerable uneasiness of mind and a sinking feeling in the heart that we approach this appeal and the proposal of the Tata Iron and Steel Co. Ltd. that they should be permitted by an amendment of their memorandum of association to make contributions to political parties . . ."

" . . . Democracy in this country is nascent and it is necessary that that democracy should be looked after, tended and nurtured so that it should rise to its full and proper stature. Therefore any proposal or suggestion which is likely to strangle that democracy almost

in its cradle must be looked at not only with considerable hesitation but with a great deal of suspicion. Now, democracy is a political system which ensures decisions by discussion."

This is what Mr. Chagla said. Then again . . .

THE DEPUTY CHAIRMAN : You should wind up now.

SHRI BHUPESH GUPTA : . . . it says :

"but the discussion and debate must be conducted honestly and objectively and the decisions must be arrived at on merits without being influenced or actuated by any extraneous considerations. On first impression it would appear that any attempt on the part of anyone to finance a political party is likely to contaminate the very springs of democracy."

(Time bell rings.)

I am finishing. Even Mr. Justice Tendulkar made similar observations. Even Mr. Justice Mookerjee of the Calcutta High Court in the Martin Burn case said . . .

(Interruption by Shri Sheel Bhadra Yajee)

THE DEPUTY CHAIRMAN : He is winding up.

SHRI BHUPESH GUPTA : Why are you disturbing ?

THE DEPUTY CHAIRMAN : You continue, Mr. Bhupesh Gupta. He is winding up.

SHRI MULKA GOVINDA REDDY (Mysore) : He is quoting from the judgment of Mr. Justice Chagla.

THE DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you continue.

SHRI BHUPESH GUPTA : Mr. Justice Mookerjee says :

"To induce the Government of the day by contributing money to political funds of political parties is to adopt a most sinister principle fraught with grave danger to commercial as well as public standards of administration."

Now, I can give much more quotations but I do not wish to go it. The danger is even more. In the coming election the

big money will play a big part. The Big money is already there in order to interfere in the elections. I am told that they will be financing the candidates of many parties, apart from the Congress Party which will have a large share in that financing. Birlas and others—I am using plural—are ready with their big purse to put up their candidates.

Before I end, this is my last sentence, last word. When it was suggested in the Calcutta Congress circles why Mr. Sachindra Chaudhuri was being made the Finance Minister, the answer of the Congress rulers of West Bengal was that he was becoming the Finance Minister of the country to raise election funds from big business.

SHRI SHEEL BHADRA YAJEE (Bihar) : It is wrong.

SHRI BHUPESH GUPTA : How do you know that ? You do not know. And then Mr. R. D. Birla was the first to greet the appointment of Mr. Sachindra Chaudhuri as the Finance Minister. They have put their people in all important places. The money bag is ready. They have put their people in all important places not only to attack the left Opposition but others also, to see that progressive-minded Congress people do not get nomination. That is how things are happening. I tell you that our job today is to make elections as democratic as possible, as fair as possible, as broad-based and generous as possible from the point of view of the people and, above all, we must take every step possible to see that big money does not have any hand to interfere in the elections in the way it is planning today.

श्री राजनारायण (उत्तर प्रदेश) : माननीया, यह जो रिप्रजेंटेशन आफ पीपुल्स एक्ट को संशोधन करने का विधेयक प्रस्तुत है इस सम्बन्ध में मुझे बहुत सी बातें कहनी हैं।

एक तो इलेक्शन कमिशन के बारे में ही मैं पहले कहना चाहता हूँ। एलेक्शन कमिशन आज एक विवादास्पद हो गया है और जब एलेक्शन कमिशन के बारे में, उनके डिस-क्रिप्शन, उनके जजमेंट, उनके पावर, उनके काम करने के तरीके के बारे में सार्वजनिक ढंग पर क्वेश्चन होने लगे हैं तो मैं चाहूंगा

[श्री राजनारायण]

कि सरकार कोई ऐसा विधेयक लाये जिससे कि एलेक्शन कमीशन इस ढंग से बने कि उसके अन्दर निष्पक्षता, ईमानदारी हो और आम तरीके से जनता का विश्वास हो।

वोटर लिस्ट के बारे में भी मुझ को पहले ही कह देना है। वोटर लिस्ट इस समय जो बनती है वह बहुत ही गलत ढंग से बनती है और कुछ राज्यों में तो वोटर लिस्ट पोलिंग डे के समय भी कैंसिल हो जाती है। सन् 1962 ई. का जो चुनाव हुआ था तो आप आश्चर्यचकित होंगी यह सुन कर कि उत्तर प्रदेश में लिस्ट प्रिंट नहीं हुई, परपजली वहाँ वोटर लिस्ट स्टैंसिल की गई और ऐसी न मालूम कितनी जगहों, कितने जिले मिलेंगे जहाँ कि पोलिंग डे के दिन तक कम्पलीट लिस्ट नहीं थी, उसमें घटाया गया उसमें बढ़ाया गया। इसलिये वोटर लिस्ट के बारे में भी कानून के अन्दर कोई डेफिनिट व्यवस्था होनी चाहिये कि कितने समय पहले वोटर लिस्ट कम्पलीट हो जायगी और कम्पलीट हो कर वह हर विरोधी दल के लोगों को, कम से कम जो रिकग्नाइज्ड है उनको, मुफ्त मिल जायगी, वह कम्पलीट मिले, ऐसा नहीं कि प्राविजनल हो। कह दिया जाता है कि यह लिस्ट जो अभी दी जा रही है पूरी नहीं है पूरी लिस्ट होगी आगे चल कर। जितनी भी लिस्ट हमें 1962 ई० में या इसके पहले भी दी गई उस लिस्ट के बारे में बराबर कानून की निगाह में कहा गया कि यह प्राविजनल लिस्ट है। यह व्यवस्था नहीं होनी चाहिये।

मैं चाहता हूँ कि इस कानून में एक और व्यवस्था हो कि जो विधान सभा और लोक सभा के लिये वोटर लिस्ट बने उसके बाद राज्यों में जितने चुनाव हों चाहे वह म्युनिसिपैलिटी का चुनाव हो, चाहे नोटीफाइड एरिया का चुनाव हो, चाहे टाउन एरिया का हो, चाहे गांव सभा का हो, सभी में वह लिस्ट वैलिड मानी जाय। मुझे मालूम नहीं कि पाठक जी को इसकी जानकारी है या नहीं, ऐसी अनेक नजीरें

मिलेंगी कि विधान सभा के लिये हम वोटर हैं, पार्लियामेंट के लिये हम वोटर हैं मगर हम गांव सभा के लिये वोटर नहीं हैं, गांव सभा के या म्युनिसिपैलिटी के चुनाव के लिये वोटर नहीं हैं, हमारा नाम वहाँ से काट दिया गया है। अभी-अभी परसों हमारे पास बिहार राज्य के दानापुर से एक सज्जन आये। कैटूनमैट एरिया की लिस्ट में उनका नाम था, वह बालिग है, बराबर तमाम चुनाव में वोट दिया है मगर चूँकि वहाँ पर कैटूनमैट एरिया का चुनाव होने जा रहा है और वहाँ कांग्रेस की रूलिंग पार्टी के लोग समझते हैं कि यह वोटर अगर खड़ा होगा तो जरूर जीतेगा इसलिये उनका नाम निकाल दिया गया। चार दिन से वह परेशान थे, हर एक मिनिस्टर को खोज लिया, जगजीवन राम जी को कहा और अंततोगत्वा मालूम हुआ कि इसका सम्बन्ध चव्हाण साहब से है तो वह चव्हाण साहब के पास भी गये थे। तो इस रिप्रेजेंटेशन एक्ट में, इस कानून में, यह व्यवस्था होनी चाहिये, जैसे कि सन् 1967 का चुनाव शुरू किया तो 1967 के चुनाव के लिये जो वोटर लिस्ट विधान सभा और लोक सभा के लिये वैलिड है वह आगे जो भी चुनाव होगा चाहे वह राज्य में टाउन एरिया का हो, नोटीफाइड एरिया का हो, डिस्ट्रिक्ट बोर्ड का हो, म्युनिसिपैलिटी का हो उसमें वह लिस्ट वैलिड होगी और जहाँ ऐसी बात देखने में आये कि असेम्बली के लिये तो वोटर है लेकिन टाउन एरिया या नोटीफाइड एरिया के लिये वोटर नहीं है वहाँ मैं समझता हूँ कि अधिकारियों के लिये कोई दंड की व्यवस्था होनी चाहिये क्योंकि जानबूझ कर आज रूलिंग पार्टी को नाजायज ढंग से लाभ पहुँचाने के लिये कुछ अफसरान इस तरह के खुराफात करते रहे हैं और यह हम लोगों के आँखों के सामने जो कि फील्ड में वर्क करते हैं, यह चीजे, आती रहती हैं।

उसी तरह से पोलिंग स्टेशन के बारे में भी पाठक जी से आपके जरिये से अर्ज करूँगा कि पोलिंग स्टेशन तब फाइनल हो जब कि सभी

विरोधी दल या सभी उम्मीदवार से पूरा-पूरा राय मशविरा कर के उनसे सलाह ले ली जाय, बिना उनके वैलिड आबजेक्शन को ठीक तरह से सुने किसी जगह पोलिंग स्टेशन को रखने के लिये बज्रिद हो कर कर्मचारियों को नहीं चलना चाहिये और एक कानून बना दिया जाना चाहिये कि किसी पोलिटिकल पार्टी के नेता या कार्यकर्ता के घर में तो पोलिंग स्टेशन रहे ही नहीं। जो लोग भी पोलिटिकल फील्ड में हैं वे जानते हैं कि अक्सर कांग्रेस पार्टी के उम्मीदवारों के कितने उनके बंगले, कितने उनके घर ले लिये जाते हैं। अब उनके घर में दूसरे लोगों को जाने में दहशत होती है, वे ठीक से जा नहीं पाते हैं। इसलिये पोलिंग स्टेशन किसी उम्मीदवार के घर में बने ही नहीं, पोलिंग स्टेशन बिल्कुल अलग बने और उसके बनने पर अगर कोई खर्चा हो तो उसको सरकार को बर्दाश्त करना चाहिये।

इसके साथ-साथ यह जो पोलिंग एजेंट है उनके बारे में भी निवेदन करना चाहता हूँ। पोलिंग एजेंट की मुकदर्री को लेकर के बहुत ही तूफान ए बदतमीजी बरपा हो रही है। मैं बिल्कुल ठीक तरह से कह रहा हूँ कि पोलिंग एजेंट के बारे में, प्रिजाइडिंग आफिसर को कोई हक नहीं होना चाहिए कि जिसको चाहे वह ले ले जिसको चाहे न ले। जो भी कैंडिडेट हो उसको हक रहना चाहिये कि जिसको जब चाहे वह अपना पोलिंग एजेंट वहाँ के लिये बना दे, उससे पास कैंडिडेट का हस्ताक्षर काफी है। वहाँ हम लोग जो अपोजिशन पार्टी के लोग हैं उनको एजेंट नहीं लिया जाता।

**श्री महाबीर प्रसाद शुक्ल (उत्तर प्रदेश):** एजेंट उनके पास होते ही नहीं।

**श्री शीलभद्र याजी:** आदमी है ही नहीं आपके पास।

**श्री राजनारायण:** महाबीर प्रसाद जी कहते हैं आदमी नहीं है। ठीक है भाई। इस तरह की बातों का बाद में जबाब देंगे, अभी

खास-खास बातों को कह लेने दीजिए। हमको यह भी कहना है कि पोलिंग एजेंट के बारे में भी प्रेजाइडिंग आफिसर के ऊपर यह नहीं रहना चाहिये कि उनकी स्वीट विल पर हो कि जब चाहे हमारे एजेंटों को रखे, जब चाहे हमारे एजेंटों को न रखे। जो कैंडिडेट हो उस कैंडिडेट का पूरा सिगनेचर ही काफी है, जिसको चाहे वह अपने दस्तखत से अपना पोलिंग एजेंट बना कर भेज दे, जिसको चाहे अपने दस्तखत से हटा दे। एक आदमी का एक पोलिंग एजेंट एक बार रहे। इतना काफी है।

इसके साथ-साथ, यह जो पंचिया बांटी जाती है जो लोग आज तक चुनाव लड़े हैं जानते हैं कि पंचिया बाट लेते हैं। और उन पर बाप का नाम, घर का नाम, वोटर का नाम लिख कर भेजते हैं। मैं निश्चित मत का हूँ कि ये पंचिया सरकार को सरकारी खर्च पर तमाम उम्मीदवारों के बारे में बांट देनी चाहिये। एक लिस्ट बन जाय कौन-कौन उम्मीदवार हैं, किन-किन का क्या चुनाव चिन्ह है, उसके बाद हर वोटर के पास सरकार की पर्ची भेज देनी चाहिये, नहीं तो गरीब बेचारा अपनी पर्ची ही नहीं छपवा सकता।

**श्री महाबीर प्रसाद शुक्ल:** डिस्ट्रिब्यूशन की एजेसी क्या होगी ?

**श्री राजनारायण:** डिस्ट्रिब्यूशन की एजेसी गांव पंचायत है, ब्लाक्स बने हुए हैं, लेखपाल-पटवारी हैं।

**श्री लोकनाथ मिश्र (उड़ासा):** डाक से भेज दिया जाय।

**श्री महाबीर प्रसाद शुक्ल:** इसकी गारंटी क्या होगी कि वह पहुंच जायगी।

**उपसभापति:** उनको बोलने दीजिए। उनका समय हो जायगा।

**श्री राजनारायण:** समय तो थोड़ा बढ़ाइयेगा। जो लोग चुनाव लड़ते हैं उनके बहुत तरीके होते हैं। या तो उनको डाक से भेज दिया जाय।



**श्री महावीर प्रसाद शुक्ल** : आप कहेंगे डाक वाले ने नहीं दिया, बेईमानी की।

**श्री राजनारायण** : पहले एक काम करो, उस काम को करने में कोई दिक्कत महसूस हो तो आगे उस दिक्कत को दूर करने की व्यवस्था करो। तो रिजिस्टर भेज दिया जाय, वह पोस्टल सर्टिफिकेट के साथ भेज दिया जाय, कोई इंतजाम कर दिया जाय।

**श्री महावीर प्रसाद शुक्ल** : इसमें जो खर्चा बढ़ेगा क्या आप उसको सपोर्ट करेंगे।

**श्री राजनारायण** : हाँ करेंगे। तो माननीया, हमारा यह कहना है कि अगर महावीर प्रसाद जैसा कह रहे हैं, इसमें दिक्कत हो सकती है तो मैं अर्ज करूंगा कि जितने उम्मीदवार हों उन उम्मीदवारों को उन्हीं के चुनाव चिन्ह छाप कर पूरी-पूरी पर्चियाँ दे दी जाये, वे बंटवा देंगे। यह भी व्यवस्था हो सकती है।

अब इसके बाद हम आते हैं सवारी के प्रश्न पर। मैं इस निश्चित मत का हूँ कि सवारी पर प्रतिबंध लगना चाहिये। चुनाव के कुछ समय पहले कानून में यह व्यवस्था हो जानी चाहिये कि एक असेम्बली के लिये सीट में एक आटोमोबाइल गाड़ी को छोड़ कर दूसरी न चले। कैंडीडेट है, काफी है। उसके लिये चारों तरफ कारे घूमे, वहाँ जो गरीब हैं, असाहाय हैं।

**श्री शीलभद्र याजी** : क्या वो वोटर है वे भी अपनी गाड़ी से नहीं आ सकते हैं?

**श्री राजनारायण** : हमको तो उतनी दूर तक जा कर कानून में व्यवस्था करनी चाहिये जितनी दूर तक जाकर कानून बनाकर हम भ्रष्टाचार को रोक सकें, हम चुनाव की निष्पक्षता को रख सकें, हम वोटर की आजादी को रख सकें, और उनको आजादी के साथ वोट दिलाने के लिये व्यवस्था उत्पन्न कर सकें। ये हमारा कहना है। जितनी दूर तक हम कानून के अन्दर जाकर यह कर सकें उतनी दूर तक हमें करना चाहिये।

**श्री लोकनाथ मिश्र** : लेकिन उनकी गाड़ी कहा घूमती है। यह जो तो कांग्रेस गवर्नमेंट के कांटेक्टर्स की गाड़ियाँ घूमती हैं।

**श्री राजनारायण** : अब इसके साथ जो खर्चा बढ़ाने की व्यवस्था है इस सम्बन्ध में थोड़ा सा मैं ब्योरे से जाना चाहूंगा और माननीया मैं चाहूंगा कि सदन के सम्मानित सदस्य जरा हमारी बातों को सुने। मैं चार प्रायरिटी की बातें कह रहा हूँ, और ज्यादातर पाठक जी को सुना देता हूँ। हमारे शीलभद्र याजी जी भी शायद हमारी बात को समझते हैं। “फोर रिवाल्यूशन्स फार इक्वालिटी” चार क्रातियाँ हमने मानी हैं। पहली क्रांति चले कि कानून की निगाह में सब बराबर हैं मगर जिनके हाथ में पोलिटिकल पावर थी वे कत्ल कर देते थे, दूसरों का नाम लिख देते थे। केवल कानून में लिख देने से कि कानून की निगाह में सब बराबर हैं, सब बराबर नहीं हो जाते। तब विचारकों ने सोचा कि अब हमको राजनीति की भी बराबरी चाहिये, तब पोलिटिकल इक्वेलिटी का नारा चला और जब पोलिटिकल इक्वेलिटी को लेकर एडल्ट फ्रेन्चाइज हुआ माननीया, आपको जानकारी होगी कि इंग्लैंड में भी औरतो को वोट देने का हक कितनी देर बाद मिल पाया है तो हर मर्द, हर औरत, जो एक खास उम्र के हों, उनके लिये समान हक राजनीति में रखा। एडल्ट फ्रेन्चाइज से भी कानून में समानता आ गई। कानून की समानता और राजनीति की समानता, ये दो समानताएँ हो गई हैं। अब मैं जानना चाहूंगा कि क्या महज कानून और राजनीति की समानता हो जाने से समानता है? यह मैं बताना चाहता हूँ पाठक जी को, कि नहीं है। अब जो विचारक है, दार्शनिक है, क्रांतिकारी है, उसका कहना है कि जब तक इकानामिक इक्वालिटी नहीं होगी, जब तक सोशल इक्वालिटी नहीं होगी, तब तक कानून की इक्वेलिटी और पोलिटिक्स की इक्वेलिटी, यह सही मानी में काम नहीं कर पायेगी। इसी-

लिये मैं कहना चाहता हूँ : आज यह पीपुल्स रिप्रेजेंटेशन ऐक्ट बहुत संशोधन और सुधार चाहता है। तो इकानामिक इक्वेलिटी की ओर जाने के लिये इसमें कोई निर्देशन होना चाहिये। आज हमारे मुल्क में इकानामिक इक्वेलिटी नहीं है। आज अच्छे से अच्छा भले से भला ईमानदार से ईमानदार आदमी कौम की, मुल्क की, खिदमत करने वाला आदमी चुना नहीं जा पा रहा है। 500 रु० उनको नहीं मिल रहा है, ढाई सौ रुपये उनको नहीं मिल रहा है। जनता चाहती है उनको चुनना मगर भ्रष्ट से भ्रष्ट, बेईमान से बेईमान, करोड़ों के नोटों से गरीबों के वोटों को खरीद ले जा रहा है। इसके लिये क्या व्यवस्था हो, क्या रोकथाम हो ? कोई न कोई ऐसा प्रतिबन्ध हो कि जिसकी आमदनी इतने रुपये तक की हो वह इलेक्शन पेटिशन फ्री कर सकता है, जिसकी आमदनी 1,000 रु० के ऊपर की हो वह अगर इलेक्शन पेटिशन दाखिल करे तो उस पर भारी रकम लगाई जा सकती है।

**श्री महाबीर प्रसाद शुक्ल :** जिसकी आमदनी लाखों रुपये नहीं है वह कहां से खर्च कर रहा है आपकी पार्टी में ?

**श्री राजनारायण :** You are not a student in my class माननीया, मैं यह अर्ज कर रहा था आपके जरिये कि इतने व्यौरे के साथ आने के लिये एक स्टूडी सर्कल करना चाहिये। मैं अर्ज कर रहा हूँ केवल इशारे में और हमारे शीलभद्र जी इसको समझते हैं।

एक दूसरी बात भी मैं इस मौके पर कहना चाहूंगा। जैसे हरिजन हैं, एक व्यवस्था है कि हरिजन लोग अपनी जमानत का रुपया जमा करते हैं तो आधा जमा करते हैं। हम चाहते हैं, कुछ गरीबों के लिये भी इस तरह की व्यवस्था हो जाय कि जो गरीब हैं, जिनकी आमदनी 100 रु० से भी कम है मेहनत से, उनके लिये जमानत के लिये कोई सहूलियत हो। कोई ऐसी व्यवस्था होनी चाहिये। कैसे कानून मंत्री जी करेंगे, यह मुझे मालूम

है। मेरी खाहिश है कि इस तरह की व्यवस्था हो।

इसके साथ ही साथ मैं इलेक्शन कमिशन के बारे में चुनाव चिह्न के सम्बन्ध में अवश्य इजहार करना चाहता हूँ। चुनाव कमिशन को एक पार्टी को बनाने या न बनाने का अधिकार हो गया है और यह अधिकार उससे छीना जाना चाहिये। इसके लिये कोई ट्राइब्यूनल या कोई पंच मंडल हो, जो कि देखे कि पार्टियों को किस ढंग से चुनाव चिह्न दिये जा रहे हैं। हम देख रहे हैं कि चुनाव चिह्न देने के बारे में इलेक्शन कमिशन आउट आफ वे चला जाता है और वह सरकारी पक्ष के दबाव में आ जाता है। सरकारी पक्ष में चलने वाली जितनी पार्टियां हैं उन्हें वह चुनाव चिह्न देने में कोई पक्षपात नहीं करता है। इसलिए मैं वर्तमान चुनाव कमिशन के ऊपर खुला आरोप लगाता हूँ, हमारा उस पर चार्ज है कि वह जानबूझकर संयुक्त सोशलिस्ट पार्टी को, जो कि एक सुदृढ़ और मजबूत अपोजिशन पार्टी है, क्रांतिकारी अपोजिशन पार्टी है, राष्ट्रीय अपोजिशन पार्टी है, जनतन्त्रीय अपोजिशन पार्टी है (Interruption) माननीया, महाबीर प्रसाद को रोका जाना चाहिये। मैं महाबीर प्रसाद से निवेदन करूंगा कि इस समय सदन में आत्ममार्ग का केटन कर रहे हैं।

(Interruption)

**उपसभापति :** आर्डर, आर्डर।

**श्री राजनारायण :** मैं करैक्शन में उत्सुक हूँ। मैं बिल्कुल दावे के साथ और डंके की चोट पर कहता हूँ कि इलेक्शन कमिशन ने अपराध किया है, इलेक्शन कमिशन ने पक्षपात किया है और इलेक्शन कमिशन के पक्षपात के कारण आज दो पार्टियों को सुप्रीम कोर्ट में जाना पड़ा है और क्या यह पक्षपात नहीं है ? (Interruption) अब मैं भ्रष्टाचार को रोकने के लिए कुछ सुझाव देना चाहता हूँ। (Interruption) श्री शीलभद्र याजी इस तरह से टोका न करे क्योंकि सब का भाषण चुपचाप सुनते हैं और बीच में नहीं टोकते हैं। जो गलत चीज भी

[श्री राजनारायण]

कही जाती है, उसको भी सुनते हैं। अगर हमारे भाषण में कोई चीज गलत भी मालूम हो तो उसको सुना जाय।

तो मैं अदब के साथ अर्ज करना चाहता हूँ कि आचरण का कोट बने। मैं 1951 के पहले जो पीपुल्स रिप्रेजेंटेटिव ऐक्ट है, उसका पक्षपाती हूँ। उसमें जो सातवा क्लॉज है—इस समय जो कानून की किताब मिली है उसमें वह चिपका हुआ है वरना मैं उसको पढ़ देता। लोक सभा या विधान सभा का कोई मेम्बर डिसक्वालिफाई हो जायेगा अगर डायरेक्टली या इन्डायरेक्टली किसी कंसर्न में उसका कुछ मुनाफा है, उसका इन्टरस्ट है, कोई सरकार से उसका ठेका है या सरकार के जरिये कोई काम करता है...

**उपसभापति :** दूसरे बहुत से मेम्बर बोलने वाले हैं और अब आपको अपना भाषण समाप्त करना चाहिये।

**श्री राजनारायण :** एक नई बात है, अगर पसन्द आये तो आप भी सुन लें।

**उपसभापति :** बिल्कुल समय नहीं है।

**श्री राजनारायण :** हमें 7 मिनट और दे दीजिये।

**उपसभापति :** सिर्फ दो मिनट।

**श्री राजनारायण :** मैं 10 मिनट से अधिक नहीं कहूंगा। इसमें मंत्रियों के आचरण के बारे में कोट है और यह केन्द्रीय सरकार से पर्चा बांटा गया है। इस पर्चे को बहुत सी विधान सभाओं में वितरित किया गया है। उत्तर प्रदेश के बारे में मैं जानता हूँ कि वहाँ इस पर दो दिन, डेढ़ दिन तक वहाँ की विधान सभा में बहस हुई थी। उसका पहला क्लॉज है। “संविधान, रिप्रेजेंटेशन आफ दि पीपुल ऐक्ट, 1951, तथा अन्य कोई लागू कानून में जो भी व्यवस्थायी है, उनका अनुसरण करने के अलावा, मंत्रिपद का भार संभालने के पहले, हर व्यक्ति का प्रधान मंत्री को या मुख्य मंत्री को, जैसी दशा हो,

अपने और अपने परिवार के लोगों के बारे में सम्पत्ति तथा देनदारी और व्यवसाय में कोई हिस्सा हो उसका ब्योरा देगा। जो ब्योरा दिया जायेगा उसमें सारी अचल सम्पत्ति का विवरण होगा।” मैं चाहता हूँ कि इसको इसमें जोड़ दिया जाय और “चल” की जगह “अचल” कर दिया जाय। अचल सम्पत्ति में चल सम्पत्ति का ब्योरा भी होना चाहिये क्योंकि आज हमारे मुल्क में चलसम्पत्ति इतनी ज़बर्दस्त खुराफात पैदा कर रही है कि जिससे सारा जनतंत्र खतरे में पड़ा है।

दूसरे मंत्री प्रधान मंत्री को देगे और राज्यों के मुख्य मंत्री को देगे। मगर मैं वहना चाहूंगा कि कानून में यह व्यवस्था हो कि जो प्रधान मंत्री हो वह भी अपनी चल और अचल सम्पत्ति का ब्योरा, अपने परिवार या खानदान का ब्योरा राष्ट्रपति को दे। राष्ट्रपति को जब तक ब्योरा हासिल न हो जाय तब तक राष्ट्रपति ऐसे किसी व्यक्ति को प्रधान मंत्री की जगह न रखे, वरना उनको रखने से बड़ी खुराफात हुई है, जैसा कि आज इस देश में हो रहा है।

(Interruptions)

**उपसभापति :** अब आपको खत्म करना चाहिये।

**श्री राजनारायण :** चार, पांच मिनट और दे दीजिये।

**उपसभापति :** मैंने आपको 20 मिनट से ज्यादा दे दिया है।

**श्री राजनारायण :** अब क्या 5 मिनट दे रही हैं ?

**उपसभापति :** अब कुछ नहीं दे रही हूँ।

**श्री राजनारायण :** कुछ बढ़ा दीजिये, एक मतलब की बात कहनी है।

**उपसभापति :** नहीं जी, अब आपको समाप्त करना चाहिये।

**श्री राजनारायण :** “यदि किसी कारबार में ऐसे व्यक्ति का मंत्री होने से पहले कोई सरोकार था तो वह उस कारबार के प्रबन्ध और चालन से अपने को बिल्कुल अलग कर लेगा, भले ही

वह अपना स्वामित्व न छोड़े।" एक कलाज इसमें यह रखा गया है "कीमती उपहार नहीं स्वीकार करेंगे, सिवाय निकट रिश्तेदारों से, तथा वे या उनके परिवार के सदस्य ऐसे किसी व्यक्ति से कतई कोई उपहार नहीं स्वीकार करेंगे जिसके साथ उनका सरकारी तौर पर सम्बन्ध हो।"

मैं चाहता हूँ कि मुझे पूरी बात पढ़ने का मौका नहीं दिया जा रहा है, इसलिए जो पहले पढ़ा था और जो आखिरी में पढ़ा है, उसी को पूरे का पूरा मान लेना चाहिये।

**श्री शीलभद्र याजी :** क्या यह सारा इसमें समावेश होगा।

**श्री राजनारायण :** सारा इस कानून में समावेश होगा (Time bell rings)

श्रीमन्, मेरा निवेदन है कि महात्मा गांधी जी दक्षिण अफ्रीका से आ रहे थे।

**श्री महावीर प्रसाद शुक्ल :** पीपुल्स रिप्रजेंटेटिव ऐक्ट में कैसे समावेश होगा?

**श्री राजनारायण :** गांधी जी को वहाँ से नैकलैस मिला था और वह कीमती था। इस बारे में उनका कस्तूरबा से झगड़ा हो गया। गांधी जी ने कहा कि जितने हम को आभूषण मिले हैं, हम सब का ट्रस्ट बनायेंगे। कस्तूरबा ने कहा कि तुम बड़े लाठ साहब बने हो, क्या लड़कों के लिए नहीं रखोगे? अन्त में इस बारे में वोटिंग हुई और गांधी जी के लड़कों ने गांधी जी का पक्ष लिया और उन्हें बोट दिया। गांधी जी ने कहा कि जो सार्वजनिक उपहार उन्हें मिलते हैं, वे सार्वजनिक उपहार होते हैं और उसका ट्रस्ट मान लेना चाहिये। इसलिए मेरा निवेदन है कि आज मंत्रियों को जो उपहार मिलते हैं, चाहे वह उपहार नैकलस का हो, कोई आभूषण का हो, इस तरह के जो कीमती उपहार मिलते हैं, उन उपहारों को सरकारी सम्पत्ति बननी चाहिये। बिना सरकारी सम्पत्ति के बने किसी मंत्री को पद पर नहीं रहना चाहिये।

**उपसभापति :** अब समाप्त कीजिये।

**श्री राजनारायण :** श्रीमन्, मैं अब समाप्त ही कर रहा हूँ। मैं सिर्फ यह कहना चाहता हूँ कि 1962 में चीनी मिल मालिकों से कांग्रेस पार्टी ने करीब 3 करोड़ रुपये लिया और उससे गरीबों के वोट खरीदे . . .

**उपसभापति :** आपने 25 मिनट ले लिया है।

**श्री राजनारायण :** इसलिए आप से निवेदन है कि आप कोई ऐसी व्यवस्था करे और सरकार कानून के जरिये ऐसी चीज लाये ताकि भ्रष्टाचार, पक्षपात और दुर्नीति को हम रोक सके।

THE DEPUTY CHAIRMAN: Mr. Chordia. You will be very reasonable.

**श्री विमलकुमार मन्नालालजी चौरङ्गिया** (मध्य प्रदेश) : उप सभापति जी, मैं सदन का विशेष समय नहीं लूंगा। आपने केवल 10 मिनट दिये हैं, लेकिन मैं इसमें से केवल 9 मिनट ही लूंगा। सबसे पहले मैं यह चाहूंगा कि जो बिल विचारार्थ प्रवर समिति में जा रहा है, उसको इस बात पर विचार करना चाहिये कि जो हमारे शासन के कर्मचारी हैं, जिसका हमारे प्रशासन में व्यवस्था करने से सीधा सम्बन्ध नहीं पड़ता है, चाहे वे अध्यापक हों, चाहे रेलवे कर्मचारी हों, और इसी तरह के लोग हैं, तो इन लोगों को भी राजनीति में भाग लेने का अवसर दिया जाय। इस चीज के बारे में विचार करना चाहिये क्योंकि हम जब पब्लिक सैक्टर को बढ़ाते जा रहे हैं और जो संस्थाएं सीधे शासन से सम्बन्ध रखने वाली हैं—जिस तरह के रेलवे की व्यवस्था है, अगर हम अपने देश के बहुत बड़े वर्ग को इस अधिकार से वंचित कर देते हैं, जो चुनाव में खड़े नहीं हो सकते हैं, राजनीति में भाग नहीं ले सकते हैं, तब हमारे समाज का एक बहुत बड़ा पठित वर्ग इस भाग से इस काम से वंचित हो जाता है।

[श्री विमलकुमार मन्नालाल चौरङ्गिया]

आज यह सामने देख रहा हूँ कि हमारे यहां पर प्रशासन चलाने के लिये यद्यपि कांग्रेस के बहुत बड़े विद्वान् सदस्य चुन कर के आये हैं मगर इस बात की आवश्यकता महसूस हुई कि जो असली कांग्रेसी नहीं थे, जो कभी नकली हो गये, कभी फसली भी हो गये, लेकिन वे प्रशासन का काम अच्छा जानते हैं, उनमें योग्यता है, इसलिये उनको आपने कांग्रेस में शामिल किया और शामिल कर के मंत्री पद का आसन दिया। यह इसी लिये संभव हो सका कि उनमें गुण थे और इस सिद्धांत को मानते हुए आपने ऐसा किया कि उन लोगों के कार्यों का उपयोग हमारे राष्ट्र के लिये हो। तो क्यों न हम ऐसे लोगों को अवसर दें जो शासकीय कर्मचारी के रूप में भी बुद्धिमान हैं और हमारे देश की सेवा मंत्रिपद पर आसीन हो कर के कर सकते हैं जिस का एक उदाहरण आपकी बगल में है। ऐसी स्थिति में मैं यह चाहता हूँ कि प्रवर समिति को इस बात पर विचार करना चाहिये कि किस-किस वर्ग के शासकीय कर्मचारियों को हम राजनीति में भाग लेने के लिये अवसर दे सकते हैं, किन्-किन शासकीय कर्मचारियों को केवल हम प्रचार की अनुमति दे सकते हैं, और किन्-किन शासकीय कर्मचारियों को केवल वोट का अधिकार दे कर के उनको कुछ नहीं कहने की सीमा में रख सकते हैं। तो मैं विधि मंत्री जी से प्रार्थना करूंगा कि इस बारे में प्रवर समिति के सामने विशेष रूप से विचार किया जाय और रेप्रिजेंटेशन आफ पीपुल ऐक्ट में ऐसे तीन वर्ग बना दिये जायें कि किस को केवल वोट देने का अधिकार है, किस को केवल प्रचार करने का अधिकार हो और कौन राजनीति में सक्रिय रूप से भाग ले सके। इस सम्बन्ध में मैं यह सुझाव दूंगा कि जिस तरह से हमारा अध्यापक वर्ग है, जिस तरह से इंजीनियरिंग अधिकारी हैं, जिस तरह से रेलवे के कर्मचारी हैं, इन लोगों को हमें राजनीति में भाग लेने से मना नहीं करना चाहिये।

दूसरे यह निवेदन करना चाहता हूँ

कि खर्चें पर प्रतिबन्ध के बारे में रिपोर्ट आई थी, किन्तु हमने उसके बारे में कुछ तय नहीं किया, उसके बारे में कुछ भी व्यवस्था नहीं की। यह खर्चा कितना व्यापक होता है, कितने-कितने लोगों का ईमानदारी से खर्चा लगाया जाता है यह हमारे समस्त लोग जो चुनाव लड़कर के आते हैं वे जानते हैं। अपवाद-स्वरूप किसी को छोड़ दीजिये, मगर अवसर यह देखने में आया है कि जो भी खर्चा वक्त पर पेश किया जाता है कि मैं यह डिक्लेयर करता हूँ कि यह सब सही है, वह कहां तक सही होता है यह सब आप अपने दिल पर हाथ रख के पूछ सकते हैं। ऐसी स्थिति में दो ही उपाय हो सकते हैं, एक तो यह हो सकता है कि बिल्कुल छूट दे दी जाए और दूसरा यह है कि इंडिस्टिकली, मजबूती के साथ उसका पालन कराया जाय। हमारा देश गरीबों का देश है। इसलिये यह अत्यंत आवश्यक है कि हमें खर्चों के मामले में बिल्कुल सख्ती बरतनी चाहिये। अगर खर्चों के मामले में किसी भी प्रकार की गलती आये तो उसके लिये किसी को एक, दो या तीन एलेक्शंस से भी डिबार करना पड़े तो यह भी करना चाहिये, मगर खर्चों के मामले में हमको सख्ती बरतनी चाहिये। अगर हम सख्ती नहीं बरतेंगे तो फिर यह पूंजीपतियों के हाथ में सारी व्यवस्था आ कर के क्रांति के बीजों को पैदा करेगी जो कि हमारे देश में अराजकता को फैलाएंगे। इसलिए मैं प्रार्थना करूंगा कि हमारे यहां का चाहे वह गरीब हो चाहे अमीर हो, उसको यदि अधिकार देना है तो हमको खर्चों पर प्रतिबन्ध लगाना होगा और खर्चों के प्रतिबन्ध पर सख्ती करनी पड़ेगी।

कनवेएंस के बारे में जो आपने व्यवस्था की है, उससे एक प्रश्न बड़ा विचित्र पैदा होता है कि हमारा देश इतना विशाल है और हमारे पोलिंग वूथ्स इतने दूर होते हैं कि अगर आप यह कहें कि कोई गरीबी का मारा अपना काम-धन्धा छोड़ कर के छः मील से पैदल चल कर के वोट डालने आयेगा, तो

यह संभव नहीं होगा। अगर उसको अपनी बैलगाड़ी भी लाने की व्यवस्था न रहे और अगर उस पर हम बिल्कुल बन्धन लगा देते हैं तो इसमें बड़ी कठिनाई पड़ेगी। यह प्रतिबन्ध हम जरूर लगायेंगे, लेकिन वह कैंडिडेट या उसके एजेंट की गाड़ी या कनवेएंस पर लगायें। यदि हमने सब पर प्रतिबन्ध लगा दिया तो सारे जितने भी प्राइवेट कनवेएंस हैं उनको भी बन्द करना पड़ेगा और तभी हमको उसमें सफलता मिलेगी। इसलिये कनवेएंस के प्रश्न पर गंभीरता से विचार कर के और उसके वास्तविक स्वरूप का अध्ययन करके फिर कोई निर्णय लिया जाना चाहिये, नहीं तो केवल कनवेएंस पर प्रतिबन्ध लगाने से कोई विशेष लाभ नहीं होगा।

एलेक्शन ट्रिब्युनल के बारे में जो यह कहा गया कि उसमें बड़ी देर होती है, इस एलेक्शन ट्रिब्युनल को हटाकर के यह काम हाईकोर्ट के ज़िम्मे दे दिया जाय ताकि कोई अपील न कर सके, स्टे आर्डर न ले सके और उससे वह रुके नहीं, तो यह देखने में बड़ा अच्छा लगता है कि हाईकोर्ट के पास यह मामला चला जाय। मगर हाईकोर्ट के पास आज भी हजारों मामले पेंडिंग हैं और उनका निर्णय नहीं हो पाता है। फिर हम यह एलेक्शन का काम उनके ज़िम्मे कर के क्या हम यह अपेक्षा कर सकते हैं कि वे इस काम को जल्दी कर सकेंगे। अगर हम कानून के अंतर्गत बन्धन डाल कर के छः महीने में निर्णय करवाने की बात करते हैं तो जो और केसेज़ पेंडिंग हैं उनकी हालत और खराब हो जायेगी। तो मैं प्रार्थना करूंगा कि इस पक्ष पर भी विचार किया जाय और यदि हो सके तो हम हाईकोर्ट की क्षमता वाले ट्रिब्युनल अप्वाइन्ट करें और उनसे काम लें। यह अधिक उपयोगी हो सकता है और इससे मेरे खयाल में यह जो आप की समस्या है कि वे हाईकोर्ट में जाकर के स्टे आर्डर लें जायेंगे, इसका भी हल निकल आयेगा। दूसरा यह विकल्प हो सकता है कि अगर प्रवर समिति को यही करना है कि हाई

कोर्ट से इसकी व्यवस्था करायें, तो फिर मैं यह प्रार्थना करूंगा कि जो हाईकोर्ट की वेंचेज हैं उनको पूरा अधिकार दिया जाय, उनके यहां पेटिशन पेश हो सके, उनके यहां उस पर निर्णय हो सके ताकि छोटे छोटे काम के लिये फिर कहीं दौड़ना न पड़े जैसा कि अभी हमारे मध्य प्रदेश में होता है कि एक छोटी पेटिशन दाखिल करना हो तो जबलपुर जाओ, फिर अपने गवाहों को लाओ और उस पर पता नहीं कितना खर्च करो और तब कहीं कोई निर्णय हो। तो इन सब बातों में कितना खर्चा होता है, कितना नुकसान होता है इसका आप अच्छी तरह से अन्दाज़ लग सकते हैं। फिर आप को मालूम है कि कई अच्छी वकालत करने वाले कैंडिडेट्स होते हैं। वे कई बार चुनाव में हार जाते हैं मगर एलेक्शन पेटिशन में फिर आ जाते हैं। उनका यह प्रोफेशन सा हो गया है और माननीय मंत्री जी जानते हैं कि ऐसे लोगों को वे जो एलेक्शन हारते हैं, फिर पेटिशन दाखिल करते हैं और उसमें जीत जाते हैं, फिर जब एलेक्शन हारते हैं तो फिर पेटिशन दाखिल करके जीत जाते हैं। तो इसमें जो देश की सम्पत्ति का, देश की शक्ति का जो अपव्यय होगा उसको मद्देनज़र रखते हुए मैं यह प्रार्थना करूंगा कि यह ज्यादा अच्छा होगा कि हम हाईकोर्ट की शक्ति को एलेक्शन ट्रिब्युनल्स को दे कर के कोई ऐसी व्यवस्था करें जिस से यह झिले भी न हो और हमारा काम भी अच्छी तरह से हो सके।

इसके साथ-साथ अंतिम मेरा सुझाव यह है कि करप्ट प्रैक्टिसेज़ में आज हम चाहे जितने बन्धन लगायें, मगर यह सभी लोग जानते हैं कि कई लोग ऐसे होते हैं जो आधी रात को टेविल टर्न करने हैं। दिनभर ऐसा लगता है कि अमुक के पक्ष में वोट पड़ने वाले हैं मगर रात में जब शराब का दौर चल जाता है तो स्थिति उलटी हो जाती है। इसलिये जो भी करप्ट प्रैक्टिसेज़ हमने मान रखी है उनको कागनीज़ेविल बना कर के जब हम उन पर सख्ती से काम करेंगे तभी हम उनसे ज्यादा लाभ उठा सकेंगे।

[श्री विमलकुमार मन्नालालजी चौरडिया]

ये कुछ सुझाव हमने दिये हैं और आशा है कि मंत्री महोदय प्रवर समिति के सम्मुख इन बातों पर विचार कर के इनका समाधान करवाने का कष्ट करेंगे ।

THE DEPUTY CHAIRMAN : Shri Ruthnaswamy. You will please be very brief.

SHRI M. RUTHNASWAMY (Madras) : Madam Deputy Chairman, this amending Bill should be welcomed because it seeks to improve the system and method of elections in our country. Our elections have been praised both inside and outside the country as being peaceful and orderly, especially as they are elections in the largest democracy in the world. But the orderliness of the elections may be the orderliness of the graveyard, because the vast mass of our electors are illiterate and poverty-stricken and they have a tradition of peaceful passivity with regard to public affairs. And then a more unfortunate aspect of our elections is the vast and growing influence of the Government in the conduct and in the influencing of the elections.

4 P.M.

First with regard to election officers, it is a question, after the experience of three general elections, whether these election officers should be officials of the State Governments because knowing the State Governments as we do and knowing the influence of the Government. It does not need to be proved. I can testify from personal experience. I remember in the last Lok Sabha election which I contested unsuccessfully in Tinnevely District I happened to visit a polling booth and the Polling Officer was a woman. When certain women voters came, she addressed them in Tamil:

*Indangamma, Neengal Ellam Congress Thane? Ottu Podungo.*

That is "you are all Congress; aren't you? Here is the ballot paper, you put your votes." When I reported the matter to the Presiding Officer, he just shrugged his shoulders and said: 'I do not know; I shall instruct them as to how they should behave. There is always in the back-

ground the influence of the Government of the day. The police officers, the low-paid district officials, all of them think that they must be on the side of the Government, that the Government of the day is a permanent Government. The thought has not sunk into them that the Government of the day is party Government, that it is a Government representative of only a part of the people, that it is not a permanent Government, and that it is a Government which is liable to be turned out. So in view of this mentality that prevails among the low-income Government officials—it prevails also among the higher officials—some safeguard should be made that these officers fulfil their duties impartially. I would suggest that every one of these election officers be called upon to take an oath of impartiality, a solemn oath of impartiality before the Chief Election Officer of the District. These election officers should be instructed in regard to an attitude of impartiality in respect of their duties as election officers.

With regard to the system of voting there were certain suggestions made to me by my colleague, Mr. Sundar Mani Patel who is unfortunately unable to be present here and his suggestions are out of his own personal experience which is larger than mine of elections. He suggests that an account of the ballot papers which are rejected, used or unused should be given to the agents of the candidates duly authenticated by the Polling Officers because in disputed elections the number of the ballot papers used in various ways is a crucial matter. Also a copy of the Report sent to the Returning Officer by each Polling Officer should be given to the agents of the candidates.

He has also made another suggestion that the final nomination papers be made liable to be challenged before the election tribunal within 20 days of the finalisation of the nomination papers. Another useful suggestion made was that in out of the way areas, rural areas especially and in hilly areas, mobile vans should be provided by the Government because the voters in these out of the way places especially in hilly areas find it very difficult to travel miles in order to go a Polling Station. And political sense is not so developed in our country among the rural people that they

would go to the Polling Stations by themselves.

With regard to election offences I should like all bribery and corruption cases being made cognisable but when I think of the attitude of our police officers I feel some hesitation in making this suggestion because as things are, the police officers are liable to be biased in favour of the Government candidates, the Congress candidates, and therefore, it is doubtful whether such a power should be given to our police officers.

In regard to disqualification of candidates, I think clause 20 of the Bill is rather drastic. I do not know whether it is not even inconsistent with the Constitution because it says that a person convicted of any offence and who gets a punishment of not less than two years of imprisonment should be disqualified. Now in political elections it is very easy to be guilty of or charged with defamation and libel and sent to prison for such an offence. Defamation or libel is possible in the case of political criticism and I think the spirit of the Constitution is not being maintained. In the old Constitutions only an offence which involved moral turpitude would disqualify a candidate and looking at the list of offences, there are three or four disqualifications listed in the Constitution, like lunacy, undischarged insolvency etc. and it is only these serious things that would stand in the way of the political rectitude of a candidate which should go to disqualify him.

The substitution of High Courts for election tribunals is a departure to be welcomed but if the full procedure of the civil suits is to be observed I am afraid that election suits in the High Courts will also take a long time. It is gratifying to note that a limit of six months has been fixed for the conclusion of the trial but for the institution of the trial also a time limit should be imposed. The words 'as soon as possible after the election' will not serve the purpose. Here also a time limit of four weeks or so should be imposed so that the suits may be filed as early as possible.

These amendments that have been introduced in the Bill are satisfactory as far

as they go but they do not go far enough; especially in regard to election expenses I quite agree with the Law Minister that it is difficult to place any legal limit upon election expenses. There are legal limits and we all know and it is a notorious fact that only in a very few instances are the legal limits observed. He also made a very acute observation that the limitation of expenses will depend upon public opinion. May I suggest in return that his party, the ruling party, the governing party, should set an example in this matter? In view of the great political power that they possess, in view of the large patronage that they possess, in view of the influence that they have upon all kinds of people, business people, industrialists and so on it is for them to set the example. When we find the Congress Party at the time of election after election proclaiming to the world that they are going to collect Rs. 5 crores or Rs. 10 crores for their election expenses, we feel that they are not setting a standard for the conduct of candidates in regard to election expenses. Having a whip hand over the businessmen, having a stranglehold on them because of the Congress Government socialistic policies—no business can be started, no business can be done without permits or licences from the Government—it is for the ruling party to exercise restraint, a commendable restraint in regard to limitation of expenses.

With regard to multiplicity of parties also the Law Minister has not been able to accept the recommendation of the Election Commission. In regard to this matter although it is not possible to reduce the number of political parties in the country, may I suggest that the pestiferous group of independents be reduced as much as possible. It is quite commendable for really great independents like John Stuart Mill of England or A. D. Mani of our own House to come in as independents. But when you have a number of independents, five or six independents, trying to stand for election, in so many constituencies, it becomes impossible for real elections to be held, especially as some Parties are financing the independents to stand in order to break up the voting strength of their opponents. Now this great tolerance given to independents should be modified, if not completely abolished. In some of



[Shri M. Ruthnaswamy.]

the ancient Greek States independence or neutrality in politics used to be punished. They were deprived of the right of citizenship. They were deprived of the right of voting and of being voted for. I think some such drastic method or rule ought to be introduced in order to reduce the large number of independents. A man must be on one side or the other, must belong to one political party or other, must profess one set of political principles or another. There is no place for these political eunuchs in any healthy, sound political system.

With these observations, I welcome this Bill, hoping that the numerous suggestions that have been made on the floor of the House during the course of the debate will be taken note of by the Select Committee and we shall have a Bill returned from the Select Committee so satisfactory that for some time at least, for a decade at least, our election system and our election methods will be as sound as possible and as useful to the political life and political development of the country as possible.

THE MINISTER OF LAW (SHRI G. S. PATHAK): Madam Deputy Chairman, I am very grateful to the hon. Members who have made some very valuable observations. It will not be possible for me to deal with all the matters that emerge from this debate, nor is it necessary, because the Bill itself is going to a Joint Committee. The debate has had a wide range. Many matters have been discussed and most of them involve a change either in the Constitution or in the Act or in the rules or in administrative practice. I do feel that some observations deserve consideration in the Joint Committee and I hope that they will examine them in the Joint Committee, because the entire record would be before the Members of the Joint Committee, and before those who have not taken part in the debate. Now, one matter was raised by Mr. Rajnarain, i.e., why has there been no translation of this amending Bill? Now, I do not know at the stage when he has already made his speech, that matter is important, but it appears to me that it is not the practice to supply translations of amending Bills, where the Acts themselves are in English. Translation, of

course, would be given, but you cannot amend an English Act by a Hindi Bill. So far it does not appear that there is any law in force—I am using the words 'in force' for the reason that there is one section in one Act—but it has not been probably in force that there should be translations supplied at all of the Bills which are introduced. But in point of practice we are doing our utmost to have the Bills translated before they are introduced. I do not say that in every case that has been done. There have been some cases in which it has not been possible to translate the Bills before they were introduced, but generally that is being done in point of fact.

Now, some very radical suggestions have been made, one of them being that instead of there being a direct election, there may be an election by proportional representation. Now, such radical suggestions, I feel, are not such as should be taken into consideration for the amendment of the present Act, because we should work within the framework of our Constitution. There was some very good reason why the Constituent Assembly applied the rule of direct election to the House of the People and applied the rule of proportional representation to this House. There were very good reasons for that and I do not see any ground why those reasons can be said not to exist today. They are very vital reasons. Can you picture an election to the Lok Sabha on the basis of proportional representation? In practice how will it work? There are lakhs of people in one constituency. Some of them are illiterate. They have got to make a choice and so on. There are such practical difficulties in the matter of principle, which, I submit, would prevent such a change being introduced.

Now, much has been said about the proposal of abolition of Tribunals. Various suggestions have been made. It has been said that there should be an appeal to two Judges, after the single Judge has decided the case. Now, that will again delay the final disposal of the election appeal and I think that the majority view seems to be—it is not a final majority view here—but at the present moment the majority view seems to be that an appeal to the Supreme Court by special leave of the Supreme Court should be enough. Otherwise, we

should accept the decision of the High Court as a final decision.

Now, various other matters have been suggested. It has been said that we should compel the High Court to dispose of the case within a particular period. Now, that is not possible. It is not open to Parliament, in practice I submit, to tell the Judges. You must decide the case within a certain period. There are such varying circumstances which are beyond the control of the Judges and the time taken by the Judges depends upon those various circumstances. I submit that it is sufficient that the law should say that the cases should be disposed of normally within a certain period and the cases should be taken up day to day, so that there may be no interval between one hearing and another, unless there are some special reasons and those reasons have got to be recorded by the Judge. I submit that should be a sufficient safeguard.

I have noted the observation made that some change should be made in the Civil procedure as applicable to the disposal of these petitions. Now, Mr. Mani made one observation, which must deserve our consideration. He said that he was anxious if I understood him aright, that if there is any exhibition of violence in the House, that that should be visited by the penalty of disqualification.

I should think, Madam, that these are matters which require a very detailed study. These are matters which relate to discipline in the House.

**SHRI M. RUTHNASWAMY:** Did he define what is violence in Parliament?

**SHRI G. S. PATHAK:** He has not defined. That is one of the difficulties and the law itself takes note of crime being committed or offences being committed in the House. I have examined this matter to some extent and I feel it is a very complicated and difficult matter and in case Mr. Mani wants that disqualification should result from the use of violence, then we have got to define what violence is. There may be degrees of violence and there may be various methods by which violence can be checked in the House and thus being a matter requiring deep con-

sideration and detailed study, I should think that it is outside the proper scope of the present Bill. Of course if the House wants that such a deep study should be engaged in, that such a deep study should be conducted, then in that case there may be other occasions for amending this Bill with regard to this matter. It is true that a person may be expelled and yet he may come again if there is another election. But he comes again because the people want him to come back here. The explanation may be on one ground . . .

**DIWAN CHAMAN LALL (Punjab):** In the House of Commons it is the same procedure.

**SHRI G. S. PATHAK:** He must be given a *locus penitentiae*. If he feels what he has done is wrong and he has served his sentence, that should be enough. But these are matters which I submit, Madam, are outside the scope of this law strictly and are not appropriate at the present stage in relation to this Bill.

سری عبدالغنی (پنجاب) : مسٹر پاٹھک کو میں نے ایک سچھاؤ دیا تھا کہ جو گنتی کاؤٹینگ وغیرہ کا تعلق ہے اگر الیکشن کمشنر دیکھے کہ وہ صرف گنتی کا سوال ہے تو پھر وہ خود ہی ڈسپوز آف کر دے تاکہ وقت بچ جائے اور ہائی کورٹ میں نہ بھیجنا پڑے۔ اگر الیکشن کمشنر ایسی بات خود دیکھ لے اور اسی وقت اس کا فیصلہ کر دے تو بہت وقت اور خرچ بچ سکتا ہے۔

†[श्री अब्दुल गनी (पंजाब) . मिस्टर पाठक को मैंने एक सुझाव दिया था कि जो गिनती काउन्टिंग वगैरह का नाल्लुक है अगर एलेक्शन कमिशन देखे कि वह सिर्फ गिनती का सवाल है तो फिर वह खुद ही डिस्पोज आफ कर दे ताकि वक्त बच जाय और हाई

†[ ] Hindi transliteration.

[श्री अब्दुल गनी]

कोर्ट में न भेजना पड़े। अगर एलेक्शन कमिशनर ऐसी बात खुद देखले और उसी वक्त इस का फैसला कर दे तो बहुत वक्त और खर्च बच सकता है।]

श्री गोपाल स्वरूप पाठक : मैंने एक-एक सजेशन को, एक-एक सुझाव को नोट किया है और वह सब रिकार्ड में हैं। मगर इस वक्त यह मुनासिब नहीं है कि मैं सदन का यह वक्त लूँ, चूँकि कमेटी में ये सब बातें तय होंगी कि कौन-कौन सा लिया जाय कौन न लिया जाय। मैंने सब बातें नोट कर ली हैं।

شری عبدالغنی : میں نے تو صرف اس لئے کہا کہ وقت کی بچت ہو جائے۔

†[श्री अब्दुल गनी : मैंने तो सिर्फ इसलिये कहा कि वक्त की बचत हो जाए।]

श्री गोपाल स्वरूप पाठक : कमेटी के मेम्बर्स को अख्तियार होगा कि वे इस पर गौर करें और कमेटी के सामने यह मामला लायें। आपने जो कुछ फर्माया है वह सब रिकार्ड पर आ गया है, मैंने भी नोट कर लिया है और मैं आपका बहुत मशकूर हूँ।

Madam, I am not very rigid or rigid at all on the question of amendment of the law with regard to disqualification based on contracts. I am not very rigid. I feel that where our economy is increasing, that is to say, where the state is coming into contact with the citizens in greater degree and is coming into contractual relationship with the citizens, then in such cases would you deny the right to be chosen to everybody? You may say that those who enter into contracts having a particular value may be disqualified, but to say that everyone who enters into a contractual relationship with the state in respect

of goods should be disqualified to stand at an election is something which may work hardship. I just mentioned a case by way of illustration. Suppose a businessman, a trader supplies some article, some stationery to a department of Government; he has supplied the stationery and the Government becomes the debtor; will you then say that that person can never stand at an election? I have just given one illustration. As I have said, I am not rigid. If you do not want it, you may not have it. But the question would be, when we are considering the question of disqualification, we must also bear in mind the rights of citizens; if they are not doing something which is vicious or which is wrong, they should not be deprived of their rights under the Constitution. I do not want to put it any higher than that.

SHRI M. RUTHNASWAMY : If he belongs to a family of contractors?

SHRI G. S. PATHAK : Yes, these are matters which should not be just treated on some ideological basis, if I may use that expression. We must take into consideration the practical aspects of it. We must have a pragmatic approach. All the time we should consider that there should be no evil, but also we should consider that the rights of people should not be destroyed. If people want to stand at an election—they have done everything they had to do under the contract—would the mere fact that the Government becomes debtor and they are creditors mean that they must necessarily be deprived of their right under the Constitution if they want to stand at an election? These are matters which deserve, I submit, the earnest attention of Government.

THE DEPUTY CHAIRMAN : May I inform the House that the 4.30 discussion could be adjourned for a few minutes until we finish this business? We can then take it up.

SHRI G. S. PATHAK : I will not be long. It has been suggested that District Election Officers should be elected from the judiciary. It is a very good suggestion but it is not practicable. There is so much strain

†[ ] Hindi transliteration.

existing on the judiciary at the present moment that you cannot possibly think of taking people from the judiciary and asking them to do the election work. There are arrears there. Whenever there is a Commission to be appointed, you always want a Judge. Whenever there is some other matter which has to be examined, we think of a Judge. The hands of the Judges are already full. It is a very good thing that they inspire the confidence of every class of people in this country. That is a matter of which we should be proud.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Quite rightly.

SHRI G. S. PATHAK: But we have got to look at the practical aspect of the matter. Their hands are full. We require more Judges and when you say that in respect of this Representation of People Act itself there are arrears, how will they be able to decide election petitions? Therefore, this suggestion would not be acceptable and we feel that our officers in the executive also are trustworthy and they could be relied upon.

SHRI AKBAR ALI KHAN: I should share that compliment. But I hope you are not coming with a Bill to increase the salary of Judges. That we do not want, increase in the salary of Judges.

SHRI G. S. PATHAK: Who does not want?

SHRI AKBAR ALI KHAN: People in our poor country are already giving them too much.

THE DEPUTY CHAIRMAN: That is an other point altogether. You continue.

SHRI G. S. PATHAK: Madam, much has been said about expenditure. When I made the observation to which my hon. friend Prof. Ruthnaswamy referred in relation to expenses, that observation applied to all parties including the Swatantra Party.

SHRI M. RUTHNASWAMY: Would you set an example?

SHRI G. S. PATHAK: All parties should set an example to everyone else. As I said, this is a matter which requires self-regulation, which requires consideration at all parties' level. It is not good accusing one another. It is a matter which is in common interest. It is a matter with which all should be concerned and there should therefore be self-regulation in this matter. If there are evils, those evils should be removed. As I have already said, law is not the remedy for all the evils. There are other matters, our own conduct, public opinion, electoral morality and the development of all things which, I submit, are the requisites in the present case. So many propositions have been made. One came from my friend, Mr. Ghani. He said that there should be a joint expense, that the parties should pool their expenses together and then expenses should be met from that pool. Now, these are not practical suggestions, if I may so with all respect, and we have got to consider this matter in greater detail and more deeply. At the present moment, I should feel—and the Government feels—that we should give a trial, a longer trial, to the present provisions of this Act. It has not yet received sufficient trial and we have not got sufficient experience because if we have had sufficient experience, then there would have been concrete proposals for the amendment of this particular section. For the present moment, it is enough that those who are law-abiding should feel that there is a check on them. There may be a disqualification in case the law is violated, there will be the finding of corrupt practices. Election will be set aside if the law is violated. At the present moment, I feel that that is enough.

Now, so far as Mr. Bhupesh Gupta is concerned, his speech was full of tirades against the Election Commission, against big business, and that is his usual theme. Now, so far as the Election Commission is concerned, I can say with a certain amount of experience that the Election Commission is working with independence. The Election Commission is not working under anybody's influence and the Election Commission is satisfying all the requirements which were expected from it, having regard to the provisions of the Constitution.

[Shri G. S. Pathak.]

So far as the contribution of political parties is concerned, we know that there was an amendment to the Companies Act and the amount which can be contributed by a company has been limited. Now, I do not accept the proposition that the actions of the Election Commission should be justiciable in these things and that an appeal should lie with the Supreme Court. Now that is not possible because the work of the Election Commission is of a special type and to the best of my recollection, I do not find any provision of that type in any other Constitution—I speak subject to correction.

Madam, I do not want to detain the House longer.

THE DEPUTY CHAIRMAN: The question is :

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951 and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee :—

1. Shri Chandra Shekhar.
2. Shri R. S. Khandekar.
3. Shri Chitta Basu.
4. Shri S. S. Mariswamy.
5. Shri Jagnannath Prasad Pahan.
6. Shri T. R. Parthasarathy.
7. Shri K. V. Raghunatha Reddy.
8. Shri Biren Roy.
9. Shri A. K. A. Abdul Samad.
10. Shri Shraddhakar Supakar.
11. Shrimati Tara Ramachandra Sathe.
12. Shri G. S. Pathak (the Mover).

*The motion was adopted.*

# SHORT DURATION DISCUSSION RE THE GOVERNMENT'S APPROVAL OF A PROPOSAL FOR FOREIGN COLLABO- RATION BETWEEN AN INDIAN COM- PANY IN MADRAS AND AN AMERI- CAN COMPANY FOR MANUFACTURE OF BISCUITS

THE DEPUTY CHAIRMAN: Now we come to the discussion that was fixed for 4.30. Mr. Babubhai Chinai is not here. Yes, Mr. Bhargava.

SHRI T. V. ANANDAN (Madras) : Madam, on a point of order. I would like to raise a point of order as to how this matter becomes a matter of public importance. If four per cent. biscuit production in our country out of the total output becomes a matter of public importance, what else in this country of ours cannot be termed as a matter of public importance? Another point is that this matter of public importance was raised through questions in this House and some points were discussed on the 22nd August under half-an-hour discussion. And the same subject again comes up today for discussion under short-duration discussion under rule 176.

Madam, I would like to draw your attention to the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha). Under rule 176, the Chairman has admitted this as a matter of public importance for discussion this evening. At the same time, may I bring to your kind notice rule 177-Chairman to decide admissibility? I am not questioning the discretion of the Chairman. With due regard, respect and honour . . .

THE DEPUTY CHAIRMAN: The point of order should be brief.

SHRI T. V. ANANDAN: . . . to him, there is a proviso under rule 177 which reads—

"Provided that if an early opportunity is otherwise available for the discussion of the matter, the Chairman may refuse to admit the notice."

May I appeal to you. Why not this proviso be enforced on this matter of public importance which has already formed part of discussion in this House twice?