

MOTION RE AMENDMENT TO THE
CONDUCT OF ELECTIONS
RULES, 1961

SHRI A. D. MANI (Madhya Pradesh):
Sir, I move:

That the following modification
be made in the Conduct of Elections
Rules, 1961, namely:—

"In rule 90, after sub-rule (2)
the following Explanation be
inserted, namely:—

*'Explanation.—For the pur-
pose of this rule, expenses in-
curred in connection with an
election by a political party on
behalf of a candidate in his
constituency shall be deemed to
be expenses incurred by that
candidate.'*"

Mr. Deputy Chairman, the Rules
concerned were placed on the Table
of the Rajya Sabha in the last Ses-
sion and again placed on the Table in
the current Session. I may briefly
mention that Rule 90 to which I seek
to make an amendment today reads
as follows. The introductory para-
graph is being read now:

"Maximum election expenses: The
total of which account is to be kept
under Section 77 and which is in-
curred in connection with an election
in any Parliamentary constituency
shall not exceed (a) Rs. 25,000 in
the case of a Parliamentary consti-
tuency in any State, and (b) Rs.
10,000 in the case of a constituency
in a Union Territory."

Then the Rule goes on to prescribe
that the expenditure should be State-
wise. I need not go into those mat-
ters at this stage.

I am tabling this motion not because
I want to embarrass the Members
opposite or some Members here but as
a result of the recommendations made
by the Election Commission itself. In
the Report on the Second General
Elections in India, Mr. Sukumar Sen,

who was the then Election Commis-
sioner, said as follows:

"The law on the subject obvious-
ly calls for drastic amendments. If
an effective check cannot be devis-
ed and enforced by law for pre-
venting candidates from spending
too lavishly for their election, it
would be more straightforward in
the Commission's view to delete the
present provisions altogether."

The 'law' refers to the provision re-
lating to election expenses. The Com-
mission goes on to observe:

"The Commission feels, however,
that although the present provisions
of the law are substantially ineffec-
tive and call for an immediate
amendment, such a desperate mea-
sure by way of wholesale deletion
of the provisions need not be taken
yet."

I may draw attention to this particular
sentence of the Commission because in
the other House it was said that the
Election Commission had made a re-
commendation that the limitation on
election expenses should be done away
with. The Commission goes on to
observe:

"The legal maxima of election
expenses may, for instance, be re-
vised liberally to higher figures and
all expenditure incurred on behalf
of a candidate by his party or well-
wishers with his constructive con-
sent may be made accountable."

It is a matter of deep regret that
though the Election Commissioner
made this observation publicly, no
action has been taken by the Govern-
ment so far to bring forward legisla-
tion to limit party expenditure and
to make it obligatory for a candidate
to include in the statement of his
election expenses the expenditure in-
curred by a political party on his
behalf. I thought that the Govern-
ment at least would call a conference
of political parties in order to discuss
this matter. There may be practical
difficulties but those difficulties can

be ironed out only by a round table discussion and it could have been possible for us to devise a solution by which we could have given effect to the recommendations of the Election Commission. It may be argued that what this amendment seeks to do is impracticable and that in the circumstances of India today it is not possible to limit the political expenditure of parties. I may draw the attention of the House to Section 63(1) of the Representation of the People Act of the United Kingdom wherein it is said clearly:

"No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, or by his election agent and the persons authorised in writing by an election agent on his account."

That is to say, the expenditure is made a primary charge on the candidate himself and he has to render an account of the expenditure.

Section 64(a) prescribes the limit of the election expenditure in the U.K. and I need not go into those details except to say that the limit has been fixed at £450 for a constituency plus two pennies for every additional name entered in the register. In other words, in the U.K., with a higher per capita income, where one has to pay much more than what one has to pay here for loud speakers, for halls, for conveyance, for party meetings, etc., the election expenditure is of the order of Rs. 7,000 only. Further, the English Law lays down very clearly that the spending of money is not permitted

SHRI SANTOSH KUMAR BASU (West Bengal): What is the extent of the constituencies and the number of electors in England?

SHRI A. D. MANI: I am going to develop that point as it is one which

requires elucidation. If it is said that the constituencies are big in India and, therefore, more money should be spent, I think that point certainly calls for a reply. I would like to mention here that the English law, as my hon. friend Shri A. K. Sen will agree, had laid down clearly as far back as 1911 that any expenditure incurred on behalf of a candidate by a political party should be deemed to be the expenses incurred by the candidate himself and Parker, in his well-known treatise on Election Law, has said that this is a fundamental point of English Election Law. It may be argued that the constituencies in Great Britain are small. I quite concede that point. Let us multiply this expenditure four times. It comes to about Rs. 28,000. The limit has been fixed at Rs. 25,000. Take the Parliamentary constituency of Seaham Harbour. Shri A. K. Sen was in England at the time when Mr. Ramsay MacDonald stood from Seaham Harbour. The constituency has 1,50,000 people living there. Let us multiply it 4 times. It comes to Rs. 28,000. Let us multiply it eight times but you come to a certain figure and what the Election Commission has done is very sound, namely, to recommend: "You liberally raise the figure but we should limit the expenditure of the candidates at an election."

There is one point which is necessary to mention here that in the matter of election expenditure, there are no restraints on political parties in India. In the U.S.A. every party has to file a list of its election expenses and my hon. friend, Shri Santhanam, in his speech yesterday made a specific point that an affidavit ought to be sworn in by the political parties concerned stating what expenditure they have incurred in elections. If at least there is some provision of that character in the Indian law, I can understand that there is some restraint. I do not want to make the Members opposite agitated; but I would like to mention that Mr. Asoka Mehta, leader of the Praja Socialist Party, has stated publicly that the expenditure

[Shri A. D. Mani.]

incurred by the Congress Party at the last election was of the order of Rs. 3 crores. Sir, the expenditure incurred by President Eisenhower at the time of his election campaign was eight million dollars. That means that Rs. 4 crores was spent in the U.S.A. with a much higher standard of living and where the expenditure in the matter of organising of meetings and so on is on a much greater scale than in India. Even there only Rs. 4 crores were spent whereas in India Rs. 3 crores were spent. I do not know how much the Communist Party spent . . .

THE MINISTER OF LAW (SHRI A. K. SEN): How did he get that figure?

SHRI A. D. MANI: It was a statement made publicly by Shri Asoka Mehta.

SHRI K. SANTHANAM (Madras): That was only for the election of President Eisenhower, that is, for one election. But at the same time so many other Senators, Governors and Representatives also were elected and when comparing the figure with that of the Congress Party, the hon. Member must include the election expenses of the other Senators also and if he does that, it will come to many times Rs. 3 crores.

SHRI A. D. MANI: Mr. Santhanam knows the difference between the parliamentary and presidential types of government. In the U.S.A. the election of the President is far more important than the election of Senators and of the members of the Congress. There is a difference. But whatever it is, I am only pointing out the scale of expenditure. Mr. Asoka Sen wanted to know who gave me this figure. Well, Mr. Asoka Mehta made this statement on the floor of the other House in 1956 and up to this day there has not been a contradiction of that statement. They may have spent Rs. 2.75 crores but then it would have been desirable for them to say that. In any case, we have no idea

what money has been spent on these elections. I would like to ask Mr. Bhupesh Gupta how much the Communist Party spent on the Kerala elections, because it is quite clear that the only two parties in India have extensive financial resources . . .

AN. HON. MEMBER: How much did the Communists spend? Let us have an answer.

SHRI A. D. MANI: Let me state my case. Only one hour has been allotted. There are only two parties which have extensive financial resources, namely, the party in power and the party in opposition, i.e., the Communist Party. But their expenses do not figure anywhere. We would like to know them. At least if the Government does not want to have this amendment, I would ask the Government whether it would be prepared to consider the question of convening a conference of the members of all the political parties to discuss this matter completely and devise methods by which expenses on elections may be controlled. I think it is most necessary that we follow the advice of the Election Commission and make this recommendation part of the election law of this country, because if we go to the lobby or to the Central Hall, the one complaint that we hear is: "Where is the money? How am I going to spend all this money for the coming election? I will become bankrupt." If Members opposite want it to be a rich man's democracy, they may say so and let them spend as much as they like in these elections. We have seen in Orissa that it was money power plus the Congress that won the votes.

(Time bell rings.)

MR. DEPUTY CHAIRMAN: One hour is the time allotted and there are other speakers also.

SHRI A. D. MANI: I am more anxious that others should speak. I am just finishing, Sir. I would like to mention that in Orissa the Congress

Party took an aeroplane and dropped leaflets and we have been told that the chartered fares for the Prime Minister's visit to Orissa came to Rs. 1,500. It is published in the papers today. We do not want to set up a false standard of lavishness in elections. If you want to keep this country safe for the poor man, it is necessary that the election expenses should be controlled and if a man is not going to be elected on an expenditure of Rs. 25,000/- for a parliamentary constituency, he does not deserve to be elected. I hope that the party that believes in Gandhian ideals and in a socialist economy would accept this amendment and make the elections safe for the honest and poor man **who** has not the purse and who does not have the extensive financial resources that the Members of the Opposition and the party in power have. With these words, Sir, I commend my amendment to the House.

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal): Sir, with your permission may I pass this letter on to Mr. Asoke Sen?

SHRI A. K. SEN: Sir, may I say that yesterday when . . .

MR. DEPUTY CHAIRMAN: Not now, Mr. Sen.

SHRI A. K. SEN: Yesterday I would have corrected it, but I came after the answer was given when . . .

MR. DEPUTY CHAIRMAN: No. We are on some other business now. Mr. Gurupada Swamy.

SHRI M. S. GURUPADA SWAMY (Mysore): Mr. Deputy Chairman, I wholeheartedly support the motion moved by my hon. friend, Shri A. D. Mani. It was only yesterday that I pointed out that elections in India have become very costly and I also said that the electorate in India **has** been corrupted. I gave many instances of political parties, particularly the

ruling party, indulging in corrupt practices which are not covered by the Bill which we passed yesterday.

Sir, Mr. Mani drew the attention of hon. Members to the law prevailing in the United Kingdom. I pointed out yesterday and I wish to point out today also that in all advanced democracies of the world, there is a restraint and a limit placed on the expenses incurred by political parties in respect of their own candidates. Only in India where we take pride in saying that this is the biggest democracy in Asia, we have given a go-by to this very salutary limit which is so necessary, if you want elections to be fair, proper, free and impartial.

Sir, the biggest corrupting influence today is money and the average expenditure of a candidate in India for the Assembly ranges between Rs. 10,000 and Rs. 15,000, I mean the visible expenditure. There may be invisible expenditure also, which may run into another Rs. 5,000 to Rs. 10,000/-. So you will see that elections are becoming costlier and costlier from election to election. In the first election, the play of money was not so important. But in the second election and in the subsequent elections the play of money has become very very crucial. It is increasing in importance. Today persons who have no resources, but who want to be in politics, and in the public life, people who deserve to be in Parliament and in the Assemblies, have become extremely timid and have been withdrawing, so to say, from contest of elections. The main reason for this is that they have not the resources at their command. Therefore, people who belong to other political parties in India, other than the Congress and the Communist Parties, as was suggested by the hon. Member just now, are extremely apprehensive of facing an election, because it may mean the complete depletion of their resources and it may mean in the end, the bankruptcy of the individual himself.

[Shri M. S. Gurupadaswamy.]

So we see that in the political life today we are having only people who command the resources. So political life is vitiated and corrupted and very much demoralised. The other day we were talking of national unity, national survival and national revival. But I am afraid, unless the political atmosphere in the country is cleansed of all this corruption, immorality and ugly things prevalent, it will be extremely difficult to bring about that kind of climate in the country which will usher in national integration and national unity. It is a very serious matter that in a democracy which depends upon elections, if the very base itself is corrupted and demoralised, I think the whole machinery of democracy will become corroded. I feel, Sir, that a corrupt electorate brings about a corrupt democracy. There is no way out. Today, I am sorry to say that the electorate is extremely corrupt. We are all responsible perhaps but some of the politicians are more responsible for this kind of demoralisation and corruption. When we get corrupt votes, then naturally the public life and leadership is bound to be corrupted. So, corruption increases because corruption prevails in the bottom. So many people who are elected to Assemblies and Parliament are elected by corrupt votes, by paying for votes, and it is extremely important that this matter should receive the earliest attention of every Member of this House. Sir, in the United States, a ceiling has been put on expenses of a candidate who contests the election, and it is even known that political parties in the United States publish all the names of the firms and individuals who contribute to the political parties for election purposes and the quantum of money that is subscribed is also mentioned. When that is the case in an advanced country of the world, why is it and how is it that we are hesitating, vacillating and indecisive in such an important matter? May I take it that the ruling party does not want this to be done because it will be a sort of res-

triction on their own activities, a sort of limitation?

THE DEPUTY MINISTER OF LAW (SHRI R. M. HAJARNAVIS): The hon. Member will kindly excuse my . . .

SHRI M. S. GURUPADA SWAMY: What is the reason? I challenge the Minister to come out with us with the same opportunities and win the election. Let me see how you win an election. You are winning every election because you have the support of big money. There is an unholy alliance between big money and you. You talk of socialism and all sorts of egalitarian policies but ultimately you are always hand in glove with big business. You are an instrument of big business and capitalism in the country. Why do you talk of socialism and all that kind of thing? It is irrelevant to elaborate this point. The whole country knows that the Congress today has lost its popularity in spite of its winning the election by a minority vote, by manipulation, by corruption, by making the educated people indifferent to the whole election system. Sir, I feel sorry that the ruling party is not serious about this matter. I feel very strongly that elections should be fought in an atmosphere wherein every political party has got equal opportunity and today, I said it yesterday also, elections are a battle of resources, not a battle of ideology. If it had been an ideological battle, we would have won long back that battle but today elections are a battle of resources. In that case, the party which commands large resources is bound to succeed. I beg of the Minister to consider this thing in all seriousness and to see that this amendment is incorporated in the law or in the rules so that there may be some sort of reasonable limit on the expenses incurred on behalf of parties.

SHRI JASWANT SINGH (Rajasthan): Mr. Deputy Chairman, I rise to give my wholehearted support to

the amendment which has been proposed by my hon. friend, Mr. Mani. What has been the experience of the Election Commission in regard to the last two general elections? Having seen the conditions that exist, the Election Commission has very rightly come to the conclusion that the present provision in the law or in the rules, as it is, is actually meaningless. Everybody knows that an election in this country, some elections at least, not only go beyond the amount prescribed but they go as much high as five times and even ten times. There have been cases where an election has cost nothing less than a lakh of rupees, even two to three lakhs, depending upon the importance of the constituency. In such cases money flows like water from both the sides. This is no secret. Resources, so far as money is concerned, are with the ruling party,—the Congress. We do not envy them because they are in possession of power and money will automatically flow towards them where power is. Therefore, they have got unlimited resources. In prestige seat it has been seen, and it is an open secret, that money is spent much more than the prescribed limit and this limit of Rs. 25,000 is a farce. This rule is observed more in the breach. Therefore, it is quite right on the part of the Election Commission to say that either this rule should be done away with or that some limit must be fixed. Certain figures are fixed respectively for the Assembly constituencies, Parliamentary constituencies and Union territories but in 99 per cent. of the cases, these figures are not adhered to. Apart from the money spent by candidates, the party also spends money on behalf of the candidate as it is entitled to and this is not at all taken into account. This is a very serious thing. Whether it is in regard to the elections or in regard to our Constitution, we generally follow the British pattern. Members have already explained the provisions in this regard in Britain. I do not know why in this particular case we do not

observe the British practice. Our country is a very poor country and the *per capita* income is very low. We have also adopted the socialist pattern of society wherein we do not want people to waste money by spending on all sorts of things but we want them to conserve it for use in the development of the country. When an election takes place, whether it is a general election or a mid-term election or a by-election, there is no consideration for spending money as far as the Government and the ruling party are concerned; money flows like water. Therefore, both in principle and in practice, what we are doing is absolutely wrong and it goes against the very concepts which you are preaching. The amendment that has been brought forward by Mr. Mani is very correct and salutary, and I do not know what hesitation Government has in accepting this amendment. It is a harmless amendment which is not going to affect the party in power because this is of general application and it will affect everybody concerned and will be honoured by everybody. In a democracy, if there is a fight, whether it is an election contest or any other contest, it should be on an equal footing. We have high ideals about our democracy; we do not follow the others in this respect. If these are our ideals and if we go by the concept which we are preaching, in that case, there should be no hesitation on the part of the Government in accepting this amendment which is a very salutary one. When there is equality among the parties, we will know as to which party has really won the election and whether it is the peoples' support that protects a democracy or the resources that protect a democracy. At present, it is the resources of money, as aptly put by my hon. friend Shri Gurupada Swamy, that protects democracy

With these words, Sir, I wholeheartedly support the amendment and I do hope that Government will accept it.

PANDIT HRIDAY NATH KUNZRU (Uttar Pradesh): Sir, I shall be very brief. I support the amendment moved by Shri A. D. Mani. Shri A. D. Mani is trying to rectify some of the defects introduced by the Government of India into the election law in 1956. The law was more stringent till then than it is today but it was deliberately altered in order to make practices possible which were not possible till then. It came out, Sir, in the debate that the expenses incurred by a party in a particular constituency should be shown in the return of election expenses. A party, Sir, may incur two kinds of expenses on behalf of its candidates. It may carry on general propaganda on behalf of the candidates or it may help each particular candidate in his own constituency. Now, the general expenditure incurred by the party in asking the electorate to favour its candidates was not regarded as part of the election expenses of any candidate but when it went beyond that and supplied a candidate with canvassers or jeeps or other facilities then the expenditure on this account incurred by it in a particular constituency had to be shown in the return of the election expenses of the candidate concerned. The Amendment Act of 1956 changed all this and made it possible to limit the definition of election expenses only to such expenses as were incurred by the candidate or his agent or under his authorisation. That is what was done. Again, Sir, till 1956, any expenditure incurred by any person or organisation without the authorisation of the candidate or his election agent was a corrupt practice but this provision too was done away with. Yesterday we noticed Government was very anxious to widen the definition of "corrupt practice" in the public interest but in 1956 it removed the salutary check in the Act of 1951 and made it possible for people and organisations to spend money on the election of a candidate without the candidate being under any obligation to show the expenditure incurred by them in the return of election expenses. Sir, this shows the extent to which

really they went, and what I may call an element of corruption or unfairness was introduced by Government in the matter of the conduct of elections. Now, Shri Mani's amendment does not seek to restore the healthy position that existed till 1956. It only asks that the expenses incurred by a party in a particular constituency should be treated as part of the election expenses of the candidate concerned. I have been asked, Sir, whether it would be possible for any party to say what part of the election expenses of the candidate incurred by it in carrying on propaganda could be regarded as part of the expenses incurred in a particular constituency. I have given, Sir, examples, to show that the expenses could be divided into two sections, one of a very general character and the other of a particular, specific, character which is related only to a particular constituency.

SHRI J. S. BISHT (Uttar Pradesh): Which constituency, Assembly or Parliament?

SHRI P. RAMAMURTI (Madras): Whatever it is.

PANDIT HRIDAY NATH KUNZRU: Naturally this concerned Parliament, but I believe it applied also to the Assembly constituencies but I have not concerned myself with the Assembly constituencies. I am at present speaking about Parliamentary constituencies, but if it is agreed that the expenses . . .

SHRI J. S. BISHT: In an election the party faces both Assembly and Parliamentary constituencies and how is to separate the two?

PANDIT HRIDAY NATH KUNZRU: This situation existed till 1956 and no wise man, who was a Member of Parliament at that time, objected to the provision or saw any difficulty in its fulfilment. Why should there be any difficulty now? I, therefore, Sir, wholeheartedly support the amendment of Shri A. D. Mani though I

know that the Government will find hundred different excuses for not accepting it.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Reasonable excuses.

PANDIT HRIDAY NATH KUNZRU: Unreasonable excuses. It is contrary to their own practice till 1956, and they have changed that practice deliberately so that they may incur this expenditure and when they incur any amount of expenditure on behalf of their candidates, not a pie of it shall be shown as part of the election expenses of a particular candidate.

SHRI P. RAMAMURTI: Mr. Deputy Chairman, I am in complete agreement with the sentiments expressed by the previous speakers but my difficulty is whether this remedy that they are suggesting is going to solve the very serious problem with which we are faced. I am not at all afraid of showing the amount of money that our Party has spent. Mr. Mani was asking about the Kerala elections. The money that our Party received for the Kerala elections was published in all provincial newspapers, a sum of four lakhs of rupees altogether was spent. Even the money given to different candidates was published and I can say that nowhere is this existing but that is not my problem. My problem is really this. I am not at all bothered about the Congress Party spending any amount of money on propaganda, and I am not bothered even if it exceeds the limit. These are all things about which we are in the least concerned. We know, as a matter of fact, that the biggest corruption that takes place is the corruption of the electorate. Money is actually paid to the voters. I am not saying that every voter is paid. It is the marginal voter who is paid. They have a certain number of basic votes and then there are the marginal floating votes. These votes must be ensured and these number about 3,000, 4,000 or 5,000 in each constituency and for these actually money is given. There is a money value and there is market just as there is a market for everything. The

price varies with the market from place to place and there is fluctuation. It ranges from four annas to eight annas and even a sovereign. In some places, votes were purchased for a sovereign each. How will you show this expenditure and where will you show it? Whatever may be the law, this sort of thing cannot be prevented. I know in our own State, our Chief Minister goes about collecting funds from bus operators at the rate of Rs. 1,000 per bus that they run and Rs. 500 for every lorry that is being run. I am making the statement openly.

THE DEPUTY MINISTER OF RAILWAYS (**SHRI S. V. RAMASWAMY**): On a point of order, Sir. The Chief Minister of Madras is not here to defend himself. It is wrong to make such statements.

MR. DEPUTY CHAIRMAN: You cannot criticise those who are not here.

SHRI BHUPESH GUPTA: Well, Sir, gentlemen of the Madras Government.

SHRI P. RAMAMURTI: These are all matters which have come up before the public and in the Madras Assembly and Mr. Subramanian said that he will continue to collect. This is something that we know. There are about 6,000 buses running in the Madras State and from this alone Rs. 60,00,000 have been collected. There are then the textile mills and they collect at the rate of so much per spindle. I know all these but then, knowing all these things, I do not know how these things can be stopped. Obviously, this money is not going to be used for propaganda. Absolutely not. This much money is collected for some other purpose connected with the election no doubt. This amount will be expended in some other way and these things will not be shown. Whatever might be the law that you might pass, even today when you have fixed up a maximum of Rs. 7,500 as the limit of expenditure for a candidate, there are hundreds of candidates in this country who

[Shri P. Ramamurti.]

spend two or three lakhs of rupees quite apart from the money that has been spent by the party. There are candidates who spend two to three lakhs of rupees but nothing is done. The election returns are filed; quite correct; everything is there. Therefore, I would also beg of Mr. Mani to realise that the figures given by the British people and the American people cannot be relied on. Do not take them at their face value. If you are going to take the returns that are filed before the Election Commission and agree that this is the total amount of money that has been spent for the elections in India, then I do not know where we will be. Those figures also will be like that; I do not think they are anything else. Therefore, it has got a serious connotation. We have got to find a remedy for this and that remedy can only be found if we are fully alive to the situation as it obtains. We know for example for the Orissa elections 140 jeeps were bought. I am not going into the question of who bought them or how they were bought and all that. One hundred and forty jeeps means a large sum of money. Each jeep costs Rs. 13,000 and that itself will exceed the limit of expenditure per candidate. That is the actual position. Therefore, realising that this is a very serious problem unless the party in power and other people sit together with a determination, the problem cannot be solved. In the Congress elections in 1937 I was one of the main campaigners and I know what we did then. We went out. When we fought the Justice Party and other parties in Tamil Nad and other places and the reactionaries, what did we do? At that time we told the voters that to take money for votes is a sin and we carried on a very big campaign and we know that the Congress won the 1937 elections without spending any money, without bribing the voters. Today the same Congress Party is unfortunately reduced to a position when there is not a single election it wins without spending money, without bribing the voters.

That is corruption of the entire country that is taking place. That is a very serious problem. Therefore, I would beg of them to realise that this is not the way that this problem can be solved. Let us sit together. I would urge upon the leaders of the Congress Party to realise what is happening in the country as a whole. If the entire country is corrupt, then the Administration will not be free from corruption, because if some official is found to be corrupt and the chief minister wants to take action against him, he will not have the moral guts, moral courage, to do that because the district collector might say, 'You got yourself elected as Chief minister by means of corruption. How dare you take action against me?' That is the sort of thing that you find here. This is a serious problem, which is eating into the vitals of our society. I would appeal to the Congress Party to realise the seriousness of the situation. If we are determined to remedy this position, let us now carry on a campaign. Leave alone the elections. Before the elections let a raging campaign be carried on throughout the country against corruption asking people that they should not take money for their votes. And if somebody offers them, let them be beaten or let them be shooed; I do not mind. Let the moral fervour of the people be roused. Let us agree to that. Otherwise this is not the sort of thing that can solve the problem.

SHRI K. SANTHANAM: I do not want to take up much time of the House. Sir, I yield to none in this House in my eagerness and anxiety that election expenses should be reduced and if I thought that the amendment of Mr. Mani would be conducive to that purpose, I would gladly have supported it but I am convinced that it is wholly impracticable to implement that amendment.

AN HON. MEMBER: Why?

SHRI K. SANTHANAM: I will tell you why. Sir, Pandit Kunzru said that it was possible to separate general pro-

paganda and campaign on behalf of a candidate. So far as I know, in all the meetings, in all the constituencies, conducted at least by my party it is much more of general propaganda than any propaganda for a particular candidate that is carried on. Of course, the particular candidate goes on canvassing individually but generally in the meetings the main theme is either the Five Year Plan or the land reform or something like that. It is more or less general and this propaganda is done not for a single candidate in a single constituency. The propaganda is carried on all over the State by almost the same set of people. One batch may go on addressing some districts, another batch other districts. Therefore, any injunction that the cost should be distributed among the candidates will mean only much more false distribution. There would not be any standard. It will not be possible to distribute the party expenditure among the various candidates. Not only that. When you say party expenditure you speak as if somebody is sitting in Madras and spending all the money on behalf of the party throughout Madras. It is not the case. Even local District Congress Committees collect funds on their own. Taluk committees, village committees, they all collect funds and spend them for the party. All these things have to be brought in. It is a physical impossibility and so I do not think it is possible.

PANDIT HRIDAY NATH KUNZRU:
It was possible till 1956.

SHRI K. SANTHANAM: It was not done; therefore it was removed. Did any party distribute its expenditure among its candidates? No; it was not done; it was found physically impracticable and so that clause was dropped.

PANDIT HRIDAY NATH KUNZRU:
May I place an example before Mr. Santhanam? Suppose a candidate was supplied with a jeep or a car by

his party. Is that to be part of his election expenses or not?

SHRI K. SANTHANAM: So far as my party is concerned, no jeep or car is supplied to any individual.

SHRI BHUPESH GUPTA: 140 jeeps were supplied in Orissa.

(Interruptions.)

SHRI K. SANTHANAM: It is supplied sometimes to the district Congress Committees for propaganda. It is only for the Congress Committees that they are given. (Interruptions.) About any particular place I do not know. I know only about the general elections with which we are now concerned.

SHRI LOKANATH MISRA (Orissa):
The hon. Member should not generalise then.

SHRI BHUPESH GUPTA: What about Orissa?

SHRI K. SANTHANAM: It was for the Orissa Congress organisation, not for any individual candidate. Sir, I am not prepared to accept their allegations.

Sir, this was not found practicable and it was not done. Before I end, I also refuse this allegation that the average Congressman elected either to Parliament or to any State legislature is richer than the average man on the other side. As a matter of fact, it is only the independents who are rich people and who spend a lot of money.

SHRI B. D. KHOBARAGADE (Maharashtra): Do you mean to say that you are not richer than . . .

MR. DEPUTY CHAIRMAN: Order, order.

AN HON. MEMBER: The party has large funds.

SHRI K. SANTHANAM: The party funds are spent for general propaganda and even in the case of the party, I

[Shri K. Santhanam.]

think more is said about the expenditure of the Congress Party while the expenditure of the other parties is rather hidden and often illegitimately. Thank you, Sir.

SHRI A. K. SEN: Mr. Deputy Chairman, Sir, as these occasions are usually utilised in raising the stick against the Congress Party, I was not at all surprised that this particular occasion was availed of for the same purpose. I am not one who suggests that there are no candidates put up by the Congress Party who do not spend excessively. In fact, I am sorry that at the time of the elections many Congress candidates spend a large sum of money, whereas if that money was properly utilised for five years before the election for the good of his constituency or even after his election, it might be much better. But that is only the case of a few and I can say from my own personal experience that the party never spends a single penny as such for the candidate's own election; I wish it did. Speaking for myself, from the city from which I come, I can say that money never can win an election and I think it is the same for the whole country.

Mr. Ramamurti spoke of the elections of 1937 in Madras. I think it is a great pointer to show that the electorate even in 1937 refused to be bludgeoned into voting for a party which was then in power for more than 15 years, which had all the money at its command and men like the Rajah of Bobbili and others. The voters boarded their cars and were carried to the polling booths. They went there and voted for the Congress and the Justice Party was swept away completely, not certainly with the money that the Congress spent but with the money possibly which the opponents spent.

SHRI P. RAMAMURTI: But the point was . . .

SHRI A. K. SEN: You cited an example and it reminded me of that incident.

Sir, in 1945 I was myself connected with raising money for the Vallabh-bhai Patel Fund in the city of Calcutta. That was immediately after the movement. The leaders had come out and the elections were called in 1945. Hon. Members will recall that the Congress fought the elections in 1945 without wielding power. It was not the party in power then. Nor was it possible for it to raise money from bus owners or from other capitalists who are supposed to be the only source for Congress' contributions now. But I can tell you that it is a matter of public . . .

SHRI B. D. KHOBARAGADE: That was before independence.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI A. K. SEN: It is a matter of public record now that in one week in the City of Calcutta alone Rs. 22 lakhs was raised and put into the Vallabh-bhai Patel Fund, much of which still remains unspent and has been made the subject of a charity which goes under the name of the great leader. Therefore, the Congress does not raise money now only. It has always raised money. The Tilak Fund was raised in 1921 . . .

SHRI BHUPESH GUPTA: Are we going back to the Tilak Fund?

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI AKBAR ALI KHAN: No interruptions please. It is inconvenient for my friends there. So they are interrupting.

SHRI A. K. SEN: I went into past history because Mr. Ramamurti possibly in a fit of forgetfulness strayed into the past and therefore we cannot object . . .

SHRI P. RAMAMURTI: Deliberately, not strayed, I went into the past history.

SHRI A. K. SEN: I have got firm faith in the Indian voter. Mr. Ramamurti, Mr. Bhupesh Gupta and others are very proud of being objective in analysing social and other forces. If at all we are objective, we shall note that if the Congress still succeeds in the polls, it is because the small and the middle peasants still stand behind the Congress. In the villages the small and the middle peasant can hardly be won over by money alone. The moment the Congress loses its support of the small and middle peasants from the rural areas, the Congress will lose the elections and money flowing from the cities will not be able to win elections for them. Let us be objective about it. Take the city of Calcutta. I am absolutely sure that the Congress candidates spent more than the Opposition candidates. About that I have no doubt. The Congress Party as such possibly spent much more than the Opposition parties put together. And yet it is a matter again of compliment to the Indian voter that he voted consciously and the Congress lost the majority of seats in the City of Calcutta in the last elections. If money could win votes, as is claimed, as if the Indian voters are chattels to be pulled here and there to the polling booth, the Congress should have won it. Mr. Bhupesh Gupta's party is very proud of the results in the City of Calcutta. If, therefore, the Congress could win votes by spending money, how is it that they who claim not to have spent any money have captured more seats in the city of Calcutta than the Congress?

SHRI BHUPESH GUPTA: Despite your expenditure.

SHRI A. K. SEN: That is exactly what I am saying. It is a lesson which the Indian voter has taught us through all these decades, a lesson which should not be forgotten when we debate this point.

SHRI B. D. KHOBARAGADE: What about the Orissa elections?

SHRI A. K. SEN: The Orissa elections were won, again, not with the supposed money which was spent, but because the Maharajas, I have no doubt, formed the . . .

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI A. K. SEN: If the hon. Member is anxious to show his ire on election, it is a different matter. If he is going to argue the point, he should wait patiently to hear the other point of view and appreciate why certain parties succeed in elections and others do not. I can tell him that the Communist Party analyses things much better and they know very well why the Congress still wins in the rural areas. And that is why today they are so anxious to develop themselves in the rural areas as the spokesmen of the small and middle peasantry. They know that unless the small and middle peasant is with them they will not be able to sway the rural vote. To a certain extent they have succeeded in Andhra and possibly in Kerala too. Let us be quite frank to ourselves and try to appreciate the Indian voter and find out the real reason why still today the Congress Party wins. Let us not forget that. After all, apart from the backing of the middle and small peasant, there is the towering personality of the Prime Minister and the past of a great party to which the country owes a great deal and all that possibly weighs heavily against the lapses of individuals here and there. There is no doubt about it that there are lapses.

SHRI BHUPESH GUPTA: That is covered by big money.

SHRI A. K. SEN: As I said, therefore, this particular amendment, I take it, is more for the purpose of ventilating certain hostile points of view, possibly based on misconception as to how the Indian voter acts and reacts. It will not at all serve the purpose for which it is ostensibly designed. Let us take the practical part of it. If it is said

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that the Congress wins the elections by spending money,—excessive amounts—let us assume that as a fact. Then, those excessive amounts should not be shown in the returns, because if they are shown in the return, the candidate should be disqualified. How would the party's excessive expenditure then help to bring about success? I am very much impressed by the peroration of Mr. Mani. None of us deny that. But what is the use of repeating cliches to which we have all agreed, which form the fundamental principles of our Constitution? Does he concede honestly that the so-called fair election, which is won today according to him—and with which I do not agree—will be brought about by making it mandatory for the candidate to show the excessive expenditure incurred on his behalf by his party? And does he concede that expenditure will be shown in excess of the statutory limit in order to bring about disqualification for the voter? So, I am absolutely . . .

PANDIT HRIDAY NATH KUNZRU:
He runs the risk of being disqualified as a result of election petition.

SHRI A. K. SEN: Theoretically. If the party spent excessive money and assuming that allegation to be true, they would not do so in black and white, as the Communist Party's expenditure in many areas would not be, for election purposes, shown in black and white, as the expenditure of any party. The P.S.P. spokesmen are very vocal today about excessive expenditure. I have seen some of the expenditure that their party incurred in some places. Here is my colleague standing here. He was opposed by one of their leaders. I can tell you very well how much money was spent by Mr. Hajarnav's, who is not a rich man and how much money was spent by the P.S.P. in that area. We all know how the election . . .

SHRI M. S. GURUPADA SWAMY:
How much did the Congress Party spend there?

SHRI A. K. SEN: Nothing.

PROF. M. B. LAL (Uttar Pradesh):
Question.

SHRI A. K. SEN: So, he wants to hurl stones at others living in a glass-house himself.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI A. K. SEN: He who lives in a glass-house himself should also think about his own activities. Each of us knows what happens in elections. Let us not be quite ignorant and naive about these things. Let us be quite frank with ourselves, that our parties and our individuals would in many places spend more than the statutory limit. In fact, that is the finding of the Election Commissioner himself. How is this amendment going to help it?

PROF. M. B. LAL: The rule will apply to all political parties and not only to the ruling party.

SHRI A. K. SEN: I know that. Is it expected that the candidate will show the excessive expenditure to disqualify himself? No, Sir. The real answer to it is again the education of the voter, of the average citizen, not only to his responsibilities but also to his obligations and therein lies the proper answer. I am absolutely unrepentant . . .

PROF. M. B. LAL: Money is mis-educating people.

SHRI A. K. SEN: I am very happy to find that the P.S.P. is following Mr. Bhupesh Gupta, though they do not usually do so.

PROF. M. B. LAL: Anybody who disagrees with you is a communist.

SHRI BHUPESH GUPTA: Because we are common victims.

SHRI A. K. SEN: I am unrepentant in my conviction that the Indian voter has done his duty better than many of us possibly. And by and large he has voted into Parliament or into the State Legislatures, those whom he wanted and the verdict has been by and large a proper reflection of the current of political views as far as we can estimate in the country. As I said, for many more years to 1 P.M. come it is only the small and middle peasant who will determine the result of the elections, not our cities, not our intellectuals, and those who will take the small and middle peasant with them will win the elections. I apprehend, Sir, that that will not be possible merely by spending money. Something more is necessary to be able to win. We know the complex factors which determine again the mental thought and processes of the middle and small peasant. It is a complex of tradition, of conservatism, of certain social values, of certain ideas, many of them possibly again conservative. There are so many factors, and money alone would not be able to outweigh all those factors and bring him to the fore and get him to vote. Therefore, let us not delude ourselves by thinking that by framing election rules we shall make possible a completely fair election.

PANDIT HRIDAY NATH KUNZRU: Does Government recommend the removal of limits on election expenses?

SHRI A. K. SEN: I left it to the opposition parties to do that. They did not do so. I expected them. Some of them said, "Do away with this farcical limit." I voluntarily agreed to the enlargement of the jurisdiction of the Select Committee on the last Bill so that that matter could be left open to the Select Committee to discuss and possibly insert necessary amendments. But no member of the opposition came

forward with the suggestion that this should be done away with.

PROF. M. B. LAL: Therefore you could not help.

SHRI A. K. SEN: I personally believe that a limit is necessary if not for anything else, at least for the purpose of determining the norms which must be conformed to and to which we must pay our respect, and possibly the indirect effect of a possible disclosure of expenditure in excess of the statutory limit might also act as a deterrent.

Sir, apart from the above, as I said, the last two general elections have shown one thing to the satisfaction of not only ourselves but of the whole world that our elections are run as fairly as those in any other country. Sir, here we are reminded of America. Certain matters came to our knowledge during the last elections in America, and I had occasion to discuss with those who know how elections are run in America. I was told that some instances of corruption occur in America always, and I have no doubt that the same thing occurs in England. I was most amazed to hear that even in England there may be cases of impersonation at the polls though not possibly on as large a scale as in the city from which I come. And yet whoever can say that the elections in either England or America are not fair? Am I to understand that those who run the elections in America have not the backing of big money or that big money there cannot win as many people as they can in this country? I am sure that some people may be bought, and some people may not be bought, but on the balance the Indian voter has shown that he is not a purchasable commodity, and we shall not be doing justice either to ourselves or to the Indian citizen if we say that he is a purchasable commodity. Sitting here in the Rajya Sabha which possibly is not directly elected but certainly in the Lok Sabha which is directly elected by the people themselves, it will certainly be not complimentary

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to those who have elected us to say that those who have elected us are purchasable commodities and that they would only come to the polls at the bidding of big money. Therefore, I am constrained to say that the hon. Member who has moved this motion knows perfectly well that this will not achieve the object for which he appears to be very anxious. We are all anxious that money should not be thrown into this game of election unnecessarily, because I agree with those who have said that it does not certainly buy votes enough to warrant a victory, but it corrupts individuals, it does corrupt individuals. I have seen young men, I have seen young boys being corrupted at the time of election by unnecessary money being poured into their pockets in the name of election expenses, and I know that it has a very demoralising influence on our young men particularly because at the time of election many people, who would not otherwise indulge in certain luxuries of life, look forward to them in the hope of getting some money at the time of elections. I am a believer in making the law as tight as possible and our social conscience as strong possible against all ideas of money being thrown into the game at the time of elections, though I know that it will not certainly bring about a victory for any one. But in order to prevent a social evil which bids fair to continue for some time to come at least, I am afraid that this piece of amendment will not achieve that purpose at all, and, therefore, I oppose this on behalf of the Government.

SHRI A. D. MANI: Mr. Deputy Chairman, I do not think that the Law Minister has put forward one substantial argument for not accepting this amendment. We listened to a lecture on the causes which are responsible for the dominance of the Congress Party in the country. But he did not deal with the question that was specifically raised in this House that till 1956 we did not find such a provision inconvenient. He did not say a word also about the suggestion

made by me as well as by my friends of the Communist Party that at least this matter should be discussed in a round table. The Law Minister is not even prepared for a discussion, and the only inference that is obvious is that the Congress Party wants the present situation to continue so that it may by its immense financial resources . . .

SHRI A. K. SEN: Which provision of the Act before 1956 the hon. Member is referring to make it obligatory for a man to disclose it?

PANDIT HRIDAY NATH KUNZRU: The hon. Minister should read the old Act and the proceedings in connection with the amendment of the Representation of the People Act, 1951. He will come to know that.

SHRI A. K. SEN: That is why I am asking him who is moving the motion.

PANDIT HRIDAY NATH KUNZRU: It will take too much time. I have given the hon. Minister a very brief reply which will serve the purpose.

SHRI A. K. SEN: I put the question to Mr. Mani and not to Dr. Kunzru.

SHRI A. D. MANI: When I speak on this subject, I am prepared for an examination paper. The Act as it stood before 1956 was modified in the May session. The Law Minister knows what it is.

SHRI A. K. SEN: He made a proposition. I wanted him to cite the relevant provision.

MR. DEPUTY CHAIRMAN: What is the rule you refer to?

SHRI A. D. MANI: I have not got the Act with me, but I thought it was so well known.

SHRI A. K. SEN: The hon. Member can take it from me that the proposition he is stating is not bound down by the rule.

SHRI A. D. MANI: My hon. friend, the Law Minister has not said a word about a constructive suggestion made by my friend, Mr. Ramanathan, as well as made by me that at least this matter should be discussed in a round table conference. The Election Commission made a report, and I may draw the attention of the Law Minister to the fact that the Election Commission's report was signed by Mr. Sukumar Sen about whose integrity and disinterestedness there is no question at all in the country. We take it that the Congress Party wants to retain its present control of the financial resources. One of the dangers of public enterprises is—and this is a serious danger facing us at the present moment—that these public enterprises are expanding so much and so many contractors are available for contributing to the Party in power. I do not want to mention the name of Mr. Mundhra who contributed Rs. 1 lakh before the last elections, and we know what happened behind the scenes. With the control of public enterprises in the hands of the Congress Party on account of its being in Government, with its control of companies, the Companies Act being entirely in its hands, with these immense financial resources the Congress Party is entering the election campaign, and our friends on this side are entering it to find only that the dice is loaded against all of them.

MR. DEPUTY CHAIRMAN: The question is:

That the following modification be made in the Conduct of Elections Rules, 1961, namely:—

"In rule 90, after sub-rule (2), the following Explanation be inserted, namely:—

"Explanation—For the purpose of this rule, expenses incurred in connection with an election by a political party on behalf of a candidate in his constituency shall be deemed to be expenses incurred by that candidate."

(After taking a count).

AYES 14

NOES 41

The motion was negatived.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2-30 P.M.

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

The House reassembled after lunch at half-past two of the clock, Mr. Deputy Chairman in the Chair.

REQUEST RE. NOTICE REQUIRED FOR CONSIDERATION OF THE SUGARCANE CESS (VALIDATION) BILL, 1961

SHRI BHUPESH GUPTA (West Bengal): Sir, I have to make a submission. We find that the Sugarcane Cess (Validation) Bill, 1961 has been put down on the Business Paper today, and this morning we got this Bill as passed by the Lok Sabha. Now, I invite your attention to rule 121 which clearly lays down that two days should pass between the receipt of this Bill and its consideration. In regard to the Money Bill, there is rule 162 which says—

"A money Bill passed by the House and transmitted to the Council shall, as soon as may be, laid on the Table."

That has been done—

"The Chairman in consultation with the Leader of the Council shall within two days of the Bill being so laid on the Table allot a day or days or part of a day for the completion of all or any of the stages involved."

Therefore, the question arises whether any exception is to be made in the case of the Money Bill. Yesterday you were good enough to defer the discussion of the Delhi Municipal