

When all employables are fully employed and generate wealth for the country, only then, can our country be prosperous and all those 23 crores of population of India, living in dire poverty, can be helped to better their quality of life.

SHRIMATI CHANDRA KALA PANDEY (West Bengal): Madam, I associate myself with the Special Mention made by Miss Mabel Rebello.

THE DEPUTY CHAIRMAN: Now, we will take up the legislative business, the Election and Other Related Laws (Amendment) Bill, 2003. Shri Arun Jaitley.

### **GOVERNMENT BILL**

#### **The Election and other related Laws (Amendment) Bill, 2003**

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): Madam, I beg to move:

That the Bill further to amend the Representation of the People Act, 1951, the Companies Act, 1956 and the Income Tax Act, 1961, as passed by Lok Sabha, be taken into consideration.

Madam, I may mention, at the outset, that this Bill has already been approved by the Lok Sabha. It had also received a stamp of approval after extensive consultation by the Standing Committee. Madam, the object of this Bill is to cleanse the process of political funding in India.

Madam, it is a matter of concern for all of us that even after 56 years of our Independence and 53 years after we put the Constitution, which formulated and provided for the parliamentary form of democracy in India, we have not been able to develop a legitimate mechanism of political funding in India. Politics is an essential part of our life. Parliamentary democracy regulates our political system. Political parties are an essential component of the parliamentary democracy. How our political parties going to be funded; it may not be entirely untrue if we are to even make a confession that there is a popular perception that it is money in the unfortunate colour which is perceived as black

money, is used to fund the political process. Do we allow this process to go on, or, do we allow this entire process to be corrected? This Bill is an humble beginning, a first step attempting to cleanse that entire process. The provisions of this Bill, broadly, are in the category that political parties have always been entitled to receive money from individuals, from partnership firms, from HUFs, from companies other than the Government companies by cheque, but, in the absence of a proper system, these cheque monies have not been coming, primarily, to the political parties. The Government companies are not entitled to donate any money under this Bill and as far as companies are concerned, there is another restraint upon them under section 273 of the Companies Act that whereas monies of individuals, of partnership firms or HUFs are individual's money, there is no upper cap on donation. Corporate money is also shareholders' money, and, therefore, there is an upper cap in the Companies Act that at best 5 per cent of the profits can be given as a donation to the political process. This Bill takes some major steps forward in as much as it incentives donations and payment of money to political parties by cheque; that whatever monies are given to political parties by cheque subject to the limitations that exist in the Companies Act, as far as companies are concerned, with no limitations. As far as other assesseees are concerned, there would be an adequate tax incentive in as much as this money would be admissible as a permissible deduction for the purposes of Income Tax. So, henceforth for any person to siphon money out of business and then donate it for the political process, in itself, may not be incentive enough. There will be an incentive if he is to give it by cheque, and this is the first step that this Bill takes forward in order to incentivise these payments by cheque, I may mention, at this stage, that the Congress Party had appointed an inner-Party Committee headed by Dr. Manmohan Singh which had made several recommendations, and a large number of those recommendations have also been taken into consideration by us while formulating this particular Bill. We also have a prohibition in this Act which states that no foreign company which is prohibited under the Foreign Contribution Regulation Act from making any donation can make any donation to a political party. That embargo itself continues. There are several other changes which we have made, particularly, in view of the report of the Committee headed by late Shri Indrajit Gupta on the process

of political funding and the funding of the election process. The Committee had made a two-fold suggestion. The first formulation of the suggestion was that there must be public-funding or State-funding of the electoral process. The second part of the suggestion left it to the Government to come out with a proper system by which political parties could accept donations. That part we have tried to legitimise by this Bill. But as far as the first part is concerned, we wrote to the State Governments in this regard because the formulations of the Indrajit Gupta Committee Report was that a corpus of about Rs. 1400 crores would have to be created, Rs. 700 crores would be contributed by the Centre, and Rs. 700 crores by the various States. When we wrote to the various State Governments, most of the State Governments—I need not go into the details of which they are—expressed their reluctance to make any contribution in the matter in view of their own fragile fiscal conditions. We have, therefore, provided in this Bill some aspects of that report with regard to equitable time-sharing as far as the public broadcasting channel are concerned, the Doordarshan and the Prasar Bharti channels. We have also provided that on private channels, including Cable channels, there would be an equitable allocation of political time during elections, which would be regulated by the Election Commission. We have continued with the present dispensation of electoral rolls being made available to candidates of political parties free-of-cost, and depending upon our ability to raise further revenues, we have also had an enabling provision in this law that in case the situation in that regard improves, the Government, may, from time to time, notify such other amenities which could be given to candidates at the election time, so that the expenditure of the individual candidates themselves, or, their reliance on other donations itself, comes down.

Madam, this Bill was referred to the Standing Committee. The Standing Committee headed by Shri Pranab Mukherjee has put its stamp of approval with several suggestion and comments which they have made in this respect. Since there was a larger consensus amongst the political parties that there is need to cleanse the process because this cleansing directly impacts upon the credibility or legitimacy of Indian politics and political parties, I commend to this House that this Bill be discussed and approved by this House.

**The question was proposed**

SHRI PRANAB MUKHERJEE (West Bengal): Thank you Madam Deputy Chairperson, for giving me an opportunity. First of all, I would like to welcome the Bill, and I would also like to congratulate the hon. Law Minister that he reintroduced the Bill after obtaining the recommendations of the Standing Committee. When he reintroduced this Bill in the Lok Sabha, he pointed out in the Statement of Objects and Reasons that there were certain substantive recommendations in the Report of the Standing Committee, and, for that, reintroduction was needed. And, here I must point out that this is the spirit in which the recommendations and reports of the Standing Committees should be reacted upon by the Government. I do appreciate it. Most of the recommendations we made in the Committee were unanimous. Of course, in our political structure, there would be differences of opinion, but it is not necessarily leading to dissensions, and, by and large, we have been able to make major recommendations in the Bill which have been accepted by the Government, and I would just like to say a few words in this regard. Otherwise, there was no reason for me to participate in this debate. When this Bill was passed in the Lok Sabha, I read some newspaper comments, and according to some of them, a small section of friends in the media, it was as if a major change had taken place by making the company donations eligible for tax exemption. One newspaper article writer went to the extent of naming various political parties attached to the industrial houses. That leads to a total misconception about the Bill.

First of all, I would like to make it quite clear—many of my colleagues sitting in this House know—that from the beginning of our parliamentary system, company donations to political parties were permissible. They were permissible even in the Act of 1956. In 1960, it was made more explicit, and there was a period between 1969 and 1985 when the company donation for a period of about 16 years, was totally banned. But if we take into account the entire period from 1952 onwards, over the last 51 years, except the 16 years' period, the company donations to the political parties were permissible. Now, let us look at it very frankly. If transparency is expected, and if the concept of transparency and honesty means

leading to total impracticability, then, I am afraid this system would not function.

Today, my friend, the hon. Law Minister, has calculated on the basis of seventy crores of voters because the Indrajit Gupta Committee's recommendation was Rs. 10 per elector. Therefore the Rs. 1400 crores that was talked of as corpus was talked of on the basis of seventy crores of voters. If you multiply seventy crores by 543 Lok Sabha seats, the average would be nearly 1.5 million. Now, if a candidate writes a postcard to 1.5 million voters, what would be the cost, and from where would this money come? If somebody believes that a political party can raise this fund from a small contribution, I am afraid it is totally impracticable. Therefore, in 1985, it was thought that the ban which was imposed in 1969 be lifted and companies—of course, not the Government-owned companies, foreign companies, which were excluded, should be entitled to donate up to 5 per cent of their aggregate profit, average profit, of the preceding three years and the ceiling was also put up to five per cent. But adequate response was not available. Adequate response was not available simply because of the fact that there was no incentive. On the other hand, when they have to show it in their balance-sheet for the approval of the shareholders, they would easily identify a company with a political party. And they would not get the corresponding benefit out of it. So, the tax incentives were needed and in this Bill, the tax incentive has been provided. And it is absolutely in conformity. The criticism, which has been made, completely forgets that for the last 30 years, we are debating on the State funding. Now, this tax exemption means that nearly 50 per cent of it is coming from the Exchequer itself. Therefore, in one way, the State is funding. When the questionnaire on direct funding by the State was raised, as we came to know while examining the witnesses from different sections, it was found that many of the State Governments opposed it and said that there should not be any direct funding. The Indrajit Gupta Committee thereafter suggested seeing if we could do it in kind. Exactly the same thing has been attempted in this Bill.

The Government is contributing not in cash, but in kind. If the time allocated to the political parties for broadcast either in radio or in television is converted into money, it is coming from the

Government; it is coming from the Exchequer. Similar are the arrangements which will be made with the private operators and cable TVs. They are not going to contribute. The Government will have to bear the bill. When the Government provides the electoral roll, voters' list, it has its cost. When we go for buying it, it costs us. But when it is being distributed to the candidates of the respective political parties, recognised political parties, it is given free of cost to the political parties. Therefore, these are the contributions coming from the Exchequer. Now, in our electoral reforms system, as in the morning, the Law Minister was very correctly pointing out, this is a continuing process and we shall have to continue it because our democratic system, electoral system is not static; it has its own dynamism. As and when situation changes, we shall have to readjust it with the various changes that are taking place inside and outside. It is not for the first time that we are doing it. In most of the countries, it is there. I was told, in a book written by a former editor of the Time Magazine, he made a very cryptic remark that though the Presidential Election Party is funded by the Exchequer. But, while talking of the Senator, he was pointing out that one-third of the total time of nine years of the Senator goes from the day he takes oath as a Member of the Senate to America only to devote to raise funds for the next Senate election. Same is the story with the Members of the House of Representatives. Therefore, it is nothing new. In every democratic system, in every parliamentary form or Presidential form of Government, these are absolutely necessary and these are inevitable. Keeping that in view, we thought that it is a beginning and would not say it is a very substantial beginning. But nonetheless beginning is in the correct direction, which was being done in a rather not-so-transparent method but is being 'organised' in a transparent method. In fact, in our party on the basis of the recommendations of Dr. Manmohan Singh Committee, we were exploring the possibilities of seeing how it is not only done honestly in the right manner, but should appear to be done in the right manner. And there comes the question of audit. We have made a recommendation that political parties donations ought to be audited. I am again responding and reacting to some newspaper comments. My good friend, Mr. Pillai, is not here. The original provision in the

Bill was such that every Rs. 10,000 is to be recorded; the list of all ten-thousand-rupee persons has to be kept for their accounting. Now, it is simply not possible. Therefore, the ceiling has been raised from Rs. 10,000 to Rs. 20,000. In the context of today's economy, when a country spends Rs. 4,38,000 crores in a year—that is the Budget of the Federal Government—political parties are not that type of professionals and they are not expected to be so. So, one of the recommendations which we made is that instead of maintaining separate accounts for the receipts, from which sources they are coming, how much of it is coming from the company donations, how much of it is coming from individual contributions, how much of it is coming from the subscriptions of the Members, and how much of it is coming from the revenue of the legislatures belonging to the political parties—it is not possible for the political parties to have maintained segregate accounts—there should be one consolidated account of the political parties and from whichever sources they get the money, that should be incorporated in it. On that basis, the Treasurer will give the accounts. There are two areas where tax exemptions will come and necessary arrangements in the Income-Tax Act have been made. One is that the political parties are entitled to have the tax exemptions. For that, this audit is needed and it is also needed because the companies, which are donating to the political parties; two, that part of their donation will be tax exempted, so for that, proper auditing is needed. The third area on which, of course, there were not differences and it is linked to it, other major political developments, and when the appropriate time will come, we shall have to discuss. There was a very strong plea from certain sections of the Committee that all political parties should be given not only equitable time but equal time. Now, that may lead to some sort of incentives for the proliferation of the political parties. Regarding the present arrangement, which you are having today, majority view of the Committee was to support the existing arrangements which we are having. That means, the way the political time is being distributed amongst the political parties at the national level for national broadcasting, for the national televisions and State-recognised parties at the State level, the existing arrangements and the norms, which are being pursued by the Government, should continue. Now,

what would happen to the unrecognised political parties? Surely, the unrecognised political parties will have to wait to get recognised either at the State level or at the Central level on the basis of their electoral performance. You cannot spend money only to create political parties, but if political parties come to exist and they enjoy the confidence of the people by getting a certain percentage of votes, you can debate whether it should be six per cent or it should be four per cent, that is a different story. But, simply, you cannot go on proliferating parties and thereafter depend on the Government exchequer to have support; that is simply not possible. Therefore, it was recommended that all these facilities should be extended to the recognised political parties, whether recognised at the State level or at the national level, and the amendment of the national level recognition of political parties, which has also been done, in fact, only one area where political parties have been recognised, that is in connection with the allocation of the reserved symbols. Otherwise, in the whole Constitution, the political parties do not have any existence except the addition of the Tenth Schedule and the anti-defection law. Earlier, there was no mention of political parties. It was expected that political parties will grow and in the Representation of the People Act, political parties were mentioned. So, recognition of the political parties is arising out of the allocation of the reserved symbols for the political parties, whether at the national level or at the State level, and that system should continue. And, if we want to prevent the proliferation of the smaller parties, then, of course, there are certain other areas where we shall have to debate, for which this is not the appropriate occasion. But, what I do feel that on the basis of the recommendations, which the Parliamentary Standing Committee thought, many of those have been recommended. This Bill, in fact, is amending Companies Act to facilitate the companies to get tax reductions for their contributions to the political parties. Secondly, it is amending the Income Tax Act. And thirdly of course, it is amendment the Representation of the People Act and one area where we had lot of differences was about tour programmes. Nowadays, with the global terrorism, the security and safety of a section of the political leaders have become really serious. Now, if a political leader of high-security risk goes on having national campaign—and, this is



not imaginary because the premier political party lost its President just at the time of the campaign, his life was taken by human bomb, this was the tragedy we had—but, there were doubts whether that expenditure will be incurred as the expenditure of the individual candidates. The clarifications, which have been provided in the Bill itself, now will dispel those doubts. Cost related to the security and cost related to the travelling expenses of the national leaders at the national level, for which certain norms have been included, that will be decided by the Election Commission in consultation with the States. Moreover, the enabling provision, which was our recommendation, that just at this point of time, it is not possible for us to indicate as to what would be the facilities extended to the political parties to facilitate them to depend on more transparent ways of acquiring resources. But, as and when we go on, many more areas may come and the Government should have the right to come and contribute in that respect.

I will just give one example and then conclude. In the original Bill, it was suggested that we should distribute voters' list free. Now, you imagine a situation where there are five candidates in a Lok Sabha constituency; that means, Government will have to print—five multiplied by 15 lakhs, that is,— 75 lakh voters' list, and distribute them to the political parties. Because the Government does not have the machinery to supply a copy of the voters' list to each and every household, the political parties will get it.

Now, if you calculate the cost-benefit ratio, the huge costs will be incurred by the Government in printing 75 lakhs to one and a half crores of voters' lists in each constituency, and, then in giving it to all the candidates, some of them may lose even the security deposit. So, the money will be clearly wasted. The political parties in any way will do this job because distribution of the voters' lists is the most significant way of their campaigning. So, the candidates will continue to do so and the government should help not come and spend money on that. The Government should help the political parties in other ways; that was our recommendation, and, fortunately, it has been accepted. With these words, Madam, I conclude. Thank you.

[4 August, 2003]

RAJYA SABHA

THE DEPUTY CHAIRMAN: Now, three minutes are left. Out of 32 minutes allotted to Congress, Mr. Mukherjee, you have taken almost half-an-hour. ...(*Interruptions*)... It is two-hour discussion. It is only two-hour discussion. Mr. Kovind is the next Member who will be speaking. Now, we will have lunch. So, I adjourn the House for lunch for one hour.

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

The House re-assembled after lunch at two of the clock,  
THE DEPUTY CHAIRMAN in the Chair.

THE DEPUTY CHAIRMAN: Before I start, I should inform you that two hours were given for discussion on it. And, at 4 O'clock, there is a Short Duration Discussion and Prime Minister will be coming. I would request everybody to speak within their time limits or less, if possible, so that we can finish the reply and everything before he comes.

SHRI RAM NATH KOVIND (Uttar Pradesh): Madam, how much time have we got?

THE DEPUTY CHAIRMAN: Your party has 22 minutes and you have two speakers. You can decide this between you.

SHRI RAM NATH KOVIND: Madam, we all across the party lines have been advocating for electoral reforms. I still remember when I came to this House, way back in '94. Right from '94 till '98, when I was sitting on the other side, myself and the ruling party, whenever there was an opportunity, we all had been demanding for electoral reforms. We all had been complaining about shortcomings in holding free and fair elections. Madam, in my view, there are two things which are very important for free and fair elections. One is the transparency, transparency with regard to funding and contributions to the political parties. And, the second element is accountability on the part of the candidates and the political parties. Keeping these two things in view, I congratulate the NDA Government and the hon. Law Minister who has come to this House with the present Bill, that is, the Election and other Related Laws (Amendment) Bill, 2003.

Madam, I wholeheartedly support this Bill. Now, I come to the specific provisions which have been incorporated in the present Bill, which will certainly cleanse the electoral system. First, the Bill seeks to insert two sections, *i.e.*, 29B and 29C. Madam, 29B talks of acceptance of voluntary contributions by political parties from a person or a company other than a Government company. 29C talks of submission of a report by the treasurer of a political party to the Election Commission every financial year and the very good part of this proviso is the obligation on the part of the political party. This report has to be with regard to contributions exceeding Rs. 20,000 and the laudable provision of this section is that there is a penalty which has been provided on the political parties that if they do not comply with this provision, then they will not be entitled to any tax relief under the Income-tax Act. And those who voluntarily come and contribute to the political parties, will also be entitled to tax exemptions. Madam, the other section, which is also laudable, is 39A. Through this section, a provision has been made to allocate equitable sharing of time to recognised political parties on the cable television network and other electronic media, *i.e.*, all India Radio etc.

Madam, the next provision is about section 77 which talks of expenses which are being incurred by the leaders of the political parties, and till date these expenses used to be included in the expenses incurred by a candidate. Now, this used to lead, we all know, to filing of false report to the Election Commission, even to filing false affidavits, saying that 'we have incurred very less amount', just to keep the expenditure within the prescribed limit. Madam, the next provision is about section 78 which also makes an obligation on the part of the Government to supply free of cost copies of electoral rolls to the candidates. This will certainly minimise the electoral expenses incurred by a particular candidate. Then, section 78B talks of supply of certain items to candidates by the Election Commission. Earlier provision was supply by the Government and this provision talks of supply of certain items. But, Madam, there are two things on which this part is quite silent—one is, which kind of items the Election Commission is expected to supply to candidates and, the other, whether these items will be free or otherwise.

Now, I would request the hon. Minister to enlighten the House on this aspect also. Madam, while introducing the Bill, the hon. Minister has stated that no transparent mechanism since the date of Independence has been evolved till date and, in these circumstances,.... I congratulate the NDA Government, and, particularly, the hon. Law Minister, on bringing in the Electoral Reforms Bill in these circumstances. Madam, the NDA Government, while contesting last Lok Sabha Elections, in its election manifesto, had also promised to the people of this country for bringing electoral reforms; I am happy that the NDA Govt. is now fulfilling its election promise, and, I am sure, Madam, when these provisions are enacted and implemented, the legislation will go a long way in conducting free and fair elections. It will also curb the role of money. It will minimise—I do not say it will eradicate—the role of money and muscle power. It will, certainly, provide a level-playing field to all the political parties. With this view, I support the Bill, and I once again congratulate the NDA Government for coming out with this legislation.

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): Madam, I rise to support the Bill. This Bill intends to make certain amendments to the Representation of the People Act as well as the Companies Act, along with the Income-tax Act. The Bill is designed to bring about greater transparency and accountability in the election funding and deals with the provisions of Sections 29 and 39 of the Representation of the People Act, and also other related provisions in the Income-tax Act and the Companies Act.

While going into the details of the Bill, though the scope of the Bill is very limited since it was discussed and debated thoroughly in the Standing Committee, I want to emphasise that as far as my Party's stand is concerned, right from the beginning, my party, Telugu Desam, is in the forefront of highlighting the grievances of the people about the election process and curbing the money power in elections. All these things are regularly taught to the party-workers at the grass-root level in my party, and my party is committed to removing all these evils—money power, muscle power and other related things, from the political arena.

As a matter of fact, Madam, as I have stated earlier, all the Members of my party, who are 13 in number in this august House, got elected to this House without spending even one rupee. This is due to the greatness of my party, and I am thankful to my party leader, Mr. Chandrababu Naidu. ...(*Interruptions*)...

SHRI ANIL KUMAR (Bihar): It is good that you are elected to this House without spending a rupee.

SHRI RAVULA CHANDRA SEKAR REDDY: It is a welcome sign.

My party's stand is that the electorate in this country should be made literate. Poverty is the main cause for all these things. We should take care of the literacy part and poverty; they are interlinked with this process. There are frequent elections taking place in the country. Every time, we will be facing elections in one or another part of the country; if not in the south, in the North, if not in the north-eastern part. If, somewhere, there is an election in the country, all the political parties are concentrating on the election process! So, the aspect concerning frequent elections and the flaws and lacunae in the existing laws, which are exploited by the political parties, should be looked into. And our Anti-Defection Act is one among them, wherein if one person defects from the party, it attracts the Anti-Defection Law. If one-third comes out of a political party, there is a split! So, there are a lot of lacunae and flaws in the Anti-Defection Act also. Madam, I would like to know from the hon. Law Minister that, as far as the electoral reforms and the laws are concerned, why he does not think of bringing a comprehensive Bill, since the hon. Minister is capable and is also aware of the entire electoral process in the country. I request him to look into the aspect of bringing in a comprehensive Bill as far as the electoral process is concerned.

We have to minimise the money power in politics. Earlier our party thought of suggesting to the Government of India about State funding. We tried to introduce it in the State in local body elections during NTR's regime in Andhra Pradesh. But due to

various reasons we could not do it. If it is practical and feasible, it should be done. With the opinions expressed by many political parties in the other House-I have gone through the deliberations in the other House where they had said that if it was possible, it should be looked into—I tend to agree. The most important aspect is that there are certain political parties which are conducting regular organisational elections and abiding by the election laws. So, this fact that the political parties conduct regular organisational elections and create confidence in the electorate that a particular political party is committed to the welfare of the people and adhere to the laws of the land must be taken care of. The political parties should also take a pledge that money and muscle power should be removed from the political arena. Only then there will be a free and fair election and the electorate can exercise their franchise in a peaceful manner.

There is an apprehension about a newspaper report. I have got a newspaper report where an apprehension has been expressed that there would be a remote control of Parliament by the people who are funding the political parties. This apprehension should be removed. This apprehension should be properly answered in this House by the hon. Minister.

As far as poverty and literacy are concerned, we have assured the country that the within 10 years of our Independence we will make all the people literate. Recently, we made an amendment that by 2010 that we were going to make all the people literate. So, literacy, poverty and election process should be seen together. By virtue of illiteracy, by virtue of poverty and by virtue of frequent elections, people are tempted by the campaign of the political parties and the money spent by the political parties are influencing electorate. So, this aspect must be taken care of.

Another aspect is regarding the supply of electoral rolls to the political parties. Earlier, they were given to the political parties. Now, they are going to be given to the candidates. My friend has expressed a doubt whether they are free of cost or whether they are charged and the candidate has to pay. This aspect has not been answered.

Another point is sharing the time on Doordarshan and other electronic media. Now, the Government is going to control even the private channels.

While supporting the Bill, I want to ask the hon. Minister whether there is any ceiling on the funding. It seems the minimum money is fixed at Rs. 20,000. The amount above Rs. 20,000 has to be declared and it should be audited and accounted, and it should be made known to the Election Commission and the treasurer has to file a report. All those things are there. As far as the minimum amount is concerned, it is clear. I would like to know whether there is any ceiling, as far as the maximum amount is concerned. I would like the hon. Minister to clarify whether the donation should be out of the profit or whether it can be out of the corpus fund also. This should be clarified.

I want to reiterate once again that the apprehension of the people should be removed. I have seen in the print media that there was going to be a remote control of Parliament by the companies which would be funding the political parties. That apprehension should be removed. With these words, I support the Bill. Thank you.

THE DEPUTY CHAIRMAN: There is one thing, Mr. Minister. If somebody gives a cheque officially, it does not bind the person not to give under the table. There is no provision for it.

SHRI PRASANTA CHATTERJEE (West Bengal): Thank you, Madam, I rise to oppose that particular clause of the Bill which advocates corporate funding of election and of the political parties. I rise to support that provision regarding sharing of time on the electronic media. But that should be done in a very judicious manner. We receive the voters' list. The distribution of the voters slip is proposed to be free. I support it.

Previously, two Committees worked on the subject. So far as I know, the Indrajit Gupta Committee advocated State-funding of elections. Those, who advocate corporate-funding of elections, or, the corporate-funding of political parties, justify it by saying that the election process runs not merely on the basis of the goodwill of the people but it also requires material resources. They ask the question;

from where will the material resources come? And their answer is: They will come from where they are accumulated. So, according to that lobby, the justification of corporate-funding lies there. We all know that the material resources lie in the kitty of the corporate sector. If any corporate house wants to serve the nation and the election process, it can contribute to the state coffers, under a separate account. And the political parties can be assisted from the State coffers, in kind and not in cash. We can do that. Nowadays, we have criminalisation of politics. We all talk about it. These are the days of multinationals and of accumulation of huge black money in the kitty of the corporate sector. There is a huge disparity between the upper strata of the society, which is 20 per cent of our population, and the rest, which is 80 per cent.

There is a clause in Chapter II. It has come at a time when we have seen the Tehelka case. We have our experience. Someone was found accepting money as bribe, and he later argued that that money was accepted on behalf of the party to which he belonged. Now, as per the proposed Bill, the acceptance of money for a political party is not a bribe; it is a part of donation. I strongly emphasise on State-funding of elections. State-funding of elections cannot be denied on the basis that the regional Governments have financial difficulties and that the regional Governments are in financial crises. It has also been stated in a clause that foreign contributions will not be allowed. But, in the present era, we know that there are many ways in which contributions are made by foreign companies. The UNDP, in its 2000 Report on 'deepening Democracy in a Fragmented World', has made very important observations. It says that money in politics, coming from business houses, is especially serious. It has stated in its Report, "It can distort the election process, and the extent to which elected leaders represent their constituencies. It can distort democratic institutions at every level. It can distort parliamentary politics and even the functioning of the Judiciary and the Executive". A number of examples from our own country can be cited to authenticate the above observations of the UNDP. One of our former Chief Justice had stated that 20 per cent of our judges were corrupt. We all know of the recent case pertaining to



the DDA and the arrest of a judge. What has been the experience abroad? In Italy, in 1990, we have seen the downfall of the Christian Democrats, and the party had been accused of its financial links with the mafia. In the United States, in the Presidential election of 1980, a candidate spent 92 billion Dollars; in 1988, this figure increased to 211 billion Dollars; and in 2000, it increased to 343 billion Dollars. So, it makes it impossible for an under-funded candidate to contest an election, or, even enter the race. While describing our country's affairs, the UNDP has observed in the same Report, that big business provided 80 per cent of the financing for major parties in 1996. That is the Report of the UNDP. So, election process can be subverted by fraud. Thus, it may happen, and the principle of one-person one vote has no meaning. We have seen how the BJP while in power for 13 days only, for 13 nights only, approved \$ 3 billion Enron Power Project instantly; it objected to the same while in the Opposition. Truth will somehow come out definitely. So, anyway, I once again urge upon the Government not to pass that particular clause, and send it back to the Election Commission for their opinion. Madam, with these few words, I, on behalf of my party CPI(M), conclude my observations. Thank you, Madam.

SHRI JIBON ROY (West Bengal): That is the line of demarcation.

प्रो० रामगोपाल यादव (उत्तर प्रदेश): उपसभापति महोदया, धन्यवाद। इस विधेयक के जरिए पोलिटिकल पार्टीज को आर्थिक रूप से और दूसरे तरीके से भी मदद करने के लिए व्यवस्था की गई है। कई बार पहले भी चर्चा हुई है और मुझे याद है कि जब स्टेट फंडिंग कमेटी बनाई गई थी, स्वर्गीय इंद्रजीत गुप्त जी की अध्यक्षता में, उस कमेटी ने स्टेट फंडिंग से संबंधित मामले पर एक रिपोर्ट भेजी थी। अन्य कॉर्पोरेट हाउसेस से चंदे को लेना उसका उद्देश्य नहीं था। मैं खुद उसका सदस्य था, उसमें ऐसी न तो चर्चा हुई थी और न ही इस तरह की कोई सिफारिश थी। जो भी सिफारिशें हैं उसमें से बहुत कम स्वीकार की गई हैं। इस बात का मुझे अफसोस है क्योंकि जिस तरह के चुनाव हो गए हैं और जिस तरीके से चुनाव लड़े जा रहे हैं उसमें जो मिनिमम राज्य के जरिए किया जा सकता था, पोलिटिकल पार्टीज के लिए, उस कमेटी के द्वारा यह सुझाया गया था। वह भी कांइड में कैश में नहीं क्योंकि उसके दुरुपयोग की बहुत संभावना थी। जहां तक चंदे का प्रश्न है, जिसके लिए कहा है कि पालिटिकल पार्टीज को दूसरे लोग चंदा दे सकते हैं, यह एक ठीक व्यवस्था है। मैं

अपने पूर्व वक्ता, अपने साथी से इसलिए सहमत नहीं हूँ क्योंकि सिद्धांत और व्यवहार में बड़ा जबर्दस्त फर्क होता है। दुनिया में ऐसे देश हैं, जिनके उदाहरण दिये जा रहे हैं कि बहुत पैसा खर्च होता है, और होता भी है, ऐसे देश भी हैं जहां एक ही उम्मीदवार खड़ा होता है, नब्बे परसेंट और निन्यानवे परसेंट पोल होता है, किसी के खिलाफ कोई वोट नहीं मिलता और एक भी पैसा चंदा नहीं दिया जाता है। पोलिटिकल सिस्टम के अलग-अलग तौर-तरीके हैं। हमारे यहां जो सिस्टम है, उसमें लोग चंदे को लेकर चुनाव लड़ सकते हैं, गरीब लोग भी चंदे के जरिए लड़ सकते हैं, बड़े-बड़े लोगों के सहारे लड़ सकते हैं। हमें यह सिखाया जाता है, विपक्ष में जिंदगी भर रहे, कैसे लड़ेंगे सत्ता के जरिए सत्ता के लोगों से। जनता के सहारे लड़ सकते हैं। सत्ता में बैठे लोग, जिनके पास धन की कोई कमी नहीं होती है, वहां जनता के सहयोग से ही लड़ा जा सकता है, चंदे के जरिए लड़ा जा सकता है। यह जो पोलिटिकल पार्टी के लिए बीस हजार से ज्यादा की बात है यह इन्डिविजुअल पर भी लागू हो तो है और कॉर्पोरेट हाउसेस पर भी लागू होती है। हम जानते हैं कि जो विपक्ष में बैठे लोग हैं उन्हें कौन से कॉर्पोरेट हाउसेस चंदा देंगे और अगर चंदा देंगे भी तो उन्हें हमसे राहत क्या मिल पाएगी। राहत मिलने की उम्मीद उन्हें उनसे होती है जो सत्ता में बैठे होते हैं। वे घुमा-फिराकर टैक्सेशन में कोई नीति बना देंगे, कुछ और कर देंगे। उनसे राहत होती है, विपक्ष में बैठे लोगों से नहीं होती है। कम से कम एक चीज़ तो होगी कि कोई आपको चैक के जरिए दे रहा है। मुझे मालूम है कि स्टेट फंडिंग कमेटी में एक बहुत बड़े उद्योगपति को जब बुलाया गया तो उन्होंने कहा कि मैं तो चंदा अभी देने को तैयार हूँ, लेकिन अंडरहैंड एक पैसा भी देने को तैयार नहीं हूँ। वहां सारे लोग थे। मनमोहन सिंह जी उसके मेंबर थे, दादा सोमनाथ दा थे और कई महत्वपूर्ण नेता थे, मल्होत्रा साहब थे, सब लोग थे। आपने अच्छा किया कि अब जब लोग चंदा देंगे तो उनको इन्कम टैक्स में डिडक्शन भी होगा, पोलिटिकल पार्टीज़ को तो इन्कम टैक्स रिटर्न भरने का कंप्लसरी कर ही दिया है। उसमें भी कोई समस्या नहीं है। लेकिन जो अंगुली उठती है वह पोलिटिकल पार्टीज़ के लोगों पर ही उठती है। सुबह भी थोड़ा सा क्वेश्चन के जरिए कहा गया था, लालू जी ने भी कहा था कि सारे लोगों का ध्यान केवल पोलिटिकल पार्टीज़ पर ही रहता है। सब लोग यही समझते हैं कि संसद में बैठे हुए सब लोग बेईमान हैं। अन्य लोग क्या करते हैं, उसे भी देखिए और उनकी भी जांच कराइये। मैंने एक दिन हाउस में कहा था कि हिन्दुस्तान के हजारों-लाखों अधिकारी, आईएएस, आईपीएस आफिसर और इन्कम टैक्स के ऑफिसर ऐसे हैं जिनके पास अरबों रुपया है। आप सब लोगों का मिलकर उतना नहीं होगा, जितना एक-एक आदमी के पास पैसा है। लेकिन उसकी तरफ किसी का ध्यान नहीं जाता है। थोड़ा इसको भी ओपन किया जाए ताकि कम से कम हम यह तो कह सकें कि हमें इसने पैसा दिया था और इससे हम चुनाव लड़ रहे हैं। उस पर भी लोग कहेंगे कि इससे पोलिटिकल पार्टीज़ को राहत मिल

रही है। जब सब कुछ ओपन होगा तो दिखायी देगा कि कौन दे रहा है और कौन नहीं दे रहा है। जो अंडरहैंड दे रहा है उसको न तो रोकने की कोई व्यवस्था हो सकती है और न कोई चंदा देने से रोक सकता है तथा न ही कोई चंदा लेने से रोक सकता है। अगर कोई व्यवस्था है तो उसका सुझाव दीजिए, अगर इसका कोई प्रोविज़न हो सकता हो कि चंदा देने से रोका जा सकता है। ऐसी जो एजेंसी या मैकेनिज़्म है, उसका सुझाव दिया जाना चाहिए। बहुत ही कंपीटेंट लॉ मिनिस्टर बैठे हुए हैं, आप उनको सुझाव दीजिए। मैं समझता हूँ कि वह ऐसा प्रावधान ला सकते हैं। लेकिन जहां तक चुनाव सुधारों की बात है, बहुत सारी बातें ऐसी हैं, यह तो मामूली चीज़ है। जो एंटी डिफैक्शन लॉ है, सब से ज्यादा भ्रष्टाचार अगर किसी की वजह से है और जिसकी वजह से पोलिटीकल लोग बदनाम हैं, तो वह इसी डिफैक्टिव लॉ की वजह से हैं। जब किसी पार्टी को तोड़ कर 50-50 एमएलए लिए जाते हैं और 49 नहीं, पचास के पचास मिनिस्टर बना दिए जाएं, तो क्या यह रिश्वतखोरी नहीं है? Every Member, who has defected, is being inducted into the Cabinet. What is it? इससे बड़ा कोई भ्रष्टाचार नहीं है। इसलिए यह तो बहुत मामूली बात है। मंत्री जी, आप यह कर रहे हैं, ठीक है, लेकिन यह विधेयक इनसफीशिएंट है। आप कोई ऐसा विधेयक लाइये कि जो व्यक्ति जनता से कोई वायदा करके आता है या जिस चुनाव चिन्ह पर वह जीत कर आता है और वोट मांग कर आता है, अगर वह अगले ही दिन पार्टी को डिफाई करके, धोखा दे कर, रिश्वत के जरिए या भ्रष्टाचार के जरिए, दूसरी तरफ चला जाता है, तो उस विधेयक के अंतर्गत उसकी सदस्यता लेने की व्यवस्था की जाए। जब तक आप यह नहीं करेंगे तब तक आप कुछ भी करते रहिए, किसी को कुछ नहीं होने वाला है। जनता की निगाह में हम लोग कहां जा रहे हैं, इसको सुधारने के लिए इस पर पाबंदी लगानी होगी, चाहे किसी को लाभ हो या किसी को नुकसान हो। जब कांग्रेस का नुकसान हुआ तो अभी यह कहां नई सरकार बनी? आपको या किसी को लाभ हो जाए, लेकिन जनता की निगाह में क्या हो रहा है, जनता क्या मांग रही है, क्या कह रही है, एक बेईमानी करता है तो चौराहे पर सारे लोगों को गाली पड़ती है। इसलिए इससे मुक्ति दिलाने के लिए उस विधेयक को भी जल्दी लाइयेगा।

इन शब्दों के साथ, जो आप विधेयक लाए हैं, उसको मैं कुछ हद तक अच्छा मान रहा हूँ, हालांकि यह इनसफीशिएंट है। जो हम लोगों ने रेकमेंड किया था अगर आप उसे मान लेते तो अच्छा रहता है। हमने यह रेकमेंड किया था कि उत्तर प्रदेश सब से बड़ा राज्य है, उसको स्टैंडर्ड मान लिया जाए। पांच असेंबली कंस्टीट्यूएन्सीज़ होती हैं, एक खुद उम्मीदवार, 6 लोग होंगे। 6 लोगों को उसके एजेंट्स को 6 गाड़ियां दी जाएं। डीज़ल की

[4 August, 2003]

RAJYA SABHA

कम से कम काइंड में व्यवस्था की जाए और ड्राइवर के खर्च की व्यवस्था की जाए। साथ ही चुनाव वाले दिन चुनाव एजेंट के खाने-पीने की व्यवस्था की जाए। यह सब इंतजाम सरकार करे। इतना भी आप अगर कर देते तब भी लोग चंदा कम लेते और तब अपने बलबूते पर एक अच्छा और गरीब कार्यकर्ता भी चुनाव लड़ सकता था। बहुत-बहुत धन्यवाद।

SHRI P.G. NARAYANAN (Tamil Nadu): Madam Deputy Chairman, Parliament, parliamentary democracy and political parties are inherent aspects of vital components of Indian democracy. I congratulate the Law Minister who is making a humble beginning in an attempt to, at least, cleanse the process of politics, by which there is going to be a transparent funding mechanism of Indian politics.

The proposed Bill was introduced in the Lok Sabha last year and subsequently it was referred to the Department-related Parliament Standing Committee on Home Affairs. The present Bill is mainly based on the recommendations of that Committee.

The main objective behind the new provisions is to bring more transparency in the electoral reforms. With this legislation, the Government has made humble beginning to curb the role of black money and set up a level-playing field for political parties. Madam, with the help of transparent funding the people who are not financially sound, but have a mindset to serve the people, can also contest elections hereafter.

This Bill which seeks to amend the Representation of the People Act, the Income-Tax Act and the Companies Act has arisen on account of the fact that there has been a larger consensus both within the democratic polity of India and as also amongst the various political parties that 56 years after Independence, we have still not been able to establish a transparent mechanism by which politics, political activities and political parties in the country are to be funded.

The proposed Bill provides for contributions from companies and individuals to the political parties, and the declaration thereof by the political parties to the Election Commission of India, where the contribution received is in excess of Rs. 20,000.

It also provides for equitable sharing of time by the recognised political parties on the cable television network and other electronic media. It excludes the travelling expenses of leaders in connection with the elections and the expenditure incurred by the Government officials in respect of safety arrangements in the election expenditure.

This Bill also contains provisions for free supply of copies of electoral rolls by the Government to the candidates of recognised political parties.

It is proposed to amend Section 13A of the Income-Tax Act to raise to Rs. 20,000 voluntary contribution in respect of which no record is to be maintained by the political parties.

The Bill also contains provisions to provide Income-Tax relief in relation to the contribution given by the companies and individuals to political parties.

Elections are a part of democracy. Political parties are an inherent part of parliamentary democracy. Funding politics cannot be a hush-hush exercise. It has to be an honest and transparent exercise. Precisely all these amendments are indeed welcome ones and I am sure they will play a vital role in strengthening the democracy and the electoral system.

PROF. M. SANKARALINGAM (Tamil Nadu): Thank you Madam Deputy Chairperson. While appreciating the Government for an attempt to streamline the process of elections in our country with all our past experiences, I wish to express my concern as to how far this legislation would achieve the goal of free and fair—free from money power and muscle power in elections. Our country is the biggest democracy in the world. Free and fair elections should be held in an atmosphere of peace to exercise the choice of the electorate. I ask a question: May I know this conducive atmosphere is prevailing today? The reply is "no", certainly, not. Hence, the primary duty of the Government is to pass laws to this effect and implement the same without any fear or favour. The Election Commission is an autonomous body with inherent powers under the provisions of the Constitution and the statute passed by Parliament to plug the loopholes. The Representation of the People Act, 1951, is the first

of its kind. The Committee on Electoral Reforms, under the Chairmanship of late Shri Dinesh Goswami, in 1990, recommended State funding of elections, in kind, to candidates of the recognised political parties. Earlier, in 1972 and the Tarkunde Committee in 1978 recommended financial assistance to candidates out of public revenues. The Law Commission, in its 178th Report on Election Laws, in 1999, recommended partial State funding. The Committee on State Funding, headed by late Shri Indrajit Gupta, recommended partial State assistance in kind, in terms of certain facilities to the recognised political parties, as a first step. Some States opposed this State funding. The majority of the State recommended the Central Government funding. Some other States expressed their doubt and made their stand clear to curb the money power. Considering various facts, this Bill provides for contribution from companies and individuals to political parties and regulates the proceedings and amends the necessary provisions of the Income Tax Act, 1961, and the rules under the Companies Act. In this connection, I wish to bring to the notice of the hon. Law Minister and the Government of India one important aspect for consideration. We have, already, in 1985, amended the Representation of the People Act, 1951—the Anti-defection law—to the effect that if an MLA of a State or a Member of Parliament defect himself from the party, on which ticket he won the election to become either an MLA or an MP, he loses his position as a Legislator or a Member of Parliament. It would not attract action if the 1/3rd of the members of the party defects. The amendment was brought to check the defection. What is the net result? There is a wholesale defection by splitting political parties into two and naming the group so splitted with a new name, or, the same with a different nomenclature in front or at the back. And, the result is, the elected Governments are toppled and new Governments are formed, with all the defectors as Ministers in the new Cabinet. So, the noble motive of the Anti-defection Law has miserably failed. Hence, take this lesson from our experience and try to rectify the evil, at least, in this Bill. Otherwise, the same mistake may occur and may still worsen the noble motive of keeping away elections from money power and muscle power. Madam, contribution from companies and individuals is being legalised through this Bill. Of course, there are some limitations. But, yet, there is a danger of

influencing the political parties by multinational companies, which are under the influence of foreign multi-millionaires. There is always a possibility of indirect foreign influence. Hence, I request the Government to think of framing rules to make elections completely free from money power. We can do this by extending help to political parties and candidates in the form of providing vehicles and other facilities, except money. Money power hire muscle power. Fair elections, in such a situation, will remain a dream.

Hence, I request the Government to think on these lines. Think of reforms that could keep away the money power of individuals, companies, and business houses from the election arena. This is the need of the hour. So, the States and the Centre must entirely fund the election expenses. In this era of developed technology in communication and informatics, this is quite possible. All processions and exhibitions, which cost too much, be banned. All candidates and party leaders must be allowed to appeal to the electorate on television and through the other media. There should be a total prohibition, right from the date of announcement of elections till results are declared. With these words, I conclude, Madam.

प्रो० राम देव भंडारी (बिहार): धन्यवाद उपसभापति महोदया, प्रस्तावित बिल में अन्य बातों के साथ राजनीतिक दलों को कम्पनियों द्वारा दिए जाने वाला चन्दा संबंधी विषयों की चर्चा है। महोदया, बार-बार सदन में इस बात की चर्चा होती है कि चुनाव सुधार संबंधी एक कम्प्रीहेंसिव बिल सरकार की ओर से आए और जिसकी आवश्यकता भी महसूस होती है। मगर सरकार टुकड़ों में संशोधन करती है और यह बिल भी चुनाव सुधार संबंधी एक टुकड़ा है। संविधान में फ्री एंड फेयर पोल का प्रावधान है। निर्भय होकर स्वतंत्र रूप से मतदाता मतदान करें यह चुनाव और लोकतंत्र का बुनियादी सिद्धांत एवं मान्यता है। हमारे देश में पार्लियामेंट्री डेमोक्रेसी है और डेमोक्रेसी, ऑफ दि पीपुल, बाइ दि पीपुल और फार दि पीपुल होती है। परन्तु आज के समय में चुनावों में मसल पॉवर, मनी पॉवर, जाति-धर्म, सम्प्रदाय खतरनाक रूप से बढ़ गया है। ब्लैक मनी का इस्तेमाल कर वोट खरीदा जाता है, चुनाव जीते जाते हैं। महोदया, हमने देखा है कि राज्य सभा और विधान परिषद के चुनावों में पार्टी के उम्मीदवार हारे हैं और निर्दलीय उम्मीदवार चुनाव जीते हैं। इसी कारण से क्रॉस वोटिंग को रोकने के लिए सरकार ने एक बिल पास किया है। महोदया, हमारी पार्टी ने, हमारे नेता ने इस संबंधित बिल का समर्थन किया था

और यह कहा था कि विधान परिषद के चुनावों में इसी प्रकार से प्रावधान किया जाए। महोदय, पिछली बार बिहार में राज्य सभा का चुनाव हुआ। मेरी पार्टी से तीन उम्मीदवार थे। एक उम्मीदवार समता पार्टी और भारतीय जनता पार्टी से था। ऐसी स्थिति बनी थी कि एक छटा उम्मीदवार भी खड़ा था। हमारी पार्टी को छोड़ कर के समता पार्टी और भारतीय जनता पार्टी की ऐसी स्थिति थी कि किसी समय वे निश्चित नहीं थे कि हम चुनाव जीतेंगे। इस प्रकार से ब्लैक मनी का प्रयोग होता है चुनाव में। ... (व्यवधान)...

“ललन” जी, आप इसको स्वीकार कीजिए कि आपके उम्मीदवार कितने निराश थे। महोदय, चुनाव आयोग के निर्देशानुसार चुनाव में 15 लाख तक खर्च करने का प्रावधान है।

बिहार जैसे राज्य में अभी भी इस सीमा के अंदर हम चुनाव लड़ सकते हैं, हमारी पार्टी चुनाव लड़ती है। मगर देश में ऐसे राज्य भी हैं जहां चुनाव में एक-एक क्षेत्र में उम्मीदवार एक करोड़ रुपया खर्च करता है। यह रुपया कहां से आता है, यह रुपया कौन देता है, क्या आज के युग में भी राजा हरिश्चन्द्र पैदा हुआ है या दानवीर कर्ण पैदा हुआ है? महोदय, नहीं हुआ है। यह पैसा ब्लैक मनी के रूप में आता है और चुनाव के बाद जब हम चुनाव आयोग को हिसाब देते हैं तो उसमें यह हिसाब नहीं होता है। गलत हिसाब देने, देश की जनता के साथ धोखा करने की शुरूआत तो वहीं से शुरू हो जाती है।

मैडम, चुनाव में कोई व्यक्ति, मल्टीनेशनल कम्पनी हो अपना जायज, नाजायज पैसा इसलिए नहीं लगता है कि उसमें धर्म, पुण्य का काम करने की बहुत आस्था है, बल्कि वे इसलिए पैसा लगाते हैं कि एक का दस वसूल कर सकें और उनके पैसे से जो चुनाव जीतकर जाये, वह उनका इंटेरेस्ट देख सके। इसलिए चंदा किसी भी रूप में आये, चैक के रूप में आये या ब्लैक मनी के रूप में, चंदा देने वाले चाहेंगे कि चंदा लेने वाली पार्टी उनके हितों को देखे। उनकी पॉलिसी होती है— पैसा लगाओ, पैसा पाओ। इनडायरेक्टली वे गारंटी भी चाहते हैं। वे जिस पार्टी को पैसा देते हैं उससे गारंटी चाहते हैं कि चुनाव जीतने के बाद वह उनके इंटेरेस्ट को देखे।

मैडम, जो बड़े-बड़े कारपोरेट हाउसिज़ हैं, इनका चंदा छोटी-छोटी पार्टियों को नहीं मिलता है। जो रूलिंग पार्टी होती है या बड़ी पार्टियां होती हैं, उनको वे चंदा देते हैं। क्योंकि उनको उम्मीद होती है कि ये पार्टियां सरकार बनायेंगी। इनसे हमारा इंटेरेस्ट हल होगा। ... (व्यवधान)...



श्री राजीव रंजन सिंह 'ललन' (बिहार): बिहार में भी यही हो रहा है।

प्रो० राम देव भंडारी: मैडम, मैं बिहार के बारे में बता रहा हूँ। मैं तीसरी बार राज्य सभा में आया हूँ और मेरा एक भी पैसा यहां आने में खर्च नहीं हुआ है। मगर आप आये हैं तो आप खुद जानते होंगे कि आपका कितना पैसा यहां आने के लिए खर्च हुआ होगा।

उपसभापति: बिहार में मल्टी नेशनल है ही नहीं।

श्री लालू प्रसाद: उपसभापति महोदया, अभय कांत जी पहले हमारी पार्टी में थे, इनको टिकट दिया था जो माननीय सांसद हैं। मैं जानता हूँ कि पैसा ही नहीं खर्चा किए, ये टी टी एम का इस्तेमाल करके यहां आ गये हैं। टी टी एम का मतलब हुआ, ताबड़तोड़ तेल मालिश करके ये यहां आ गये हैं।

उपसभापति: टी टी एम का क्या मतलब हुआ?

श्री लालू प्रसाद: उपसभापति महोदया, टीटीएम का मतलब है, टी माने ताबड़तोड़, टी माने तेल, एम माने मालिश। ताबड़तोड़ तेल मालिश करके ये यहां आये हैं।

प्रो० राम देव भंडारी: उपसभापति महोदया, मल्टी नेशनल का पैसा लेकर के गरीबों का काम नहीं किया जा सकता है। इसकी क्या गारंटी है कि बैंक से चंदा लेने के बाद भी ब्लैक मनी चुनाव में खर्च नहीं होगी, इसकी कोई गारंटी नहीं है। महोदया, इस बिल से फ्री और फेयर पोल होने की ज्यादा संभावना नहीं है। ऐसा कुछ लगता भी नहीं है। इसलिए सरकार को चाहिए कि वह एक कम्प्रीहेंसिव बिल लाये। जिसमें पूरी तरह से फ्री एंड फेयर पोल की गारंटी हो। यह जो टुकड़े में बिल आया है, इस बिल से चुनाव में ज्यादा सुधार होने वाला नहीं है। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

श्री सतीश प्रधान (महाराष्ट्र): उपसभापति महोदया, मैं आपका आभारी हूँ कि आपने मुझे इस बिल पर बोलने का मौका दिया है। मैं मंत्री जी को धन्यवाद देना चाहता हूँ कि वे इस बिल को लेकर आये हैं जिसकी वजह से चुनाव सुधार की दिशा में कुछ कोशिश हो रही है। इस बिल को लाकर जो चंदा इकट्ठा करने का मामला है, उस विषय को कुछ कंट्रोल किया जाए, ऐसी व्यवस्था करने की कोशिश हो रही है। इसके साथ ही मैं कुछ बातें बताना चाहूंगा, मंत्री जी के ध्यान में लाना चाहूंगा। इस विषय पर गौर से सोचने की आवश्यकता है। आज की तारीख में कोई भी कम्पनी या आदमी फोकट में दान-धर्म करने के लिए पैसा नहीं देता है। कोई व्यक्ति किसी पार्टी को ऐसे ही मुफ्त में

पैसा देता है, यह बात सच नहीं है। वह अपेक्षा रखता है कि मैं जिस पार्टी के लिए चंदा दे रहा हूँ या किसी को चंदा दे रहा हूँ तो बदले में उससे मेरा क्या काम बनेगा! और सभी पार्टियों के अलग-अलग काम सरकार के पास पड़े रहते हैं। उन कामों को करवाने के लिए ये लोग चंदा देते हैं, यह हकीकत है। सरकारी पक्ष को ज्यादा चंदा मिलता है और विपक्ष को कम मिलता है। जिस प्रकार यह सच है, उसी प्रकार यह भी सच है कि छोटी छोटी पार्टियाँ जो हैं, उनके नाम पर वे एक पाई भी देने के लिए तैयार नहीं होते। पिछले चुनाव में जब इस विषय पर चर्चा हुई तो एक कारपोरेट सैक्टर में से कई बड़ी-बड़ी कम्पनियाँ, मैं उनका नाम सदन में लेना मुनासिब नहीं समझता लेकिन मुझे मालूम है कि ऐसी बहुत सारी कम्पनियाँ हैं जिन्होंने खुले आम यह कह दिया कि फलां-फलां पार्टी को हम चंदा देंगे, बाकी किसी को नहीं देंगे। अगर यही नीति रहने वाली है तो इस कानून से कोई फर्क नहीं पड़ने वाला है। केवल इतना फर्क पड़ने वाला है कि पहले ब्लैक में पैसा दिया जाता था, अब वाइट में दिया जाएगा, चैक से दिया जाएगा। इसके साथ ही मैं यह भी बताना चाहता हूँ कि उसके बाद वे जो अपेक्षा करेंगे, उसके अनुसार राजनैतिक पार्टी काम करेगी। उस स्थिति में जन साधारण का इंटरस्ट संभालने का काम नहीं होगा, इस संबंध में भी कुछ न कुछ प्रावधान साथ में करने की आवश्यकता है। अन्यथा इस पर कोई कंट्रोल नहीं हो पाएगा। असल बात यह है कि इस सबसे बाहर निकलने का सबसे अच्छा रास्ता एक ही है और वह रास्ता यह है कि चुनाव का सारा का सारा खर्च करने की जिम्मेदारी सरकार स्वयं उठाए, उसका बंदोबस्त सरकार करे। उसके पश्चात भ्रष्टाचार होने का या गलत काम करने का कोई मौका किसी के पास नहीं रहेगा। इस संबंध में भी विचार करने की जरूरत है। इसके साथ ही इस विधेयक में एक और विषय पर भी चर्चा की गयी कि दूरदर्शन, टीवी या इलैक्ट्रॉनिक मीडिया, रेडियो आदि पर समय निर्धारित होना चाहिए। राजनैतिक पार्टीज़ जो नेशनल पार्टीज़ हैं, उनके लिए चुनाव कमीशन की तरफ से इसका डिस्ट्रीब्यूशन किया जाता है लेकिन जो स्टेट लैवल की पार्टीज़ हैं, उनके लिए स्टेट में भी पूरा समय नहीं दिया जाता और यदि वह पार्टी स्टेट के बाहर चुनाव लड़ना चाहती है तो उनका करोबार संभालने के लिए, अपनी पार्टी के काम को आगे बढ़ाने के लिए भी उनके लिए समय नहीं रखा जाता। ... (व्यवधान) ... इस प्रकार छोटी-छोटी पार्टियों के बारे में भी यहां प्रावधान करने की और उसमें व्यवस्था करने के बारे में विचार करने की आवश्यकता है। बड़ी दुर्भाग्यपूर्ण बात यह है कि इस विषय पर इस विधेयक में कोई चर्चा नहीं की गयी। केवल नेशनल पार्टीज़ के बारे में सोचा गया है, स्टेट लैवल की पार्टीज़ के बारे में भी इस विषय में गंभीरतापूर्वक सोचने की आवश्यकता है और उनके लिए भी प्रावधान करने की आवश्यकता है।

श्री लालू प्रसाद: अगर सरकार नहीं चेती तो हम सब छोटी पार्टी वाले मिलकर सरकार बना लेंगे और बड़ी पार्टी के लोगों का पत्ता.....

उपसभापति: और सब चंदा ले लेंगे।

श्री लालू प्रसाद: चंदे को छोड़िए। हम लोग छोटी-छोटी पार्टी वाले मिल जाएं, हम ही छोटी छोटी पार्टियों के लोग किंग मेकर हैं, छोटी पार्टीज से आपके माध्यम से अपील है कि एक साथ मर्जर करने का काम करिए।

श्री सतीश प्रधान: तीसरी बात यह है कि सरकार फ्री आइडेंटिटी कार्ड्स दे रही है, यह आवश्यक है लेकिन चुनाव के समय सब वोटर्स तक स्लिप पहुंचानी पड़ती है। उनको स्लिप की जरूरत होती है, वह देनी पड़ती है। स्लिप वोटर तक पहुंचाने के लिए, और बाकी जो चुनाव के खर्चे का प्रावधान किया जाता है, उसमें लोक सभा के लिए 15 लाख रुपये का प्रावधान किया गया है। लेकिन मैडम, तीस-तीस लाख वोटर्स की कंस्टीट्यूएंसीज लोक सभा की हैं। थाने से जो लोक सभा की कंस्टीट्यूएंसी है, जहां से मैं चुनकर आता हूं, उस कंस्टीट्यूएंसी में 29 लाख से ऊपर लोग हैं और इतनी बड़ी संख्या होने के कारण उस कंस्टीट्यूएंसी में सब लोगों से सम्पर्क करने के लिए और बाकी सब कामों के लिए ये 15 लाख रुपए किसी भी परिस्थिति में पूरे नहीं पड़ सकते। कंस्टीट्यूएंसीज बहुत बड़ी-बड़ी होती हैं और ऐसी परिस्थिति में यह जो प्रावधान किया है, इसके पूरा न पड़ने के कारण लोग हेर-फेर करते हैं। हेर-फेर न हो, इसलिए इस विषय पर भी अलग से सोच-विचार करने की आवश्यकता है वरना मुश्किल होगी।

मैडम, एक और बात यह है कि इनकम टैक्स रिलीफ आप दे रहे हैं। इसमें जो चेक से पेमेंट करेगा, उसके लिए आप पांच परसेंट छूट दे रहे हैं टोटल इनकम पर लेकिन 80-जी में जो प्रावधान है, जो सोशल इंस्टीट्यूशन्स काम करते हैं, उसके लिए 80-जी के अंतर्गत आप कंसेशन देते हैं। यदि आप इसमें बदलाव करेंगे तो क्या 80-जी में भी बदलाव करेंगे? उसके लिए आप क्या प्रावधान करने वाले हैं, इस विषय पर भी यदि स्पष्टीकरण देंगे तो ज्यादा अच्छा रहेगा। इतना कहकर ही मैं अपनी बात समाप्त करता हूं, धन्यवाद।

श्री गांधी आज़ाद (उत्तर प्रदेश): उपसभापति महोदया, धन्यवाद। इस विधेयक द्वारा मान्यताप्राप्त राजनीतिक दलों को दी गई कुछ सुविधाएं जैसे बीस हजार से अधिक चंदे का ब्यौरा देने का, चंदा देने वाले व्यक्ति या कंपनी को आयकर से छूट, इलेक्ट्रॉनिक मीडिया की समय की साम्यापूर्ण भागीदारी, निर्वाचक नामावलियों की प्रतियों को निःशुल्क देने की व्यवस्था तथा दल के नेता द्वारा प्रचार-प्रसार में जाने हेतु साधनों का प्रयोग

प्रत्याशी के खर्च में नहीं जोड़ा जाएगा- ये सारे कदम स्वागत योग्य हैं किंतु आज इस लोकतांत्रिक व्यवस्था में मुझे खेद के साथ कहना पड़ रहा है कि बहुत सारे वोटर्स जागरूकता के अभाव के कारण या बाहुबल और धनबल के कारण आज तक आज़ादी के पचपन साल बाद भी बैलेट पेपर नहीं देख पाए हैं। उनकी जागरूकता की कमी के कारण छोटे-छोटे प्रलोभन जैसे कंबल, साड़ी, सौ रुपए का नोट, यहां तक कि दस रुपए का शराब का पाउच देकर अमूल्य वोट को खरीदने का काम किया जाता है। इसलिए महोदया, मैं इस सदन के माध्यम से निवेदन करना चाहता हूं कि ऐसे लोगों को जागरूक करने का प्रयास किया जाए ताकि बाहुबली और धनबली लोगों के कुप्रभाव को रोका जा सके। साथ ही साथ वोटर्स लिस्ट जो जिला पंचायत, नगर पंचायत व ग्राम पंचायत के चुनाव के लिए अलग होती है और विधान सभा तथा लोक सभा के चुनाव के लिए अलग होती है, जिसके कारण वोट परिवर्धन के समय जागरूक और चालाक लोगों द्वारा वोटर्स लिस्ट में से नाम गायब कर दिया जाता है। यहां तक कि पिछले वर्षों में जो वोटर्स लिस्ट में नाम रहता है, उसको भी जब अगले वर्ष में संवर्द्धन या परिवर्धन किया जाता है तो उन लोगों का नाम, जो जागरूक नहीं होते हैं, वोटर्स लिस्ट से काट दिया जाता है। इसलिए हमारा इस सदन के माध्यम से निवेदन है कि सारे चुनावों के लिए एक ही प्रकार की वोटर्स लिस्ट भी निर्वाचन आयोग द्वारा जारी की जाए।

महोदया, राष्ट्रीय मान्यता प्राप्त दलों एवं राज्य स्तरीय मान्यता प्राप्त दलों की सुविधाओं में कोई अन्तर रहेगा या नहीं, इसे स्पष्ट नहीं किया गया है। इसलिए मैं माननीय मंत्री जी से कहना चाहूंगा कि इसे स्पष्ट करने का भी कष्ट करें। क्या मान्यता प्राप्त दलों के साथ ही, पंजीकृत राज्य स्तरीय दलों को भी इस व्यवस्था का लाभ मिलेगा या नहीं, इसे भी स्पष्ट करने का कष्ट करें। अन्ततः मैं इस विधेयक का समर्थन करता हूं।

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Thank you, Madam. Madam, my senior colleague, Shri Pranab Mukherjee, has spoken on the merits of the Bill, and there is no reason for me to differ with what he has said. I maintain that this is a political whitewash. I consider this electoral reform, which they say is a beginning, as a whitewash, because they are not solving the problem of money power, as the earlier speaker had said. And I fully agree with you that there are areas in the country, where the people of weaker sections are not allowed to vote, and if they are allowed to vote, there is allurements. So, money does play its part. And this Bill only tries to touch that problem change that by giving copies of electoral rolls, identity chits which are issued to the voters and

couple of other things. But the bulk of the expenditure, which is incurred by political parties, is on other things, like vehicle, petrol and other arrangements that are made in connection with the elections. So, the Government has not applied its mind although, we refer to the Dinesh Goswami Committee. At that time, Shri Advani himself was a member of that Committee and he used to make loud voices that 'we will do this, we will do that.' From State funding, today it is corporate funding. You are now at the mercy of corporate world; you go and beg to them that they should give you the money. And how much money they would give you, only experience will tell you. They would give money only to the parties which are in power. Their practical attitude is, if you are not in power, then they would not pass by your house. They will avoid your house. Therefore, it is my practical experience that this is not going to solve the problem of money power also. I leave 'muscle power' out, because criminalisation has set in so much that our image has gone down in the public mind. A politician's image is the worst today. Because there is no probity in public life today. So, the hon. Minister has not touched that aspect; I was also in that seat for ten years, I too used to write the same things. He has rewritten the same things which I wrote.

One after the other, we form committees. Why do we form those committees? Are they really needed; if we are sincere enough to make public funding of the election, you can sit around and find money from public budget. Or, when you can impose some kind of a cess or a tax, you could impose that tax, so that the political leaders could get rid of the stigma of corruption. I am very sorry to say that nobody is sincere towards removing this stigma, and this is going to harm public life in a big way.

The entry of big money and criminals in the Parliament will leave hardly any efficacy of this institution. This is my own assessment of the situation. The third thing is that we are not bothered about the corrupt practices followed during electoral process. Section 123(3) clearly says, "the appeal by a candidate or his agent or by any other person or his consent for his election agent, to vote or refrain from voting from any person on the ground of his religion, race, caste, community, language or religious symbols, is a corrupt

practice." Now, I am so much worried that the most senior leaders are making religious appeals. Where are they taking the country to? If we are to govern in the name of religion, go to a Math, become a Sanyasi and guide from there.

We have brought them in the Parliament by these appeals. Who is a *sanyasi*? He who renounces the world, the worldly belongings. You are bringing *sanyasis* into the Parliament. It is perversion of Hinduism—I am telling you with full responsibility. Therefore, you must ponder over it. Today, we will discuss the Prime Minister at the funeral of a *sadhu* making political statements. Why? He has no merits by which he can govern this country. Therefore, he is resorting to religious appeals. मंदिर वहीं बनाएंगे, उसी जगह पर बनाएंगे। When he knows that the court is seized of the matter! What kind of people are governing the country? It is a very sad state of affairs. Mr. Minister, you are a young man. You have a lot of stakes in it. Please go into the aspect, if a political party resorts to corrupt practice, what happens to that political party. Shri *Sanjayji*, your leader was disqualified from voting. You must remember that. It is no pleasure. If a person gets disqualified from voting, it is no pleasure. Therefore, consider the probity and much more this communal harmony ...(*Interruptions*)...

श्री संजय निरुपम (महाराष्ट्र): बंगलादेशी इस देश में वोट दे सकते हैं, हमारे लोग नहीं?

SHRI HANSRAJ BHARDWAJ: I do not think it is proper that any foreigner should vote in India. But if a leader of substance speaks certain things by which the court directs that he should be disqualified, it is very serious for that political party. Now, yesterday on a funeral, you were trying to earn votes. What for? These outfits—VHP, Bajrang Dal, Shiv Sena—all these outfits are fanning communalism. Why are you not dealing with it? Why is this Parliament not dealing with it?

श्री संजय निरुपम: यह विषय तो चार बजे आएगा न।

SHRI HANSRAJ BHARDWAJ: चार बजे नहीं आएगा, मैं श्री अरुण से कह रहा हूँ। I am supporting his law that, at least, ...(*Interruptions*)...

श्री भारतेन्दु प्रकाश सिंहल (उत्तर प्रदेश): विषयांतर हो गया है।

प्रो० रामगोपाल यादव: नहीं है।

श्री हंसराज भारद्वाज: क्या बोल रहे हैं आप ...(व्यवधान)...

श्री भारतेन्दु प्रकाश सिंहल: विषयांतर हो गया है. . . . (व्यवधान)...

श्री हंसराज भारद्वाज: अगर आपके भाई वी.एच.पी. में नहीं होते आप यहां नहीं आते ...(व्यवधान)... आपके भाई की वजह से आप आ गए ...(व्यवधान)... आप लोगों का कोटा है, वी.एच.पी. का इतना, बजरंग दल का इतना। मैं यह कह रहा हूँ कि आप मंत्री हैं ...(व्यवधान)...

श्री भारतेन्दु प्रकाश सिंहल: आपका अपना सपोर्ट बेस है, हमारा अपना है ... (व्यवधान)... हमें हक है?

THE DEPUTY CHAIRMAN: I think, we are discussing funding to the political parties. ...(Interruptions)...

SHRI HANSRAJ BHARDWAJ: No Madam...(Interruptions)...

उपसभापति: हम अभी पूरा डिसकस नहीं कर रहे हैं। अगर पूरा इलेक्टोरल रिफॉर्म डिसकस करेंगे तो बहुत होगा ...(व्यवधान)...

श्री हंसराज भारद्वाज: मैडम, आप मुझसे बात कीजिए, उनसे बात मत कीजिए।

उपसभापति: आप उधर देख रहे थे ...(व्यवधान)...

श्री हंसराज भारद्वाज: सुनिए, I am submitting to you, Madam, ...(Interruptions)...

श्री संजय निरूपम: भारद्वाज जी, आपकी बात बड़ी अच्छी लगी कि अपने देश में विदेशियों को वोट देने का मौका नहीं मिलना चाहिए लेकिन क्या विदेशी प्रधानमंत्री बन सकते हैं? ...(व्यवधान)...

SHRI HANSRAJ BHARDWAJ: हमारे देश में कोई विदेशी नहीं है, हमारे देश में देशवासी हैं ...(व्यवधान)... विदेशी नहीं हैं, सुनिए ...(व्यवधान)...

Madam, this is my worry. Some of the educated people on the other side must appreciate it. I am not worried about uneducated people. But I am telling the hon. Minister that it is time for you to apply your mind that when it comes to a turn, when younger generation

\*Expunged as ordered by the Chair.

[4 August, 2003]

RAJYA SABHA

will rule this country, they should not find such \*on the other side. Therefore, I am saying so that is vital that we should use. ...(*Interruptions*)...

SHRI B.P. SINGHAL: \*are the monopoly of that side. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: I am only worried that. ...(*Interruptions*)... Please ...(*Interruptions*)... Just one minute. ...(*Interruptions*)... We have to finish it by 4 o'clock. Please, don't go beyond that. ...(*Interruptions*)...

SHRI HANSRAJ BHARDWAJ: Madam, you have been so kind to me for the last 20 years. ...(*Interruptions*)... I want to say certain lighter things. ...(*Interruptions*)... Ahluwaliaji, I am not yielding. ...(*Interruptions*)...

SHRI S.S. AHLUWALIA (Jharkhand): I have a point of order...(*Interruptions*)...

THE DEPUTY CHAIRMAN: What is your point of order. ...(*Interruptions*)...

SHRI S.S. AHLUWALIA: I just heard, he was saying ...(*Interruptions*)...

SHRI HANSRAJ BHARDWAJ: I am not saying. You listen. ...(*Interruptions*)... I am not yielding. ...(*Interruptions*)... I am not yielding. ...(*Interruptions*)... Please, listen. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: It is a point of order. ...(*Interruptions*)...

SHRI S.S. AHLUWALIA: He said, 'educated' and 'unedcuated'. Why has he said so? ...(*Interruptions*)... Which Constitution or which clause says that you need an educated Member for this House? Tell me that. ...(*Interruptions*)...

SHRI HANSRAJ BHARDWAJ: I will reply. ...(*Interruptions*)... Now, you sit down. ...(*Interruptions*)...

SHRI S.S. AHLUWALIA: Bhardwajji, you may be epitome of Indian history, but tell me which Article says that only an educated person can be a Member of Parliament? ...(*Interruptions*)...

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\*Expunged as ordered by the Chair.



उपसभापति: आप किस प्रक्रिया में खड़े हैं? ... (व्यवधान) ... आप भी बैठ जाइये। ... (व्यवधान) ... अहलुवालिया जी, बैठ जाइये। ... (व्यवधान) ...

श्री एस० एस० अहलुवालिया: महोदया, वह रेकॉर्ड से निकाला जाए। ... (व्यवधान)

THE DEPUTY CHAIRMAN: It is for me ... (Interruptions) ... I will see the record. ... (Interruptions)

श्री एस० एस० अहलुवालिया: आपके सामने आपके सदस्यों को अनपढ़ कहा जा रहा है। ... (व्यवधान)

SHRI NILOTPAL BASU (West Bengal): Madam, how can he raise a point of order?

THE DEPUTY CHAIRMAN: Let me look at the record because so many people are speaking ... (Interruptions). We can raise a point of order ... (Interruptions). Ahluwaliaji, please ... (व्यवधान) ... बैठिए। We have to finish this debate by 4 o'clock. अहलुवालिया जी, बैठिए। ... (व्यवधान) ... आप भी बैठिए। कृपया, आप बैठ जाइये। ... (व्यवधान) ... आप बैठिए।

श्री जीवन राय: आप धर्म के नाम पर राजनीति करते हैं। ... (व्यवधान)

SHRI S.S. AHLUWALIA: I am not saying that you are uncultured.

THE DEPUTY CHAIRMAN: I will remove everything. ... (Interruptions) ... Please Jibon Royji. भारद्वाज जी, आपका वैसे भी टाइम खत्म हो गया। ... (व्यवधान) ... अहलुवालिया जी, बैठ जाइये। अहलुवालिया जी, आप बैठिए। ... (व्यवधान) ... The debate was going on in a very positive way. Please don't derail it. Let the matter be discussed in the right spirit.

SHRI HANSRAJ BHARDWAJ: Madam, this interference ... (Interruptions).

THE DEPUTY CHAIRMAN: What is your point?

SHRI BALBIR K. PUNJ (Uttar Pradesh): Madam, everyone is a hon. Member of the House irrespective of the caste, creed or the educational qualification, and irrespective of this financial status. So, nobody has a right to cast aspersions on anyone's educational qualification.

SHRI HANSRAJ BHARDWAJ: Nobody is casting.

THE DEPUTY CHAIRMAN: I will look at the record.

SHRI HANSRAJ BHARDWAJ: Madam, I wanted to finish.  
...(व्यवधान)...

उपसभापति: टाइम नहीं है। ...(व्यवधान)...

श्री लालू प्रसाद: मेरी बात तो सुन लीजिए। ...(व्यवधान)...

उपसभापति: आपकी तो सभी बात सुनते हैं, आप तो बिना पूछे बोल देते हैं।

श्री लालू प्रसाद: मैडम, माननीय सांसद अहलुवालिया जी समय पर आते नहीं हैं। एकदम आए, ऐसा लगता है कोई झकोड़ा ले करके आ गए। असल में इनका मुंह खुजलाता रहता है। यह ...(व्यवधान) चटनी खाकर आते हैं। सुरन होता है ना सुरन, यानी कुछ न कुछ मिलना ...(व्यवधान) पुलिस को तब बोला जाता है, डीजी को तब बोला जाता है, जब ला एंड ऑर्डर खराब होता है। ...(व्यवधान) आप बैठिए। ... (व्यवधान)...

श्री हंसराज भारद्वाज: मैडम, मैं इस हाउस में ...(व्यवधान) मैडम, मैं अहलुवालिया जी को सब से विद्वान आदमी इस हाउस में मानता हूँ, क्योंकि अगर कोई डिफैक्ट करके एक पार्टी से दूसरी पार्टी में जाए तो दो-चार दिन उसको शर्म आती है, लेकिन ये इतने विद्वान हैं कि इनको कहीं जाने में कोई शर्म नहीं आती। इसलिए मैं इनको विद्वान मानता हूँ। जो इतनी जल्दी पार्टी बदल ले ...(व्यवधान) न आए तो उसको ...(व्यवधान)

श्री एस० एस० अहलुवालिया: मैडम, मेरा नाम लिया गया है।

उपसभापति: हां, बोलिए।

श्री एस० एस० अहलुवालिया: इन्होंने जो बात कही है, ये कभी अपनी आत्मा की तरफ झाँक कर देखें ...(व्यवधान) डिफैक्ट नहीं किया आपसे, मैंने आपके साथ सदस्य रहते हुए आपकी सदस्यता छोड़ कर इधर फ्लोर क्रॉस नहीं किया है। ...(व्यवधान)

श्री लालू प्रसाद: डिफैक्ट नहीं किया है।

श्री एस० एस० अहलुवालिया: लालू जी, आप चुप रहिए।

श्री हंसराज भारद्वाज: चलो छोड़िए, डिफैक्ट काट दीजिए। ...(व्यवधान)

श्री एस० एस० अहलुवालिया: अब डिफैक्ट के बारे में अगर डेफीनिशन पूछनी है या जाननी है, बोलिए अंदर जानिएगा है या बाहर?

श्री हंसराज भारद्वाज: बाहर बात कर लेंगे।

श्री एस० एस० अहलुवालिया: नहीं-नहीं, अंदर कर लो या बाहर कर लो, बताइये कहां? ... (व्यवधान) मैंने कांग्रेस क्यों छोड़ी, इसका भी इतिहास अंदर सुनना है या बाहर?

श्री हंसराज भारद्वाज: मैं बाहर बात कर लूंगा। ... (व्यवधान)

श्री एस० एस० अहलुवालिया: कहो तो सुना दूं। ... (व्यवधान) बता दो, अंदर सुनना है या बाहर सुनना है। ... (व्यवधान) यहां सुनना है तो यहां सुना देता हूं। ... (व्यवधान) कांग्रेस में क्या कर रहे हैं, वह बता देता हूं। ... (व्यवधान) शर्म किसको आनी चाहिए, चुल्लू भर पानी में किसको डूब मरना चाहिए, वह अंदर भी बता सकता हूं और बाहर भी बता सकता हूं। वह क्षमता मुझमें है। बोलिए, बहस करनी है तो कीजिए।

उपसभापति: प्लीज। भारद्वाज जी, आप अपना भाषण करिए और बैठ जाइये। ... (व्यवधान) अहलुवालिया जी, प्लीज सिट डाउन। ... (व्यवधान)

श्री एस० एस० अहलुवालिया: तुम चुप रहो, बैठे रहो। ... (व्यवधान)

श्री मूल चन्द भीणा (राजस्थान): आपने कहा कि आपको शर्म आनी चाहिए ... (व्यवधान)

श्री हंसराज भारद्वाज: पहले हमारी शाउटिंग ब्रिगेड कहलाते थे, अब ये उधर चले गए, मैं क्या करूं। ... (व्यवधान)

श्री एस० एस० अहलुवालिया: इन्होंने सवाल किया, मैं सवाल का जवाब दे रहा हूं। ये सुनना चाहते हैं तो सुन लें। अंदर बहस करनी है तो अंदर कर लें, बाहर करनी है तो बाहर कर लें। मैं तैयार हूं।

श्री हंसराज भारद्वाज: आप मुझे नहीं बोलने दे रहे।

श्री एस० एस० अहलुवालिया: बोलो जो सुनना है। ... (व्यवधान)

SHRI ARUN JAITLEY: Madam, may I request the hon. Members that there will be lot of opportunities to discuss our

respective issues. This is one Bill on which both the principal parties are predominantly in agreement. I think, we can go ahead with the Bill.

SHRI HANSRAJ BHARDWAJ: Madam, I had stated that I fully support whatever Mr. Minister has brought, but there is lot more to do, if you are sincere, otherwise there is no use passing acrimonies. I am only submitting that one limb is funding, the other limb is criminals entering Parliament, and, the third is, communalists entering Parliament. This is where the shoe pinches them. That is my difficulty, and, that is why they have to use Mr. Ahluwalia against me. You come out, whether you are sincere to finish communalism from politics, and, ...(*Interruptions*)

SHRI B.P. SINGHAL: And, what is 'communalism'? Madam, let him define it. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: I am not having a discussion. ...(*Interruptions*) बैठिए, जीवन राय जी। Mr. Nilotpal Basu, can you tell your Members to restrain and unnecessarily not get up? भारद्वाज जी, आप बैठिए। सिंहल जी, आप भी बैठिए। प्लीज, बैठ जाइए।

SHRI HANSRAJ BHARDWAJ: Madam, I only insisted on the Minister to consider it. I am not casting aspersions on any ...(*Interruptions*).

THE DEPUTY CHAIRMAN: मंत्री जी, you ask him to sit down.

SHRI HANSRAJ BHARDWAJ: And he is taking unnecessary ...(*Interruptions*).

THE DEPUTY CHAIRMAN: I request the Minister for Parliamentary Affairs to restrain the Members. If you want to finish the debate at 4'o clock, and, at 4'o clock have the other debate, it's fine; otherwise, I will close the debate, or, I will close the other one, because there is no time. I cannot extend it.

SHRI HANSRAJ BHARDWAJ: Madam, I will conclude it.

उपसभापति: भारद्वाज जी, आप बैठिए। आपकी पार्टी का तो वैसे भी टाइम खत्म हो गया है, इसलिए आप कृपया तशरीफ रखिए।

SHRI HANSRAJ BHARDWAJ: Madam, If you say, I can sit down. But it is my duty that ...(*Interruptions*)... Wherever you will go, that party will be finished and it is your turn, now, BJP fellows, you listen to me. He will destroy your party and come over to us next year, you will see. What I am submitting to this House that if you are sincere, if you want to go on like this, it is very well. This is one of the electoral offence and the hon. Law Minister has brought so many items of reforms within a quick succession. Our senior leader has spoken about it and I reinforce what he has said that yes, there is a beginning. But, don't you consider the tragedy occurring in one part or the other on this communal aspect of politics, and, if this House is not sincere, I have no desire to waste my lung power and fight with Mr. Ahluwalia or Mr. Singhal or anybody else. They belong to certain ideology, which we don't share. Madam, whenever you will give us time—it is so kind of you that you give us some time—we will certainly draw. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: You may speak on the second Bill. You can ask your leader to allow you to speak.

SHRI HANSRAJ BHARDWAJ: I am concluding, Madam. I am only saying that this country must take cognisance of what is the communal aspect of the pollution of the polity of this country, and, it is appropriate that we all resolve to finish it once and for all. Thank you.

उपसभापति: श्री राजीव रंजन सिंह 'ललन', संक्षेप में बोलिए। अभी इसे बहुत जल्दी खत्म करना है और मंत्री जी का जवाब भी आना है।

श्री राजीव रंजन सिंह 'ललन': उपसभापति महोदया, धन्यवाद। माननीय विधि मंत्री जी जो इलेक्टोरल रिफार्म्स बिल यहां सदन में लाए हैं, हम उसका पूरे तौर पर समर्थन करते हैं क्योंकि यह चुनाव में से भ्रष्टाचार समाप्त करने की दिशा में एक बहुत ही उपयोगी और सही समय पर लिया गया कदम है।

महोदया, जो चुनाव की प्रक्रिया थी, उस पूरी प्रक्रिया में देश के जो पूंजीपति थे, उनका वर्चस्व था। चुनाव लड़ने के लिए पैसे की आवश्यकता होती थी, जिसके लिए पूंजीपति चंदा देते थे और चुनाव के बाद तरह तरह के खेल होते थे। इसलिए इस दिशा

में जो माननीय विधि मंत्री जी यह बिल लाए हैं, इसके लिए उनकी जितनी भी प्रशंसा की जाए कम है। इसके अतिरिक्त इन्होंने इसमें राजनैतिक दलों को 20,000/- रुपए से अधिक चंदा देने वाले लोगों की पूरी सूची इन्कम-टैक्स की रिटर्न में शामिल करने का जो प्रावधान किया है, इससे भी पूरे सिस्टम में पारदर्शिता लाने में काफी हद तक मदद मिलेगी, सहायता मिलेगी। इसके अलावा, मैडम, आज आजादी के 55 वर्ष हम पूरे कर चुके हैं, लेकिन जो चुनाव सुधार की प्रक्रिया है वह प्रक्रिया एक निरंतर रूप से चल रही है। आजादी के 55 साल के बाद भी हम पूरे देश में रिगिंग फ्री, निष्पक्ष चुनाव की गारंटी नहीं कर पा रहे हैं। महोदया, कहीं न कहीं चुनाव की पूरी प्रक्रिया में दोष है और उस दोष को समाप्त करने के लिए आज पूरे चुनाव सुधार पर एकमुश्त प्रक्रिया अपनाने की जरूरत है, एक कांफ्रिहेंसिव लॉ बनाने की जरूरत है।

महोदया, आज के चुनाव में चुनाव लड़ने वाले उम्मीदवारों की संख्या बढ़ती जा रही है और उनमें निर्दलीय उम्मीदवारों की संख्या लगातार बढ़ती जा रही है। इस तथ्य को स्वीकार करने में कोई हिचकिचाहट नहीं होनी चाहिए कि इनमें से अधिकतर निर्दलीय उम्मीदवार, राजनीतिक पार्टियों के उम्मीदवारों के डमी कैंडीडेट के रूप में खड़े होते हैं। उनको चुनाव के लिए जो सुविधाएं मिलती हैं, उन सुविधाओं का उपयोग राजनीतिक पार्टियों के जो उम्मीदवार होते हैं, वे करते हैं। इसलिए आज इस बात की आवश्यकता है कि चुनाव में जो नॉन-सीरियस निर्दलीय उम्मीदवार हैं, उनकी संख्या घटाई जाए और निर्दलीय उम्मीदवारों में भी जो सीरियस उम्मीदवार हैं, वे चुनाव मैदान में रह जाएं, इसके लिए कोई व्यापक कदम उठाने की जरूरत है। मैं समझता हूं कि हमारे माननीय विधि मंत्री जी सक्षम हैं, हम चाहेंगे कि वे इस बारे में सोच-विचार करके व्यापक सुधार का बिल लाएं।

महोदया, चुनाव के दौरान जब राजनीतिक पार्टियां चुनाव लड़ती हैं तो राज्यों में कई राजनीतिक दल, सत्ताधारी दल होते हैं। अब राज्यों में जो सत्ताधारी दल होते हैं, वे चुनाव में खिलाड़ी के साथ-साथ रेफरी का रोल भी अदा करते हैं और पूरी इलेक्शन मशीनरी उनके कंट्रोल में होती है। आम तौर पर देखा जाए तो हर चुनाव के पहले राज्य में जो सत्ताधारी दल होता है, वह एकमुश्त 500 से लेकर 400 ट्रांसफर करता है और पूरे इलेक्शन सिस्टम को, इलेक्शन मशीनरी को अपने influence में करके चुनाव प्रक्रिया को प्रभावित करने का प्रयास करता है। आज उसका रिजल्ट क्या हो रहा है? आज उसका रिजल्ट यह हो रहा है कि हमारे लोकतंत्र की जो चुनाव प्रक्रिया है, उस पर प्रश्नचिह्न लग गया है।

महोदया, हमारे देश की जनता में और हमारे देश के रोम-रोम में लोकतंत्र है लेकिन आज चुनाव की निष्पक्षता पर जब प्रश्नचिह्न लगता है, चुनाव की मशीनरी में जो पदाधिकारी हैं, उनके कंडक्ट पर जब प्रश्नचिह्न लगता है तो जो मतदाता हैं, उनमें भी धीरे-धीरे उदासीनता पैदा हो जाती है। अगर यह प्रक्रिया चलती रही तो इससे हमारी चुनाव प्रक्रिया भी प्रभावित हो सकती है। इसलिए आज इस बात की आवश्यकता है कि पूरी चुनाव प्रक्रिया को ध्यान में रखते हुए निष्पक्ष और rigging-free चुनाव के लिए एकमुश्त चुनाव रिफॉर्म्स बिल लाया जाए। इन्हीं शब्दों के साथ मैं फिर से इस बिल के लिए माननीय विधि मंत्री जी को धन्यवाद देते हुए अपनी बात समाप्त करता हूँ। धन्यवाद।

श्री अभय कांत प्रसाद (झारखंड): माननीय उपसभापति महोदया, मैं आपका बहुत आभारी हूँ कि आपने मुझे इस बिल पर बोलने का मौका दिया है। सरकार द्वारा निर्वाचन और अन्य संबद्ध विधियाँ (संशोधन) विधेयक, 2003 जो यहाँ लाया गया है, यह एक प्रशंसनीय कदम है और मैं इसका स्वागत करता हूँ। प्रजातंत्र में चुनाव पद्धति को जितना पवित्र बनाया जाए, उतना ही इसका रिजल्ट अच्छा होता है। एक लंबे समय से आजादी के बाद हमारा जो अनुभव रहा है, उस अनुभव के आधार पर चुनावी प्रक्रिया को मजबूत और पवित्र बनाने का प्रयास किया जाता रहा है लेकिन पिछले कुछ वर्षों से जो स्थिति बनी है, वह निश्चित तौर से लोकतांत्रिक व्यवस्था के लिए खतरनाक संकेत है।

महोदया, आजादी के बाद हमारे पूर्वजों ने इस लोकतांत्रिक संस्था को मजबूती दिलाने के लिए व्यक्तिगत तौर पर काफी योगदान दिया है लेकिन आज जिस ढंग से चुनाव पद्धति खर्चीली होती जा रही है और उसमें भ्रष्ट लोगों का वर्चस्व होता जा रहा है, उसके लिए हमें पार्टी से ऊपर उठकर विचार करना चाहिए। आज हम पराभव की तरफ बढ़ते जा रहे हैं। इसका कारण सिर्फ राजनीतिक दल ही नहीं हैं, इसके लिए जनता भी कम दोषी नहीं है।

आज कोई गरीब उम्मीदवार अगर चुनाव लड़ता है तो जनता कहती है तथा हमारे गांव में एक कहावत है कि - "झोला टांगने वाला क्या चुनाव जीत सकता है।" इसलिए आज नए सिरे से विचार करने की जरूरत है। आज सारे राजनीतिक दलों को सभी लोकतांत्रिक व्यवस्था में आस्था रखने वाले लोगों को इस पर यह विचार करना चाहिए कि कैसे काला धन और कैसे मसल पॉवर व मनी पॉवर को हम समाप्त कर सकते हैं। भारतीय जनता पार्टी ने इस विधेयक के आने के पहले भी आजीवन सहयोग निधि की योजना शुरू की है जिसका उद्देश्य राजनीति में पारदर्शिता लाना था। यह योजना सफलतापूर्वक चल रही है और इस का सारे लोगों ने स्वागत किया है। इसका हम अंकेक्षण

भी करवाते हैं और समय-समय पर हम इसकी समीक्षा भी करते हैं। इसी तरह से सभी राजनीतिक दलों को नीचे से ऊपर तक संगठनात्मक चुनाव भी कराने चाहिए। भारतीय जनता पार्टी प्रत्येक दो वर्षों में नियमितरूप से सदस्यता अभियान चला कर पंचायत से लेकर केन्द्र तक चुनाव कराती है। इस दिशा में यह संशोधन विधेयक एक क्रांतिकारी कदम है। माननीय विधि मंत्री जी ने ठीक ही कहा है कि विधेयक तो सिर्फ एक शुरुआत है। जैसे-जैसे आम राय बनती जाएगी वैसे-वैसे सुधार होते जाएंगे। इसमें से कोई भी इस बात से इंकार नहीं कर सकता है कि चुनाव के तौर-तरीकों में बहुत सी खामियां हैं। यह भी एक खुला सत्य है, रहस्य है कि चुनाव में खर्च की जो सीमा निर्धारित है उससे कहीं ज्यादा खर्च होता है। कुछ ऐसी चीजें हैं जिन पर कानून बनाकर नियंत्रण नहीं किया जा सकता है। इसके लिए स्वस्थ वातावरण बनाने की आवश्यकता है। इसके लिए पार्टी से ऊपर उठकर हम सभी को विचार करना पड़ेगा। आज चुनाव प्रचार या चुनाव खर्च कायदे कानून के अंदर हो। अगर सभी राजनीतिक पार्टियां इसके लिए तैयार हो जाएं, निश्चय कर लें तो निश्चित रूप से हम अपने उम्मीदवार को सीमा से अधिक खर्च नहीं करने देंगे। उसी तरह से आज टेलिविजन नेटवर्क और इलेक्ट्रॉनिक मीडिया का जो समय का प्रावधान है वह कितना व्यवहारिक होगा इस पर भी हमें विचार करने की आवश्यकता है। इलेक्ट्रॉनिक मीडिया ज्यादातर निजी हाथों में है और नेटवर्क की आचार-संहिता किस तरह से कारगर होगी इसको भी हमें देखना है। यदि केबल ऑपरेटर या इलेक्ट्रॉनिक मीडिया का कोई चैनल आचार-संहिता का उल्लंघन करता है तो उसका क्या होगा इस पर भी हमें विचार करना है। इसलिए मॉनिटरिंग कौन करेगा और क्या दंड होगा इन सब बातों पर भी हमें ध्यान देना चाहिए। अभी भी जनप्रतिनिधित्व कानून में बहुत सी ऐसी धाराएं हैं जिनका पालन नहीं होता। कानून बनाने के साथ उसे किस तरह से लागू कराया जाए इस पर भी हमें विचार करना पड़ेगा तभी हमें इस विधेयक का सही-सही लाभ मिल पाएगा।

माननीय उपसभापति महोदया, इस विधेयक का हम समर्थन करना चाहते हैं। हमारे माननीय सदस्य लालू जी ने अभी कहा कि टी० टी० एम० के माध्यम से हम यहां राज्य सभा में आए हैं। इनको इसकी पूरी जानकारी है क्योंकि 1990 में भारतीय जनता पार्टी के समर्थन से ही ये बिहार में मुख्य मंत्री बने थे इसलिए इन्हें इसकी अच्छी जानकारी है। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूं।

श्री लालू प्रसाद (बिहार): तब आपके नेता को गिरफ्तार करके दिल्ली की रूतकार को हमने हैंड ओवर किया था। ... (व्यवधान) ...



श्री अभय कांत प्रसाद: लेकिन हमने आपको मुख्य मंत्री बनाया था। आपको याद होगा।

श्री लालू प्रसाद: बनाए थे तो आप खुद क्यों नहीं बन जाते।

उपसभापति: यह बिहार की पालटिक्स आप बाहर करिए। ... (व्यवधान)

श्री अभय कांत प्रसाद: टीटीएम की वजह से आप मुख्य मंत्री बने थे। ... (व्यवधान)

श्री लालू प्रसाद: सब बनाया करते हैं तो आप बन जाइए न। ... (व्यवधान)

उपसभापति: यह बिहार की पालटिक्स यहां नहीं करिए।

श्री लालू प्रसाद: बिहार की पालटिक्स तो देश की पालटिक्स है।

SHRI DRUPAD BORGOHAIN (Assam): Madam, I thank you for giving me time to speak on this Bill. The Bill has been brought after a good deal of discussion on the electoral reforms and the conduction of free and fair elections. The Bill has been brought to amend certain sections of the Representation of the Peoples Act, 1951, and the related sections of the Companies Act, 1956 and the Income-tax Act, 1961, for achieving these purposes.

The first amendment to the Representation of the Peoples Act, 1951, is meant for inserting two new sections, 29B and 29C. The new Section 29B, is inserted for enabling the political parties to accept voluntary contributions from any person or company, other than a Government company, provided the contributions are not made from a foreign sources. All political parties, as voluntary organisations, accept donations or contributions from persons or companies for running their business in the country as well as for keeping the promises made to the people. Now, it is going to be legalised in clear terms.

Secondly, the new Section, 29C, wants to raise the excess limit of contribution from Rs. 10,000/- to Rs. 20,000/- for preparation of a report furnishing a return of their income by the political parties for submission before the Election Commission, under Section 139 of the Income-tax Act, 1961, before the due date. If such a report is not submitted to the Election Commission before the due date, such political party shall not be entitled to any tax relief under the Income Tax Act, 1961.

[4 August, 2003]

RAJYA SABHA

These clauses are to be inserted in the Act for bringing about transparency of contributions. Now it is known to one and all that money power and muscle power are the two greatest evils in holding free and fair elections in our country. As time passes, the danger to our democracy from these two monsters becomes bigger and bigger. Hence, there is a need for bringing transparency, as regards the contributions by corporate sections to the political parties. Then, they cannot receive money by dubious means.

In any democracy, political parties are, nowadays, highly essential for its proper functioning. As the political parties are voluntary organisations, they need money. So, the money collected by dubious means may do more harm than good to the society. So, it is quite against the smooth functioning of a democracy.

These amendments have been brought after having the suggestions of the Indrajit Gupta Committee on electoral reforms, and after their consideration by the Department-Related Parliamentary Standing Committee on Home Affairs.

But the Indrajit Gupta Committee has also recommended for State-funding in the election process. Money is a big hindrance in implementing this recommendation, as the hon. Minister has stated. But, this is highly essential for conducting elections in a fair manner. So, every one of us should look into the matter more seriously for collecting the necessary revenue for this purpose.

Though I have reservations about not bringing in an amendment to accommodate this recommendation of the Indrajit Gupta Committee, yet, I support the present amendments to the Representation of the People Act, and also the other amendments to the relevant laws of the Companies Act, 1956 and Income-tax Act, 1961. Thank you.

THE DEPUTY CHAIRMAN: Now, there are ten minutes left; even less than ten minutes, because I have to leave some time for the Ministry's reply. I have got the names of three Members, Shri Premachandran, Shri H.K. Javare Gowda and Shri Shankar Roy Chowdhury. Now, you please divide your time. First, I call Mr. Chowdhury; then, Mr. Premachandran, and, then, Mr. Gowda. Mr. Chowdhury, please take only five minutes.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): I thank you, Madam, for promoting me!

Madam, I welcome the Bill. Though I do say it is a cosmetic gesture, nevertheless, it is a beginning. The only specific comment that I have to make on this Bill is regarding clause 4, which seeks to put in Explanation 1, which says that "the expenditure incurred by leaders of a political party on account of travel by air.... shall not be deemed to be the expenditure in connection with the election incurred..." In saying so, my hesitation, my concern, is based on the long record that we have on the misuse of Services aircraft by Members of the Government in power at that time, for which the bills have been outstanding and the political parties concerned have never paid them. So, this is a loophole. I don't know whether it is possible to plug it. I think this Bill is a step forward. It is cosmetic in the sense that it is based on a wrong premise, though it has been studied by the Standing Committee of the Parliament also, that the elections are funded by white money. That is not so. Elections are basically funded by black money. I don't think that any legitimate concern, any multinational concern, will be unwise enough to support a political party by giving an official contribution by cheque, knowing the post-electoral dynamics in this country. So, unless there is some method generated for stopping black money from coming into the political system, though this is a good gesture, I don't think it will work. We have been talking about multinationals attempting to influence the political process. That is true. But it is only up to a very small point. The political process is being influenced not by multinationals, but by the local business mafias, builders, real estate agents and such other people who fund elections at grassroots level. Today, I was listening to the discussion by distinguished parliamentarians who had given their views on the matter. But, throughout the debate, I was thinking that, perhaps, when they were speaking, they were conscious about the fact that when you point a finger at somebody, four fingers are pointed back at you. I think it applies to all parties across the board. Basically, I think, even if the Government takes a stance on State funding in kind, that will only minimise the distortions in the political process. But State funding of elections is a must and the Government will have to take a stance on it. We had a debate this morning about the disclosure of previous

cases, assets, etc. There was a great debate about it among the political class which led to the further disenchantment of the general society with the political class. This must also be brought in. The third is the Anti-defection Bill. Unless these three pillars are brought in, this Bill, which is a good beginning and I compliment the Minister for bringing forth this Bill, it will really be of no significances. Thank you.

SHRI N.K. PREMACHANDRAN (Kerala): Thank you, Madam, for giving me this opportunity to participate in this debate. We are proud of the fact that India is the biggest democracy in the world. For the last 53 years, we are able to survive and maintain the parliamentary system of democracy and governance in our country. It is really an achievement. I remember that, during the Eleventh Lok Sabha, three Governments had come to power and the transfer of power from one Government to the other, that is, from Vajpayeeji to Deve Gowdaji and from Deve Gowdaji to Gujralji, was done in a democratic and peaceful manner. That shows the strength of the Indian democracy. At the same time, I would like to say that this country, the electoral process and the democratic political system in our country, is facing some grave challenges and those challenges have to be addressed in time; otherwise, the democratic system will be in peril or danger. There is no doubt about it. Bhardwajji has explained a point in this House, as far as the defect in the electoral process in India is concerned—muscle power, money power and communalisation of Indian politics. That issue also has to be addressed. Otherwise, the safety and security of this country will be in danger. There is no doubt about it.

I remember the statement of Shri T.N. Seshan, the former Chief Election Commissioner. He said, "Corruption begins at the time of the filing of nominations". Many recommendations are there before the Government. Many committees had gone into this subject and made recommendations. The Indrajit Gupta Committee had recommended that the State-funding of elections was the need of the hour. But we have not done it. The explanation that has been given by the hon. Minister is that it is because of the financial constraints being faced by the States and the Centre. But I feel that by bringing forward this Bill, we are attempting to legalise the corporate-funding of the whole electoral process. If we pass this Bill, we will be legalising corruption in an indirect

way. I accept that the hon. Minister is very able and dynamic. But he has come before the House with a piecemeal legislation, so far as the electoral process is concerned. My suggestion to the Government is that it should bring forward a comprehensive legislation in respect of the whole electoral process so that we can have a full-fledged discussion and so that we can have a better electoral process in the country. (*Time-bell*) Madam, I have only two or three points.

THE DEPUTY CHAIRMAN: But you do not have two or three minutes.

SHRI N.K. PREMACHANDRAN: Madam, I will finish within two or three minutes. Now, I have already said that corporate-funding is being legalised by bringing forward this Bill. I fully oppose it. But I support all the other provisions of the Bill. Now, it is a fact that in our country the corporate houses and the rich people do influence the electoral process by financing the candidates and the political parties. But by bringing forward this Bill, we are legalising it. For what purposes do they finance the electoral process? They influence the candidates to achieve their goals. And what are their goals? The goal of corporate houses, which donate crores and crores of rupees, is to meet their own ends, not the ends of the country or of the common people of the country. So, by this legislation, we are accepting corporate funding; the only thing is that as per Section 29C, it will have to be accounted and monitored. That is fine. But it means we are legalising corruption. So, my submission is that by enacting such a law, we are indirectly supporting and encouraging corruption in the electoral process.

Now, I would like to point out one discrepancy, so far as Sections 29B and 29C are concerned. Government companies are debarred from making donations to the political parties, and the political parties are also banned from accepting such donations. It is specifically stated in Section 29B. But I would like to draw the attention of the hon. Minister to Section 29C(1)(b). It says, "The contribution in excess of twenty thousand rupees received by such political party from companies other than Government companies in that financial year". That means, contributions in excess of Rs. 20,000 can be received

by political parties from companies other than Government companies. That means, companies other than Government companies can make donations, or, contributions, to political parties. I have a little bit of a doubt here, and I want a clarification from the hon. Minister, because the Government companies are totally banned from making donations to the political parties. In Section 29C(1)(b), again it is stated that the treasurer of a political party, in respect of donations from companies other than Government companies, need not submit accounts or audit reports to the Election Commission. The inference is that the Government companies can also make donations. I am only seeking a clarification in respect of this point.

I would like to conclude by saying that I support all other provisions. There is one more clarification and this is regarding Section 39A. It says, "Notwithstanding anything contained in any other law for the time being in force, the Election Commission shall, on the basis of the past performance of a recognised political party...". It is very vague. Who will determine the past performance of a political party?

It is very vague; it is ambiguous. It can be interpreted in any way. How will the past political performance be determined? What is the criterion? All these things have to be clarified by the hon. Minister. With these words, I conclude.

THE DEPUTY CHAIRMAN: Shri H.K. Javare Gowda. Please be brief because the Minister has to reply.

SHRI H.K. JAVARE GOWDA (Karnataka): Madam, clause 29(b) and (c) give authority to the recognised parties to accept contributions from individuals and companies. But, I would like to draw the attention of the hon. Minister that if the contribution by an individual is within Rs. 20,000 and from the company is within Rs. 20,000, then, as per this provision, the treasurer need not report the matter to the income-tax or any other authorities. I would like to draw the attention of the hon. Minister to this. In America, the Senators, while contesting elections, force in the name of parties and sell each plate of meal or drink for Rs. 10,000 or Rs. 5,000. In a party, a Senator sells 500 such tickets. He collects so much of amount which is within Rs. 20,000. That will not attract this provision. Like that, he can accumulate

Rs. 5 lakh, Rs. 10 lakh. What has the Minister to say on that? You see, there are good-wishers and friends of political parties who would collect money in various formus, that money may amount to Rs. 10 lakh or Rs. 20 lakh, and it will not attract this provision of the law. He will accumulate money like this. How are you going to regulate that? I request the hon. Minister to clarify this point.

The second point on which I wish to seek clarification from the hon. Minister is regarding the expenditure incurred by members of various political parties. Before going into that aspect, I would like to say that as per my information, for the last ten years, the recognised political parties, i.e., the BJP or the Congress Party or any other party of our country, have not submitted income-tax returns every year.

SHRI ARUN JAITLEY: That is not correct. Both of us have submitted.

SHRI H.K. JAVARE GOWDA: Madam, the next point I am going to raise is.....

SHRI KAPIL SIBAL (Bihar): I know that my party has submitted. I also know that the BJP has submitted.

SHRI ARUN JAITLEY: Eeverybody has submitted. If you don't submit, then, you incur tax-liabilities... (*Interruptions*)

SHRIMATI SARLA MAHESHWARI (West Bengal): My party has submitted it. (*Interruptions*)

SHRI KAPIL SIBAL: The CPM always submits. (*Interruptions*) There have been some gaps in the past. The CPM has always submitted their report. (*Interruptions*)

SHRI N. JOTHI (Tamil Nadu): The AIADMK Party has been appreciated by the judgement of the Supreme Court itself.

SHRI KAPIL SIBAL: No, no; the AIADMK Party is appreciated by the Supreme Court on almost every judgement nowadays. (*Interruptions*)

SHRI N. JOTHI: Mr. Kapil Sibal is the correct person to say that.

SHRI C.P. THIRUNAVUKKARASU (Pondicherry): Positively or negatively.

SHRI N. JOTHI: Positively. (*Interruptions*)

SHRI H.K. JAVARE GOWDA: I would like to draw the attention of the hon. Minister to the point regarding expenditure incurred by the leaders of political parties. In this Bill, there is no definition on the leader of a political party and the status of the leader. Why I am submitting is this, because in a constituency, 40 party meetings are held at different locations by leaders of a party. They incur a lot of money in favour of that party. That expenditure is not included in the election expenditure. How are you going to substantiate that point? A man without money or less capacity to spend has to compete with the candidates of national parties who have a lot of money to spend in elections. How are you going to guarantee free and fair elections in this regard? Therefore, I request the national parties that wherever they go for canvassing and incur so much of money all over the country, they should collect the entire data of expenditure. They should distribute it to the constituencies wherever canvassing of that particular party takes place. If it is done, then, that money can be taken into the account of election expenditure; otherwise, it will be one way of causing injustice to other parties which are not supported by the recognised political parties. Madam, with these words, I conclude.

SHRI ARUN JAITLEY: Madam, I am extremely grateful to a very large number of Members who have participated in this discussion. One question which has been raised by a large number of Members is on this whole issue of a need for a comprehensive law to reform the electoral process. Well, I have not come across in my four years' experience in the Government, a single piece of legislation which has been brought to tackle different kinds of problems, the problems are too many, which will be wide and comprehensive enough to resolve all issues which are pending.

But one by one, slowly but surely, the Parliament has been seized of several issues which ail the electoral process in this country. In the last Session, we passed a Bill in relation to the reforms in the Rajya Sabha elections. That is today listed before the Lok Sabha. In



relation to voting by members of Armed Forces we passed a Bill. A Standing Committee is seized with two very important Constitution Amendments, one relating to the anti-defection law, and the other relating to the size of the Council of Ministers. These are all issues which our political experience has shown to be the problems which arise. As and when those problems do arise, we try and resolve them.

Political funding is an issue which we are trying to address by virtue of this Amendment. Several Members raised various other problems. You are right when you say that there is a problem in perception that people with questionable criminal record are entering politics. But, then, the Government can't overnight bring in a legislation to resolve that problem. We have, on several occasions, discussed this. The Election Commission and the law Commission have made a suggestion that any person, against whom a charge is framed, should be immediately debarred from contesting elections. We have discussed that problem at different meetings of political parties and most of the political parties didn't favour the idea that mere framing of a charge could be a disqualification; because, charges can be framed for a larger number of offences which may have nothing to do with moral turpitude, they may be relatable to various political agitations, trade union movements, etc. Therefore, to say that we will resolve that issue today itself may not, be simply possible. A discussion in the political course on these issues will go on, and, perhaps, we are trying to, one by one, take up each of those issues. But there will be some issues which will always be on the agenda, on the table, as far as the electoral system is concerned.

Madam, let me just endeavour to answer a question which has been raised by one or two Members who have opposed this Bill. The opposition has been on the ground that—if I may use that phrase—"You are legitimising corruption, and you are permitting the influence of business houses, as far as the political agenda is concerned." Madam, this is not what this Bill proposes to do. Even today, contributions to political parties are taking place; even today, contributions are coming from individuals; contributions are coming from companies; contributions are coming from business houses and business families. It is a hard reality, and we can't deny it. But, today, the contributions which are coming are the contributions

which are not being recorded; they are entirely outside the tax net. As a result of that, the credibility of the political process is affected, because politics is operating on the basis of money, which is entirely outside the tax net. Therefore, there is no change that we are bringing about. One of the hon. Members, who have spoken in opposition to the Bill said something. Perhaps, those quotations are what I have said in the Lok Sabha. I have no hesitation in repeating it here. Political parties survive on the goodwill and support of the people; but to run political parties and to contest elections is a hard reality and they require material resources. Those material resources will come from political workers by way of small donations; they will come from sympathisers of parties; they will come, also, from such sections, including businesses, wherever these resources are available. That is the situation that exists today itself. But what is happening, today, is, an evil which this Bill seeks to curb. Today, the moneys are being paid to political parties in cash—'black-money', as some hon. Members have confessed. Money remains outside the tax net. Political parties, in turn, spend the money in cash and these moneys, always, remain outside the tax net. By giving an incentive, in terms of permitting it as a permissible deduction, even if we succeed in persuading a small section of donors, to start paying by cheque, once this experiment is successful, this tendency would be on the increase. Then, in the first instance, you are permitting a deduction, but once the money comes into the hands of political parties, the parties, in turn, then start spending it by cheque, whether it is for a printer or a helicopter company. The parties hire helicopters for the leaders, and they would start paying by cheque. This entire money, at all subsequent points, would be within the tax net and coming within the net. The impact of this will be that they will actually be an addition to the revenue.....

.....and not any form of exemption because at all subsequent stages, money rests in whosoever hands, tax will be paid at this stage. Today the situation is, all throughout the transactions, it remains outside the tax net. Therefore, this Bill does not in any way legitimise corpus donations. As the hon. Member, Shri Pranab

Mukherjee, said, corporate donations were always permissible for the last 45 years. The upper cap of five per cent of profit also remained. Corporate donations were also taking place. All that was happening is that the political system was living under a hypocrisy, accepting those corporate donations and not recording them. By adding this incentive that this will be permissible taxation expenditure deduction for the purpose of tax, we are trying to add legitimacy to a practice which was already in existence. We are seeking to end that hypocrisy which was there in action. We are trying to at least bring unaccounted monies into the tax net by allowing a normal and formal procedure by which these monies can be given as far as political parties are concerned. Madam, a lot has been said about the Report of the Committee headed by late Shri Indrajit Gupta. The report did make some very valuable suggestions. But let me correct the impression which was raised. The report had two components to it. One was in relation to the public funding of the election process. If public funding is to take place, then public funding will be on the basis of State's resources and 50 per cent of the resources had to come from the State Government and 50 per cent from the Central Government. Now, it was strange, and I quite appreciate the reasons that the States are already under a great financial strain, that when members of political parties, as Members of Parliament, sat in that Committee, we all recommended that the State Governments should pay the money. But whenever State Governments, irrespective of the political colour of the State Governments, were approached to give that contribution, they all said that they were not in a position to give it. If that corpus cannot be created today, the difficulties would obviously arise. We have not closed that option. That option remains. We have said that, as the Standing Committee recommended, electoral list will be given free of cost. As far as other facilities are concerned, depending on the corpus which we are able to raise, we will see the resources of the States and keep on adding the other amenities which can be free of cost. Electronic media timing will be available free of cost. Today it is only the Prasar Bharti which is obliged to give electronic media timings. We have empowered the Election Commission to see that other private channels and cable channels also come within that discipline. Therefore, there is

an equitable distribution of this timing as far as political parties are concerned. A question was raised by one of the hon. Members with regard to the parties filing tax returns. Now there will be two obligations on political parties after this. The existing law was, that if a political party gets its accounts audited, files its returns annually with the Income-Tax authorities and in those returns gives list of all donors who donate Rs. 10,000 or more, then the party would be assessed and the party would be exempted from paying Income-tax. There was a problem five or seven years ago when political parties were not filing these returns. But after the directive of the Supreme Court, most of the major political parties are abiding by that discipline of filing returns regularly. Now the additional obligation is, this Rs. 10,000 has been increased to Rs. 20,000 that parties will also have to file a statement of accounts as required under this law with the Election Commission. If you do not find either of the two, then the facility of tax exemption would be denied to that political party. So, there will be an obligation on political parties to have their accounts audited, to have a list of donors and file that list with the Election Commission, on fulfilling which only they are entitled to the exemption to which a party is entitled to. The hon. Member, Shri Pranab Mukherjee had referred to the issue of recognised political parties which are only recognised for the purpose of symbols. I just draw his attention to the fact that this Act uses to phrases. It uses the words 'political parties' at some places and 'recognised political parties' at some other places. Therefore, in accordance with the recommendations of the Standing Committee, the recognised political parties would be entitled to free timing on television, etc. in proportionality to their strength. It is for the Election Commission to determine how that proportionality criteria would be available in terms of percentage of votes, etc. But as far as the words 'political parties' are concerned, they refer to the amendment to Section 29, which was brought in 1986 or 1987 with regard to the registered political parties.

So, the facility of donations and exemptions on donations is now available to the registered political parties because it is prescribed under Section 29—the Chapter which deals with the

registration of political parties. So, this is a well-thought out amendment which has been approved and certain suggestions were made by the Standing Committee which the Government have accepted. As I said, in the beginning, this is a very humble beginning to, at least, try to legitimise some process of political funding. But, it is neither a beginning nor an end to electoral reform process in the country. This process would go on, provided practical suggestions to resolve specific problems are there.

I do commend to this House that this Bill be passed.

श्री लालू प्रसाद: मैडम, जो रीजनल पार्टी आज देश में ओरीजनल पार्टी का स्वरूप लेती जा रही हैं, उन रीजनल पार्टीज के लिए काफी भेदभाव इस बिल में है और कहीं प्रावधान नहीं है। आज ये रीजनल पार्टीज ही तो ओरीजनल काम कर रही हैं इस देश में। अगर हम सब रीजनल मिल जाएं तो आप लोगों का कहीं अता-पता नहीं रहेगा। इसके लिए आप इंतजाम करिए।

श्री अरुण जेटनी: इसमें रीजनल को भी सुविधा है।

श्री लालू प्रसाद: हां, इसमें आप इंतजाम कर दीजिए।

उपसभापति: उन्होंने 'राइम्' कर दी है रीजनल, ओरीजनल। Now, the question is:

That the Bill further to amend the Representation of the People Act, 1951, the Companies Act, 1956 and the Income-tax Act, 1961, as passed by Lok Sabha, be taken into consideration.

***The motion was adopted***

THE DEPUTY CHAIRMAN: Now, we shall take up Clause-by-Clause consideration of the Bill.

***Clauses 2 to 10 were added to the Bill***

***Clause 1, the Enacting Formula and the Title were added to the Bill***

SHRI ARUN JAITLEY: Madam, I beg to move:

That the Bill be passed.

***The question was put and the motion was adopted***

THE DEPUTY CHAIRMAN: Now, we shall take up the Short Duration Discussion. Mr. Sibal will initiate the discussion. Mr. Sibal, your party has forty minutes.

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### **SHORT DURATION DISCUSSION**

#### **Government's Responsibility *vis-a-vis* its investigative agencies in Ayodhya matters**

SHRI KAPIL SIBAL (Bihar): Thank you Madam Deputy Chairman. I rise to initiate this discussion and consider it a privilege to do so on the Government's responsibility *vis-a-vis* its investigative agencies in Ayodhya matters.

Madam, why has this issue arisen? Why are we discussing this issue today? It is because, in the recent past, certain events have taken place in Rae Bareilly, in respect of a prosecution by the C.B.I. in which some of the hon. Ministers, in this Government, are accused. We, in the Opposition, get a feeling and the people of this country get a feeling that there is a lot of amiss happening in that court. There has been, according to us, subversion of judicial process and there has been a mockery of the values that we have stood for, a democracy, since independence. Over the years, Madam, I get the feeling that in India people think that democracy ends the moment an election has taken place on the basis of a single non-transferrable vote. That is not an end of democracy. That, indeed is a beginning of the process which we call democracy. Democracy involves many more things. It involves transparency. It involves accountability. It involves a process of law, which must be implemented without fear or favour. And that is why, today, we are discussing the role of the C.B.I. because, we believe, that the way the C.B.I. has prosecuted on this matter, which has been pending for almost eleven years, leaves much to be desired, especially in the recent past when evidence, which is in the possession of the C.B.I., was not presented, deliberately, to the court in order to save the high public functionaries who are holding Ministerial positions in this Government.