

Seventeenth Loksabha

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Title: Introduction of the Prevention of Cruelty to Animals (Amendment) Bill, 2021 (Amendment of Section 11).

SHRI ANUBHAV MOHANTY (KENDRAPARA): Sir, I beg to move for leave to introduce a Bill further to amend the Prevention of Cruelty to Animals Act, 1960.

HON. CHAIRPERSON: The question is:

“That leave be granted to introduce a Bill further to amend the Prevention of Cruelty to Animals Act, 1960.”

The motion was adopted.

SHRI ANUBHAV MOHANTY: Sir, I introduce the Bill.

*t184

Title: Introduction of the Code of Criminal Procedure (Amendment) Bill, 2021 (Amendment of Sections 41 and 309).

SHRI ANUBHAV MOHANTY (KENDRAPARA): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1973.

HON. CHAIRPERSON: The question is:

“That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973.”

The motion was adopted.

SHRI ANUBHAV MOHANTY: Sir, I introduce the Bill.

HON. CHAIRPERSON: Shri Sunil Dattatray Tatkare – Not present

Shri Subrata Pathak – Not present

Shri Rahul Kaswan – Not present

Shri Jugal Kishore Sharma – Not present

Shri Ram Mohan Naidu Kinjarapu – Not present

Shri Gajanan Kirtikar – Not present

Shri Hasmukhbhai S. Patel – Not present

Dr. G. Ranjith Reddy – Not present

Shri Vijaykumar *alias* Vijay Vasanth – Not present

Shri Bhola Singh Ji.

*t185

Title: Introduction of the Management and Control of Stubble Bill, 2021.

SHRI BHOLA SINGH (BULANDESHAHAR): Sir, I beg to move for leave to introduce a Bill to provide for the formulation of a national policy to set up advanced tools, techniques and technologies for control and management of the disposal of stubble directly outside the agricultural farm lands, for their scientific management and for preparing a model stubble management policy to prevent open burning or open depositing of stubble garbage or waste so as to protect the environment and ultimately mother earth from being polluted by smoke and smog spread due to the burning of stubble in

open fields which is also responsible for the climate change and for matters connected therewith or incidental thereto.

HON. CHAIRPERSON: The question is:

“That the leave be granted to introduce a Bill to provide for the formulation of a national policy to set up advanced tools, techniques and technologies for control and management of the disposal of stubble directly outside the agricultural farm lands, for their scientific management and for preparing a model stubble management policy to prevent open burning or open depositing of stubble garbage or waste so as to protect the environment and ultimately mother earth from being polluted by smoke and smog spread due to the burning of stubble in open fields which is also responsible for the climate change and for matters connected therewith or incidental thereto.”

The motion was adopted.

SHRI BHOLA SINGH: Sir, I introduce* the Bill.

*t186

Title: Introduction of the Population (Control and Management) Bill, 2021.

SHRI BHOLA SINGH (BULANDSHAHR): Sir, I beg to move for leave to introduce a Bill to provide for a comprehensive policy towards stabilizing the population of the country by providing voluntary and safe access to methods of contraception, establishment of a Population Planning Agency, promotion of schemes that incentivizes the small family norm, creating awareness on family planning and providing access of education to empower every girl child and for all matters connected therewith or incidental thereto.

HON. CHAIRPERSON: The question is:

“That leave be granted to introduce a Bill to provide for a comprehensive policy towards stabilizing the population of the country by providing voluntary and safe access to methods of contraception, establishment of a Population Planning Agency, promotion of schemes that incentivizes the small family norm, creating awareness on family planning and providing access of education to empower every girl child and for all matters connected therewith or incidental thereto.”

The motion was adopted.

** the Bill. **SHRI BHOLA SINGH:** Sir, I introduce

*t187

Title: Introduction of the Climate Change (Net Zero Carbon) Bill, 2021.

SHRI JAYANT SINHA (HAZARIBAGH): Sir, I beg to move for leave to introduce a Bill to provide for a framework by which India may develop and implement clear and stable climate change policies that contribute to the global efforts under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels and allows India to prepare for, and adapt to, the effects of climate change and for matters connected therewith or incidental thereto.

HON. CHAIRPERSON: The question is:

“That leave be granted to introduce a Bill to provide for a framework by which India may develop and implement clear and stable climate change policies that contribute to the global efforts under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels and allows India to prepare for, and adapt to, the effects of climate change and for matters connected therewith or incidental thereto.”

The motion was adopted.

** the Bill. **SHRI JAYANT SINHA:** Sir, I introduce

*t188

Title: Institutes of Technology (Amendment) Bill, 2020 (*Insertion of New Section 2A*).

SHRI JAYANT SINHA (HAZARIBAGH): Sir, I beg to move for leave to introduce a Bill further to amend the Institutes of Technology Act, 1961.

HON. CHAIRPERSON: The question is:

“That leave be granted to move for leave to introduce a Bill further to amend the Institutes of Technology Act, 1961.”

The motion was adopted.

SHRI JAYANT SINHA: Sir, I introduce** the Bill.

*t189

Title: Right of Children to Free and Compulsory Education (Amendment) Bill, 2019 (*Substitution of New Section for Section 11*).

SHRI JAYANT SINHA (HAZARIBAGH): Sir, I beg to move for leave to introduce a Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

HON. CHAIRPERSON: The question is:

“That leave be granted to introduce a Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.”

The motion was adopted.

SHRI JAYANT SINHA: Sir, I introduce** the Bill.

HON. CHAIRPERSON: We had about 250 Private Members' Bills listed for introduction and out of that, 145 Bills have been introduced today.

*t190

Title: Further discussion on the motion for consideration of the Compulsory Voting Bill, 2019, moved by Shri Janardan Singh 'Sigriwad'.

HON. CHAIRPERSON: Now, we take up item no. 271, that is, Compulsory Voting Bill, 2019. Shri Janardan Singh 'Sigriwal' is fortunate enough that this discussion is still going on. Last time Shri P.P. Chaudhary was on his legs. He can continue his speech now.

SHRI P. P. CHAUDHARY (PALI): Mr. Chairman, Sir, I thank you very much for this opportunity. The debate on the Compulsory Voting Bill could not be concluded last time and it was two years back. Now, I have to continue my remaining speech on this Bill.

Sir, we all know that India is a democratic country and our democracy is mature. That is why, way back in 1950, we included fundamental rights in our Constitution.

17.41 hrs

(Shri Rajendra Agrawal *in the Chair*)

So, if we see the Constitution of India, Article 19 provides for freedom of speech and expression. The word 'expression' means it is a right to express or not to express. So, if we enforce compulsory voting, then it

goes against the mandate of Article 19 of the Constitution of India which specifically provides that it is within the sweet will of the individual and the right to vote or not to vote is a fundamental right of the citizen. At the same time, if we also see Article 21 of the Constitution of India it says that no person shall be deprived of his life and liberty except in accordance with law. When we see the word 'liberty', liberty includes the right to vote and not to vote. It includes both. So, it cannot be enforced in view of the mandate of fundamental rights which have been provided under Articles 19 and 21 of the Constitution. If such a law is enacted, then it will not withstand the tide of judicial scrutiny before the court of law.

Sir, if we see Article 326 of the Constitution of India, it is provided that any citizen can register himself as a voter. He has a right to register himself as a voter. But it is not a duty to register himself as a voter. No duty has been cast under Article 326 of the Constitution. It is an option available to the citizen of India. He can either register himself as a voter or he need not register himself as a voter. Therefore, in my view, this Bill, basically, cannot withstand the tide of judicial scrutiny and such a law cannot be enacted by Parliament.

माननीय सभापति: मुझे सूचित करना है कि इस विधेयक पर विचार करने के लिए आवंटित समय लगभग समाप्त हो चुका है । यदि सदन की अनुमति हो, तो विधेयक पर विचार का समय एक घंटे बढ़ाया जाए । सदन का समय नहीं, विधेयक पर विचार का समय एक घंटे और बढ़ा दिया जाए ।

अनेक माननीय सदस्य : जी हां ।

SHRI P. P. CHAUDHARY: So, at the most, if we want to increase the percentage of voting, then certain incentives may be provided by the Government by making a provision under MGNREGA, PDS, etc. But if a citizen did not cast his vote, on that count also he cannot be denied these facilities . So, such a law also cannot be enacted. We can only persuade the

voters and such type of persuasion is possible by providing political education. Apart from this, we can do one more thing because in rural and urban areas, we are applying the same yardstick.

The Election Commission is required to see to it. In the urban areas where the distance from the polling booth is very less, the polling booth should be installed on the basis of the number of voters. Normally, in one polling booth, around 1,000 to 1,200 voters are there. So, the same yardstick cannot be applied with respect to the rural areas where the people are living in *dhanis* and where the distance from polling booth is sometimes 10 kilometres, 11 kilometres. They are poor people; and they do not have proper communication; they do not have transport system in the rural areas. Therefore, the Election Commission is required to see to it that at least in the rural areas, we must have more polling booths.

Here, I would like to make a suggestion. Suppose, in one Lok Sabha Constituency, the number of booths are 2,500; and instead of doing anything more, if they increase the number of booths to four times, then nothing more is required. Automatically, the percentage of voting would increase. Only on account of lack of communication and lack of transport, the voting percentage is very poor. This is the main reason, more people do not go for voting. So, sometimes, we see that the voting is 35 per cent, 40 per cent, 45 per cent, 50 per cent.

Now, these days voting percentage has increased. Due to political education, it has increased to 60 per cent or sometimes even to 70 per cent. So, even in the rural areas, where a particular concentration is more, then in that particular booth, we see more per cent of voting. But where people are living in *dhanis* and the distance from booth is more, the percentage of voting is very poor.

Secondly, if you want to see transparency in the electoral process, then more number of polling booths are required. Otherwise, the candidate, on the basis of his money power, can provide more vehicles and fetch more votes. Therefore, in the rural areas at least, the number of polling booths should be increased. The distance from the polling booths should not be more than two kilometres so that every voter can exercise his right to franchise.

So, this modality can be adopted and this reform can be introduced by the Election Commission.

Sir, apart from this, this issue has also arisen a number of times before the Supreme Court. The same issue also came up before this august House with respect to the compulsory voting. This matter went before the Supreme Court and even before the Gujarat High Court. The matter was agitated there, and it was finally decided that 'right to vote' cannot be converted into 'duty to vote'. There is a difference. Once it is done, then it would contravene the mandate of articles 19 and 21 of the Constitution of India, and it would go against the fundamental right.

Sir, we are a democratic country; and in my view, such types of rights cannot be enforced. So, this Bill cannot be passed by this House. Apart from this, when this Bill came up before Parliament in 1950, this issue was debated; and even the Constitutional framer, Dr. B.R. Ambedkar opposed it and said that 'compulsory voting cannot be introduced in the Representation of Peoples' Act.' So, it was rejected by Parliament on the grounds that there are so many practical difficulties; and so, it cannot be implemented.

At the same time, thereafter, in 1990, the Goswami Committee was constituted and they also rejected the idea of compulsory voting. Again, in 2001, the NCRWC Committee was constituted on Electoral Reforms and they also rejected this move of compulsory voting. Finally, in the Tarkunde

Committee, this issue was again raised and a Committee was constituted and they also opined that 'no compulsory voting can be permissible and it cannot be implemented.' They also said that 'there are so many practical difficulties in implementation of compulsory voting. We can do it by way of persuasion as well as by political education.'

Similarly, in 2004, the then hon. Member of Lok Sabha, Shri B.S. Rawat moved the Bill and in 2009 also, the then hon. Member, Lok Sabha, Shri J.P. Aggarwal moved the Bill. It was discussed and debated in Parliament, and finally it was withdrawn. Even before the Supreme Court in 2009, again this issue was raised in Atul Sarode Case *versus* Union of India; and it was dismissed by the Supreme Court. In Gujarat recently, for the election of local bodies, municipal corporation, municipal boards and for panchayats, this Bill was assented by the Governor of Gujarat.

But finally, it was decided by the Gujarat High Court that such type of a law cannot be enforced because compulsory voting is not possible. It is only a right and it cannot be converted into duty. It goes against the mandate of the Fundamental Rights enshrined under Articles 19 and 21 of the Constitution of India. So far as the duties under Article 51(a) are concerned, even that duty is not there as far as the Directive Principle of the State Policy is concerned.

Sir, I have already made my submission extensively on the last occasion. Now, I request other hon. Members to speak because this opportunity should also be given to other Members. Thank you very much, Sir, for affording me an opportunity to speak.

Title: Introduction of the Payment of Cash Subsidy to Farmers and Agricultural Labourers Bill, 2019.

SHRI RAGHU RAMA KRISHNA RAJU (NARSAPURAM): Sir, I beg to move for leave to introduce a Bill to provide for the payment of cash subsidy to farmers and agricultural labourers in order to provide financial security to them and their family members and for matters connected therewith or incidental thereto.

HON. CHAIRPERSON: The question is:

“That leave be granted to introduce a Bill to provide for the payment of cash subsidy to farmers and agricultural labourers in order to provide financial security to them and their family members and for matters connected therewith or incidental thereto.”

The motion was adopted.

** the Bill **SHRI RAGHU RAMA KRISHNA RAJU:** Sir, I introduce

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***SHRI T. N. PRATHAPAN (THRISSUR):** Sir, I would like to speak in Malayalam. Malayalam is one of the classic languages of India. In my tenure as a Member of Parliament, this is the first time that I am speaking in Malayalam. I am supporting this bill. Sir in our country, the voting percentage is coming down after each election. Our literacy rate has gone up. Our educational facilities have also improved. So we are among those countries which have the largest number of literate population. But whether it be the local self governing bodies, or the state assemblies or the parliamentary elections, the percentage of votes cast are falling.

Kerala, has hundred percentage literacy. Even in Kerala, in the local self governing body elections, we get 86-87 percentage of voting. In the state assembly elections, we get 76-80 percentage voting. The percentage of voting for Lok Sabha elections is even lesser than this. Sir, this is not a healthy sign for the growth of our democracy.

Why is the voting percentage coming down? In northern parts of India, and other parts, we have 40-45 percentage, 50-55 percentage and at the most we have less than 60 percent voting. Is it a fact that people are losing their faith in our political system? There is increasing instances of corruption, favouritism and growing communalisation and caste divide in our political set-up. It has affected the quality of our body politic. Sir, the public in many parts of our Country do not have a faith in their representatives. People feel that politics is for the personal gain of the elected representative, for his party, and for his family. So the society does not have faith in our politicians.

In other words, the people are moving away from the political system.

So, the political parties should reset their political agenda, to bring back the public interest. Corruption must be wiped out from our society. Whether it be local self governing bodies or it be state assemblies or the Parliament, the people should be made to feel that these institutions belong to them. We must take our decisions for the enlightened citizens who can read our minds. Often in contemporary politics, the reverse of this is true.

Whatever be the government of the day, they get embroiled in corruption. The taxes levied from the citizen form a major share of the revenue utilised by the government. If the citizen feel that even the tax money levied from him, is being used by their elected representatives for their personal gains, they will lose faith in the system.

So, the primary need is that the political parties must reset their political agenda. All political parties must agree unanimously decide that they will show zero tolerance against corruption. Anyone engaged in corruption must be sidelined from political parties. They should be removed from holding any public office.

Sir governance should be for the society at large and not for any party. When the public feels that their elected representatives are governing for the public interest, then faith in politics will grow. This will ensure that people will increasingly take part in the election process.

Therefore, the need of the hour is quality politics. Public must feel that the governance is taking place in a transparent manner.

So the mainstream political parties, which have been recognized by the election commission, must reset their political agenda and make it more and more socially relevant.

In our country, when candidates are selected and election manifesto is prepared, we invariably think in a communal manner. Caste and religion become a crucial factor. When even candidates are selected on the basis of castes and religion people will lose faith. Quality of the candidates must become the decisive factor in their selection. Then the public interest in the election process can be brought back.

Sir, we can also think in terms of compulsory voting, like many other countries in the world. These countries have achieved hundred percentage voting. Sir, our country too must make voting compulsory.

Sir, a responsible government performs many a welfare activities for the citizen. We have the public distribution system, free rice distribution. From a child going to an anganwadi to a student studying in the university, are all beneficiaries of one or the other government schemes. The public

exchequer spends crores of rupees for the citizen's welfare. Therefore, it becomes mandatory for the citizens to play his role, by participating in the election process. So voting must be made compulsory. The mindset of our society must change.

It was Shri Rajiv Gandhi Ji, who had given voting rights to all citizens above the age of eighteen. Before that the voting age was twenty one. This was to encourage more youths to cast their votes.

18.00 hrs Considering the voting pattern we have now and also the voting pattern in our local body elections. We can see that the young generation is reluctantly to cast their votes. If we have to awaken the interest of our youth, we must encourage value based politics, which aims at social welfare. Our intervention must serve to achieve this goal. I support this bill. I am not concluding it. I would continue my speech by Sir. (*Interruptions*) that this is my first speech in Malayalam. My mother tongue Malayalam is now a recognized classical language. (*Inconclusive*)
HON. CHAIRPERSON: Do you want to conclude your speech or continue it next time?
HON. CHAIRPERSON: Okay. You may continue your speech when this Bill is taken up next time.

सभा की कार्यवाही सोमवार, 6 दिसंबर, 2021 को प्रातः 11 बजे तक के लिए स्थगित की जाती है ।

18.01 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Monday, December 6, 2021/Agrahayana 15, 1943 (Saka)

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* The sign + marked above the name of a Member indicates that the Question was actually asked on the floor of the House by that Member.

* Available in Master copy of Debate, placed in Library.

* Available in Master copy of the Debate, placed in Library.

* Not recorded.

* English translation of the speech originally delivered in Tamil.

* Not recorded.

** Speech was laid on the Table.

*Speech was laid on the Table.

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** Introduced with the recommendation of the President.

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* English translation of the speech originally delivered in Malayalam.