

has since been called to arrive at the consensus on this issue;

(b) If so, the details thereof; and

(c) if not, the time by which the Government propose to call such a meeting in order to arrive at a decision in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (DR. M. THAMBI DURAI) : (a) No, Sir.

(b) Does not arise.

(c) Pursuant to a decision taken at the meeting of political parties held on 22.5.1998, a Committee under the Chairmanship of Shri Indrajit Gupta, Member of Parliament, has been constituted to make recommendations on the State Funding of Elections and other connected issues. After the report of the Committee is received, the date of next meeting with political parties would be decided. The proposals made by the Election Commission of India for barring candidates with criminal background from contesting elections would also be included for discussion in that meeting.

Electoral Reforms

*10. SHRI TATHAGATA SATPATHY :
SHRI C.D. GAMIT :

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether the Law Commission and Election Commission have recently made some recommendations on Electoral Reforms;

(b) if so, the details thereof;

(c) whether the Government have examined those recommendations;

(d) if so, the reaction of the various political parties in this regard; and

(e) the time by which recommendations are likely to be implemented?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (DR. M. THAMBI DURAI) : (a) and (b) Law Commission has, so far, not made any recommendation on Electoral Reforms. The Government is at present, discussing a set of proposals on Electoral Reforms with political parties and the views of the Election Commission in respect of those proposals are available with the Government. In addition, the Election Commission have also made certain other proposals. The views/recommendations

of the Election Commission in this regard, are given in the enclosed Statement-I.

(d) Some of these proposals were discussed with political parties in the meeting held on 22nd May, 1998 and a gist of decisions taken at that meeting is contained in the enclosed Statement-II.

(c) and (e) The Government has not yet taken any final decision on proposals made by the Election Commission of India. It would, however, consider giving effect to such proposals of the Election Commission in respect of which consensus emerges amongst political parties. It is, however, not possible, at present, to indicate the time by which a final decision in this regard would be taken.

Statement-I

A. Views of the Election Commission on the set of Proposals on Electoral Reforms Identified by the Government for Discussions with Political Parties.

- (i) The Election Commission is not in favour of reducing the age qualification for membership of Parliament and State Legislature.
- (ii) The Election Commission favours existing restriction limiting the contest by a candidate to two constituencies of the same class and does not favour restricting it further to only one constituency.
- (iii) The Election Commission is not in favour of restoring section 8A of the Representation of the People Act, 1951 to its pre-1975 position. It, however, favours that it be authorised to submit the cases of disqualification under that section to the President, along with its advice.
- (iv) The Election Commission favours enhancement of required minimum number of valid votes polled to save security deposit from "one-sixth" to "one-fourth".
- (v) The Election Commission favours compulsory maintenance of accounts by political parties and audit thereof by agencies specified by it.
- (vi) The Election Commission is not in favour of complete ban on donation by companies to political parties. It is, however, in favour of limiting such contributions to a reasonable level and in transparent transactions in this regard.
- (vii) The Election Commission has suggested that it may be authorised to issue

necessary orders regulating registration and deregistration of political parties.

- (viii) The Election Commission is not in favour of regulating reservation and allotment of election symbols by a Law of Parliament.
- (ix) The Election Commission favours rotation of seats reserved for Scheduled Caste and Scheduled Tribe candidates. It has also suggested that work of delimitation of the constituencies be assigned to it.
- (x) The Election Commission favours the proposal that the expenditure incurred by a political party be included in the election expenses of a candidate for purposes of ceiling on election expenses.
- (xi) The Election Commission favours empowering it to fix ceiling on election expenses before every general election.
- (xii) The Election Commission is in favour of starting a national debate on change in present electoral system so as to have a broad national consensus on this issue.
- (xiii) The Election Commission does not favour the proposal for making voting compulsory.
- (xiv) The Election Commission does not favour giving statutory backing to the provisions of Model Code of Conduct.
- (xv) The Commission favours the cases of disqualification under Tenth Schedule to the Constitution to be dealt in the like manner as other post-election disqualification cases on grounds mentioned in articles 102(1) and 191(1) of the Constitution are dealt.
- (xvi) The Election Commission favours being empowered to countermand an election even otherwise than on a report from the Returning Officer/Observer.
- (xvii) The Election Commission favours the proposal to empower it to issue instructions to any officer in connection with conduct of elections and to make certain recommendations for referring any matter of investigation to any agency. It further, favours making such recommendations binding.
- (xviii) The Election Commission is in favour of a fixed composition of Election Commission consisting of Chief Election Commissioner and two Election Commissioners. It also favours that the method of appointment and the constitutional protection after

appointment should be the same for the Chief Election Commissioner and Other Election Commissioners.

- (xix) The Election Commission favours an independent secretariat for it.
- (xx) The Election Commission is not in favour of the Chief Electoral Officer being exclusively for election work.
- B. The other proposals made by the Election Commission.**
1. Strengthening of section 8 of the Representation of the People Act, 1951 by providing that any person convicted of any offence and sentenced to imprisonment for six months or more should be debarred from contesting elections for a period totalling the sentence imposed plus an additional six years. It has further suggested that any person accused of any offence punishable with imprisonment for five years or more should be disqualified after the competent court has framed charges against him.
 2. The Election Commission should be empowered to frame disciplinary rules in respect of persons deployed on election duty.
 3. Statutory ban on transfer of election officers on the eve of election.
 4. Proxy voting for service voters.
 5. Appointment of an appellate authority in districts against orders of Electoral Registration Officers.
 6. Making consultation with Election Officers compulsory for police arrangements during elections.
 7. Making of false declaration in connection with elections to be an offence.
 8. Rule making authority to be vested in Election Commission.

Statement-II

Gist of the decisions taken at the meeting of political parties held on 22nd May, 1998 to discuss proposals on Electoral Reforms.

1. The existing extent of parliamentary and assembly constituencies to continue till fresh delimitation became due as per existing constitutional provisions.
2. The age for contesting elections to Lok Sabha and Legislative Assemblies be lowered to 21

years and for elections to Legislative Councils and Council of States, be lowered to 25 years.

3. The existing position for allowing a candidate to contest elections from two constituencies may continue and it need not be restricted to one, for the present.
4. Status quo be maintained in respect of section 8A of the Representation of the People Act, 1951.
5. Status quo be maintained in respect of minimum number of votes required to be polled to save security deposits.
6. Constitution of a Committee under the Chairmanship of Shri Indrajit Gupta, M.P. to suggest concrete proposals for providing State funding to recognised political parties and to make recommendations with regard to other related proposals pertaining to maintenance of accounts by political parties and audit thereof, ban on donation by companies to political parties, inclusion of expenses of political parties in the election expenses of candidates for the purposes of ceiling on election expenses and empowering of Election Commission to fix ceiling on election expenses before every general election.
7. The Election Commission of India be requested to review and reformulate the Model code of Conduct in consultation with political parties.
8. The Election Commission may be requested to review its order relating to reservation and allotment of symbols in consultation with political parties.
9. Voting should not be made compulsory.

Development of Major Ports

*11. SHRIMATI JAYANTI PATNAIK :
SHRI RANJIB BISWAL :

Will the Minister of SURFACE TRANSPORT be pleased to state :

(a) whether the Government have taken any steps for the development of major ports during the Eighth Five Year Plan;

(b) if so, the contribution of public as well as private sectors in the development and expansion of ports in the country, portwise particularly Paradip Major Port in Orissa;

(c) the policy of the Government with regard to the private sector investment in the development of ports in the country including Orissa; and

(d) the details of additional capacity proposed to be created in every port during the Ninth Five Year Plan?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (DR. M. THAMBI DURAI) : (a) and (b) Yes Sir. During the 8th Plan, the Major Port Trusts spent an amount of Rs. 1758.33 crores on development of the ports. There was no major private investment for the development of major ports during the 8th plan. The details of public sector funds spent on development of major ports are given below, portwise :-

| S.No. | Name of the Port | Amount spent in 8th plan (Rs. in crores) |
|-------|------------------|--|
| 1. | Calcutta/Haldia | 171.78 |
| 2. | Paradip | 249.73 |
| 3. | Vizag | 157.36 |
| 4. | Madras | 222.89 |
| 5. | Tuticorin | 89.46 |
| 6. | Cochin | 194.67 |
| 7. | New Mangalore | 65.97 |
| 8. | Mormugao | 84.93 |
| 9. | Mumbai | 233.58 |
| 10. | Kandla | 211.63 |
| 11. | Jawaharlal Nehru | 76.33 |
| Total | | 1758.33 |

(c) The Government has laid down policy guidelines to attract private sector participation in development of port facilities in all major ports, including Paradip port located in the State of Orissa. Private Sector participation in major ports is permitted in creation of new facilities such as construction and operation of container terminals, warehousing, handling equipment, drydocking and ship repair facilities and also for leasing of existing assets of the ports on Build, Operate and Transfer basis for a maximum period of 30 years. The selection of the private party will be based on competitive bidding and maximum return to the port on Net Present Value basis. In the cases of captive facilities, development and operation is permitted without recourse to tender, subject to certain conditions. The policy also permits consideration of unsolicited/innovative proposals. Formation of Joint Ventures between Major Ports and companies is permitted based on tender.