

Eighth Series, Vol. XLV No. 23

**Thursday, December 15, 1988/1910
Agrahayana 24, 1910 (Saka)**

LOK SABHA DEBATES

(English Version)

**Twelfth Session
(Eighth Lok Sabha)**



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

LOK SABHA

*Thursday December 15, 1988/Agrahayana
24, 1910 (Saka)*

*The Lok Sabha met at Eleven of the
Clock*

[MR. SPEAKER *in the Chair*]

(Interruptions)

[*English*]

MR. SPEAKER : Please order, order.
One-by one. Yes, Mr. Gowda.

SHRI VEERENDRA PATIL (Gulbarga)
: You please allow me to make my submission.

MR. SPEAKER: I have allowed Mr.
Gowda.

SHRI H.N.NANJE GOWDA (Hassan):
We have given a notice. In yesterday's Indian Post, a news item has appeared stating,

"Referendum on Border in March".
That is the caption. It is reported that
the Maharashtra Chief Minister...

MR. SPEAKER: You give it in writing, I
will find out.

SHRI H.N. NANJE GOWDA : It is re-

ported that the Maharashtra Chief Minister
stated in the Assembly that the Union Home
Minister has agreed....

MR. SPEAKER: Please sit down.

(Interruptions)

MR. SPEAKER : I will take action after
getting the facts verified.

SHRI H.N. NANJE GOWDA: It is shocking
that the Maharashtra Chief Minister has
said that the Union Home Minister has
agreed...*(Interruptions)*

MR. SPEAKER : Why are you shouting
Mr. Veerendra Patil? The Hon. Member,
Shri Gowda is on his legs. I have allowed
him. I will allow only one Member and not
two.

SHRI H.N. NANJE GOWDA: Sir, it is
more shocking because the Chief Minister
has also stated and it is reported in the same
Press that the Union Home Minister, Mr.
Buta Singh has conceded the request of
Maharashtra for a referendum.....

MR. SPEAKER: Mr. Gowda, don't go on
Press reports until and unless I confirm.

(Interruptions)

MR. SPEAKER : Why are you shouting?
Please sit down.

SHRI H.N. NANJE GOWDA: Let the
Home Minister deny it.

MR. SPEAKER : I will take action

cording to the facts.

(Interruptions)

MR. SPEAKER : Does it cut much ice with me if you shout? Nothing goes on record.

*(Interruptions)**

MR. SPEAKER: I have told you once for all —you may say whatever you like Mr. Veerendra Patil.

SHRI VEERENDRA PATIL: Let the Home Minister make a statement.

MR. SPEAKER: I have told you once for all that I am to take action according to the given facts and not according to what you say. I do not go on Press reports and I do not believe them until and unless they are confirmed.

(Interruptions)

MR. SPEAKER: I will find out the facts first and then I will go to it. That is all.

SHRI VEERENDRA PATIL: We only request the Home Minister to make a statement and clarify.

MR. SPEAKER: I will see to it, that is what I have said. Without finding facts he cannot do it.

SHRI BASUDEB ACHARIA (Bankura): Sir, I have tabled a motion under Rule 184.

MR. SPEAKER : I will look into it.

SHRI BASUDEB ACHARIA: The Government of Kerala refused to sign an ordinance approved by the Cabinet.

MR. SPEAKER : I will look into it. Not allowed.

*(Interruptions)**

SHRI BASUDEB ACHARIA: The Governor has to act according to the advice of the Council of Ministers.

MR. SPEAKER: I will see to it. Now, sit down.

(Interruptions)

MR. SPEAKER: Mr. Acharia, I have heard you and over ruled you. Please sit down.

SHRI BASUDEB ACHARIA: Why, Sir? I have given a notice under Rule 184.

MR. SPEAKER : I have to go through the process.

(Interruptions)

SHRI BASUDEB ACHARIA : What is your ruling?

MR. SPEAKER : I will see to it Mr. Acharia, you are an Hon. Member and the Leader of your group and still you shout like that. I said that I have to find facts and then go according to it.

SHRI BASUDEB ACHARIA: Facts are with you.

MR. SPEAKER : Your motion is with me. I will find out. Shri Kolandaivelu.

(Interruptions)

MR. SPEAKER : I have allowed Shri Kolandaivelu.

(Interruptions)

MR. SPEAKER: He is flouting the rules. I don't know what to do with him.

SHRI BASUDEB ACHARIA: I am not flouting the rules.

SHRI P. KOLANDAIVELU: (Gobichetti-palayam): I have given an Adjournment Motion. More than thousand Vanniyars have been arrested...*(Interruptions)*

MR. SPEAKER : Mr. Acharia, I have allowed this gentleman. Don't you have any decency? Why do you interrupt him?

SHRI P. KOLANDAIVELU: I have given an adjournment motion.

MR. SPEAKER: I have not allowed it.

SHRI P. KOLANDAIVELU: Sir, the Vanniyar agitation is going on. More than 12 buses have been burnt and more than a thousand people have been arrested. Paramilitary Forces have been sent to Tamil Nadu. *(Interruptions)**

MR. SPEAKER : Not allowed.

*(Interruptions)**

SHRI BALWANT SINGH RAMOOWALIA (Sangrur) Sir, the Aanganwadi workers of Punjab are not being paid well. They will hold a convention in Bhatinda on 12th March. They have given a memorandum stating that they should be treated on par with the primary teachers.

MR. SPEAKER : You can give it to me.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr. Speaker, Sir, students are observing relay fast in front of the office of Union Public

Service Commission for the last three months. The Union Public Service Commission is not prepared to accede to their request to make Indian Languages as a medium of examinations conducted by them even today.

MR. SPEAKER : How dare they stop use of Hindi.

SHRI BALKAVI BAIRAGI : It is a very serious matter.

MR. SPEAKER : No question.

SHRI BALKAVI BAIRAGI: Mr. Speaker, Sir, they want Indian languages.

MR. SPEAKER: Bairagiji, I think this matter came up earlier and it is coming today also.

[English]

I warn this Ministry also and I take strong exception if something is done like that. I cannot allow it, and it shall not be allowed. I hope the Minister will take action immediately.

SHRI BASUDEB ACHARIA: What is your ruling Sir?

MR. SPEAKER: It is under my consideration.

SHRI BASUDEB ACHARIA: The House will be adjourning tomorrow.

MR. SPEAKER: It does not matter. We will meet again.

SHRI THAMPAN THOMAS (Mavelikara): I have given an adjournment motion about the Governor's role in Kerala...*(Interruptions)*

MR. SPEAKER: I have not allowed it. 11.07 hrs.

SHRITHAMPANTHOMAS: I have also given a notice under Rule 184.

(Interruptions)*

MR. SPEAKER: Not allowed.

(Interruptions)*

PROF. MADHU DANDAVATE (Rajapur): I have given a notice under Rule 184, sending you some documents. The *Economic Times* has produced details that in spite of the directive of the Defence Minister that in any contract of the Defence Ministry no middlemen should be used, they are circumventing the guidelines and contracts are given through middlemen. I have produced the documents.

MR. SPEAKER: I will see to it.

SHRI SAIFUDDIN CHOWDHARY (Katwa): Sir, I have given many notices. In this Nehru Centenary Year what has come to our notice is very sad...

MR. SPEAKER: What?

SHRI SAIFUDDIN CHOWDHARY: The Nehru Yuvak Kendras have been converted into a wing of the Congress (I).

SHRI BASUDEB ACHARIA: It is a serious matter.

SHRI SAIFUDDIN CHOWDHARY: We have given notices also.

MR. SPEAKER: I will see to it.

PAPERS LAID ON THE TABLE

[English]

Reviews on the working of and Annual Reports of Rehabilitation Industries Corporation Ltd., Calcutta for 1987-88, Engineering Projects (India) Ltd., New Delhi for 1987-88, Mining and Allied Machinery Corporation Ltd., Durgapur for 1987-88 etc. etc.

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:-

(a) (i) A statement regarding review by the Government on the working of the Rehabilitation Industries Corporation Limited, Calcutta, for the year 1987-88.

(ii) Annual Report of the Rehabilitation Industries Corporation Limited, Calcutta, for the year 1987-88 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7069/88]

(b) (i) A statement regarding review by the Government on the working of the Engineering Projects (India) Limited, New Delhi, for the year 1987-88.

(ii) Annual Report of the Engineering Projects (India) Limited, New Delhi, for the year 1987-88 along with Audited Accounts and

comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7070/88]

- (c) (i) A statement regarding review by the Government on the working of the Mining and Allied Machinery Corporation Limited, Durgapur, for the year 1987-88.

(ii) Annual Report of the Mining and Allied Machinery Corporation Limited, Durgapur, for the year 1987-88 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7071/88]

- (d) (i) A statement regarding review by the Government on the working of the Instrumentation Limited, Kota, for the year 1987-88.

(ii) Annual Report of the Instrumentation Limited, Kota, for the year 1987-88 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7072/88]

- (e) (i) A statement regarding Review by the Government on the working of the Bharat Ophthalmic Glass Limited, Durgapur, for the year 1987-88.

(ii) Annual Report of the Bharat Ophthalmic Glass Limited, Durgapur, for the year 1987-88 along with Audited Accounts and comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-7073/88]

- (f) (i) A statement regarding review by the Government on the working of the National Instruments Limited, Calcutta, for the year 1987-88.

(ii) Annual Report of the National Instruments Limited, Calcutta, for the year 1987-88 along with Audited Accounts and comments of the comptroller and Auditor General thereon. [Placed in Library. See No. LT-7074/88]

Annual Report and Review on the working of Rajghat Samadhi Committee for 1987-88

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH): I beg to lay on the Table—

- (i) (i) A copy of the Annual Report (Hindi and English versions) of the Rajghat Samadhi Committee for the year 1987-88 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Rajghat Samadhi Committee for the year 1987-88. [Placed in Library. See No. LT-7075/88]

Notifications under Companies Act, 1956

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT IN THE MINISTRY OF INDUSTRY (SHRI M. ARUNACHALAM): I beg to lay on the Table—

- (1) A copy each of the following Notifications (Hindi and English

versions) under sub-section (3) of section 642 of the Companies Act, 1956:-

(i) The Company Law Board (Bench) (Second Amendment) Rules, 1988 published in Notification No. S.O. 945(E) in Gazette of India dated the 14th October, 1988.

(ii) The Companies (Central Government's) General Rules and Forms (Fifth Amendment) Rules, 1988 published in Notification No. G.S.R. 1032(E) in Gazette of India dated the 26th October, 1988.

- (2) A copy of the Notification, No. G.S.R. 800 (Hindi and English versions) published in Gazette of India dated the 8th October, 1988 declaring M/s. Dravindian Benefit Fund Limited, Madras as 'Nidhi', under section 620A of the Companies Act, 1956. [Placed in Library. *See* No. LT-7076/88]

Annual Report and Review on the working of Engineering Export Promotion Council, Calcutta, for 1987-88

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSI): I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hind and English versions) of the Engineering Export Promotion Council, Calcutta for the year 1987-88 along with Audited Accounts.

(ii) A copy of the Review (Hind and English versions) by the Government on the working of the Engineering Export Promotion Council, Calcutta for the year 1987-88. [Placed in Library. *See* No. LT-7077/88]

Annual Report and Annual Accounts of Employees' State Insurance Corporation for 1987-88 and Consolidated Annual Accounts of Employees' Provident Fund Organisation, New Delhi for 1987-88

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND DEPUTY MINISTER IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RADHAKISHAN MALAVIYA): I beg to lay on the Table—

- (1) A copy of the Annual Report (Hindi and English versions) of the Employees' State Insurance Corporation for the year 1987-88.
- (2) A copy of the Annual Accounts (Hindi and English versions) of the Employees' State Insurance Corporation for the year 1987-88 together with Audit Report thereon. [Placed in Library. *See* No. LT-7078/88]
- (3) A copy of the Consolidated Annual Accounts (Hindi and English versions) of the Employees' Provident Fund Organisation, New Delhi, for the year 1987-88 together with Audit Report thereon. [Placed in Library. *See* No. LT-7079/88]

11.08 hrs.

[English]

PUBLIC ACCOUNTS COMMITTEE

Hundred and Fortieth Report

SHRI AMAL DATTA (Diamond Harbour): I beg to present the Hundred and Fortieth Report (Hindi and English versions) of Public Accounts Committee on Wheel and Axle Plant, Yelahanka.

11.8 1/2 hrs.

PETITION RE: PRIVATISATION OF
BEL—TALOJA UNIT

[English]

SHRI BASUDEB ACHARIA (Bankura): I beg to present a petition signed by Shri Sanjeev Shetty and other workers of Bharat Electronics Limited regarding privatisation of BEL—Taloja unit.

11.09 hrs.

MATTERS UNDER RULE 377

[Translation]

- (I) **Need to direct the Government of Rajasthan to ensure proper representation in jobs to backward classes**

SHRI SHANKAR LAL (Pali): Mr.

Speaker, Sir, articles 15(4) and 16(4) of our Constitution provides that educationally and socially backward people should be given special amenities. The recommendations made in the report of the Mandal Commission which was appointed by the Government under article 340 of the constitution, are still under consideration of the Government. The Department of Social Welfare in Rajasthan has published a separate list of backward classes for district Ajmer and remaining parts of Rajasthan. There is no provision to provide any facilities to the unemployed and weaker sections of society in securing Government job as these are available in other States. The Central Government should issue suitable instructions to the Government of Rajasthan in this regard.

- (ii) **Need to sanction construction of bridge over river Sikarhana in Bihar in next year's plan**

SHRIMATI PRABHAWATI GUPTA (Motihari): Mr. Speaker, Sir, the river Sikarhana (Burhi Gandak) divides East Champaran district in the State of Bihar into two parts. The entire area on the other side of the river remains full of greenery and is very fertile. But even then this area is very backward owing to lack of transportation facilities. Even after 40 years of independence the headquarters of this district remains cut off from Motihari and the State capital Patna for 5 months during the year due to floods and rainy season. During the Monsoon the entire area remains inundated and looks like vast sea. During that period no means of transport is available there. In view of this the life of 1.5 million people becomes hell. Keeping in view the critical position of transport, I request the Central Government to issue suitable instructions to the State Government of Bihar to include the plan of constructing bridges over Sikarhana river at Katahaghat and Bhurkukhghat in the next annual plan of the Bihar State.

(iii) Need to check the spread of heart ailments, particularly amongst the youth in the Country

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad): Mr. Speaker, Sir, today while on the one hand the people in the country suffer from so many ailments and the Government is making all efforts to relieve people of these ailments by setting up hospitals for treatment and by carrying out research programmes for new discoveries on the other hand, the number of patients is increasing constantly. The rise in the incidence of heart ailments has become a matter of great concern. According to a recently conducted survey, at present about 3 crore people are suffering from heart ailments in the entire country. In Delhi alone about 2.5 lakh people between the age group of 25 to 64 years are heart patients. About 9 lakh people are suffering from hypertension which may increase the chances of cardiac arrest. It is distressing that this ailment is spreading on an alarming scale among young boys and girls. As per the break through so far achieved in this direction, patients of this ailment can be saved upto the second attack, but it becomes very difficult to save any patient on the third attack. The treatment of heart patients is very costly and a common man dies an untimely death.

I, therefore, appeal to the hon. Minister of Health and Family Welfare to take some concrete steps in this direction in order to relieve people of this increasing ailment so that spreading of this disease among the youth and people could be checked effectively and people could be saved from untimely death.

(iv) Steps needed to encourage the use of Hindi and other regional languages

SHRI MADAN PANDEY (Gorakhpur):

Mr. Speaker, Sir, even after 40 years of independence, it appears that English has been dominating all over the country. All work starting from education to offices is being done in English only. If someone does not possess knowledge of English he remains deprived of higher education and higher post. A country can develop only when its language is developed and the countryman feel proud of speaking and using it. In our country while on the one hand the Public Service Commission has been prescribing English as a compulsory subject for the Indian Administrative Service Examinations, on the other hand the Department of Official Language which is supposed to be the agency of promoting use of Hindi, has itself been using English instead of Hindi in its Conferences. If the very agency entrusted with the task of implementing Hindi will not carry on its work in Hindi, what could be expected of other departments? Similar treatment is being meted out to other Indian languages in their use.

I, therefore, appeal to the Government of India to take concrete steps for the use of Hindi and other Indian languages and recruit such officers in the institutions entrusted with the responsibility of implementing Indian languages, no matter whether it is the case of Hindi or any other Indian languages, who should have high proficiency of those languages and a strong zeal to implement them besides posing a good knowledge of these languages.

(v) Need to give clearance to cotton procurement scheme submitted by Government of Maharashtra and also to ensure remunerative price for cotton

SHRIMATI USHA CHOUDHARI (Amravati): Mr. Speaker, Sir, Maharashtra is one of the cotton growing States and it accords top priority to cotton growers' inter-

ests. In order to protect the cotton growers from being exploited by the middlemen and give full remunerative price to them for their produce Maharashtra is the only State which constituted Cotton Federation and formulated Cotton Monopoly Scheme. But the State Government will have to approach the Centre for permission time and again to implement the Cotton Monopoly Scheme—and though the scheme is in the interest of the farmers, the State Government will have to face enormous difficulties in implementing the same and obtaining permission from the Centre. The duration of the existing permission expires on 30.6.1989. The Government of Maharashtra has urged the Textile Department of Central Government to give extension to the said scheme for ten years. I, therefore request the Government of India to give permission to this scheme for ten years at a time keeping in view the interest of the farmers.

Secondly, the performance of our country in cotton production is very good and its production could increase further if more attention is paid to export instead of importing cotton. If the grower is given adequate remuneration for his produce, he will make an all out effort to see that production is increased further. For this, there should be a proper announcement of import-export policy of cotton. Despite heavy rains this year the cotton production in Maharashtra is likely to reach 20 lakh bales and the position is almost the same in the rest of the country. There is fear that the price of cotton may not go down if its production rises. Therefore, the Government should ensure that under no circumstances the farmer might have to resort to distress sale.

It is requested that keeping in view the interests of farmers approval may be given to continue the Cotton Monopoly Scheme submitted by the Government of Maharashtra upto 10 years and permission may also be given to the Government of Maharashtra to export cotton.

[English]

(vi) Demand for revision of rate of royalty on Oil to Assam

SHRI DINESH GOSWAMI (Guwahati): The State of Assam is facing acute financial crisis. In spite of this, the Central Government has not revised the oil royalty due to the State Government since 1.4.1987. The Government of Assam has demanded Rs. 340/- per tonne on the basis of 20% of the sale price of crude to the refineries, and has advanced justifiable arguments in support of the demand. Though the oil cess has been increased to a high percentage, and the Government of India's profit from the crude has increased substantially, the State Government has been deprived of its legitimate due. I demand for immediate revision of the royalty at the rate demanded by the State Government, and also for a share of the profit from the crude to be earmarked for the State Government.

(vii) Need to remove the disparity in the levy price of sugar

SHRI RAM NARAIN SINGH (Bhiwani): There has been tremendous development in Haryana in Sugarcane production, its quality and recovery, resulting in substantial increase in State and Central revenues. Haryana Government has given Rs. 35/- per quintal to the cane-growers, which is the highest price in the country. In addition, cooperative mills in the State have paid Rs. 15.26 crores on account of old losses. The outstanding cane arrears, including interest thereon, amounting to Rs. 22 lakhs have also been paid to the cane-growers by the mill-owners, while no sugar factory in the country has paid even a single paisa as interest to the cane-growers.

Haryana Government have earned a profit of Rs. 4 crores in 1987-88. Whereas the Central Government should give incentives and awards to Government of Haryana

[Sh. Ram Narain Singh]

for improving production and quality of sugarcane, and achieving better recovery, it has penalised the cane-growers by reducing the price of levy sugar to Rs. 423.- per quintal. In other States, it is Rs. 459/- per quintal. The sugar factories in the State would be put to loss as a consequence, and would not be able to pay remunerative prices to cane-growers.

I, therefore, request the Government to remove the disparity in the levy price of sugar in Haryana, and bring it at par with the prices prevailing in other States in the country.

(viii) Need to review the decision to discontinue the Central Investment subsidy to non-manufacturing units

SHRI G.M. BANATWALLA (Ponnani): The Government have decided to discontinue the Central investment subsidy to non-manufacturing units. While a number of manufacturing industries like garment-making, wood-based industries, saw mills, printing etc. form part of the list of the ineligible ones, the decision hits hard and destroys a large number of small scale industries. Further, it is shocking that the decision to discontinue the Central investment subsidy is to apply with retrospective effect. Cancellation of subsidy sanctioned, but not disbursed is not only highly unjust and objectionable as a serious breach of faith, but would also deal a fatal blow to the small scale entrepreneurs who have entered into the field with borrowed money, or who based their projects on the promised subsidy. In most cases, delay in the disbursement of subsidy has been due to governmental laxity or lapses. Similarly, the relevant notification in the Ministry of Industry, Department of Industrial Development, suffers from a number of ambiguities, infirmities and contradictions. Thus, while

the authorities had insisted on certificates to the effect that the various items had been duly paid for, the units that had made investments prior to sanction of projects are now rendered ineligible for subsidy.

The discontinuance of the Central Investment Subsidy Scheme will hit hard the backward districts. In the absence of adequate infrastructure, it is these subsidies which attract various units and projects. In the case of the backward district of Malappuram, for example, nearly three-hundred units face closure. Discontinuance of the scheme is a denial of economic development to backward districts, in particular.

I appeal to the Government that the scheme be continued.

[*Translation*]

(ix) Need to augment railway facilities in Bilaspur (Madhya Pradesh)

DR. PRABHAT KUMAR MISHRA (Janjgir): Mr. Speaker, Sir, Bilaspur in Madhya Pradesh is the divisional headquarters of the South-Eastern Railway. Although this division earned maximum income and received substantial benefits during the last 4 years, yet its requirements have not been fulfilled.

We have demanded many times that 10th Railway Zone should be set up at Bilaspur (M.P). Direct train services should be provided from Korba to Bilaspur, Chhattisgarh Express should be run from Korba to Bhopal and Mahanadi Express from Bilaspur to Delhi. Bilaspur—Mugeli—Mandla—Jabalpur railway line should be sanctioned for which survey is being conducted. The proposed railway over-bridge between Bilaspur and Sirgitti should be constructed at the earliest. All roads which come under the railway area in Nail-

lachampa, Akaltara, etc. should be repaired and gates provided at every railway crossing. These are the most essential and minimum demands and should be met at the earliest in public interest.

Champa is a major junction and the rail-head of Korba industrial town. There is a distance of 40 kms between Champa and Korba. Therefore, a railway hospital with all facilities should be opened at Champa which should not only benefit the railway employees but also others. The proposal to link Gevra Road Station either with Gatora or Uslapur will reduce the distance between Bilaspur and Korba by 40 kms. This should be included in the next year's Budget.

11.20 hrs.

CONSTITUTION (SIXTY-SECOND)
AMENDMENT BILL

AND

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL—*Contd.*

[English]

MR. SPEAKER: The House shall now take up further consideration of the following motions moved by Shri B. Shankaranand, on the 14th December, 1988, namely:-

"That the Bill further to amend the Constitution of India, be taken into consideration."

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, be taken into consideration."

I might remind the House that we have

got only one hour more left for the discussion with us. Shri Indrajit Gupta will start the discussion.

PROF. MADHU DANDAVATE (Rajapur): You give the entire one hour to him, Sir.

SHRI S. JAIPAL REDDY (Mahbubnagar): What about those who tabled the amendments?

MR. SPEAKER: We will see to that later on.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): In one hour we may not be able to get a chance to speak.

MR. SPEAKER: There is no time left with me. We have decided and we have to finish it within that time. I can give you five minutes. It is like this. Out of the allotted time, only 26 minutes are left with me. I have given you full time. Now I cannot do anything about it. We have been violating the rule. We cannot advance the time allotted by the Business Advisory Committee of the whole House; and that is one hour. But I allowed you two hours.

(Interruptions)

MR. SPEAKER: Mr. Basudeb Acharia, you are a part and parcel of the decision. Now you are going back. Please sit down now.

(Interruptions)

MR. SPEAKER: Mr. Kishore Dec, I will give you five minutes. Since you are an intelligent member, you can make all the points in five minutes.

SHRI INDRAJIT GUPTA (Basirhat): You can call another meeting of the Business Advisory Committee... (Interruptions)

MR. SPEAKER: What can I do now? Mr. Indrajit Gupta, now, you can carry on. I think much debate has taken place. Now, you can pin-point the specific points, which you want to make. Otherwise, there will be a repetition. You can give new points.

PROF. MADHU DANDAVATE: He will say the same points but in a different way.

MR. SPEAKER: He will put the old wine into a new bottle with a different label.

SHRI INDRAJIT GUPTA (Basirhat): I express my regret that I was not able to be present here when this discussion on this very important matter, two amending Bills, began yesterday and continued the whole of yesterday. I am sorry I was not here. The biggest part of my constituency had been devastated by the recent cyclone and, therefore, I had to be away. After coming here this morning, I asked my old friend, Prof. Madhu Dandavate how the debate went on yesterday.

MR. SPEAKER: The way he speaks, no longer can you call him 'old'.

SHRI INDRAJIT GUPTA: 'Old friend' I said. 'Old' is the qualifying word for 'friend'.

MR. SPEAKER: Then it is all right.

PROF. MADHU DANDAVATE: Even a dying man never concedes to be old.

SHRI S. JAIPAL REDDY: Dandavateji is young in every sense of the term.

MR. SPEAKER: Yes.

SHRI BASUDEB ACHARIA (Bankura): Honey is sweeter.

MR. SPEAKER: Yes.

SHRI INDRAJIT GUPTA: I asked him

how did the debate go. One thing he said was that as far as the Constitution Amendment goes, it was like an obituary notice. You know his usual sense of humour. He said that everybody here spoke and sentence supporting and that was the end of it.

MR. SPEAKER: That is it.

SHRI INDRAJIT GUPTA: Should I add to that obituary notice? I read in the press reports today that there was some sort of a competition going on in the discussion as to who could lay the earlier claim having made this demand for reducing the voting age from 21 to 18. Well, it is not a question of competition, but it is a fact that many parties have been demanding this reduction for many long years. I can say, our party has submitted it to the Election Commission at least 10 or 15 years ago. However, it is a good thing; soon or late, better later than never. We wholeheartedly support this. But then, there should be some logic in the whole thing. If you are prepared to reduce the voting age from 21 to 18, then why should we not also consider reducing the minimum age of the people who are qualified to sit in this House which is now 25? The people who are voting for them can be permitted to do so hence forward at the age of 18. I would suggest that the minimum age for people to be qualified to be members of Parliament and legislators which is at present 25 years should also be reduced to 21. There is nothing wrong. We should have a comprehensive outlook about this whole thing. Why do we think in this piecemeal fashion, I do not follow.

The Statement of Objects and Reasons prepared by Mr. Shankaranand has described the young people as being the present day youth, it says, they are literate and enlightened. Literate is not the accurate word. There may be many of them who unfortunately may not be literate. But that does not mean that they are not politically conscious. And he has also said that the

present day youth are very much politically conscious. If he is politically conscious enough to cast his vote, there is no reason why he cannot sit in this House. And, therefore, I would suggest that you may come forward as soon as you can with some more legislation amending these things, because this is a very piecemeal type of exercise altogether and we want a more comprehensive bill. Anyway, my party fully supports this Constitution Amendment and we hope that you will come forward with some more ideas which will fit in with this whole idea of progressive legislation which will help to make the whole electoral system and the work of the legislators themselves more democratic and reflecting more clearly the actual sentiments and feelings of the people outside.

As far as the other bill is concerned, of course there are so many points in it. Some of them are, I should say, more or less technical sort of points or procedural points. But I would just request the Government to see that how many of these changes which are being proposed, which look quite good on paper, many of them, not all of them—I am coming to that later—but those which look good on paper are really capable of being implemented on the ground. If they are not capable of being implemented on the ground, that means they are capable of being evaded without much difficulty. Then, simply incorporating them in the legislation will not only help in the long run but it may further erode the credibility of the whole system.

For example, you have been talking a lot about money power. There is nothing in this Bill which will really act as a deterrent against the misuse of money power. For example, there is no ceiling put on the election expenses to be incurred by parties. There is nothing. The sky is the limit. The donations by companies whether over the table or under the table will continue as before. So, actually how is this money power

being exercised? How is it actually being brought into operation during the last many years which we have been seeing? There is nothing in this Bill at all to act as an effective deterrent to the misuse of money power. What have you put here? You have not even provided for the State funding, at least a portion of the expenses to be funded by the State which is a common practice nowadays in many countries. At least they could easily make a provision for State funding, for providing the parties or the candidates with some of the technical requirements for which they have to spend money like voters' list, voters' identity slips, some amount of postage, some funding for transport purposes. Nothing is provided here. But without giving them anything in the way of State contribution, you are demanding that the parties must be registered. Why should the party be registered when it is getting nothing in exchange from the Government? If you are providing some amount of State funding, I can very well understand and I would support the idea of registration of the parties. But what for are you wanting them to be registered now? Moreover, much of the registration provisions also will not be implementable on the ground. For example, you have said that an application which is made by any party for registration should include various things, including a specific provision that the association or body shall bear true faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism and democracy. That means you want them to declare their loyalty to the Constitution. To that extent, nobody can take exception. If there is any party which is not willing to declare that it will abide by the provisions of the Constitution, well certainly it should not be treated as a party for the purposes of participating in elections. But what is the guarantee here that an utterly communal person or a communal party will not also declare that he believes in secularism. Is there anything to prevent it? What is there to prevent any

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representative of one of the big business houses declaring that he believes in socialism? They are doing it everyday. These things have no meaning in actual practice.

11.32 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Moreover Sir, I noticed one of the papers today, of course maybe with its own motives, has questioned the right of the Government to insist that every party must declare its loyalty to socialism. I have considered myself a believer in socialism, even more than socialism. But why should you insist? This argument may sound strangely coming from me. But I think you must consider it. You want to compel everybody in every party to say that they believe in socialism, which they may not want to...*(Interruptions)*

SHRI JAGAN NATH KAUSHAL (Chandigarh): Constitution says so.

SHRI INDRAJIT GUPTA: But the Constitution said it in the Preamble. When the Swatantra party was first formed and came to this House in fairly good numbers, could you expect the Swatantra party to say that it must believe in socialism. Why is it so? They were not a party of socialism. They were a party against socialism...*(Interruptions)*

SHRI JAGAN NATH KAUSHAL: That is why they were evaporated...*(Interruptions)*

SHRI INDRAJIT GUPTA: Therefore, there is no meaning in this....*(Interruptions)*

PROF. MADHU DANDAVATE: Why apply to Congress?

SHRI INDRAJIT GUPTA: Anyway, in a

parliamentary democracy where we have got pluralist system of political parties, even I can understand their saying that they must believe in secularism, they must believe in democracy. But how should you compel everybody to say that they believe in socialism?

Suppose he does not believe in socialism, will you exclude him from the voting process? I do not mind personally. You can excluded anybody who says that he is not in favour of socialism. But does it fit in with the concept of a pluralistic democracy which, after all, you are trying to function in this country? Do not do unnecessary things which are quite unable to be implemented on the ground. That is the point I am trying to make.

There is nothing here which says what are these other particulars. In clause 29A, sub-clause 6 it is mentioned that the Commission may call for such other particulars as it may deem fit from an association or a body. I do not support this kind of omnibus power being given to the Commission. What is the "meaning of such other particulars?" They may want to know so many things. If they want to know whether any party is regularly holding its inner-party elections, please put it here because that is very necessary for the democratic process. Many parties have got their constitutions in which it is written that they will regularly hold elections of their party body. But the first party to be de-registered on that ground would be the Congress Party which has not held its inner-party elections for the last perhaps 10 years.

SHRI S. JAIPAL REDDY: 16 years.

SHRI INDRAJIT GUPTA: I do not know.

Will the Commission have this power to ask every party organisation to state categorically not only whether in their constitution there is such a provision but

whether in actual practice, they are adhering to it and regularly carrying out party elections? Otherwise, what is the meaning of it? I think, you should not fight shy of putting such things in here. It will strengthen the whole democratic fabric and all the parties concerned, I am sure, would agree to it.

PROF. MADHU DANDAVATE: Majority will defeat that amendment.

SHRI INDRAJIT GUPTA: Some friends, I find from the record, have already spoken about replacing the present system by a system of proportional representation. Therefore, I do not want to repeat those points very much. The reasons for it are quite clear. And it will apply to every party. It does not apply to a particular party. It applies at the Centre and it applies at the States also where different parties are ruling, but with a minority vote of 40 per cent, 45 per cent or less than 50 per cent are able to get a majority of seats and go on ruling for years together. Of course, at the Centre it has been happening all along. Is this a correct representation of democracy? Moreover, the present system puts a premium, a big premium, on considerations other than policies and programmes of parties like caste considerations, communal considerations, other types of considerations and giving priority to a particular individual, a personality rather than the party and its programme. These things are encouraged by the present system. That is why, we have been always pressing for the introduction of the system of proportional representation or call it the list system or whatever it is so that focus should be on the policies and programmes of different parties. And that is the basis of it which they should stand and fight and that is the basis on which the voter should make his choice. However, I know, you are not agreeing to that and you will not agree to that easily. However, we shall continue to press for this amendment in the Constitution so that the system can be really made more

democratic. Many colleagues of mine have spoken about the Election Commission, that is to say, the selection and constitution of the Election Commission. This has become a very very sensitive and important matter now. The Election Commission as an institution should be held above all suspicion or any kind of doubts about its impartiality and functioning. That is essential. It is one of the fundamental basic institutions on whose functioning depends the healthy conduct of all the elections in this country. Many things have happened in the recent past. I do not want to go into all that or to cast reflections on anybody, but at present we are not satisfied that the Election Commission is always functioning in a manner which is really impartial and which is free of any kind of political influence or political pressures. That is not the case. Therefore, we have made suggestions. Here many amendments have also been tabled. I would like to know what is your specific objection to the suggestion that the Chief Election Commissioner, to begin with, should be a person who is appointed either in consultation with the parties or let three people be given the authority—the Prime Minister, the Chief Justice of the Supreme Court and one senior Member from the Opposition. Let the three of them suggest the names. What is the wrong in it? That will make it much more impartial, looking at least, and would be more plausible that it is a body which is not likely to succumb to any kind of undesirable political pressures. But you are not considering any kind of reconstitution of this Commission. We do not want it to be a one-man Commission. One man, however honest and however well-intentioned he may be, but one man—any man, any individual—is always liable to make mistakes, to become a little bit subjective and to not act from strictly impartial and objective viewpoint. Therefore, we have suggested that there should be a three-man Commission or a five-man Commission. The Minister, I believe, has said that there is nothing to prevent it under the law. But

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nothing has prevented it all these years also. The point is that the Government does not seem to be at all inclined to make this Commission a three-man or a five-man Commission and to be selected in a way which will give greater credibility to its functioning as an impartial body which is so important for the whole process of democratic elections.

Connected with that has arisen the question of all officials who work during the period of elections, whether they are State Government employees or police officials and others, being considered to be on deputation with the Election Commission. This is what you have brought here as an amendment. I you make changes, as we are suggesting, regarding the composition and selection of the Election Commission, then this thing would be understandable, intelligible that all the staff, all these officers and officials, the Polling officers, Presiding Officers, police officers and everybody should be on deputation to the Election Commission. It is understandable. But not as things stand at present. Therefore, will the State Government come into the picture or not when the Election Commission decides, let us say, that in a particular State or a district or an area or a town, it is necessary to induct Central security forces during the election? What happens to the other provision in the Constitution that in order to induct Central para-military forces, if not to request the State Government, at least they should be consulted and their approval should be taken? But here you are making a blanket provision. What happens if the Election Commission says that we feel that for the proper conduct of elections, the CRP or the BSF or somebody has to be sent to a particular place? State Government does not come anywhere in the picture but then that will infringe on the powers of the State Government under the other provision of the

Constitution. So, you please consider these matters carefully and do not rush ahead with things which, as I say, and again I repeat, will not be operable or capable of implementation on the ground and will lead to more complications and troubles. Of course, the amending Bill is disappointing in the sense that it is a piecemeal effort; it is not a comprehensive thing. I am all in favour of the photo identity cards provided they are made for multiple purpose. Let me inform the Minister that in my constituency, not my present constituency, the constituency from where I contested first time that I came to this House in 1960 in a by-election, then the Election Commission tried this experiment in that constituency, Calcutta South West, for having photo-identity cards for all the voters. I had opposed it for practical reasons. The matter went to the High Court in Calcutta. The Court upheld the introduction of this system though it was only in one constituency at that time. What difficulty we faced? I think half the voters would never get photographed till the end, till the polling date came. Some professional photographers were enlistee and paid so much are able to take so many photographs during the day. So, they go about from house to house and in our country all sorts of people, different communities and classes are living in different sorts of areas. They turn up to take photographs during the day time. They cannot go about in night time. They go in day time and well generally menfolk are away at work. They have gone to offices or factories or somewhere. Only womenfolk are at home during the day time. The photographer comes along and says "I have come from the Election Body and come on I am going to photograph you". In some places pandemonium took place. He was chased away. I can tell you that I don't mean offence to anybody in my constituency, In Calcutta South West, there is one segment where a majority of the population belong to the minority community and turning up there in the day time when the men were away to take photograph of the

Muslim ladies is an impossible thing. Nobody agreed that they were able to do it and I can quite understand it. Then somebody started some rumours saying that "don't allow yourself to be photographed. These photographs are being taken to regiment you into the army. You will be taken for military purpose. So, the men should not be allowed for photograph".

So, Sir, I think that this card is necessary for identity purposes. But it will only succeed if it is made for multiple purposes, that is, the card is used for other purpose like for rationing, etc. and for other purposes. Then people will have some incentive to get photographed. If you do it only for the purpose of voting in our country, in our society, I can tell you that a big section of the voters will be excluded and the photographs will never be taken. So, please consider this. About electronic voting machines, well provided they function properly they can be considered. I am told that they keep breaking down.

Lastly, Sir, I do not want to repeat the other points. I am in full agreement with what my colleagues here have said. But I would say one thing that you have declared in this Bill who are the categories of people who will not be allowed to stand. But you have not said anything about who are the people who will be allowed to stand. What about that? Even your list of people who will be excluded from standing is not at all comprehensive in this Clause 4 of Chapter-III where you have listed people who are convicted for offences under various Acts, Getting conviction is not joke in this country as the Government knows. But anyway you have not mentioned the Prevention of Corruption Act. You have not mentioned the Official Secrecy Act. Why people who have committed offence under such Acts, let us say they have been convicted, even they have not been excluded. They have been allowed to stand. Why have you omitted that?

SHRI JAGAN NATH KAUSHAL: There is a provision, that is, a person convicted by court in India and sentenced to imprisonment for not less than two years... (*Interruptions*) You should try to see, in some cases it is less than six months, in some cases it is two years, that is the distinction. Otherwise for any offence he has to be punished for not less than two years.

PROF. MADHU DANAVATE: You can generally say, 'No man of conviction will be allowed to stand'! (*Interruptions*)

SHRI S. JAIPAL REDDY: In that case only Congress will be qualified, Sir.

SHRI INDRAJIT GUPTA: It strikes me as some kind of verbal quibbling of all these things. If a person is convicted for not less than six months, then no harm. He may have been convicted under some of these Acts, but he has not been sentenced to more than six months. Then he is free to stand. He is a man of unimpeachable moral character in that case. But if the conviction is for a slightly longer period, then he falls within the ambit of this. So, I don't think all these things are going to make any difference on the ground. You have not said anything about people who are guilty of, let us say, infanticide. What about that? He may be, he won't come under this, or there may be, no amount of these prosecutions and convictions or non-convictions can prevent somebody from beating his wife at home. He can beat his wife at home. He can practise all kinds of reactionary or obscurantist social and religious practices, he won't come under all this. Why are you talking about secularism and all kinds of things? (*Interruptions*)

SHRI SHANTARAM NAIK (Panaji): 'Two years' is included here.

SHRI INDRAJIT GUPTA: Don't show me this letter of the law, I am talking about things which should be implemented in prac-

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tice on the ground, whether you are capable of doing it or not. We have passed so many good Acts in this House about so many things. Are they implemented? Child labour, for example, are we able to implement? We cannot implement it. There are so many things like dowry. Dowry is made a legal offence. Are we able to stop dowry? So many things are there like that. That is why I am saying this. Finally, I would say one thing, Sir. I suggest, when you come with your next instalment of reforms...

SHRI THAMPAN THOMAS (Mavelikara): They will not come.

SHRI INDRAJIT GUPTA: That depends on the result of the election.

AN HON. MEMBER: Tamil Nadu?

SHRI INDRAJIT GUPTA: About Tamil Nadu election I am having grave doubts as to whether it is going to take place at all. (*Interruptions*). But I would suggest that every successful candidate, whether in the Assembly or Parliament, once he is elected and when he takes his oath, before he takes his oath, he must make a statement of his assets and that statement of assets must be laid on the Table of the House so that it becomes public property. The other day when I mentioned this point, I found a large number of people on the Treasury Benches apparently supporting the idea. So, I suggest to them, 'Please take it seriously.' This is one of the sources of much of the kind of doubts and allegations and things which arise in the political life of this country. There is no use somebody saying, 'I have declared my assets somewhere or other' or 'I will declare them publicly'. No. When you are elected as a Member, your statement of your assets should be laid on the Table of the House; that is, to the Speaker. That means, it is being given to the Speaker, put on the

Table of the House being made the property of the House and of the public. That should be done and anybody who is found guilty of making a false statement of assets will have to be severely punished. If you want to cleanse the democratic life of this country, then kindly take it seriously.

Don't look so glum. Why are you looking so glum?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARADWAJ): Most of your speech is coming from your side through prompting. (*Interruptions*). I was thinking whether you are falling short of ideas today.

PROF. MADHU DANDAVATE: No, no. How consistent is the Opposition!

SHRI INDRAJIT GUPTA: So, Sir, I very strongly feel about this matter of the declaration of assets. Nobody who has got a clear conscience should be afraid of it, whether from here or any part of this House.

PROF. MADHU DANDAVATE: Assets and liabilities.

SHRI INDRAJIT GUPTA: So, kindly come forward with a more comprehensive Bill and do not bring in things which actually will never be able to be implemented.

That is all, I wanted to say.

SHRI JAGAN NATH KAUSHAL (Chandigarh): Mr. Deputy-Speaker, Sir, I had listened very carefully to the speeches of the various hon. Members who participated in the debate yesterday and also our distinguished parliamentarian, Mr. Indrajit Gupta today. Most of the points have been covered. But one criticism which has been levelled by very senior leaders of the Opposition is that this Bill is only a window dressing; This Bill only deals with periphery matters and one

hon. Member went to the extent of saying that it is a crucial joke. Well, I am surprised at this criticism. I can understand the manner in which Mr. Indrajit Gupta has spoken. But to say that these two Bills are only a window dressing, is to ignore the very basis of these Amending Bills.

So far as the Constitution (Amendment) Bill is concerned, now it is almost the view of the House which is unanimous. The only thing which Mr. Indrajit Gupta pointed out was as to who should get credit for doing this reform. Well, this question admits no other answer except the one. The credit should go to the ruling Party and its leader. A matter which was pending for pretty long, on which people were having views on both sides, ultimately somebody has taken courage to accept one view and that person who has accepted this view is the leader of the Congress Party. The other day while he was addressing the Members of the Congress Parliamentary Party in Parliament, he declared: "I have total faith in the youth of this country". Sir, we repeat this and since the whole House is now accepting it, we need not now go on giving one argument after another. According to my submission, this is a far-reaching reform. Some people have reservations even now. I heard a voice yesterday in this House where one hon. Member from our side said that this would politicalise the universities. People have different views in the matter but we have decided that the voting age will be 18 years. The only thing which sometime was worrying me was, why our founding-fathers did not fix the age at 18. Well, the expression which was used in the Constitution was "adult suffrage" and adult suffrage we all know, ultimately was "universal adult suffrage". No qualification was put as to who should be a voter. The only qualification was, he should be a citizen of the country and he should be an adult. Now, the question arose, who is an adult. Well, according to our founding-fathers—they thought—a person is adult at the age of 21

years. Well, the Indian Majority Act says, a person is adult at the age of 18 years.

12.00 hrs

Opinions can always differ. It seems, there was some opinion at that time that the right of vote should not be universal. The right of vote should be restricted. Right of vote should be given only to people having some property and some education and the right of vote may not be given even to ladies. We all know even in enlightened countries, for quite some time, females were not allowed the right to vote. But our forefathers thought that we are going to have a Constitution which will permit universal adult suffrage. Seeing the education and enlightenment among the people after 40 years of independence, the Law Minister has said in his speech that according to the opinion of the ruling party today, the youth of this country at the age of 18 is politically conscious to take part in the formation of the Government. Beyond this, I will not take the time of the House because, as I said once it is a unanimous opinion, the whole House can take credit for it and the whole House can share the credit but the major part of the cake will go to the ruling party.

Regarding the other Bill, I am surprised that they say, it is window-dressing. Some very important aspects of electoral reforms have been dealt with.

There is one concept that election has to be free and fair. Our experience has shown during the years that unless the electoral machinery is independent, we cannot expect a free and fair election. There is always a thinking that Election Commission cannot be provided with a machinery which will run into lakhs and lakhs because we all know that at the time of election, lakhs of Government servants are required to perform election duties. According to my submission, the Government has found a very

[Sh. Jagan Nath Kaushal]

salutary method and the method is that during that period, the entire staff—it may belong to the State or to the Police or to the Centre—will be deemed to be on deputation with the Election Commission.

No better method could be found to make the machinery absolutely free of any local or extraneous influence. Election Commission we all know, is an independent body. We can go on saying whether it is independent or it should be more independent and it should have more personnel etc and I will deal with that a little later.

But one point, according to me, is of far-reaching importance. The purpose of the Bill has been achieved that the entire machinery, the entire electoral machinery, shall be under the control and discipline of the Election Commission and it will be open to the Election Commission to take action against them.

SHRI S. JAIPAL REDDY: What about the media?

SHRI JAGAN NATH KAUSHAL: My learned friend will try to argue on a point which is not at issue! The point at issue is how can you fight with this provision. The provision has been made for freeing the electoral machinery from local influence and local Government. According to me, it is a very important and far-reaching change.

Another far-reaching change is the capturing of booth and rigging has been made an offence and a corrupt practice.

One point of the criticism which has always been raised is that the muscle power should be dealt with. According to me, it is a great blow to the muscle power. The provision which makes booth-capturing a corrupt practice reads like this: "Booth capturing by

a candidate or his agent or by other person..." So, once booth capturing has taken place, it is a corrupt practice. Who will suffer the consequence? It is the candidate in whose constituency booth capturing has taken place and according to me, this is a very very salutary provision which has been made now. It is a direct blow to the muscle power.

Yesterday, one of my hon. friends, most probably, Ms Mamata Banerjee said that some States are very famous for booth capturing and rigging and she said that special provision should be made for those States. She has mentioned one or two States. I mean no disrespect to any of the States. But I would like to mention only one instance. When I went to Bihar as a Governor, for the first time, I learn of booth capturing. On our side, booth capturing was unknown...*(Interruptions)* It was unknown. I must admire the courage of one Minister. One Minister of the Janata Government, on the Floor of the Assembly, had the courage to say: "Yes, we keep goondas. The only difference is I am confessing; others will not confess..." This is what he said. He further said that nobody could win the election unless this is done. So, as I said earlier, for the first time I learnt that some such thing is also known because on our side, booth capturing is not known to us.

PROF. MADHU DANDAVATE (Rajapur): Is he the same one who crossed over to the Congress and became Chief Minister.
(Interruptions)

SHRI JAGAN NATH KAUSHAL: No, he is not...*(Interruptions)* That is why Ms Mamata Banerjee said that some States must be clubbed on one side. She did mention Haryana. Now, the other thing which I am bringing to your notice is this: I am today representing the constituency of Chandigarh. Booth capturing is totally unknown in Chandigarh. We just do not know about that.

But we do know that in some constituency, booth capturing does take place and all of us are unhappy. All of us are trying to say that we are not doing anything in that direction. Again, I would like to say that a decisive step has been taken and booth capturing has been made as an offence as well as a corrupt practice. This is the second important thing which has been done.

The third important thing which according to me is of great importance is registration of political parties. Shri Indrajit Gupta has his doubts as to how this will be effectively given effect to. But, according to my reading, again a very salutary provision has been added that a political party which does not believe either in socialism or which does not believe in the sovereignty and integrity of the country will not be allowed to be registered as a political party by the Election Commission. Well, I am sharing some doubts of Shri Indrajit Gupta that by merely declaring that I believe in secularism and I believe in the unity and integrity of the country, shall we be able to achieve the result which we want to achieve? On that matter, I am trying to agree with my learned colleague. But, otherwise, I would like to read the AICC Resolution and its terms and I would like the hon. Law Minister to tell me one thing. Have we, by this provision, really given effect to the two parts of the Resolution which was passed by the AICC? One part said:

"The unity and integrity of the country are absolutely sacrosanct and inviolable. Every citizen is duty bound to defend and protect them. The emergence of secessionist forces, organised as political parties is thus antithetic to the basic tenets of the nation and pose a danger which needs to be met squarely and effectively. The AICC therefore urges the Union Government to devise immediate steps to debar secessionist parties and organ-

isations from the electoral process in the interest of the country's unity and integrity and in defence of nation's aspirations."

The provision which has been made, I am quite sure, is because of this Resolution. But is the provision effective? If it is not effective, it is not too late even now to make the provision effective because according to me, again, this is one of the most salutary electoral reforms which could be thought of.

The other part of the Resolution says:

"The Indian National Congress has always upheld secularism which we consider as the basis of the Indian polity and hallowed characteristic of the Indian society through the ages. The emergence of communal forces which regret ably has become more pronounced due to various causes in recent years threatens the basis of our society. It is preposterous that such forces should be allowed to take advantage of the country's electoral process for this very destructive purpose. In the view of AICC, it is high time that communal bodies are excluded from the benefits of electoral process in an effective way. The AICC recommends this view to the Union Government for early action."

Again, I would request the Law Minister and the drafters of the Bill to see whether the desire, whether the mandate of the AICC, has been achieved by the clause by the manner in which it has been drafted. Otherwise, the purpose is obvious. In the Bill itself you have added a proviso and the proviso reads like this:

"Provided that no association or body shall be registered as a political party under this sub-section unless the memorandum or rules or regulations

[Sh. Jagan Nath Kaushal]

of such association or body conform to the provision of sub-section 5."

But if it is confined to the declaration alone then I am afraid our purpose will not be served because we now know that people make a number of declarations and they don't live up to them. You have to make 115 provision foolproof. You have to say, the party which is communal—we know what a communal party is. If even today we don't know what is a communal party, then it is our misfortune. Please make it foolproof by saying, any party which is communal shall not be registered as a party entitled to fight."

SHRI SOMNATH CHATTERJEE (Bolpur): What is the effect of non-registration?

SHRI JAGAN NATH KAUSHAL: They will not be allowed to fight.

SHRI SOMNATH CHATTERJEE: Where is it written?

SHRI JAGAN NATH KAUSHAL: It is there. If it is not there, I will request the drafters and the Law Minister to add this provision because I am quite sure that no political party unless registered shall be allowed to contest the election. (*Interruptions*)

SHRI BASUDEB ACHARIA (Bankura): That proviso is not there.

SHRI JAGAN NATH KAUSHAL: My learned friends, we have to study the entire gamut of electoral law to come to a conclusion one way or the other. But I am in agreement with Mr. Somnath Chatterjee, if he has seen the whole of it, then I request the Government. I am one with Mr. Indrajit Gupta when he says: "Please see that law which you pass is implemented." This is the fundamental law we are passing. We are

striking at the very root of communalism and divisive forces by bringing this salutary provision and to say that we are only at the periphery, I am not going to agree. It is not the periphery at all. It is one of the basic requirements of the electoral process today that such political parties are not allowed to enter the arena. According to me, therefore, it is a very salutary provision. One salutary provision was that the electoral machinery has been made independent of all local influences. The second important provision was booth capturing and rigging have been made into an offence and corrupt practice. The third was political parties which do not have any faith in the integrity or unity of the country or who do not have any faith in secularism of the country shall not be allowed to fight election because we have proclaiming, each one of us, and on that matter nobody is disagreeing that the very foundation of this country is secularism. The moment secularism vanishes from this country, the country will not survive, democracy will not survive, the country as a whole shall not survive.

My learned friend Mr. Indrajit Gupta says he will be very happy if everybody is asked to subscribe to socialism. He says, he will be very happy.

SHRI INDRAJIT GUPTA: I don't want Mr. Birla to subscribe.

SHRI JAGAN NATH KAUSHAL: Not that you don't want it; you say, he will not subscribe.

SHRI INDRAJIT GUPTA: That will be the end of socialism itself.

SHRI JAGAN NATH KAUSHAL: What I say is this. Once we have accepted and added the word socialism to the Preamble of the Constitution—the Constitution as originally drafted did not contain the word socialism; but now about 15 years have passed

since it was added during the time when Mrs. Indra Gandhi was at the helm of affairs—now to say that we don't want people to subscribe to socialism—with great respect to my Hon. colleague—is striking at the very basic structure of the Constitution.

SHRI INDRAJIT GUPTA: What will happen to the capitalists?

SHRI JAGAN NATH KAUSHAL: Whether we are living upto it or not is not the point.

You are trying to say, why are we doing this. Of course, we are doing this, we are striving for doing this, we want to achieve socialism. Can anybody deny this? May I remind you about the speech of Pandit Jawaharlal Nehru that he gave during the freedom struggle days? He had said that if after independence India is not going to be socialist, I don't want independence. Jawaharlal was so much wedded to socialism. I know Mr. Indrajit Gupta was talking sarcastically; otherwise he believes absolutely in socialism. But on the other hand, he says, it only befits him if he takes of socialism and it does not befit us if we talk of socialism. I am afraid, Mr. Gupta, I am not going to accept this criticism. We are responsible for adding the word socialism in the Preamble of the Constitution.

These are according to me the basics of the reforms which we have made. But some freinds have the temerity to say that we are only window dressing. I don't know what is the use of this criticism. The criticism should be valid.

SHRI INDRAJIT GUPTA: You are a distinguished lawyer. The point I was making was, suppose there are some people who say and do not hide the fact that they don't approve of socialism and they want a capitalist system. Do you want them by law to be excluded from the election process?

We had a party here, again I must remind you, of which the leader at that time was my distinguished friend, Mr. Ranga.

PROF. N.G. RANGA (Guntur): My friends who came from Assam was making this allegation. There are different kinds of socialism—Gulid socialism, State socialism and the Communist socialism also. I believed in agrarian socialism; I believe in it even now. At that time neither Rajaji nor anybody else took any exception to it. Why do you make that allegation now?

PROF. MADHU DANDAVATE : Prof Ranga, after your observations I went back and checked the constitution of Swatantra Party. There is no reference to socialism even in an indirect manner.

PROF. N.G. RANGA: There is no reference to capitalism either. That shows you are only a professor.

PROF. MADHU DANDAVATE: I was fighting the Swatantra Party at that time.

PROF. N.G. RANGA: You never rose to the status of an Acharya.

PROF. MADHU DANDAVATE: There is always a reference to private property and a free enterprise. Read your constitution.

PROF. N.G. RANGA: You have not understood the socialism then.

PROF. MADHU DANDAVATE: Sir, after leaving Swatantra Party, he has given up the manifesto with retrospective effect! What can I do?

PROF. N.G. RANGA: At that time, you were one of my students in Bombay.

PROF. MADHU DANDAVATE: At that time, he had not joined the Swatantra Party. He was a Congressman. He left the Congress and joined the Swatantra Party.

PROF. N.G. RANGA: We fought against the Congress move towards Indrajit Gupta and collectivism of agriculture. I have won in the end. Pandit Nehru had to yield and we achieved both of us together a consensus to protect the peasants.

PROF. MADHU DANDAVATE: You did not win Jawaharlal; Jawaharlal won you.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur): Mr. Deputy Speaker, Sir, now you accept that 21 year old people should come here. You understand this thing now.

[English]

SHRI JAGAN NATH KAUSHAL: I am thankful to the Hon. Members who had intervened. They have made the discussion very lively. They have made the discussion meaningful also.

I repeat, till the word socialism was not entered in the Preamble of the Constitution there could be an argument. But now the Constitution has accepted that this is the society we want to bring about. Nobody can now quarrel with that proposition.

SHRI DINESH GOSWAMI (Guwahati): Sir, I raised this point yesterday and I would like a clarification.

We have not accepted the concept of basic structure. The stand of the Congress Party and my stand has been all along that no generation has a right to bind the future generation. The only limitation is that, through Constitutional procedure of Article 368 we have a right to amend all parts of the Constitution including the Preamble. Therefore the point I was making and to which I hope Mr. Kaushal will reply is that if a political party says that through the Constitutional procedure of Article 368 we want to change

the provisions of the Constitution including the Preamble, have we got a right to say that we will not allow you to participate in the electoral process. This is the point to which we want a reply. I am in favour of socialism. But by that are we creating a situation in which instead of allowing them to participate in the democratic process, we will allow them to go to the streets and destroy or try to destroy the democratic process?

A reply to that is required here.

SHRI JAGAN NATH KAUSHAL: This question, which Mr. Dinesh Goswami has raised has been engaging the attention of the nation for quite some time. The matter went to the Supreme Court. The Supreme Court in the latest decision—which all friends practising law know; Keshavanand Bharati's case—they have said, Parliament has no right to change the basic structure of the Constitution. The earlier view was to the contrary. But even in the judgement that have not been able to define what is the basic structure of the Constitution. They have only tried to give some illustration. The funniest part of that judgement is; 14 judges were a party to that judgement, a number of judgements were written—about seven or eight—and ultimately the Chief Justice Sikhri could not find the majority view. Then, the Chief Justice Sikhri asked the judges as to what shall he say and which is the majority view. He said, according to him this is the majority view. He sent it back to the judges to agree at least this much. It is again a matter of record. Only eight judges agreed that this is the majority view. Others did not even agree whether this is the majority view or not.

So far as Keshavanand Bharati's case is concerned, Government has moved the Supreme Court itself for reconsidering this...(Interruptions)...I am in agreement with what Mr. Goswami says that the Parliament has the right to amend the Constitution. But to try to put fetters on the right of Parlia-

ment in the garb of basic structure is not acceptable to us. But so long as Keshavanand Bharati's case is holding the fields, that is that law. We are asking for Keshavanand Bharati's judgement to be revised. There is a review petition pending in the Supreme Court. Therefore the point which I was making was, because I should not be derailed from the point which I was making,...

SHRI DINESH GOSWAMI: You are supporting me!

SHRI JAGAN NATH KAUSHAL: On all good matters we should support each other. Where is the problem? I want you to support the Bill which we have brought.

SHRI DINESH GOSWAMI: It is not a good matter; that is why we are not supporting. On all good matters we support.

SHRI JAGAN NATH KAUSHAL: DINESH, according to me, is a very reasonable person but I am surprised that on the basic two, three or four things which I have mentioned there should be any difference. There cannot possibly be any difference on the matters to which I have already made a reference.

Sir, I was on this matter whether party which does not subscribe to one of the ideals of the Constitution — that ideal is we will achieve socialism—should be permitted to contest elections. On that matter, according to me, unless the Constitution itself is changed every party must not only adhere to the Constitution but also that party should not be allowed to contest the elections because that party does not believe in the Constitution. This is, as I said, a very basic reform which we are making. I am putting it again to the Law Minister and through the Law Minister to the drafters of the Bill that if this provision is not effective enough to achieve our purpose as envisaged in the Resolutions of the AICC then please make this provision effective because we do not

want this to be a hollow provision. You must make that provision effective. I have also my doubts as Mr. Indrajit Gupta had that this clause will not be able to achieve the real purpose. It has to be specifically stated. And who is going to be given that power? It is the Election Commission. Power is not taken by the Government. Power is being given to the Election Commission who from all angles is a wholly independent body. Now the Election Commission must decide whether this party is a communal party and once it is decided that it is a communal party the Election Commission should throw it out.

Therefore, my submission is please apply your full mind on this matter otherwise the very purpose of the Resolutions of the AICC— will be defeated.

SHRI VIRDHI CHANDER JAIN (Barmer): What is the definition of communal party? You must define it.

SHRI JAGAN NATH KAUSHAL: I think by now it is clear to everybody what is a communal party.

The other thing which I want to bring to the notice of Shri Indrajit Gupta is this. It is the section which has been amended by adding a number of offences. A number of offences have been mentioned and very serious offences have been mentioned there like promoting enmity between different groups on grounds of religion, race, etc., offence of bribery, offences relating to rape, protection of civil rights which provides for punishment for the preaching and practice of untouchability. Then Section 11 (importing or exporting of prohibited goods) of the Customs Act, the Foreign Exchange (Regulation) Act, the Narcotic Drugs and Psychotropic Substances Act, etc. The provision is that people convicted of such offences shall be disqualified for a period of six years from the date of such conviction. There it is not mentioned whether they should be punished with six months, one or two years. Serious offences have been mentioned. The moment conviction comes disqualification should follow automatically.

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Then there are four other categories of offences which have been mentioned where they say: prevention of hoarding or profiteering, adulteration of food or drugs, Dowry Prohibition Act and Commission of Sati Act. There it has been added 'and sentenced to imprisonment for not less than six months shall be disqualified'.

SHRI SATYENDRA NARAYAN SINHA (Aurangabad): I just wanted you to explain to us. Under the Customs Act or FERA, there is no mention or indication of the quantum of sentence a person should undergo before he is disqualified. If he is fined, will he be disqualified?

SHRI JAGAN NATH KAUSHAL: Yes, yes.

SHRI SATYENDRA NARAYAN SINHA: That is very wide.

SHRI JAGAN NATH KAUSHAL: That is another matter whether we agree with this provision or not. But the provision is absolutely unequivocal. The provision is, the moment there is a conviction for the offences which are mentioned in (a), the disqualification follows.

Now my friend, Mr. Gupta says: Why should there be a distinction? In some cases, you say, he should be punished for not less than six months. In other cases, you say, he should not be punished for less than two years. Then, this matter does require a serious consideration at the hands of the Government. My own feeling is that we should have no soft corner for a criminal. Once a person has been convicted, then he should be at least debarred for six years. We should have no soft corner for a criminal. I am in agreement with Mr. Gupta. This distinction is being created. I don't know what is the rationale behind it except that the original scheme of the Representation of the People Act was that the person should not be debarred for all times to come unless there has been a serious imposition of pun-

ishment. Now this can be examined. But the provision, as has been brought forward today, is again a salutary provision because the main provision is that the moment a person is convicted under FERA, the moment a person is convicted under Narcotic Drugs and Other Substances Act, the disqualification follows. The point I am making is this. These are not peripheral changes. To say that this is a whitewashing electoral reform is highly misleading and—I shouldn't use that expression—a 'mischievous' propaganda. It is not a whitewashing electoral reform. The electoral reforms, which have dealt with substantial matters, have been brought forward.

Now, two matters, which were dealt with by the Working Committee as well as by the AICC, have not been dealt with in this. Those matters were: number one, non-serious candidates. Well, the Law Minister in his speech has given two—three reasons. But we cannot forget one thing. These non-serious candidates are really creating a problem. And I borrow the expression which has been used by my friend: They are a nuisance. There were 39 non-serious candidates in a small constituency like Chandigarh. In some constituencies, there were 78 non-serious candidates. In some cases, there were 308. Well, Mr. Law Minister, I would request you to examine this matter also because you have said that this is not your final instalment, all these things cannot be dealt with in one go. So, this matter should be borne in mind.

The other matter which again has been referred to by all the learned speakers on the other side is, how to reduce the expenses. This is absolutely a different matter whether the party spends or my friend spends or I spend. But the expenses are mounting every day. Can't we think at least of some items which, according to me, are wholly useless and meant only for the purpose of raising expenses. Can't we abolish the war on posters and war on flags? The moment posters appear from the other side, my workers come running to me and say: You must also have posters. The moment flags

are appearing, people come to me and I also succumb to it. Then, the rallies. One party is holding a rally. The other party must have 200 tractors in that rally. Can't we think of abolishing at least these wholly useless manifestations of power? Power will be tested at the ballot. Why are we trying to demonstrate our power otherwise?

These matters, according to me, do need serious consideration, but on the whole, I must congratulate the Government and the party for bringing this much needed Bill and I whole-heartedly support it.

SHRI P. KOLANDAIVELU (Gobichettipalayam): My Deputy—Speaker, Sir, we welcome this amendment of Article 326 of the Constitution regarding reducing the voting age from 21 to 18 years. It is a welcome measure, but it ought to have been done much earlier. Even then, we welcome it now.

By this amendment, a large chunk of youth would be included in the electoral rolls. By this nearly forty—seven million youths will acquire voting rights.

In fact, we have already done it in Tamil Nadu for elections to local bodies, Panchayat elections and in 1982 itself, we reduced the voting age to 18 years. Our late lamented Chief Minister, Shri M.G. Ramachandran had done it; at that time I was holding the portfolio of local administration; I was in charge of Panchayat raj, so I had done it in 1982. However, as I said, it is a welcome measure that the Government of India have come forward to reduce the voting age from 21 to 18 years.

But, I want to ask one question to our Law Minister. We have fixed the marriage age at 18 years for the ladies and 21 years for the males. Are we going to reduce the marriage age also for males from 21 to 18 years? Has the Law Ministry and idea of bringing a new Bill for this also?

PROF. MADHU DANDAVATE: These are two different activities.

SHRI P. KOLANDAIVELU: With regard to electoral reforms, Shri S.L. Shakhder, the then Chief Election Commissioner, had given some ideas. He had recommended the partial State funding of elections and accounting of the private sector donations. Actually, even now complete arrangements for the polls are being made by the Government. For making arrangements for polls, counting etc., nearly about Rs. 100 crores are being spent. If there is partial funding of the elections by the State, we can ask the candidates also to account for the money being spent by them on elections. That would be a novel idea and I hope our Law Minister will come forward with a suitable amendment and with suitable electoral reforms afterwards.

Regarding use of electronic machine, we welcome it. Even this our late lamented leader, Shri M.G. Ramachandran wanted to use in the Panchayat elections. Actually this was used in one of the constituencies in Tamil Nadu, but because of the failure etc., we were unable to use it for other constituencies.

The other point is issue of identity cards to voters. I would suggest that the identity card system must be a multipurpose one so that it serves the purpose for each and everything.

Late Shri Jayaprakash Narayan and Justice Tarkunde have also suggested these electoral reforms as early as 1970 and the State funding of elections, I have to say that it is not a costly affair. Most of the arrangements for the polling are being done by the Government only. We have to make arrangements for the setting up of the polling booths, deployment of the personnel, counting of votes, running of the Election Commission and for all these things we spend more than hundred crores of rupees. So, State funding is automatically there so that we can have free and fair elections.

Sir, we have a plan, a programme for five years. We have a Budget of about Rs. 1,80,000 crores which we can spend on it.

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And if we spend just about Rs. 200 crores on the elections, then it is just like the pea nut. Therefore, I suggest that the system of State funding should be invoked and the Government must come forward with this system.

We know fully well that the money alone cannot win elections. I think almost all the parties think that the votes can be purchased by money. Sir, as far as I am concerned, I know fully well that it is not so. If this be so, then many of the industrialists who contest from so many constituencies would have won the elections. I find that they were defeated by other people. So, money is not the criterion for winning the elections.

The phenomenon of rigging and booth capturing was not known to the people of Tamil Nadu. But in the ensuing elections, I am afraid such a system may be invoked just like in U.P., Bihar and the border areas of Bengal where poll rigging and booth capturing is prevalent. Sir, I would request that let the system of rigging and booth capturing not come to the State of Tamil Nadu.

At the time of elections, a large sum of foreign money comes to our country. Huge amount of money is being flown to various parties. That has to be curbed, and banned. Government must come forward with some measures to ban this inflow of foreign money which is being used in the Election process.

With regard to the electoral reforms, we have been consulted by the Law Minister and also by the Minister of Parliamentary Affairs. We had suggested so many reforms but we find that you have brought only one or two reforms in the Bill. You should bring a more comprehensive Bill and you should come forward with almost all the suggestions that we have given to the Minister concerned. These suggestions are workable and acceptable. This Reforms Bill is much below our expectations.

There should be some reservation for the women folk. In the Electoral Reforms Bill

and even in other Bills also we are not giving equal opportunity to the ladies. So, some reservation must be there for the women. That is what I would like to suggest to the Law Minister.

As far as media is concerned, nowadays the Doordarshan and the All India Radio are being misused and equal opportunity is not being given to all the parties. I would suggest that equal opportunity should be given to all the parties according to their status. Sir, I have also represented this matter to the Minister of Parliamentary Affairs who is also the Minister of Information and Broadcasting. Our party is having mannoth rallies and a number of public meetings are taking place. In large numbers the crowd is coming to attend these meetings. But no opportunity is given to our party for the media coverage. I would request the Hon. Prime Minister and the Minister concerned to give equal opportunity to all the parties, as far as media is concerned. Let there be a coverage of all the political parties on the Doordarshan and also on the All India Radio.

With regard to the Election Commission, I feel that it should be a multi-member Commission. Now we are having only a one man Commission. Let it be a multi-member Commission as per Article 324 of the Constitution. The Parliament should make a law with regard to the composition of the membership of the Election Commission. It should be an independent body. An independent secretariat for the Election Commission should also be constituted.

About registration of political parties, I have already given an amendment. The former Law Minister, Shri Jagan Nath Kaushal, has been stating that communal parties should not be allowed to participate in the elections. I want to know what he means by a 'communal party'. In India, we have a communal party and even by its very name, it is a communal party. I am referring to the Indian Union Muslim League. Does he refer to the Muslim League when he refers to communal parties? I want to know whether

the Government of India wants to ban the Indian Union Muslim League.

Now I come to the aspect of disqualification of members. The scope of this clause must be wide enough to include so many offences which are found in the Indian Penal Code. But there is no mention in the Bill about misappropriation of funds and there is no mention of offences under Sections 406, 407, 408, 409, and 420 for cheating. I feel that offences listed under all these sections of the Indian Penal Code should also be included in the Bill.

SHRI G.M. BANATWALLA: The hon. member should know that the Indian Union Muslim League is not a communal organisation according to any definition of the communal organisations.

SHRI P. KOLANDAIVELU: Very recently, just about two days back, the Election Commission has announced the date for the Assembly Elections in Tamil Nadu. I want to know why the Central Government is keeping mum with regard to elections to the Lok Sabha seats in Tamil Nadu which are vacant for more than a year. Actually, elections to these Lok Sabha seats ought to have been held within six months. As regards the seats that are vacant now, one belonged to Shri A.G. Subbaraman who hailed from Madurai. He is dead now and election has not been held for the last one year in this constituency. When you have announced the date for Assembly elections, I wonder why elections are not held for the Lok Sabha seats which are vacant for a long time. Are they afraid of the polls? They must come forward and hold elections for Lok Sabha seats also along with the Assembly seats. Why are they afraid of the Lok Sabha elections? I do not know the reason behind it and I want to know the reasons from the Government.

Sir, the Vanniyar agitation is going on. During the last two days more than 12 buses have been burnt and more than a thousand people have been held. There is no safety for the people. Now, the CRP has been deployed in Tamil Nadu. More than a thousand

CRP men have been deployed in four districts of Tamil Nadu—South Arcot, North Arcot, Dharmapuri Salem and Madras. Why should there be deployment of CRP men? During the time of our late lamented Chief Minister, there was a similar agitation by Vanniyars in Tamil Nadu. At that time, we were able to tackle the problem with the help of the police. Why have they now deployed the CRP men in different areas of Tamil Nadu? It has been reported in the press also that they will remain there till the polls are over. What does it mean? They want to hold the elections with the help of the military. Then, how can we expect a free and fair election? Is it a free and fair election? I would request the hon. Prime Minister and also the Law Ministry to immediately withdraw the CRP men. It is only a handful of persons who are doing this. Vanniyars' agitation is not new to Tamil Nadu. We know very well who are all Vanniyars and who are all backing the Vanniyars and how they are agitating. You immediately withdraw the CRPF which have been deployed in order to have a free and fair election. I hope, the Prime Minister will come forward in having a free and fair election in Tamil Nadu. Of course, our Prime Minister had visited Tamil Nadu six times during the last three or four months. We welcome it. At the same time, don't misuse the funds of the Government. The public money should not be misused in any way.

(Interruptions)

MR. DEPUTY SPEAKER: Is it something relevant to the subject? You speak on Electoral Reforms.

(Interruptions)

SHRI VILAS MUTTEMWAR (Chimer) Is it relevant to the subject?

(Interruptions)

MR. DEPUTY SPEAKER: I request the Member to restrict himself to the subject.

SHRI P. KOLANDAIVELU: I am saying that he is misusing. Let me tell you frankly. I want to express my feeling regarding Tamil Nadu. As far as Congress Party is concerned, they can't come to power not only in this century but even in the next century also. *(Interruptions)*

THE PRIME MINISTER (SHRI RAJIV GANDHI): Mr. Deputy Speaker, Sir, I first like to thank all the Members that have participated in the debate, for the seriousness of the debate and many of the ideas and suggestions that they have given.

Let me say at the outset that the legislation that this Government has brought, this legislation is a very major legislation and it is aimed at strengthening the roots of our democracy. Our Indian democracy is unique in many ways. It is a unique experiment which is of global interest. It is the first time that a diverse society, with diverse cultures, with diverse languages, ethnically different, different regions, with different religions and different castes had been brought under one democratic system. In a sense it is the microcosm of the world as a demonstration to the world that democracy is possible amongst a diverse society such as ours which can be a model for an international democracy, for people to live together on the globe.

During these forty years, the experiment of Indian democracy has been extremely successful, perhaps, the most successful in any developing country. And I would like to thank and congratulate the people of India for the success of this experiment.

During these forty years, we have learnt a number of things and some weak areas in our system have become noticeable and it is necessary to correct these areas. This Bill, for the first time in forty years, addresses itself to major issues relating to Electoral Reforms. We started the process. This Government started the process of bringing about electoral reforms, by first bringing the Anti-Defection Bill. We followed that for

regulating donations from companies, by altering the Companies Act. We followed that by bringing in a Bill to prevent the misuse of religious institutions. This is the fourth step that we are taking during this Parliament. *(Interruptions)*

AN HON. MEMBER: What about the Lokpal Bill? *(Interruptions)*

MR. DEPUTY SPEAKER: Listen to him first. Why are you interrupting him. Listen to him first; and then, afterwards you can say whatever you want.

(Interruptions)

SHRI RAJIV GANDHI: This Bill addresses a number of areas. I won't go into all the details. The Law Minister and other Members have covered those details. But there are some areas that I would like to touch. One of the most significant areas that this Bill goes into, is to preserve secularism in our country.

It is important to spend a minute on why secularism is important. And it is important for us to understand what we mean by secularism, because there are some amongst us who, under the label of secularism, want to destroy religion. Our secularism is not anti-religion, nor is it for destroying religion. We must be very clear about that. And I would like to say categorically that anybody who thinks that secularism means the destruction of religion or an antireligion act is doing a disavour to the word secularism, is doing a disavour to our nation; and some who believe in that, should revise their thinking, because it is dangerous for our country.

Secularism is essential because, in a pluralistic society such as ours, it is essential to separate politics and Government from religion. If we do not do so, we run the gravest risk of disintegrating the country and destroying our nation. Perhaps the effect will be much beyond just the effect that it will have on the nation. We will lose the nation; but the world will lose an experiment in building one humanity. So, the repercus-

sions are much greater than even those affecting our nation. The path that Gandhi Ji has put us on to, that Pandit Ji has put us on to, that Indira Ji took us on, has much greater goals than just those limited by our boundaries; and we must not limit our vision by our boundaries. Our vision must go beyond. So, secularism is one key—word, and it is essential that secularism is brought in, is helped to be brought in, in every area of our activities. Elections, the electoral process is one such very important area.

We took the first step, like I said, when we brought in, we brought the Bill for preventing the misuse of religious institutions. In this Bill, by requiring the political parties submit themselves to the Constitution of India, we are pushing them further towards the secular goal; and I feel here it is important for me to say that when we push people towards secularism—and I am saying “push people towards”, and not “force people towards”. because when we start forcing, then things snap; people take hard decisions. We must coax them and bring them into the mainstream, and that is what we are trying to do. We could have taken a very hard stand. Members have been sitting here, listening to some Members. I have gone through the proceedings of the House. Some Members feel that much stronger action should have been brought in. This was considered by the Cabinet.

13.00 hrs.

We went into it in depth and, in balance, we felt that it was better to tread softly along this path, because if we try to force we may end up in a situation where we will isolate large section of our population and deliberately cause fissiparous tendencies to develop. We have taken the route of pulling the people into the mainstream and convincing them that this is the right way to go. We believe by making political parties submit themselves to the Constitution of India, we are only strengthening our electoral process, our democracy and our nation. And any party that is not willing to submit itself to the Constitution of India does not deserve to be

recognised as a political party.

SHRI THAMPAN THOMAS: It is not already there, Sir?

SHRI RAJIV GANDHI: Not in the way we have brought it in. And here I would like to thank two members, because we have actually covered this area. But, perhaps, it was not covered as strongly and positively as it should have been covered.

Prof. Dandavate from the opposition and Mr. Harobhai Mehta from our side have recommended an amendment to bring in the full provision of the misuse of Religious Institutions Bill. We thought that it was already included, but, perhaps, it was a little soft; it was covered but not completely. I have asked the Law Minister to bring in a Government amendment because there are some technical problems in the wording of the two proposals. We will bring in a Government Amendment to cover this area and I would like to thank both the members.

PROF. MADHU DANDAVATE: It is the same.

SHRI RAJIV GANDHI: Slightly different. We have a legislative Department to look at it. They said they wanted some slight differences. So, we said we will bring it. But, I am thanking you for reminding us about it.

Another very important aspect of the Bill is the protection that we have sought for the weaker section when it comes to vote. Like I said, our electoral system, our democracy has functioned very well. But there are certain weak areas; and one of the weak areas is when the feudal elements prevent the weaker sections from going and voting, when the Scheduled Castes and Scheduled Tribes, the minorities, when women are prevented from getting to the polling booth, by whatever means. Sometimes they are prevented from leaving their homes; sometimes they are prevented from getting actually to the booths by the feudal elements. This is, of course, one of the reasons. By making booth capturing a cognisable of-

[Sh. Rajiv Gandhi]

fence and by making booth capturing a corrupt practice, we feel that the hands of the weaker sections will really be strengthened in these reforms. We have also brought in a number of crimes, which, if committed, will debar people from contesting an election. We have looked specifically at crimes which are anti—social and which are demeaning to the dignity of a particular section of our people. Again, it is the weaker section against whom these crimes are committed and again we protect the weaker sections by bringing in these provisions.

One major step that we are taking is in reducing the voting age from 21 to 18. I have noted that certain section of the House does not seem to be very happy about this...(Interruptions)

SHRI V. SOBHANADREESWARA RAO(Vijayawada): It is we who pressed for it. It is our suggestion. (Interruptions)

SHRI RAJIV GANDHI: I would have thought that the hon. members, if they appreciated this measure, would have also thumped the table; but, they did not. So, I assume that they are not for this measure. But I will request them that in their greater wisdom they will vote for this measure.

PROF. MADHU DANDAVATE: You were not present in the House; yesterday we the Opposition Members gave a thumping support to 18 years of age for the voting.

SHRI RAJIV GANDHI: Obviously, all the support they had for reducing the age got finished and depleted yesterday when they thumped the table.

We have full faith in the youth of India. The youth of India have demonstrated their wisdom, their maturity in Panchayat elections, local body elections and we feel that they are now ready to participate fully in the democratic process. This amendment will bring in almost 50 million people into the electoral system.

There has been another area where there have been some differences between what some parties have felt and what we have felt and what we have brought in and that has been on the question of the multi—member election commission. We have full faith in the Election Commissioner and we feel that anybody who wants a multi—member election commission seems to have some doubts about the Election Commissioner. We have no doubts about the integrity, independence of the Election Commissioner and going to a multi—member Election Commission, we feel, would have showed that we doubt the integrity of the Election Commissioner in some way. We have no doubt about the integrity.

SHRI DINESH GOSWAMI(Guwahati): Are you doubting the wisdom of the founding fathers of the Constitution also?

SHRI RAJIV GANDHI: No. I am only doubting your motives. Having said that, let me also say that there have been a number of occasions when the decision of the Election Commissioner has been contentous. The Opposition has not agreed with many decisions. They have made issues. We have not liked many decisions. We have made issues. But the fact is that it has been fairly universal and we have found that the Election Commissioner was tied down by the lack of powers he had. We could keep complaining. But because the system was as it was, he was not able to do even what he wanted to do. So, we have thought that instead of going for a multi—member commission, like has been suggested by certain parties, we would instead strengthen the hands of the Election Commissioner because we have full faith in him. And this Bill strengthens the hands of the Election Commissioner in many ways and for the first time perhaps the Election Commissioner will have the powers to deal with the task that has been given to him.

One more question had come up on identity cards. When we discussed this in the Cabinet, we very clearly said, "Yes, there must be identity cards." And we have

cleared identity cards. We will have multi-purpose—whatever they are—identity cards. There are some problems on how it will be handled administratively and what it will cost and how we will bear it, how we will deal with these two areas. But we will start the process now. Because of the size of the country, the size of the electorate and the other complications. We cannot say that we will complete the whole process before the next elections or in a time deadline. But I am very keen that the process is put into motion, and put into motion fast and rapidly. In the initial stages we will have to learn in the process of putting this through but we would like to see that it gets through quickly. We will overcome the difficulties and we will try and have identity cards as soon as possible.

Amongst the many points that have been raised during this debate I would like to refer to only two: The first is State funding. The problem is not State funding or not. The problem as I understand it is the question of the amount of money that is being used for elections, money power in elections. Let me say very clearly from experience, I am very clear that our people are much too clever and much too wise to be misled by money power. Never has money power been the deciding factor in an election in this country. This is my feeling. If some people feel that our electorate can be misled by money power, I think they are totally wrong. It is only the politicians who sometimes feel that by spending more money they can do something. But our electorate is much too wise for that. And anyway State funding in no way changes the amount of money that is being used. In fact it will only increase the amount of money that is out there for electoral use. It will not reduce raising money for elections in any way. So, I do not see State funding tackling the issue of the cost of elections in any way. If it did, we would have brought it here. But as it does not, I do not see the need for it. But, I do see a need for trying to reduce the cost of elections. On that if the hon. Members have a positive suggestion, we will definitely consider it. But nothing concrete has really come to us on that issue yet. Let me once again say that I am very clear in my

mind that we cannot buy the people of India, we cannot buy the electorate of India. The electorate of India is much too independent and wise for that.

Sir, the second point that was raised—I think it does need addressing—is, some Members have felt that this Bill has not addressed the core issues and addressed only to the peripheral issues. Well, I feel some of these Members are suffering from what could best be called peripheral myopia. They have been on the periphery too long. They have been on the periphery for so long that they are most at home on the periphery and the one time that they came to the core, they started gnawing at the core from all sides and even from within. And it was the wisdom of our people which very quickly put them back where they belong, on the periphery. Let me say Sir....(*Interruptions*)

PROF. MADHU DANDAVATE: It happened with you in three States....(*Interruptions*)

SHRI RAJIV GANDHI: Do not feel guilty about it. It is not personal....(*Interruptions*)

I was not being personal Dandavateji, you do not have to feel bad....(*Interruptions*)

PROF. MADHU DANDAVATE: This is party. I have nothing against you personally.

SHRI RAJIV GANDHI: Let me say very clearly that this Bill is a very major Bill. It is a major electoral reform. I would go to the extent of calling it historical and revolutionary and we have brought it in the Centenary Year of Panditji significantly. It will strengthen the roots of our democracy and it re-establishes the faith of the Congress in the youth of India and in the wisdom of the people of India.

SHRI DINESH GOSWAMI: Mr. Prime Minister, there has been a suggestion from the opposition for an independent Secretariat of the Election Commission like the Secretariat of the Lok Sabha and Rajya Sabha to give it full independence. What is your reaction to that suggestion?

SHRI RAJIV GANDHI: To the best of my knowledge, it is fully independent ... (*Interruptions*)

SHRI DINESH GOSWAMI: Please examine it.

MR. DEPUTY- SPEAKER: Shri Charanjit Singh Walia

PROF. MADHU DANDAVATE : Before you call him, we had a very interesting interlude just now when Kaushalji was speaking between him and me whether the Swantantira party was socialist or anti-socialist.....(*Interruptions*) By way of clarification, Sir I am just reading out one paragraph. This is the inaugural address of Prof. Ranga...(*Interruptions*)

By way of explanation ...(*Interruptions*)

MR. DEPUTY-SPEAKER: When he is not here, why are you mentioning that? (*Interruptions*)

PROF. MADHU DANDAVATE: It has nothing to do with him personally...He said that "I am opposed to the Congress brands...(*Interruptions*)

MR. DEPUTY- SPEAKER: You can send it in writing; we will see.

PROF. MADHU DANDAVATE: All right, when he comes I should be allowed to read his speech where he says that Congress brands of socialism are rejected....(*Interruptions*)

SHRI SHANTARAM NAIK (Panaji): This is not the issue...

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF IN-
FORMATION AND BROADCASTING
(SHRI H.K.L. BHAGAT): It is really wrong
and very unfair....(*Interruptions*)

SHRI CHARANJIT SINGH WALIA
(Patiala): Mr. Deputy-Speaker, Sir, we are
discussing the 62nd amendment to the

Constitution in the name of electoral re-
forms, which has been described by our
Prime Minister just now as historic and revo-
lutionary I do not think so. After 40 years of
independence they had brought the elec-
toral reforms...(*Interruptions*) Please bring
the House to order.

SHRI SOMNATH CHATTERJEE: This
is the democracy they are talking of(*Inter-
rptions*)

MR. DEPUTY SPEAKER: Please do
not disturb the Member who is speaking.
Those who are not interested, they may go
out. But please do not disturb the member
who is speaking.

SHRI CHARANJIT SINGH WALIA :
The substance of the electoral reforms is
very important. And we have been talking
and discussing the electoral reforms for the
past so many years. I think, it may not be
window dressing as my colleague, Shri
Jagannath Kaushal, was saying. It is more
an exercise played to the gallery. I was
saying that this is more of a playing to the
gallery rather than an act with a revolutionary
bias or a historic act. The House has been
extended on the plea that they are bringing
lot of electoral reforms and that a Bill is
coming in the Parliament. Except one thing,
that is, the reduction of voting age from
twenty-one years to eighteen years, I do not
think there is anything substantial in the Bill.
The reduction of voting age from twenty-one
to eighteen is a welcome step and we wel-
come it. Our Prime Minister was very correct
in saying that they have confidence and faith
in the youth of India. But how this faith and
confidence has been posed after a long
time? It has been posed under the pressure
of the Opposition. It was a demand from
every corner of the country that the youth
must be brought into the political main-
stream, that they are intelligent, that we
should have faith in the youth and they
should be involved in the mainstream and
the political system of the country, and that
pressure, brought forth from all corners, by
all parties, has pressurised the Government
to bring this legislation in this House.

The second thing which is also a very much discussed point is that the money power should not be allowed to play its dirty game in the politics of India. This is the basic malady and this is the basic disease which is eating the very vital issue of our democracy. Our people have faith in democracy. They are conscious of their rights. They are conscious of everything. Here I say what the Prime Minister said that they cannot be purchased by money. But money is playing a very big role in the election process. People may not be bought by this money, they may not be influenced in their judgement of voting, but it is playing a vital role. Businessmen and big business houses influence the voters and the candidates. So, the election should be funded by the State. The expenditure should be brought to the minimum possible limit and there must be some ceiling on the expenditure of individuals as well as of the political parties. The Government has failed on this vital issue. They should have incorporated some provisions in this Bill so that the role of money could be curtailed to the minimum possible level and the State could bear the expenditure of the candidates and of the parties, whether they are recognised or not.

The third thing which I would like to bring to your notice, and through you to the notice of the House, is that the media—the Doordarshan and the All India Radio—should not be allowed to be misused by the ruling party at any cost. There should be some restrictions and every political party should be given the best possible time. They should be treated equally so far as the use of Doordarshan and All India Radio is concerned.

The fourth suggestion I want to make is this. Sir, the Election Commission should be made more independent. For this the system of multi-member Election Commission should be there. A provision for this should have been brought in this very Bill so that a multi-member Election Commission could effectively and impartially conduct the elections in this country. We do not doubt the integrity of the Election Commission. It is now in charge of one person. But he may

sometimes act in a partisan manner. So, to avoid all these things, a provision for a multi-member Commission should be there.

The hon. Law Minister, while piloting the Bill, said that the delimitation of constituencies can take a lot of time. But may I ask one thing? After the 1971 census, about 20 years have passed, and no delimitation of constituencies has been done so far. During these 20 years period, a lot of changes have taken place. I would request the Government, through you, Sir, that the delimitation of constituencies should be done as early as possible and a more comprehensive Bill should be brought forward before this House, wherein the suggestions and the demands of the Opposition Members and also other Members of the House, whether they are from the ruling party side or other parties, will be met. I would therefore request the Government that they should bring forward a Comprehensive Bill in this House

SHRI BALWANT SINGH RAMOOWALIA (Sangrur): Sir, I on behalf of my party fully support the idea that voting age will be reduced from 21 years to 18 years. This opportunity would certainly prove good generally to the youth of the country. Sir, with the heavy heart I want to refer to one thing. Everyone who spoke here mentioned about the idea of reducing the age. But I am sorry to say that many Members gave an impression that secularism and socialism are the monopoly of those people. Sir, everybody whosoever represents this House, belonging to different parties, is no less in the practise of socialism and secularism. Sir, I want to refer to one thing. The Government while bringing forward this Bill has failed to satisfy the people of this country. Now, how much money power can influence the election results? Sir, the total expenditure on an election by an individual as also by the parties is mounting from one election to another. Something should have been done in this regard particularly in view of the prevailing poverty and poor resources of the country. Sir, I also fail to understand why there should be registration of parties. What for is it required? Here the use of words

[Sh. Balwant Singh Ramoowalia]

'communal parties' representing certain religions, representing certain regions which are there to fulfil certain aspirations of certain section of people, should not be construed as communal parties

Sir, a few days earlier, a reference was made about Mr. Barnala as to why he appeared before the high priests. I would humbly say with very deep respect to every one that reference should not be made to certain religious bodies which will create further bitterness in their minds or lead to misunderstanding. Mr. Barnala submitted his resignation to the Jathedars. After submitting the resignation he only told the Akal Takt that 'if there is anything wrong regarding my religious conduct, I am here. Sir, I want to make it clear that...

SHRI VIR SEN : (Khurja) Was he punished for his religious misconduct?

SHRI BALWANT SINGH RAMOOWALIA: Yes,

SHRI VIR SEN: What was the misconduct?

SHRI BALWANT SINGH RAMOOWALIA: For his religious misconduct. He submitted the resignation to the party, first only to the Jathedars. Now, there is a panchayat election in Punjab. Sir, the Government is here. Through you, I want to make it clear to the people of the country that holding panchayat elections at this stage in Punjab will cause a great damage not only to that particular system, but to the democratic system also. I would humbly urge upon the Government to direct the Governor of Punjab not to hold the panchayat election. The terrorists have already sent messages. Panchayat is a small unit. It is very difficult for a panchayat member or the Head of the Panchayat to face the threat of terrorists and extremists. This is not the right stage. By misusing their gun power, the terrorists will succeed in convincing many people in many villages; I can say that if in more than 3000 villages

they can do, nobody will contest or only that person will file the nomination who will be approved by those terrorists. I am not afraid of elections. But in the name of the betterment of the country I urge upon the Government, through you, to postpone the panchayat elections till the Assembly elections are held. You must first hold elections for the Assembly or Parliament. Parliament elections are due in November or December next year. We should not give an opportunity so that at the local self government level, at the lower level some people representing certain areas come in power or they are elected by means of threat from the gun or any other reasons.

Sir, I also want to make it clear that delimitation of constituencies must be done after every 10 years.

13.32 hrs.

[SHRIMATI BASAVARAJESWARI *In the Chair*]

Sir, in the end I want to say that in our society, we have some minorities. Something should be done, Madam, for the Sikh people who are about 80 lakhs in Punjab and 70 lakhs living outside Punjab. Seventy lakh sikhs living outside Punjab never get elected to Lok Sabha. Some reservation should be made so that 3-4 Sikh gentlemen are able to be elected to the Lok Sabha so that the involvement of the community is total.

With these words, I thank you very much.

SHRI V. KISHORE CHANDRA S. DEO.
Madam I thank you for giving me this opportunity at least at this late hour to participate in the discussion on these important Bills.

First of all, I am glad that after persistent and consistent demands the Government has agreed and has brought forward today the Constitution (Amendment) Bill to reduce the age of voting from 21 to 18 Madam, I only have one apprehension in my mind *vis a vis* this amendment that is going to come in

the Constitution. I shall be failing in my duty, if I do not express that view to this hon. House. You all know that the Election Commission is an autonomous body, technically speaking at least. But we also know how the Commission is acting, and the manner in which pressures have been brought about on this Commission from various angles. Therefore, I would like an assurance from the hon Law Minister. (*Interruptions*)

Mr. Law Minister please lend your ears, I shall be honoured. Let me have your ears.

THE MINISTER OF ENERGY (SHRI VASANT SATHE): But don't catch them.

SHRI V. KISHORE CHANDRA S. DEO : I would be glad if the hon. Law Minister could assure this House on his part that he will do his best to see that under the pretext of including this age group in the voting list, it does not result in postponement of elections whether by-elections to the Lok Sabha or elections that have to come in 1989. This is an apprehension which is shared by many people outside this House. Therefore, I thought I should mention this during the course of my speech.

Madam, coming to the next Bill, i.e. Representation of the People (Amendment) Bill, for a long time, it has been the demand not only of the political parties but it has been the cry of the nation to bring about electoral reforms. In a democracy, public participation and public opinion is the life-blood of the system. The Prime Minister, when he spoke said that this was a major legislation which is aimed at strengthening roots of democracy.

But unfortunately, after going through the Bill, I find that it is mainly a cosmetic exercise which is rather inadequate and disappointing to many of us who are looking forward to the electoral reforms. The Prime Minister mentioned that because many of us had been in the peripheries, we probably thought that it was only peripheral issues that

came in this Bill. But on the contrary, the Prime Minister who has probably been too much part of the core, really forgot what was the core of the entire subject all about. Several basic issues have not been dealt with in this Bill. The hon. Law Minister had detailed consultation, not with members of various political parties, but I am sure with several other eminent jurists and eminent citizens of this country and ultimately it is rather sad to see that this pathetic Bill has come before this House.

While speaking earlier, the hon. Prime Minister said that this was only yet another attempt to strengthen the roots of democracy and that the first such Bill was the anti-Defection Bill. This rang a bell in my ears. The Anti-Defection Bill was brought in this House with great fanfare and thumping of desk which the Prime Minister missed today from us. That Bill was to see that a Member does not defect or leave a party on whose symbol he was elected Madam, the irony is that today as I speak before you, I am being treated as an unattached Member. That is why I have to speak at this late hour and at the fag-end of the debate. I am an unattached Member. For what? For having chosen to stay on in the Party on whose symbol I was elected to the House. The Anti-defection Bill was brought into the House and if you read the Statement of Objects and Reasons, Madam Chairman, the contrary is being done today. The hon. Speaker, such an upright and impartial man like the Speaker, no less a person than the Speaker, has to treat me as an unattached Member for not defecting. This was after the Anti-Defection Bill was brought into this House. On the facade of a split, what is sanctifying is mass scale defection. The Prime Minister went ** to engineer defection. why ? It was because he did not have a proper person whom he could appoint as Chief Minister in a particular State in the country. That shows the bankruptcy of the Congress-I Party. After having brought this Bill in this House, the Prime Minister went ** to engineer defection.

MR. CHAIRMAN : Your time is over .

SHRI V. KISHORE CHANDRA S. DEO:
I will walk out of this House, if you do not
allow me to speak.

MR. CHAIRMAN : Why?

SHRI V. KISHORE CHANDRA S DEO
: It is a very important Bill.

MR. CHAIRMAN : The time for you is
only five minutes. There are many more
Members to discuss. The discussion is to be
completed.

SHRI H.K.L BHAGAT: You are not
expected to speak like that.

SHRI V. KISHORE CHANDRA S. DEO:
This is what has actually happened. Truth is
bitter.

SHRI.H.K.L.BHAGAT : You cannot
prove what you consider truth. What is your
evidence? Nothing. You never have any
evidence. (*Interruptions*)

SHRI V. KISHORE CHANDRA S. DEO:
With what moral authority does your Prime
Minister have to speak like that ? I never
defected from the party.

MR. CHAIRMAN: Try to be brief. Please
listen to me. There are four or five Members
from your party who are supposed to partici-
pate.

SHRI V. KISHORE CHANDRA S. DEO:
If you do not allow me to speak, I will go .

SHRI CHAIRMAN: I never said that you
can go.

SHRI V. KISHORE CHANDRA S. DEO:
I have been called here not as a party
Member. Please see your list. I am the office
-bearer of the party.

PROF. MADHU DANDAVATE: I
wanted to speak for 15 minutes more. My
time might be given to him.

SHRI V. KISHORE CHANDRA S. DEO:

The Anti defection Bill was referred to by the
Prime Minister, to strengthen the roots of
democracy. This was mentioned by Shri
P.R. Das Munsri, the hon. Minister from that
side and by the Prime Minister himself that
the Anti-defection Bill was the first measure
to strengthen the roots of democracy I have
my right to explain to the House how the
roots of democracy have been strength-
ened. I have every apprehension as to what
will come out of this Bill which has come
before us today. Please listen to
me. (*Interruptions*) Don't defend the indefen-
sible.

MR. CHAIRMAN: Don't interrupt him.
Let him complete. (*Interruptions*)

SHR' V. KISHORE CHANDRA S. DEO:
I cannot speak when I am disturbed.

MR. CHAIRMAN: Dont interrupt him.
Let him complete. If you interrupt him he will
take more time.

SHRI SHANKAR LAL (Pali) : I am on a
point of order. We are having discussion on
the Constitution (Amendment) Bill and the
Representation of People Bill. Why are you
discussing the Anti-Defection Bill which is
not under discussion? He is only wasting the
time of the House.

MR. CHAIRMAN: Members have a right
to mention here and there about other things
also. There is no point of order. Please
continue.

PROF. MADHU DANDAVATE: Kindly
tell him that today the Prime Minister began
his speech with Anti-defection law.

MR. CHAIRMAN : I have given my rul-
ing. You can mention it.

SHRI V. KISHORE CHANDRA S. DEO:
Member after Member has said that the
people of this country cannot be purchased
upon. I am one with all of them. If that was
the case, if people could be bought over with
money, many of us would not have been
here to participate in this debate. I do not

doubt the integrity of the people of this country. It is not political parties only. It is they who deserve democracy. But, elections are also a psychological warfare. It is not a question of just bribes or purchasing of votes. We had demanded when we met the Law Minister that there should be a ceiling on the items that are used for elections. We had demanded that there should be ban on cut-outs, on welcome gates and banners. Are you prepared to do it? The Prime Minister has just said that you cannot purchase the country. But nobody has given any concrete suggestions. Here are my suggestions.

My suggestion is that you ban the use of cut-outs and banners and don't allow any political party to construct their own platforms for speaking. Let the Government provide them. Everybody will address the meeting from the same platform. Are you prepared to accept the suggestion?

MR. CHAIRMAN: No. You have to conclude.

SHRI V. KISHORE CHANDRAS. DEO: I will walk out. This is a very basic question.

MR. CHAIRMAN: I do not want you to walk out. But you cannot take the entire time of the House.

SHRI V. KISHORE CHANDRAS. DEO: I am walking out.

13.45 hrs

Shri V. Kishore Chandra S. Deo: then left the House

MR. CHAIRMAN: Mr. Reddy, you please listen to me. There are four or five Members from the Opposition -side to speak. I am not calling any Member from the ruling party. I have been calling only the opposition party Members. We have to complete the discussion by 2'O Clock or by another 10 minutes and then the Minister will reply . But I have given him 10 minutes. You must know that.

(Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar): This is an important Bill. How can you divide time like this?

MR. CHAIRMAN: The time has been restricted. What we have to do? I have been calling only Opposition party Members one-by-one. He also wants to speak. I have to accommodate so many Members. But Shri Deo cannot walk-out like this, when I have been allowing him some more time to speak.

Shri D. B. Patil.

SHRI D.B. PATIL: (Kolaba): Madam Chairperson, there are two Bills which are here under discussion and one of them is for amending the Constitution of India to reduce the voting age from 21 years to 18 years. I welcome this amendment. The Prime Minister has just now said that he has full faith in the youth of this country. I entirely agree with him. I must say that the youth of this country will be added as new electorates for the next elections. This will have a good impact upon the policies- economic as well as social of the Government. There is a big problem of unemployment facing our Government. Therefore, our new youth, who are going to be included in the voters list, will influence the economic policies of the Government and from that point of view, I very much welcome this.

The other Bill is about amending the Representation of People Act. I will say that it is anti-climax in the sense that the people of this country expected that some basic measures would be taken for the successful functioning of parliamentary Democracy in this country. The success of Parliamentary Democracy in this country depends upon the fair and free election Unless and until there are free and fair elections, Parliamentary Democracy cannot succeed and survive. We do agree that the people of this country cannot be bought. But, still we agree that the money power plays a very vital role in the elections and so also the muscle power. Also, the use of anti-social elements are on

[Sh. D.B. Patil]

a very large scale. Of course, there are various provisions regarding anti-social elements contesting the elections. But, nothing is being said about for not taking advantage of them while elections are being contested. I cite one example from Maharashtra State. A list of Special Executive Magistrates was prepared. It was published in the official Gazette also. But, after that, the list had to be withdrawn because in that list names of certain well-known anti-social elements were included. Therefore, the list was withdrawn. I am citing this to show that money power, muscle power and the help of anti-social elements are being taken on a very large scale while contesting the elections and nothing is being done here so far as money power is concerned. I think, you will agree with me.

The other point is that the money spent is much more than what is provided for an individual candidate to spend. Shri Gadgil, while opposing the state funding of elections said that the average expenditure for parliamentary constituency is Rs. six lakhs. But he has nothing to say about reducing that expenditure, to control that expenditure. There must be some measures to control this expenditure. We can limit the expenditure incurred on preparing posters, banners and other things. All those details have to be worked out. But, if you are not prepared, and if you have no will to bring about a change in the expenditure, nothing can be done.. (Interruptions) Madam, I would like to spell out only some important points because the time is very short. I am very well aware of it. When we talk about Parliamentary Democracy, I don't think the present Congress Party has any moral authority to talk about democracy and other things. Because elections are not being held in that party itself, what moral right has it got to ask the people of this country to have faith in the parliamentary democracy. There is an adage: "Charity begins at home." Likewise, faith in the democratic principles should be from the party itself which is not the practice in the ruling party.

People expected that State funding would be provided for in this Bill. While opposing the State funding, even the Prime Minister has said that it will be in addition to the expenses that are being already incurred. We can control all these expenses if we have a will to control it and we are very serious about it. Saying that it is not in a position to control this thing means they do not want to curtail the expenses.

The day before yesterday, there was a news item in certain papers about a particular representative of a particular party visiting a particular district in a particular State, where the aspirant was asked: how much you are able to spend for your elections. The aspirant had just opened the bag which he had brought with him and it contained lakhs of rupees. But that has not been contradicted. If this is the fate in the country so far as our election expenses are concerned, this is not going to help the democratic process in the country. We are having electoral reforms. But this is a sort of anti-climax as I have earlier stated

[Translation]

SHRI SULTAN SALAHUDDIN OWAISI (Hyderabad): Madam Chairman, the Bill presented in this House is not comprehensive enough and I want that some more points should be included in it. In India every citizen is entitled to vote and at the same time we also know that the people not in lakhs but in crores are living in huts which are not numbered. With the result that their names are not included in the voters list. In this connection, I want to cite the example of Hyderabad and of my constituency in particular. The Government of Andhra Pradesh is of the view that these huts are unauthorised and therefore, it is not possible to number them. In the absence of numbering, the names of the people living in huts are not included in the voters' list. I want to know as to why these citizens are being deprived of their rights to vote? It is because they do not own any house? If they do not own any house you should get houses constructed for them. After all why should they be de-

prived of their voting-right? The majority of the people in this country are poor and to deprive them of their fundamental right a great injustice to them. I want that Government should pay attention to these people on a priority basis so that these people in crores can also cast their votes. This is a basic issue, therefore, I want that hon. Minister should pay immediate attention to this matter and get their names included in the voters list which is drawn up by going from house to house and a receipt to this effect is also issued. But when these people go to cast their votes they are told that their names are not there in the voters' list even when the receipts are in their possession.

Thus, many strange things are done while preparing the voters' list. voters list should be prepared properly. The names of lakhs of voters are omitted from the list deliberately whenever the party in power feels that they will not cast their votes in its favour. The voters may have the receipt but his name is not there in the list.

As regards the registration of political parties, it is not clear as to what for this registration should be got done. In the registration process one has to go through so many formalities that it becomes difficult for a political party to get itself registered. The proposal for registration of political parties can be accepted if the procedure is simplified to enable the political parties to get themselves registered without any difficulty.

A mention has been made of secularism and communalism. I cannot understand as to what these two terms mean. Such strange things are happening in the whole country. Just see what is happening in Andhra Pradesh. When Reddies happen to enjoy more authority all the Reddies of the State get promotions. Similarly, when Kamraon happen to enjoy more authority, the people belonging to this community get promotions. For instance, an officer has become D.G. B. after superseding 6 persons who were senior to him. Thus, it would be better if we do not talk of secularism and

communalism. It is possible to talk of secularism after watching what is being shown on T.V. Whenever there is any inauguration, coconuts are broken and worship is done and therefore, how is it possible to talk of secularism under such circumstances? It has actually become a fashion to talk of secularism now-a-days, we should, therefore, stop talking of these things and descend to the world of reality. If, in fact, we want to do justice, we should talk of humanity otherwise no one will be prepared to accept our views regarding secularism.

I would reiterate that delimitation of constituencies should be made afresh and in a manner which will reduce expenditure. The constituencies are very fragmented. I cite the example of Hyderabad itself. The Government wants election expenses to be reduced. In Hyderabad there is Hyderabad constituency, and it stretches upto Tandus which is 70 kms away. This is done to prevent others from winning the election from this constituency. There is another constituency in Hyderabad which is named as Malkapet Hyderabad and it stretches upto Nalgonda which is also 70 kms away from the city. These constituencies are fragmented because the party in power cannot win election in Hyderabad proper. Therefore, under fresh delimitations such things should be taken into account and seen that constituencies are delimited in such a manner that it entails less expenditure. The situation prevailing is such that though every thing is done for personal gains yet it is said that it has been for the sake of secularism. Thus, we find a strange interrogation point everywhere.

Along with it, I want to submit one more point here. As in the case of Harijans, the facility of reservation should also be extended to muslims. Either representation should always be ensured or there should be reservation for Muslims. Otherwise secularism will be affected.

Madam, Chairman, I thank you for giving me an opportunity to make my submission.

14.00 hrs.

SHRI KALI PRASAD PANDEY (Gopalganj): Mr. Chairman Sir, I want to first support the amending Bill brought forward by the hon. Minister for reducing the voting age from 21 to 18 years.

While listening to the views expressed by the hon. Members of the Ruling Party and the Opposition who participated in the discussion yesterday, I was non-plussed because I do not belong to any party. The main objective of the hon. Member of the Ruling Party is to deprive of the Independent candidates from contesting elections. It has been proposed that the amount of security deposit for these candidates should be raised from Rs. 10,000 to Rs 25,000.

I am still sitting along with the opposition. While listening to hon. Shri Indrajit Gupta, it seemed to me that he supports our point. We think that, on the contrary to what the Ruling Party Members have proposed, there should be a provision to debar a candidate from contesting elections if he loses his security deposit irrespective of whether he belongs to the Ruling Party or the Opposition. I myself won the 1980 elections by 45 thousand votes as an Independent candidate. I left my teachers' training to contest the elections. All other candidates belonging to the Ruling Party as well as the Opposition lost their security deposits.

So far as offences are concerned, you may recollect that Shah Commission and other Commissions were constituted to enquire into the allegations made against late Shrimati Indira Gandhi and she was also put behind the bars. Later on, the Magistrate gave the verdict that those allegations were false and far from the truth. When George Fernandes entered this House as a Member of Janata Party, it was stated in this House, by the Ruling Party of that time that injustice had been done to him and since the people's court had found him innocent as he had won the election while he was behind the bars, all the cases filed against him should, therefore, be withdrawn.

I also won the election while I was also behind the bars. Everyone in Bihar is aware and it was also reported unanimously in all the newspaper at that time that Kali Pandey had been implicated falsely. At that time, Mishraji's Government was in power and I had exposed the bungling of crores of rupees at Pipra. I was pressurised to withdraw my question. I did not do so with the result that a case under section 302 of IPC was filed against me, although I was in Patna at that time. I made every effort but I was not released from the Jail. I filed my nomination papers from inside the jail and today I am occupying the Opposition bench. I won by maximum number of votes and the candidates belonging to the Ruling Party as well as the Opposition, both lost their security deposits. Is there any justice today? If someone speaks truth for justice, he is jailed. But if someone speaks what is far from truth, no action is taken against him.

As regards, the penal provisions being made in this Bill, I want to know from the hon. Law Minister as to how will it be proved whether a candidate has in fact violated section 376 of IPC for which he is debarred from contesting elections. There is a possibility that a case under this section, can be filed against a candidate just before the elections take place so that he is debarred. I was listening to all the speeches. The hon. Prime Minister too has considered the candidature of the independent candidates but he has been at least liberal to them. While referring to the independent candidates yesterday, several hon. Members said that independent candidates contest elections for money. I would like to submit to all the hon. Members that I will resign from the membership of this House if this is proved. But I have seen at the time of elections that no party could go beyond caste considerations while distributing party tickets. You can not put an end to caste considerations. I hail from Arrah but I was made to contest from Gopalganj. There is no political party in the country which does not give financial assistance to its candidates, the candidate contesting the election wants that even if he loses at least the money provided by the

party must be with him. Unless the man is devoted to the cause of humanity this Bill is not going to have any impact in rural areas or on the common man.

If the Government wants to conduct free and fair elections in the States, then they should give full authority to the Election Commission. The party in power in a state would certainly like to have the advantage of its authority in elections.

Yesterday many hon. Members levelled allegations against the I.A.S. and I.P.S. officers. It has been seen that if these officers do not agree with them, they are transferred.

With these words I would like to say that no restrictions should be imposed on the role of independent candidates. I am grateful to you for giving me the time to speak.

CH. RAM PRAKASH (Ambala): Mr. Chairman, Sir, this Bill was long awaited. The Government has been kind enough in introducing such a legislation in the Parliament. The Government empowered the poor with franchise after independence but they were not able to cast their vote at their own will. Now with the help of this Bill the poor harijans will be able to vote for the candidate of their own liking.

I would like to narrate an anecdote here. Lok Sabha elections were conducted in Faridabad some time back. I was put on duty from the Congress side there in Palwal. I camped at the congress office and collected all the workers there. After a few days about 100-150 ruffians of Lok Dal and Bhartiya Janata Party collected at a distance of 100 yards. My workers asked me as to how can elections be conducted there successfully and how can a poor person cast his vote in the presence of so many musclemen there. I myself went there and informed the police force and the S.P. about the whole state of affairs. The S.P. assured me that no booth capturing will take place there and in case it happens, he will himself be responsible for that. At this I got satisfied and returned to my

office. However after only 2 minutes the ruffians started stoning at the cars and jeeps standing in front of my office. Not only this, they even started firing. At this I came out of my office but they even fired at me. You are aware that I was admitted in the hospital on the 17th of June and the hon. Prime Minister himself came to see me there. Both of my legs got fractured due to the bullets which hit me. Democracy is there in the name only. We have seen such things. An M.P.'s leg was injured and it was bleeding but no one was prepared to take him to the hospital. My colleagues Shri Bhajan Lal and Shri Sultan Singh carried me to the hospital. How can elections be free and fair at a place where such things are happening. I dare say that had there been no booth capturing in Faridabad, our party would have won that seat very easily. I would request that such a provision should be incorporated in people's Representation Act. that no person would have any arms, or even a lathi because they use it for terrifying the people. My submission is that if this Bill for an election reforms is passed it will help the poor.

I would like to add that harijans are the worst victims of this atrocity. If they happen to cast their vote, they are not allowed to enter the fields by the landlords and the big zamindars for having voted against their will. They are not allowed to work in the fields of zamindars, where is the democracy left then? Hon Prime Minister deserves our thanks who inspired that such a Bill should be introduced.

Besides I want to make another point that if the elections are not held in an impartial way and the Congress Party which represents the poor sections of the society loses in the elections then I feel that the poor will not be left to survive. We often hear, particularly about Haryana, that a number of girls have been raped and beaten, people have been murdered, false cases have been filed and shooting orders issued. If Haryana Government succeeds in all these things, we are not going to be spared. How can a poor person be saved when an M.P. can be killed. I am very grateful to our hon. Prime

[Ch. Ram Prakash]

Minister and Shri Bhāgat who has done a great job for the poor and protected their freedom by introducing this bill in the Parliament.

[English]

SHRI SATYENDRA NARAYAN SINHA (Aurangabad): Madam, I rise to welcome these two Bills. The Prime Minister has redeemed his promise to the nation in bringing forward these Bills. He had promised to the nation that he would initiate comprehensive electoral reforms and these Bills have been brought before the House after having done a good deal of work, thinking and discussion with others. As my friends have already said, these steps are in the right direction and the steps are revolutionary and historical.

For instance, the reduction of voting age shows that the Government places a great faith in the youth, in the democracy and in the people. By bringing the youth into the electoral process, we are providing an opportunity to the youth to influence the policies of the nation on issues like education, sports and jobs and all these will receive priority in our thinking and planning.

In the course of next twelve years, the new generation will completely take over. We have chosen a young person to lead this nation. Pakistan and India have shown the way. So, this decision is in step with the world trend and I do hope that the ideals which guided our freedom fighters will guide our youth in shaping the policies of the country and in achieving the goals that have been set out in the Constitution.

The introduction of the voting machine in selected sensitive areas, numbering 150, is a right step and will prevent booth capturing and bogus voting. This is an experiment which is being made. Earlier it was done in one of the constituencies in Bihar also and it worked very well.

Besides, this Bill provides for offences

of booth capturing. For the first time the booth capturing has been made a punishable offence and a malpractice. In addition, the officers have also been brought within the purview of this because many a time we find that the officers also not only connive at but actually collude with the parties in bogus voting. So, this is a very salutary provision.

I will go a step further now. The Prime Minister said that the principle of introduction of multi purpose Identity Card has been accepted and the details have to be worked out. I suggest, Madam Chairman, that to begin with we should introduce multi-purpose Identity Cards at least in the urban areas where our polling agents do not know all the voters. This will be a good step to stop bogus voting and impersonation in the urban areas and we should start with it. It would not be difficult for us to do so. Before the elections, the Pakistan Government decided to introduce the Identity Cards and they did it. So, it should not be very difficult for us to adopt this system and introduce it at least in the urban areas. Mr. Gadgil told us yesterday that it costs about Rs 450 crores. That is a stupendous amount. So, on a selective basis we should do it and introduce it in the urban areas to start with.

I would also suggest that the Polling Officer should be provided with the armed guard. If you have to insulate them from the fear and threat of the criminals, then it is necessary that you should give them armed guards.

For the first time, Madam, we have widened the scope of offences under section 8, conviction under which with entail disqualification and social offences have also been brought into it.

Now, we should do something for preventing frivolous candidates from contesting elections. Mr. Patil made a suggestion that the limit of security deposits should be raised to 20,000 and 10,000 in urban and rural areas respectively. I endorse his suggestions. With regard to the ceiling on expenditure, much has been said about the money

power. The ceiling expenditure is supposed to limit expenditure. Our experience is that we do not spend within the limit set by the law and most of us - I do not know about others - but most of us submit false returns. Madam I would suggest in all fairness that we should remove this clause altogether. We should not be required to submit any return. Because when we enter the House after submitting false returns, we come here with a guilty conscience that we are starting our career by making false declaration. Babu Purushotham Das Tandon while Speaking in this House on the Representation of People Act in 1950, urged strongly that the ceiling on expenditure should go because it makes you submit false returns and make you tell lies right from the beginning.

Nobody has referred to the question of Election Petitions. Madam, the election petitions take inordinately long time so much so that by the time they are decided the results become infructuous. Even in a case where it has to be decided as to whether the nomination paper has been accepted rightly or wrongly, the court takes four years or more to hear the arguments. Why should there be such a long delay? Shouldn't the Government think of setting up of some kind of time of span? The election petition should be disposed of well within the time so that it should not hang like the Damocles sword over the elected members. And also those who are going to be benefited by the results should also not be deprived of the decisions and their favour. Only recently, a candidate from Bihar has been declared elected. But there is a petition in this regard. Now the appeal will go to the Supreme Court and he will be deprived of the benefit of this judgement in his favour .

RAO BIRENDRA SINGH (Mahendragarh): Some persons have died. But their cases are still pending.

SHR! SATYENDRA NARAYAN SINHA: Yes. There are such instances. These problems must be tackled by the Government and the election petitions must be disposed of expeditiously.

These are my suggestions and with these few words, I welcome the Bill and I congratulate the Government because they have come forward with definite steps to ensure free and fair elections and to rid the democratic process of the criminal elements.

[Translation]

SHRI SHAMINDER SINGH (Faridkot): Madam Chairman, I support the Bill which has been introduced in the House in order to include the youth in the voter list. The youth of our country needed franchise and the Government is providing it.

Besides I would like to add that now this Bill is going to be passed the youth of this country too should be allowed to participate in future elections. In this regard the State Governments should be given instructions that after this bill is passed steps should be taken to see that the youths participate in every coming election. These days Punjab is under Governor's rule and Panchayat elections are going to be conducted there. Those panchayat elections may be extended for another 2-4 months but the youth should be included in the voters list to enable them to cast their vote in this election.

Secondly I want to submit that the system adopted for electing the Prime Minister in Parliament and the Chief Minister in Assemblies should be adopted for the election of Sarpanch in the villages. The elections for Sarpanch are held direct. My submission is that the states should be directed through the Election Commission that there should be a uniform pattern of elections and, therefore, surpanch should not be elected through a direct election process but should be elected through the Members.

There are some apprehensions regarding the other Bill. Registration of the parties is mere an eye wash. The Government will do what it feels right. Recently anti-defection Bill was introduced by the Government and the ruling party did what it felt was appropriate. I give you an example of the Parliament

[Sh. Shaminder Singh]

where if a Member wants to join the ruling Party, it is all right, but if a Member wants to go to the Opposition Party, he is unattached.

I shall cite my own example. Four months back we formed a separate party and five out of the seven M.P.s joined the party. Our party was accorded recognition by the Parliament. After seven months a letter was produced in the name of another President and we were unattached. If a member of the Congress (s), which is unattached, wants to join the Congress (I), he can do so. Therefore, I feel that this Bill which is about the registration has been introduced with the objective of suppressing the minority communities, be they Sikhs or Muslims. So I would request you to bring in such a legislation which should contain uniform provisions for all. Nothing should be left to the discretion. Such provisions should not be there.

14.25 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

I shall say one last point before ending my speech. House number of the voters should not be mentioned in the voters list in our country. The name of every citizen of India—whether he is putting up in a 'Jhuggi' or 'Jhopri' or whether his house bears a number assigned by the municipal committee or not, should be included in the voters' list. This list should reach the village sarpanch or 'numberdar' two months before the elections so that any person whose name has been omitted, may also be included in it. Mr. Deputy-Speaker, Sir, actually the members of the ruling party get the updated list and votes are cast on the basis of this new list on the polling day. The original list is ignored. There are several such examples. On several occasions it so happens that names are found crossed in the original list.

With this I conclude my speech and

thank you for giving me an opportunity to speak.

[*English*]

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Mr. Deputy Speaker, Sir, thank you very much for giving me an opportunity to speak on this Bill. I will be very brief. I want to make only two or three points.

The hon. Members who preceded me have appreciated some measures which are incorporated in the Bill to ensure a free and fair poll, such as prevention of booth capturing and deterrent punishment for that, as well as introduction of Electronic Voting Machines in some constituencies. Those two measures themselves will not prevent bogus voting. I agree with the senior learned colleague Shri Satyendra Narayan Sinha, who just spoke. It is a fact that in big towns or cities, we are not in a position to prevent impersonation because even the cadres could not identify several hundreds of people who come to the polling booth and unless one raises an objection, he is entitled to cast his vote. So my submission is—your AICC (I) also had recommended—you issue multi-purpose identity cards. The hon. Prime Minister has said that a beginning will be made. It is a good thing. But my submission is why are you going back? Why are you hesitating? After all, the same multi-purpose identity cards will be useful for Parliamentary elections, Assembly elections and also the Local Body elections. So, the burden need not be borne entirely by the Central Government. You borne half of the expenses and the rest half, you pass on to the State Governments. It is because when these identity cards are once issued, they will be intact for another three or four elections. They will be of great help. In some countries where these multi-purpose identity cards are given, they are found to be very-very useful. This will not only be helpful for elections, which comes once in five years, but will also be helpful to the farmers for obtaining loans from the banks. They need not go to the village *Karnam* or *Patwari* all the way to take some certificates. These identity cards will

enable them to get loans. You kindly come forward in this direction. After all you have spent lot of money in organising the ASIAD in Delhi and now you are spending lot of money on IPKF which is kept in Sri Lanka. You know how much money, you are spending on them. I am told, it is more than a crore for one day, In the circumstances, the money that is to be spent on identity cards will not be much, when we take into consideration its advantages.

In the present Bill, you have not incorporated any penal provision to discourage impersonation. We have suggested for a punishment — either for a week's jail or Rs 500/- as fine. Otherwise you cannot discourage these crimes.

The other point which I want to bring to your notice is regarding the disbursement of discretionary grants by the Government on the eve of elections. It should also be included in the definition of corrupt practices. Earlier the Election Commission has also recommended for such a provision. It so happened that just before the announcement of the elections to the Nagaland Assembly, the Prime Minister has announced that the State's Plan outlay has been enhanced from Rs 210 crores to Rs 400 crores — just before the elections, and that 90% of it will be met by the Union Government. Just before the elections, this type of influencing the voters should not take place. So, this aspect also should be taken into consideration.

Last point: you have said in Clause 5 that the State machinery should be brought under the control of the Election Commission. Okay; but if you are sincere that this machinery should not be misused, why not agree to bring All India Radio and the Doordarshan also within the control of the Election Commission during the period? Before the Janata Government came into power in 1977, it was only the ruling party here which was utilising all the facilities of these bodies. It was only after the Janata Government came into being that this position was changed, and others got these facilities in

Doordarshan and AIR. This practice is now continuing. But even now you are taking the lion's share in Doordarshan, which is a powerful mass media. So, I request that the two mass media viz. AIR and Doordarshan also should be brought under the control of the Election Commission for that period.

SHRI ABDUL RASHID KABULI (Srinagar): This epoch-making Bill which has been introduced in this House and is being passed, reduces the age of voting from 21 to 18 years. I must appreciate the sincerity of the Government, and I think this will revolutionize the whole democratic atmosphere in our country. The younger generation now needs to play a vital role in our political life. They are being encouraged by this Bill. Thereby I feel that we have really entered into the 21st Century.

Indian democracy has stood the test of the times. I think it is because of the Indian democracy that in Pakistan also, the revival of democracy was made possible; and it was made possible because Indian democracy had its impact on our close neighbour, viz. Pakistan which suffered during the last eleven years. I remember that even Zulfikar Ali Bhutto, the late Prime Minister of Pakistan had mentioned in his book, 'If I am assassinated' the greatness of the Indian democracy. He had preferred Indian democracy to Pakistan's dictatorship, when he was behind the bars there.

In this country also, there are many tensions. Unfortunately, in some areas people lost the sense of democracy. In this respect, I mention Kashmir. From 1953 for 22 years, unfortunately certain things happened there, whereby there was no fairplay in the elections; and when many Governments came to power there during that period. There was no public participation in them, as such. After 1975 when there was the Sheikh Saheb- Indira Gandhi accord, a new role was played by the people in Kashmir. They felt that they were part of this great country.

It is my earnest desire that in these

[Sh. Abdul Rashid Kabuli]

border areas, democracy is the only solution. sometimes we talk about solutions to some problems, but no solution can be there to problems, except through public participation. So, when we think of political solutions, we should realise that only through mass participation by the electorate we can find the solutions. Sometimes there may be one ruling party in the State, and another at the Centre. A ruling party always thinks that it is the right of that party to rule that State, and that by hook or crook it should come to power in the State. It is in the national interest that there is fairplay in the exercise of the franchise in the border States. I mention Jammu and Kashmir especially, where we should be very careful to see that in future, we encourage whosoever comes up with the support of the people. When we trusted people from the centre from 1953 till 1975, we have seen that it has created many chronic problems. There was no feeling of integration in the minds of the people. The country knows what price we had to pay in that State. We must trust the people. They may opt for any party, but rest assure that they believe in the integrity of the nation.

There is one very important point regarding the promises which the political parties make at the time of election. You have to keep this point in mind. At the time of election, ruling party and the opposition parties always give people good promises for their development, for making their future secure for giving them employment and so on. But, unfortunately, when the election process comes to an end, those promises are not implemented. So, the House should take cognisance of this point and the law should be amended in such a way as when those promises are not implemented by a particular political party, then such promises should come under the category of an offence; and that particular political party should be disqualified from seeking future election. So, those political parties which do not implement the promises given to the people at the time of election, should not be allowed to fight election in future.

SHRI BRAJAMOHAN MOHANTY (Puri): At the fag end of the day I do not know what I should say about it. But one thing has been very much pointed out by some of the friends in the opposition; it relates to the role of money power in our electoral process.

AN HON. MEMBERS: Orissa is also there.

SHRI BRAJAMOHAN MOHANTY: Orissa is absolutely different from this. You know that Orissa is free from communal tension, free from caste consideration, free from booth capturing, free from all these problems. For the success of the electoral system, we have to re-structure all the political parties. If the political parties are not re-structured, and do not respond to it, I am of the opinion that, even if all the statutory measures are implemented, we will not succeed. I congratulate the Law Minister for making an attempt to improve the system of re-structuring the political parties.

So, far as maintenance of accounts is concerned, it has not been provided. Everybody knows the reason for this. The political parties function at different levels. Neither they have any party office nor there is anybody to write an account. So all the cash in the form of collection into the pocket of somebody; that is a reality. Whether it is Congress Party or CPI or CPI (M) or any other political party, they have got their accounts. I am watching the debate since yesterday. There is no violent reaction to section 13 (a) of the income-tax Act which allows the political parties not to include subscriptions in their accounts in their income. Then there is no violent reaction to section 293 (a) of the companies Act. Well, everybody knows the limitations. We have to make this system a success. My friends have already said so much about the divisive forces which are working inside. We have to build up a certain integrated force, a united culture, for this purpose; that is most important; and that experiment is going on. It is not that this is hundred per cent a perfect Bill. I don't say that it is a perfect Bill nor that process is stopped. Here, it is a long-going process.

Now, I would like to draw the attention of the House to the statement made by the hon. Prime Minister at the Centenary celebrations. He has given guidelines. We have to congratulate him because he has taken a very important step. On page 35, it reads as follows:

"The country needs a politics of service to the poor. The country needs a politics based on ideology and programmes. To bring this about we must break the nexus between political parties and vested interests. We will change the electoral laws to ensure cleaner elections. We will make political parties accountable for the funds they receive. We will wage an ideological war against those who exploit the poor in the name of caste and religion."

Another thing. Shri Indrajit Gupta has pointed it out. He has made a very vital point. We must be decisive about it. He says that this is a plural society. Naturally, a political party bound to establish free enterprise in this country, should we allow it to participate in the election process or not? My submission is that we should not allow. There is no controversy on this. We should not allow it. A party trying to establish a free enterprise we should not allow. And, as a matter of fact, somebody was referring to Birlas — I would not like to mention the names — but all the same, Birlas and Tatas have already taken their seats in the Rajya Sabha. There are clear words, they are expressed in the Constitution. So, indirectly they have already done. That is why I say, so far as the Constitution is concerned, about our allegiance there should not be hesitation about it and anybody who does not say it, and has never said it, definitely cannot participate in the electoral process. We do not say that they will have no existence in this country.

And another, I have said it earlier also, is that there are some citizens who are taking active part in terrorist acts. Somebody is in Canada, somebody is in U.K. and somebody is somewhere else. Will their citizenship rights be continued? So, these are all

the matters which are to be considered.

SHRI AMAL DATTA (Diamond Harbour): This Bill has been brought after the scheduled session of the Lok Sabha expired. After extending the session the Bill could be circulated only belatedly, and it shows the delayed reaction time of the Government.

PROF. MADHU DANDAVATE: This is extended wisdom.

SHRI AMAL DATTA: Because, the genesis of the Bill has to found in the Government's defeat in the by-election in June, particularly the one held at Allahabad. Instead of their getting accolades from the Opposition, the Government has come for very sharp criticism both for what the Bill does not contain and for the provisions contained in the Bill. The Bill has dashed the hopes of the Opposition, of a comprehensive electoral reform, which hopes were raised because of the Prime Minister's repeated promises through the Presidential Address in 1985, his own address in Bombay to the Congress Party, and repeatedly he has been saying about bringing in comprehensive electoral reforms.

The Bill that we have got today or we are discussing from yesterday, touches, as we have all said, only the peripheral problems and that too not adequately.

The main hopes of the Opposition are geared to have a proportional representation system. Because, as the statistics have made it very clear and as has been shown by more than one speaker now, the popular will has never got reflected in the composition of the House. They very existence of the Congress Party as a ruling party is dependant on that very factor. So, I do not think that the Congress Party as long as it is a ruling party and based on a minority vote will ever bring such a measure which will mean its own doom. It will not do it. But that does not mean that one has to criticise and throw away through the window the system of proportional representation. The Opposition will

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demand it — this is a lop-sided system, the simple majority system which we have at the moment — not only because it will replace the Congress Party not only because it will bring the Opposition into power, but also because it is the only system which does not depend upon the marginal voter. In a simple majority system the vote shifts from this party to that party which shows up 3 per cent or 4 per cent, then the party is defeated at the polls, or the party wins at the polls. So, it is only on what the marginal voter will like, that the policy of the Government is determined and not in the national interests. This is perhaps a far more grave or serious concern, serious reason why we should change over from the simple majority to proportional representation and this may be made a subject matter of a national debate. I am not asking you to do it now, or to do it next year. You make it a subject matter for a national debate, which it has not hitherto been. Even at the time of the Constitution, there was no national debate as to which system of representation we should opt for.

Sir, We have all wanted political funding and Mr. Gadgil from the other side said that 98 crores of rupees would be required if three candidates of each Constituency have to be funded to the extent of around five lakhs of rupees. The election expenses limit is only Rs 1.5 lakh in most of the major States. In that way the expense will be much less. What is the style of the functioning of this Government? So much of money is being wasted in so many corners, in so many ways and in some money spheres. If that money is spent for this purpose, this amount will be nothing. Even personal protection of the Prime Minister requires more than Rs 500 crores and even the visits made to the States for election purposes cost more than Rs. 100 crores for one election. If this money can be spent, then Rs. 98 crores is not a sum, which cannot be given to the electorate for the purpose of political funding. The real reason why the Congress cannot do and will not do is that it will put the opposition in a better position and the opposition will not be

constrained for lack of money and that will again mean destruction of the Congress. That is why they are opposing State funding.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND): Mr. Deputy-Speaker, first of all I must thank all the hon. Members who took interest in the Amending Bills and had studied amply and expressed their views freely and did help the debate to realise the importance of the Amending Bills in view of the situation that has developed in the country today. I must thank all those who have made some relevant suggestions or otherwise also.

I would not like to take much time of the House on the points which have been raised in this House beyond the scope of the Amending Bills because the time is very short and the House has decided to pass those Bills today.

Sir, my humble political life started with my contesting elections since 1956. I want to say this to show how things have changed, how extraneous forces have been working in order to grab power and come to the seat. In 1956, I spent only Rs 82/- in a municipal election.(Interruptions) Sir, it is most unfortunate that Mr. Amal Datta does not realise the importance of what I say. You have come directly and I know how you have come. Why do you comment on somebody's life?

In 1967 when I come first to the Parliament, I spent only Rs 7500/- I am saying this because a very valid point was raised by Prof. Dandavate yesterday. We were together even before pre-independence in an institution...(Interruptions)

PROF. MADHU DANDAVATE: Even we can meet together if you come this side.

SHRI B. SHANKARANAND: The something can happen if you come this side also, with us, not otherwise.

Sir, all this exercise the House is doing

since independence when this Clause was put for adult franchise. Then the framers of the Constitution were involved in giving a political right to everyone irrespective of his economic situation. One man, one vote. Whether he is a multi-millionaire or a poor man living in a hut, he has one vote only. The situation in pre-independence period was entirely different. It was only the property owners who had the vote. And the people who did not possess any property worth the name, did not have the vote, they had no right to shape the political future of the country. It is only after independence that we have been able to shape the political, and economic situation and position of the country. We cannot transform the society by violent revolution. It is Gandhiji who brought independence in this country through non-violent revolution. Now the election process is one through which we are trying to transform the society, to create an egalitarian society through the process of elections and in that every one who is of the voting age, till now 21 years, has the right to participate in shaping the political future which will decide the economic situation of everybody in this country.

I had a very interesting experience when I had a discussion with the political leaders on this subject. As per the direction of the Prime Minister and as per his promise to Parliament, I did discuss various measures before the political party leaders. I had a very interesting discussion- discussion to the extent that some leader went on to say, leave alone the poor people getting the right to vote, let us have power to buy time from the TV; we are willing to pay money. As the advertisers are buying time on the television, one of the political leaders said that they were willing to buy the time. That shows how much money that political party has. I am not talking only of the wretched influence of money power on society while electing the Government of this country. There are other things which I had experienced while contesting elections right from the rural areas. In the election of 1984, leave alone the elimination of corrupt practices, the opposition party which set up a candidate against me, de-

ecided to eliminate me from the election scene. There was an attempt on my life in the election campaign thinking that, "Oh, this man is going to win with the help of the poor, how to defeat him just eliminate him".

SHRI THAMPAN THOMAS: What is the provision in the Bill?

SHRI B. SHANKARANAND: I am coming to that. Before adopting these measures, you must understand the social system in the country. It is not only money power and muscle power but the caste power also which is dominant. The dominant caste always rules the weaker sections. They are not allowed to vote according to their choice. So it is not only the money and muscle power but the social system also which is existing in the rural areas....

SHRI THAMPAN THOMAS: But the Prime Minister said otherwise.

SHRI B. SHANKARANAND: I will come to your State. Please wait. Regarding the communal parties I will tell you.

SHRI BASUDEB ACHARIA: You are having an alliance with them.

SHRI B. SHANKARANAND: Unless the weak men, the weak voters, economically weak men, socially weak men, suppressed and oppressed, have the necessary strength with them, free exercise of vote is going to be difficult. It is not the corrupt practice alone, it is the social system which is corrupting the very election system. Now to create a society which is above these things, we must see that these people, who are suppressed and oppressed, are given an opportunity and scope to participate in the election of their representatives. Is it done? And for that purpose under the leadership of Mr. Rajiv Gandhi, we have been able to explore as to how this poor man, the weak man can come and exercise his valuable right to send his representative. Now, who are these forces which do not want these weaker sections to come forward and vote? The forces are the dominant caste people.

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May be they are very few in the village but it is the caste that counts. The forces are the landlords who have the economic stronghold on the weaker sections. The forces are the political thugs who, at any cost, want to capture the power and rule this country. These are the forces which are trying to prevent the poorer sections of the country to come to the polling booth and vote. With them there are others also who very shrewdly, very intelligently participate in the process of rigging. Apart from booth capturing, a silent process of rigging of the polls also does take place. Now, these are the things. How they can be prevented is a problem. The recent experience in the various elections has shown us that these ugly powers are raising their heads. They are willing to do anything to capture power. They are willing to do anything to come to power, not for the sake of the welfare of the country but for their own sake, even at the cost of the interests of the nation. They are willing to sell the interests of the nation to come to power even by indulging in the activities which, I should say, are most detestable, condemnable. This is what is happening today. I must thank the Prime Minister, Shri Rajiv Gandhi that he has shown his courage and conviction to bring such provisions today before the House that as far as possible, we should see that protection is given to this weak man, the poor man, the majority of whom is in rural India. They should get strength and courage because they have conviction in democracy, not the moneyed man, not the landed gentry. They do not believe in democracy. Democracy in this country is required for the poor man because he represents more than seventy per cent. Democracy is not required for the rich people who want to exploit the poor people. Their definition of democracy is entirely different. Their democracy is for the rich gentry. Their democracy is for those who exploit the poor people. Their concept of people is entirely different. Real democracy is the one which will give power and strength to the poor people to shape the political destiny of this country. For those people democracy is

essential and to keep democracy in tact, perhaps these measures are essential.

I do not want to go into the other details because the leaders from both the sides have made my task very easy, especially the prime Minister who has said about the political philosophy for which we have brought these amending Bills. I should say again that let us not treat these amending Bills so lightly. I am happy that almost all of you who have spoken, have said nothing on the amending Bills. You have spoken something extraneous which is not concerned with the Bills. One or two parties which do not believe in the very system of the present elections have, of course said something else and the House knows who are those people and what is the concept of their democracy because they do not believe in the present system of elections. They are after the List System. They are after the proportional representation. But the concept of those people is limited to their own ideas of the political system....(*Interruptions*)

SHRIMATI GEETA MUKHERJEE (Panskura): May I know what is the conception of Your democracy? (*Interruptions*)

SHRI B. SHANKARANAND: Madam, the definition of my democracy is entirely different from that of yours. (*Interruptions*) Don't try to insult the people of this country who have brought us to this side by saying so. The people who have believed in the democracy which we believe in have brought us on this side. You are forgetting that. Don't forget that.

SHRI BASUDEB ACHARIA: You have come with the minority vote. (*Interruptions*)

SHRI B. SHANKARANAND: Mr. Deputy-Speaker, the hon. Member has said about the majority vote and minority vote. I want to give a very simple example. Perhaps though it is in a lighter vein still it will explain about the minority and majority in regard to what the Marxist Members have said. There was a running race. How many political parties have you got? We have 7 national

and 25 State parties. In the running race for 400 metres, a man who came first was declared first and was to be awarded the medal. Then rest of the people who could not reach the goal in time said what is this? We have run and if you add the distances that we have run, we are far more than that man's running distance and the medal should be given to us" This is what you saying. Because we got 40% or 45% of the votes and all of you put together got 50% or 55% of the votes, you think that you should come here. You have done that exercise from 1977-79. You have done that and the country has seen what you have done. You have been thrown out. Please don't speak about that. Now, what are you doing in West Bengal? My friends, Mr. Das Muni and the hon. lady Member have amply said what your democracy is. They have given a challenge to Prof. Dandavate to go and tour West Bengal and see the situation for himself so that he may know how democracy is functioning there.

SHRI BASUDEB ACHARIA: You can also go there and see yourself.

SHRI B. SHANKARANAND: Now, Sir, many hon. Members have spoken about one thing and that is that according to them many things have been left out in the Bill. They said about the delimitation. They asked why delimitation commission has not been set up before the next election. I have explained in my speech while introducing this Bill. I have said that it is not physically possible even if you set up the delimitation commission now. The Commission's work will not be complete by the time the next general elections take place.

Now, the rotation of seats was suggested. Under the direction of the Prime Minister, I had discussion with the political leaders. Many Members have said that there has been a lot of resentment in the constituencies where the seats are reserved for the Scheduled Castes and Scheduled Tribes. This was expressed by them. But I asked them, "How could we do it"? They say that the delimitation is the only answer; otherwise we cannot rotate these seats without

bringing forward an amendment to the Constitution. That was a taxing problem. Perhaps everybody has appreciated that thing.

Another point is regarding multi-membership. The Prime Minister did make it amply clear as to what was the problem and what was the solution. We said, the problem is yours and we have no problem. We have full faith and confidence in the Chief Election Commissioner. We do not have any problem. The problems and doubts have been expressed by you people. Now, may I inform the House that when I had discussion with the political leaders, everybody said that the Election Commission should be strengthened. Everyone said that the Election Commission should be strengthened. Of course, they did say that there should be multi-member Commission. But no one said anything about improving the system that is working in the present election Commission. Now, of course, you have made many suggestions. But, don't you think that the Amending Bill has ample provision to give him power to have authority over the people who are drafted for the work of the elections, during the election period and during the time of preparation of electoral rolls? Don't you see that? Of course, you have nothing to say against that.

Sir, an issue was raised about the banning of communal parties. The Prime Minister also made the point very clear. Nobody will say that I belong to any communal party either by overt or covert action in my political life. He will say, 'I don't belong to any communal party'. But now the House will see that as the Prime Minister has said we are appreciating and we are thankful to Prof. Dandavate and Mr. Haroobhai Mehta for the amendment that they have made and we have accepted their amendment. We are amending, I am moving it as a Government amendment in the form that is required and I think the House can appreciate how keen and interested we are to see that people who are really not wanted in the House are prevented from fighting the election and that is the reason why we have brought these vari-

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ous disqualifications. I need not go into the details of these various disqualifications.

Mr. Deputy-Speaker, Sir, many things were said about the non-serious candidates. How to eliminate non-serious candidates is definitely a problem because in my home town in Belgaum, for an Assembly election there were more than 3000 candidates and it was very difficult for the Election Commission to give them symbols, and all sorts of symbols were given, sticks and shoes and what not, because they could not find symbols. (Interruptions) I appreciate what the hon. Members said that we must find some solution to eliminate those people who create complications rather than help and assist for the smooth election process. But how do we do that? Suggestions came as to why not raise the deposit money to Rs. 10,000/- or Rs. 5000/-.

AN HON. MEMBER: Do that.

SHRI B. SHANKARANAND: Definitely you say 'do that'. But nobody openly comes forward to say that. Suppose there is a serious candidate who wants to fight elections and who is really economically poor and is really popular in his constituency. Do you want to prevent him because of this measure?

SHRI KAMAL CHAUDHARY (Hoshiarpur): Sir, it is not clear. The person who cannot poll votes must be put behind the bars, put under rigorous imprisonment and charged Rs 1 lakh as a penalty. He is holding this country and the democracy to ransom. That is the way to prevent him.

MR. DEPUTY SPEAKER: How can you say that before? The question of polling 10 per cent votes will come afterwards only.

(Interruptions)

SHRI B. SHANKARANAND: Of course I do not share the views of the hon. Member. What I say is, we must do everything in this

House very consciously to give the poor man not only the vote but also the opportunity to represent himself on behalf of the people and sit in this House along with us. That sort of thing we are all interested in and that is the purpose why this amending Bill has been brought.

Sir, regarding the registration of parties, one or two political parties have resisted. I do not know, the House may realise or understand or think as to why these two political parties are resisting for registration of political parties. As a matter of fact, every political party is required to be registered under the Symbols (Reservation and Allotment) Rules 1968. Every political party is required to do it. Now, in the present amending Bill, we are defining a political party for a purpose. All sorts of political parties are there in our country, political parties who believe in exploiting the weaker sections, political parties who with a sheer small number of organised strength can try to create disruption in the productive activities of this country and development activities of the country. There are political parties which, though not communal by name are communal. The hon. Member who spoke from that side about his State. Names are very national. Labels are very brand labels, very dignified labels but their content is communal. There are parties which are really communal. The intention is, should we allow these parties to exploit the democratic process in this country for their communal gains and ends and to create disunity and dissension in the country? No, we should not allow that. But it is also true that we should not drive them back to the wall and prevent them from entering into the mainstream of national life. The purpose of the Bill today is to attract them, to persuade them to join the mainstream of national life and forget their communal, religious, fundamentalist attitude in the entire process of election.

I need not go into these things because many of my colleagues on this side have replied to various points made by the other side. Much more, the Prime Minister has given the political philosophy on which we

have brought this Bill.

One thing about the youth of this country. From this side on behalf of all of us, the Prime Minister has paid very glowing tribute to the youth of this nation. The future of this country depends on them. They are the people who will really shape the unity and integrity of the country. Let us give tribute to the young Prime Minister of ours who has realised the strength, the ability, the quality, the honesty and the integrity of the modern youth who will definitely save this country from dissension and division, as certain political parties are interested in creating problems in the democratic process of this country.

Sir, with these words, I should say, let us not divide ourselves, as far as the major aspects of the Amendment Bills are concerned, because they are really going to strengthen the forces of democracy. Let us not divide ourselves on this. I wish that the House adopts these Bills unanimously.

MR. DEPUTY-SPEAKER: Before I put the motion for consideration of the Bill to vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division. Let the Lobbies be cleared—

The Lobbies have been cleared

The questions is:

"That the Bill further to amend the constitution of India be taken into consideration."

The Lok Sabha divided

15.20 hrs.

Division No. 8.

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Acharia, Shri Basudeb

Agarwal, Shri Jai Prakash

Akhtar Hasan, Shri

Alkha Ram, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Appalanarasimham, Shri P.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Baghel, Shri Pratapsinh

Bagun Sumbrui, Shri

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra, Kumari

Bala Goud, Shri T.

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimala

Banatwalla, Shri G.M

Banerjee, Kumari Mamata

Barman, Shri Palas

Basavaraj, Shri G.S.

Basavarajeswari, Shrimati

Basheer, Shri T.

Basu, Shri Anil

Bhagat, Shri H.K.L.

Bharat Singh, Shri

Bhardwaj, Shri Parasram

Bhoi, Dr. Krupasindhu

Bhoopathy, Shri G.

Bhosale, Shri Prataprao B.

Bhoye, Shri R. M.

Bhoye, Shri S.S.

Bhumij, Shri Haren

Bhuria, Shri Dileep Singh

Birbal Shri

Birendra Singh, Rao

Birinder Singh, Shri

Biswas, Shri Ajoy

Brahma Dutt, Shri

Budania, Shri Narendra

Buta Singh, S.

Chandrakar, Shri Chandulal

Chandrasekhar, Shrimati M.

Chandrashekarappa, Shri T.V.

Charles, Shri A.

Chatterjee, Shri Somnath

Chaturvedi, Shri Naresh Chandra

Chaturvedi, Shrimati Vidyavati

Chaudhary, Shri Manphool Singh

Chaudhry, Shri Kamal

Chavan, Shri Ashok Shankarrao

Chavda, Shri Ishwarbhai K.

Chidambaram, Shri P.

Choudhari, Shrimati Usha

Choudhary, Shri Jagannath

Choudhary, Shri Nandlal

Choudhary, Shri Samar Brahma

Chowdhary, Shri Saifuddin

Dalbir Singh, Shri

Dalwai, Shri Hussain

Damor, Shri Somjibhai

Dandavate, Prof. Madhu

Das, Shri Anadi Charan

Das, Shri Bipin Pal

Das, Shri R.P.

Das, Shri Sudarsan

Das Munsi, Shri Priya Ranjan

Data, Shri Amal

Dennis, Shri N.

Deo, Shri V. Kishore Chandra S.

Deora, Shri Murli

Devi, Prof. Chandra Bhanu

Dhariwal, Shri Shanti

Dhillon, Dr. G.S.

Gupta, Shri Janak Raj

Digal, Shri Radhakanta

Guraddi, Shri S. M.

Dighe, Shri Sharad

Halder, Prof. M.R.

Digvijaya Singh, Shri

Hannan Mollah, Shri

Dikshit, Shrimati Sheila

Hansda, Shri Matilal

Dinesh Singh, Shri

Harpal Singh, Shri

Dongaonkar, Shri Sahebrao Patil

Iyer, Shri V.S. Krishna

Dube, Shri Bhishma Deo

Jadeja, Shri D.P.

Engti, Shri Biren Singh

Jaffar Sharief, Shri C.K

Gadgil, Shri V. N.

Jagannath Prasad, Shri

Gadhvi, Shri B.K.

Jain, Shri Nihal Singh

Gaikwad, Shri Udaysingrao

Jain, Shri Virdhi Chander

Gamit, Shri C D.

Janarthanam, Shri Kadambur

Gandhi, Shri Rajiv

Jangde, Shri Khelan Ram

Ganga Ram, Shri

Jatav, Shri Kammodilal

Gavit, Shri Manikrao Hodlya

Jeevarathinam, Shri R.

Gehlot, Shri Ashok

Jena, Shri Chintamani

Ghosal, Shri Debi

Jhansi Lakshmi, Shrimati N.P.

Ghosh, Shri Bimal Kanti

Jhikram, Shri M. L.

Ghosh Gowsami, Shrimati Bibha

Jitendra Prasada, Shri

Gohil, Shri G.B.

Jitendra Singh, Shri

Gomango, Shri Giridhar

Jujhar Singh, Shri

Goswami, Shri Dinesh

Kalpana Devi, Dr. T.

Gowda, Shri H.N. Nanje

Kamal Nath, Shri

Guha, Dr. Phulrenu

Kamble, Shri Arvind Tulshiram

Gupta, Shri Indrajit

Kamla Kumari, Kumari

Kamson, Prof. Meijinlung	Mahajan, Shri Y.S.
Kaul, Shrimati Sheila	Mahendra Singh, Shri
Kaushal, Shri Jagan Nath	Makwana, Shri Narsinh
Keyur Bhushan, Shri	Malik Shri Purna Chandra
Khan, Shri Aslam Sher	Mallick, Shri Lakshman
Khan, Shri Khurshid Alam	Malviya, Shri Bapulal
Khan, Shri Mohd. Ayub (jhunjhunu)	Mane, Shri Murlidhar
Khan, Shri Zulfiquar Ali	Manorama Singh, Shrimati
Khattari, Shri Nirmal	Masudal Hossain, Shri Syed
Khirhar, Shri R.S.	Mavani, Shrimati Patel Ramaben Ramjibhai
Kidwai, Shrimati Mohsina	Meena, Shri Ram Kumar
Kinder Lal Shri	Mehta, Shri Haroobhai
Kisku, Shri Prithvi Chand	Meira Kumar, Shrimati
Kolandaivelu, Shri P.	Mishra, Shri G. S.
Krishna Kumar, Shri S.	Mishra, Shri Ram Nagina
Krishna Singh, Shri	Mishra, Shri Shripati
Kshirsagar, Shrimati Kesharbai	Mishra, Shri Umakant
Kuchan, Shri Gangadhar S.	Mishra, Shri Vijay Kumar
Kujur, Shri Maurice	Misra, Shri Nityananda
Kuppuswamy, Shri C.K.	Misra, Shri Satyagopal
Kurien, Prof. P.J.	Modi, Shri Vishnu
Lachchhi Ram, Shri	Mohanty, Shri Brajamohan
Law , Shri Asutosh	More, Prof. Ramkrishna
Lowang, Shri Wangpha	Motilal Singh, Shri
Madhuree Singh, Shrimati	Mukherjee, Shrimati Geeta
Mahabir Prasad, Shri	Mundackal, Shri George Joseph

Murmu, Shri Sidha Lal	Paswan, Shri Ram Bhagat
Murthy, Shri M.V. Chandrashekara	Patel, Dr. A.K.
Murty, Shri Bhattam Srirama	Patel, Shri Ahmed M.
Mushran, Shri Ajay	Patel, Shri C. D
Muttemwar, Shri Vilas	Patel, Shri G.I
Naik, Shri Shantaram	Patel, Shri Mohanbhai
Naikar, Shri D.K.	Patel, Shri Shanti Lal
Natwar Singh, Shri K.	Patel, Shri U.H.
Nawal Prabhakar, Shrimati Sunderwati	Pathak, Shri Ananda
Neekhra, Shri Rameshwar	Pathak, Shri Chandra Kishore
Negi, Shri Chandra Mohan Singh	Patil, Shri Balasaheb Vikhe
Odeyar, Shri Channaiah	Patil, Shri D.B
Oraon, Shrimati Sumati	Patil, Shri H.B.
Pande, Shri Raj Mangal	Patil, Shri Prakash V.
Pandey, Shri Damodar	Patil, Shri Shivraj V.
Pandey, Shri Kali Prasad	Patil, Shri Uttamrao
Pandey, Shri Madan	Patil, Shri Veerendra
Pandey, Shri Manoj	Patil, Shri Vijay N.
Panigrahi, Shri Chintamani	Patnaik, Shrimati Jayanti
Panigrahi, Shri Sriballav	Pattnaik, Shri Jagannath
Panika, Shri Ram Pyare	Penchalliah, Shri P
Panja, Shri A.K.	Peruman, Dr. P. Vallal
Pant, Shri K.C.	Pilot Shri Rajesh
Panwar, Shri Satyanarayan	Poojary, Shri Janardhana
Parashar, Prof. Narain Chand	Potdukhe, Shri Shantaram
Pardhi, Shri Keshao Rao	Pradhan, Shri K.N

Pradhani, Shri K.

Ranga, Prof. N.G.

Prakash Chandra, Shri

Ranganath, Shri K.H

Puran Chandra, Shri

Rao, Shri A.J.V. B. Maheswara

Purohit, Shri Banwari Lal

Rao, Dr. G. Vijaya Rama

Purushothaman, Shri Vakkom

Rao, Shri J. Chokka

Qureshi, Shri Aziz

Rao Shri J. Vengala

Rai, Shri I. Rama

Rao, Shri P.V. Narasimha

Rai, Shri Raj Kumar

Rao, Shri Srihari

Rai, Shri Ramdeo

Rao, Shri V. Krishna

Raj Karan Singh, Shri

Rao, Shri V. Sobhanadreeswara

Rajeshwaran, Dr. V.

Rath, Shri Somnath

Rajhans, Dr. G.S.

Rathawa, Shri Amarsinh

Raju, Shri Vijaya Kumar

Rathod, Shri Uttam

Ram, Shri Ram Ratan

Ratna, Shri N. Venkata

Ram, Shri Ramswaroop

Raut, Shri Bhola

Ram Awadh Prasad, Shri

Ravani, Shri Navin

Ram Dhan, Shri

Rawat. Shri Harish

Ram Prakash, Ch.

Rawat, Shri Kamla Prasad

Ram Samujhawan, Shri

Rawat, Shri Prabhu Lal

Ram Singh, Shri

Reddi, Shri C. Madhav

Ramachandran, Shri Mullappally

Reddy, Shri D. N.

Ramaiah, Shri B.B.

Reddy. Shri K. Ramachandra

Ramaiah, Shri Sode

Reddy, Shri P. Manik

Ramamurthy, Shri K.

Reddy, Shri S. Jaipal

Rampal Singh, Shri

Riyan, Shri Baju Ban

Rana Vir Singh, Shri

Roy, Dr. Sudhir

Saha, Shri Ajit Kumar	Sharma, Shri Nand Kishore
Saha, Shri Gadadhar	Sharma, Shri Nawal Kishore
Sahi, Shrimati Krishna	Sharma, Shri Pratap Bhanu
Sait, Shri Ebrahim Sulaiman	Shervani, Shri Saleem I
Salahuddin, Shri	Shingda, Shri D.B
Sambu, Shri C.	Shivendra Bahadur Singh, Shri
Sangma, Williamson	Siddiq, Shri Hafiz Mohd.
Sankhwar, Shri Ashkaran	Sidnal, Shri S.B.
Sankata Prasad, Dr.	Singaravadevel, Shri S.
Santosh Kumar Singh, Shri	Singh, Shri K. N.
Sanyal, Shri Manik	Singh, Shri Kamla Prasad
Satyendra Chandra, Shri	Singh, Shri Krishna Pratap
Sathe, Shri Vasant	Singh, Shri Lal Vijay Pratap
Sayeed, Shri P.M	Singh, Shri N. Tombi
Sen, Shri Binolanath	Singh, Shri S.D.
Sethi, Shri Ananta Prasad	Singh Deo, Shri K.P.
Sethi, Shri P.C.	Sinha, Shrimati Kishori
Shah, Shri Anoopchand	Sinha, Shri Satyendra Narayan
Shahabuddin, Syed	Sodi, Shri Mankuram
Shailesh Dr. B.L.	Solanki, Shri Kalyan Singh
Shaktawat, Prof. Nirmla Kumari	Somu, Shri N.V.N.
Shankarial Shri	Soren, Shri Harihar
Shankaranand Shri B.	Soz, Prof. Saifuddin
Shanmugam, Shri P.	Sreenivasa Prasad Shri V.
Shanti Devi, Shrimati	Sukhbuns Kaur, Shrimati
Sharma Shri Chiranji Lal	Sultanpuri, Shri K.D

Suman, Shri R.P.	Vanakar, Shri Punam Chand Mithabhai	
Sunadararaj, Shri N.	Venkatesan Shri P.R.S.	
Sunder Singh, Ch.	Verma, Shrimati Usha	
Surendra Pal Singh, Shri	Vijayaraghavan, Shri V.S.	
Suryawanshi, Shri Narsing	Vir Sen, Shri	
Swell, Shri G.G.	Vyas, Shri Girdhari Lal	
Tandel, Shri Gopal K.	Wasnik, Shri Mukul	
Tapeshwar Singh, Shri	Yadav, Shri Mahabir Prasad	
Thakkar, Shrimati Usha	Yadav, Shri R.N.	
Thara Devi, Kumari D.K.	Yadav, Shri Ram Singh	
Thomas, Prof. K.V.	Yadav, Shri Shyam Lal	
Thomas, Shri Thampan	Yadav, Shri Vijoy Kumar	
Thorat, Shri Bhausahab	Yadava, Shri Bal Ram Singh	
Thungon, Shri P.K.	Yadava, Shri D.P.	
Tigga, Shri Simon	Yashpal Singh, Shri	
Tilakdhari Singh, Shri	Yazdani, Dr. Golam	
Tiraky, Shri Piyus	Yogesh, Shri Yogeshwar Prasad	
Tomar, Shrimati Usha Rani	Zainal Abedin, Shri	
Tripathi, Shrimati Chandra	Zainul Basher, Shri	
Tripathi, Dr. Chandra Shekhar		
Tulsiram, Shri V.		
Tyagi, Shri Dharamvir Singh	Ayes	382
Van, Shri Deep Narain	Noes	Nil

MR. DEPUTY SPEAKER: Subject to correction*, the result of the division is:

*The following Members also recorded their votes for Ayes :

Shrimati Abida Ahmed, Sarvashree Gurudas Kamat, R.S. Sparrow, Ajitsinh Dabhi, Manoranjan Bhakta, Swami Prasad Singh, K. Mohandas, Sitaram J. Gavali, Chaudhary Raghuraj Singh, Shri Kalicharan Sakargaym, Dr. V.. Venkatesh and Shri Abdul Hamid.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted

MR. DEPUTY SPEAKER: Now we shall take up Clause by Clause consideration of the Bill. Now, we are taking up Clause 2. There is no amendment to Clause 2.

Before I put Clause 2 to the vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The Lobbies have been already cleared.

The question is:

"That Clause 2 stand part of the Bill."

The Lok Sabha divided

15.22 hrs.

Division No. 9

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Abdul Hamid, Shri

Acharia, Shri Basudeb

Agarwal, Shri Jai Prakash

Ahmed, Shrimati Abida

Akhtar Hsan, Shri

Alkha Ram, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Appalanarasimham, Shri P.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Baghel, Shri Pratapsinh

Bagun Sumbri, Shri

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Bala Goud, Shri T.

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimaia

Banatwalla, Shri G.M.

Banerjee, Kumari Mamata

Barman, Shri Palas

Basavarajeswari, Shrimati

Basheer, Shri T.

Basu, Shri Anil

Bhagat, Shri H.K.L.

Bhakta, Shri Manoranjan

Bharat Singh, Shri

Bhardwaj, Shri Parasram

Bhoi, Dr. Krupasindhu

Bhoopathy, Shri G.	Choudhary, Shri Jagannath
Bhosale, Shri Prataprao B.	Choudhary, Shri Nandlal
Bhoye, Shri R.M.	Choudhury, Shri Samar Brahma
Bhoye, Shri S.S.	Chowdhary, Shri Saifuddin
Bhumij, Shri Haren	Dabhi, Shri Ajitsinh
Bhuria, Shri Dileep Singh	Dalbir Singh, Shri
Birbal, Shri	Dalwai, Shri Hussain
Birendra Singh, Rao	Damor, Shri Somjibhai
Birinder Singh, Shri	Dandavate, Prof. Madhu
Biswas, Shri Ajoy	Das, Shri Anadi Charan
Brahma Dutt, Shri	Das, Shri Binipal
Budania, Shri Narendra	Das, Shri R.P.
Buta Singh, S.	Das, Shri Sudarsan
Chandrakar, Shri Chandulal	Das Munsii, Shri Priya Ranjan
Chandrasekhar, Shrimati M.	Datta, Shri Amal
Chandrashekharappa, Shri T.V.	Dennis, Shri N.
Charles Shri A.	Deo, Shri V. Kishore Chandra S.
Chatterjee, Shri Scmnath	Deo, Shri Murli
Chaturvedi, Shri Naresh Chandra	Dev., Prof. Chandra Bhanu
Chaturvedi, Shrimati Vidyavati	Dhariwal, Shri Shanti
Chaudhary, Shri Manphool Singh	Dhillon, Dr. G.S.
Chaudhry, Shri Kamal	Digal, Shri Radhakanta
Chavan, Shri Ashok Sankar Rao.	Dighe, Shri Sharad
Chavda, Shri Ishwarbhai K.	Digvijaya Singh, Shri
Chidambaram, Shri P.	Dikshit, Shrimati Sheila
Choudhari, Shrimati Usha	Dines Singh, Shri

Dongaonkar, Shri Sahebrao Patil

Hanᅇda, Shri Matilal

Dube, Shri Bhishma Deo

Harpal Singh, Shri

Engti, Shri Biren Singh

Iyer, Shri V.S. Krishna

Gadgil, Shri V.N.

Jadeja, Shri D.P.

Gadhvi, Shri B.K.

Jaffar Sharief, Shri C.K.

Gaikwad, Shri Udaysingrao

Jagannath Prasad, Shri

Gamit, Shri C.D.

Jain, Shri Nihal Singh

Gandhi, Shri Rajiv

Jain, Shir Virdhi Chander

Ganga Ram, Shri

Janarthanan, Shri Kadambur

Gavit, Shri Manikrao Hodlya

Jangde, Shri Khelan Ram

Gehlot, Shri Ashok

Jatav, Shri Kammodilal

Jeevarathinam, Shri R.

Ghosal, Shri Debi

Jena, Shri Chintamani

Ghosh, Shri Bimal Kanti

Jhansi Lakshmi, Shrimati N.P.

Ghosh Goswami, Shrimati Bibha

Jhikram, Shri M.L.

Gohil Shri G.B.

Jitendra Prasada, Shri

Gomango, Shri Giridhar

Jitendra Singh, Shri

Goswami, Shri Dinesh

Jujhar Singh, Shri

Gowda, Shri H.N. Nanje

Kabuli, Shri Abdul Rashid

Kalpana Devi, Dr. T.

Guha, Dr. Phulrenu

Kamal Nath, Shri

Gupta, Shri Indrajit

Kamat, Shri Gurudas

Gupta, Shri Janak Raj

Kamble, Shri Arvind Tulshiram

Guraddi, Shri S.M.

Kamla Kumari, Kumari

Halder, Prof. M.R.

Kamson, Prof. Meijinlung

Hannan Mollah, Shri

Kaul, Shrimati Sheila

Kaushal, Shri Jagan Nath	Mahendra Singh, Shri
Keyur Bhushan, Shri	Makwana, Shri Narsinh
Khan, Shri Aslam Sher	Malik, Shri Purna Chandra
Khan, Shri Khurshid Alam	Mallick, Shri Lakshman
Khan, Shri Mohd. Ayub (Jhunjhunu)	Malviya, Shri Bapulal
Khan, Shri Mohd. Ayub (Udhampur)	Mane, Shri Murlidhar
Khan, Shri Zulfiquar Ali	Manorama Singh, Shrimati
Khattri, Shri Nirmal	Masudal Hossain, Shri Syed
Khirhar, Shri R.S.	Mavani, Shrimati Patel Ramaben Ramjibhai
Kidwai, Shrimati Mohsina	Meena, Shri Ram Kumar
Kinder Lal, Shri	Mehta, Shri Haroobhai
Kisku, Shri Prithvi Chand	Meira Kumar, Shrimati
Kolandaivelu, Shri P.	Mishra, Shri G.S.
Krishna Kumar, Shri S.	Mishra, Shri Ram Nagina
Krishna Singh, Shri	Mishra, Shri Shripati
Kshirsagar, Shrimati Kesharbai	Mishra, Shri Umakant
Kuchan, Shri Gangadhar S.	Mishra, Shri Vijay Kumar
Kujur, Shri Maurice	Misra, Shri Nityananda
Kuppuswamy, Shri C.K.	Misra, Shri Satyagopal
Kumen, Prof. P.J.	Modi, Shri Vishnu
Lachchhi Ram, Shri	Mohandas, Shri K.
Law, Shri Asutosh	Mohanty, Shri Brajamohan
Lowang, Shri Wangpha	More, Prof. Ramkrishna
Madhuree Singh, Shrimati	Motilal Singh, Shri
Mahabir Prasad, Shri	Mukherjee, Shrimati Geeta
Mahajan, Shri Y.S.	Mundackal, Shri George Joseph

Murmu, Shri Sidha Lal	Patel, Dr. A.K.
Murthy, Shri M.V. Chandrashekara	Pate, Shri Ahmed M.
Murty, Shri Bhattam Srirama	Patel, Shri C.D.
Mushran, Shri Ajay	Patel, Shri G.I.
Muttemwar, Shri Vilas	Patel, Shri Mohanbhi
Naik, Shri Shantaram	Patel, Shri Shantilal
Naikar, Shri D.K.	Patel, Shri U.H.
Natwar Singh, Shri K.	Pathak, Shri Ananda
Nawal Prabhakar, Shrimati Sunderwati	Pathak, Shri Chandra Kishore
Neekhra, Shri Rameshwar	Patil, Shri Balasaheb Vikhe
Negi, Shri Chandra Mohan Singh	Patil, Shri D.B.
Odeyar, Shri Channaiah	Patil, Sri H.B.
Oraon, Shrimati Sumati	Patil, Shri Prakash V.
Pande, Shri Raj Mangal	Patil, Shri Shivraj V.
Pandey, Shri Damodar	Patil, Shri Uttamrao
Pandey, Shri Madan	Patil, Shri Veerendra
Pandey, Shri Manoj	Patil, Shri Vijay N.
Panigrahi, Shri Chintamani	Patnaik, Shrimati Jayanti
Panigrahi, Shri Sriballav	Pattnaik, Shri Jagannath
Panika, Shri Ram Pyare	Penchalliah, Shri P.
Panja, Shri A.K.	Peruman, Dr. P. Vallal
Pant, Shri K.C.	Pilot, Shri Rajesh
Panwar, Shri Satyanarayan	Poojary, Shri Janardhana
Parashar, Prof. Narain Chand	Potdukhe, Shri Shantaram
Pardhi, Shri Kesharao	Pradhan, Shri K.N.
Pawan, Shri Ram Bhagat	Pradhani, Shri K.

Prakash Chandra, Shri

Rana Vir Singh, Shri

Puran Chandra, Shri

Ranga, Prof. N.G.

Purohit, Shri Banwari Lal

Ranganath, Shri K.H.

Purushothaman, Shri Vakkom

Rao, Shri A.J.V.B. Maheswara

Qureshi, Shri Aziz

Rao, Dr. G. Vijaya Rama

Raghuraj Singh, Chaudhary

Rao, Shri J. Chokka

Rai, Shri I. Rama

Rao, Shri J. Vengala

Rai, Shri Raj Kumar

Rao, Shri P.V. Narasimha

Rai, Shri Ramdeo

Rao, Shri Srihari

Raj Karan Singh, Shri

Rao, Shri V. Krishna

Rajeshwaran, Dr. V.

Rao, Shri V. Sobhanadreeswara

Rajhans, Dr. G.S.

Rath, Shri Somnath

Raju, Shri Vijaya Kumar

Rathawa, Shri Amarsinh

Ram, Shri Ram Ratan

Rathod, Shri Uttam

Ravi, Shri Ramswaroop

Ratnam, Shri N. Venkata

Ram Awadh Prasad, Shri

Raut, Shri Bhola

Ram Dhan, Shri

Ravani, Shri Navin

Ram Prakash, Ch.

Rawat, Shri Harish

Ram Samujhawan, Shri

Rawat, Shri Kamla Prasad

Ram Singh, Shri

Rawat, Shri Prabhu Lal

Ramachandran, Shri Mullappally

Reddi, Shri C. Madhav

Ramaiah, Shri B.B.

Reddy, Shri B.N.

Ramaiah, Shri Sode

Reddy, Shri D.N.

Ramamurthy, Shri K.

Reddy, Shri K. Ramachandra

Ramashray Prasad Singh, Shri

Reddy, Shri P. Manik

Rampal Singh, Shri

Reddy, Shri S. Jaipal

Riyan, Shri Baju Ban	Sharma, Shri Chiranji Lal
Saha, Shri Ajit Kumar	Sharma, Shri Nand Kishore
Saha, Shri Gadadhar	Sharma, Shri Nawai Kishore
Sahi, Shrimati Krishna	Sharma, Shri Pratap Bhanu
Sait, Shri Ebrahim Sulaiman	Shervani, Shri Saleem I.
Sakargaym, Shri Kalicharan	Shingda, Shri D.B.
Salahuddin, Shri	Shivendra Bahadur Singh, Shri
Sambu, Shri C.	Siddiq, Shri Hafiz Mohd.
Sangma, Shri Williamsen	Sidnal, Shri S.B.
Sankhawar, Shri Ashkaran	Singaravadivel, Shri S.
Sankata Prasad, Dr.	Singh, Shri K.N.
Satyendra Chandra, Shri	Singh, Shri Kamla Prasad
Sathe, Shri Vasant	Singh, Shri Krishna Pratap
Sayeed, Shri P.M.	Singh, Shri Lal Vijay Pratap
Sen, Shri Bholanath	Singh, Shri N. Tombi
Sethi, Shri Ananta Prasad	Singh, Shri S.D.
Sethi, Shri P.C.	Singh, Shri Santosh Kumar
Shah, Shri Anoopchand	Singh Deo, Shri K.P.
Shahabuddin, Shri Syed	Sinha, Shrimati Kishori
Shailesh, Dr. B.L.	Sinha, Shri Satyendra Narayan
Shaktawat, Prof. Nirmala Kumari	Sodi, Shri Mankuram
Shaminder Singh, Shri	Solanki, Shri Kalyan Singh
Shankar Lal, Shri	Somu, Shri N.V.N.
Shankaranand, Shri B.	Soren, Shri Harihar
Shanmugam, Shri P.	Soz. Prof. Saifuddin
Shanti Devi, Shrimati	Sparrow, Shri R.S.

Sreenivasa Prasad, Shri V.

Sukhbuns Kaur, Shrimati

Sultanpur, Shri K.D.

Suman, Shri R.P.

Sundararaj, Shri N.

Sunder Singh, Ch.

Surendra Pal Singh, Shri

Suryawanshi, Shri Narsing

Swami Prasad Singh, Shri

Swell, Shri G.G.

Tandel, Shri Gopal K.

Tapeshwar Singh, Shri

Thakkar, Shrimati Usha

Thara Devi, Kumari D.K.

Thomas, Prof. K.V.

Thomas, Shri Thampan

Thorat, Shri Bhausahab

Thungon, Shri P.K.

Tigga, Shri Simon

Tilakdhari Singh, Shri

Tiraky, Shri Piyus

Tomar, Shrimati Usha Rani

Tripathi, Shrimati Chandra

Tripathi, Dr. Chandra Shekhar

Tulsiram, Shri V.

Tyagi, Shri Dharamvir Singh

Tytler, Shri Jagdish

Vanakar, Shri Punam Chand Mithabhai

Venkatesan, Shri P.R.S.

Verma, Shrimati Usha

Vijayaraghavan, Shri V.S.

Vir Sen, Shri

Vyas, Shri Girdhari Lal

Wasnik, Shri Mukul

Yadav, Shri Mahabir Prasad

Yadav, Shri R.N.

Yadav, Shri Ram Singh

Yadav, Shri Shyam Lal

Yadav, Shri Vijoy Kukar

Yadava, Shri Bal Ram Singh

Yadava, Shri D.P.

Yashpal Singh, Shri

Yazdani, Dr. Golam

Yogesh, Shri Yogeshwar Prasad

Zainal Abedin, Shri

Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to
correction,* the result of the division is:

*The following Members also recorded their votes for AYES :

Shri Deep Narain Van, Shri G.S. Basavaraju, Shri Kali Prasad Pandey, Shri Sitaram J. Gavali, Shri Manik Sanyal and Dr. Sudhir Roy.

Ayes ... 393

Noes ... Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted

Clause 2 was added to the Bill

Clause 1 (Short Title)

MR. DEPUTY-SPEAKER: Now we are taking up Clause 1.

Shri Shankaranand.

Amendment made:

Page 1, line 3,—

*for "(Sixty-second Amendment)"
substitute—*

"(Sixty-first Amendment)" (1)

(Shri B. ShaNKARANAND)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted

*Clause 1, as amended, was added to the
Bill*

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula and Title stand part of the Bill."

The motion was adopted

*The Enacting Formula and Title were
added to the Bill.*

SHRI B. SHANKARANAND: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: Already, the Lobbies are cleared. Therefore, I put the motion to the vote of the House.

The question is:

"That the Bill, as amended, be passed."

The Lok Sabha divided:

15. 15 hrs.

Division No. 10

AYES

Abbasi, Shri K.J.

Abdul Gafoor, Shri

Abdul Hamid, Shri

Acharia, Shri Basudeb

Agarwal, Shri Jai Prakash

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Alkha Ram, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Appalanarasimham, Shri P.

Arunachalam Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish	Bhumij, Shri Haren
Azad, Shri Ghulam Nabi	Bhuria, Shri Dileep Singh
Baghel, Shri Pratapsinh	Birbal, Shri
Begun Sumbrui, Shri	Birendra Singh, Rao
Bairagi, Shri Balkavi	Birinder Singh, Shri
Bairwa, Shri Banwari Lal	Biswas, Shri Ajoy
Baitha, Shri D.L.	Brahma Dutt, Shri
Bajpai, Dr. Rajendra Kumari	Budania, Shri Narendra
Bala Goud, Shri T.	Buta Singh, S.
Balaraman, Shri L.	Chandrakar, Shri Chandulal
Bali, Shrimati Vyjayanthimala	Chandrasekhar, Shrimati M.
Banatwalla, Shri G.M.	Chandrashekharappa, Shri T. V.
Banerjee, Kumari Mamata	Charles, Shri A.
Basavarajeswari, Shrimati	Chatterjee, Shri Somnath
Basavaraju, Shri G.S.	Chaturvedi, Shri Naresh Chandra
Basheer, Shri T.	Chaturvedi, Shrimati Vidyavati
Basu, Shri Anil	Chaudhary, Shri Manphool Singh
Bhagat, Shri H.K.L.	Chaudhry, Shri Kamal
Bhakta, Shri Manoranjan	Chavan, Shri Ashok Shanker Rao
Bharat Singh, Shri	Chavda, Shri Ishwarbhai K.
Bhardwaj, Shri Parasram	Chidambaram, Shri P.
Bhoi, Dr. Krupasindhu	Choudhari, Shrimati Usha
Bhoopathy, Shri G.	Choudhari, Shri Jagannath
Bhosale, Shri Prataprao B.	Choudhary, Shri Nandlal
Bhoye, Shri R.M.	Choudhury, Shri Samar Brahma
Bhoye, Shri S.S.	Chowdhary, Shri Saifuddin

Dabhi, Shri Ajitsinh	Gadhvi, Shri B.K.
Dalbır Singh, Shri	Gaikwad, Shri Udaysingrao
Dalwai, Shri Hussain	Gamit, Shri C.D.
Damor, Shri Somjibhai	Gandhi, Shri Rajiv
Dandavate, Prof. Madhu	Ganga Ram, Shri
Das, Shri Anadi Charan	Gavit, Shri Manikrao Hodlya
Das, Shri Bipin Pal	Geholt, Shri Ashok
Das, Shri R.P.	Ghosh, Shri Bimal Kanti
Das, Shri Sudarsan	Ghosh Goswami, Shrimati Bibha
Des Munsı, Shri Priya Ranjan	Gohil, Shri G.B.
Datta, Shri Amal	Gomango, Shri Giridhar
Dennis, Shri N.	Goswami, Shri Dinesh
Deo, Shri V. Kishore Chandra S.	Gowda, Shri H.N. Nanje
Deora, Shri Murlı	Guha, Dr. Phulrenu
Devi, Prof. Chandra Bhanu	Gupta, Shri Indrajit
Dhariwal, Shri Shanti	Gupta, Shri Janak Raj
Dhillon, Dr. G.S.	Guraddi, Shri S.M.
Digal, Shri Radhakanta	Halder, Prof. M.R.
Dighe, Shri Sharad	Hannan Mollah, Shri
Digvijaya Singh, Shri	Hasda, Shri Matilal
Dikshit, Shrimati Sheila	Harpal Singh, Shri
Dinesh Singh, Shri	Iyer, Shri V.S. Krishna
Dongaonkar, Shri Sahebrao Patil	Jadeja, Shri D.P
Dube, Shri Eshirna Deo	Jaffar Sharief, Shri C.K.
Engti, Shri Biren Singh	Jagannath Prasad, Shri
Gadgil, Shri V.N.	Jain, Shri Nihal Singh

Jain, Shri Viridhi Chander

Khattri, Shri Nirmal

Janarthanan, Shri Kadambur

Khirhar, Shri R.S.

Jangde, Shri Khelan Ram

Kidwai, Shrimati Mohsina

Jatav, Shri Kammodilal

Kisku, Shri Prithvi Chand

Jeevarathinam, Shri R.

Kolandaivelu, Shri P.

Jena, Shri Chintamani

Krishna Kumar, Shri S.

Jhansi Lakshmi Shrimati N.P.

Krishna Singh, Shri

Jhikram, Shri M.L.

Kshirsagar, Shrimati Kesharbai

Jitendra Prasada, Shri

Kuchan, Shri Gangadhar S.

Jitendra Singh, Shri

Kujur, Shri Maurice

Jujhar Singh, Shri

Kuppuswamy, Shri C.K.

Kabuli, Shri Abdul Rashid

Kurien, Prof. P.J.

Kalpana Devi, Dr. T.

Lachchhi Ram, Shri

Kamal Nath, Shri

Law, Shri Asutosh

Kamat, Shri Gurudas

Lowang, Shri Wangpha

Kamble, Shri Arvind Tulshiram

Madhuree Singh, Shrimati

Kamla Kumari, Kumari

Mahabir Prasad, Shri

Kamson, Prof. Meijinlung

Mahajan, Shri Y.S.

Kaul, Shrimati Sheila

Mehendra Singh, Shri

Kaushal, Shri Jagan Nath

Makwana, Shri Narsinh

Keyur Bhushan, Shri

Malik, Shri Purna Chandra

Khan, Shri Aslam Sher

Mallick, Shri Lakshman

Khan, Shri Khurshid Alam

Malviya, Shri Bapulal

Khan, Shri Mohd. Ayub (Jhunjhun)

Mane, Shri Murlidhar

Khan, Shri, Mohd. Ayub (Udhampur)

Manorama Singh, Shrimati

Khan, Shri Zulfiquar Ali

Masudal Hossain, Shri Syed

Mavani, Shrimati Patel Ramaben Ramjibhai	Nawal Prabhakar. Shrimati Sunderwati
Meena, Shri Ram Kumar	Neekhra, Shri Rameshwar
Mehta, Shri Harooqhai	Negi, Snri Chandra Mohan Singh
Meira Kumar, Shrimati	Odeyar. Shri Channaiah
Mishra, Shri G.S.	Oraon, Shrimati Sumati
Mishra, Shri Ram Nagina	Pande, Shri Raj Mangal
Mishra, Shri Shripati	Pandey, Shri Damodar
Mishra, Shri Umakant	Pandey, Shri Manoj
Mishra, Shri Vijay Kumar	Panigrahi, Shri Chintamani
Misra, Shri Nityananda	Panigrahi, Shri Sriballav
Misra, Shri Satyagopal	Panika, Shri Ram Pyare
Modi, Shri Vishnu	Panja, Shri A K.
Mohandas, Shri K.	Pant, Shri K.C.
Mohanty, Shri Brajamohan	Panwar, Shri Satyanarayan
More, Prof. Ramkrishna	Parashar, Prof. Narain Chand
Motilal Singh, Shri	Pardhi, Shri Keshao Rao
Mukherjee, Shrimati Geeta	Paswan, Shri Ram Bhagat
Mundackal, Shri George Joseph	Patel, Dr. A.K.
Murmu, Shri Sidha Lal	Patel, Shri Ahmed M.
Murthy, Shri M.V. Chandrashekara	Patel, Shri C.D.
Murty, Shri Bhattam Srirama	Patel, Shri G.I.
Mushran, Shri Ajay	Patel, Shri Mohanbhai
Muttemwar. Shri Vilas	Patel, Shri Shantilal
Naik, Shri Shantaram	Patel, Shri U. H.
Naikar, Shri D.K.	Patel, Shri Ananda
Natwar Singh, Shri K.	Pathak, Shri Chandra Kishore

Patil, Shri Balasaheb Vikhe

Raj Karan Singh, Shri

Patil, Shri D.S.

Rajeshwaran, Dr. V.

Patil, Shri H.B.

Rajhans, Dr. G.S.

Patil, Shri Prakash V.

Raju, Shri Vijaya Kumar

Patil, Shri Shivraj V.

Ram, Shri Ram Ratan

Patil, Shri Uttamrao

Ram, Shri Ramswaroop
Ram Awadh Prasad, Shri

Patil, Shri Veerendra

Ram Dhan, Shri

Patil, Shri Vijay N.

Ram Prakash, Ch.

Patnaik, Shrimati Jayanti

Ram Samujhawan, Shri

Pattanaik, Shri Jagannath

Ram Singh, Shri

Penchalliah, Shri P.

Ramachandran, Shri Mullappally

Peruman, Dr. P. Vallal

Ramaiah, Shri B.B.

Pilot, Shri Rajesh

Ramamurthy, Shri K.

Poojary, Shri Janardhana

Ramashray Prasad Singh, Shri

Potdukhe, Shri Shantaram

Rana Vir Singh, Shri

Pradhan, Shri K.N.

Ranga, Prof. N G.

Pradhani, Shri K.

Ranganath, Shri K.H.

Prakash Chandra, Shri

Rao, Shri A.J.V.B. Maheswara

Puran Chandra, Shri

Rao, Dr. G. Vijaya Rama

Purohit, Shri Banwari Lal

Rao, Shri J. Chokka

Purushothaman, Shri Vakkom

Rao, Shri J. Vengala

Qureshi, Shri Aziz

Rao, Shri P.V. Narasimha

Raghuraj Singh, Chaudhary

Rao, Shri Srihari

Rao, Shri, I. Rama

Rao, Shri V. Krishna

Rai, Shri Raj Kumar

Rao, Shri V. Sobhanadreeswara

Rao, Shri Ramdeo

Rath, Shri Somnath

Rathawa, Shri Amarsinh	Satyendra Chandra, Shri
Rathod, Shri Uttam	Sathe, Shri Vasant
Ratnam, Shri N Venkata	Sayeed, Shri P.M.
Raut, Shri Bhola	Sen, Shri Bholanath
Ravani, Shri Navin	Sethi, Shri Ananta Prasad
Rawat, Shri Harish	Sethi, Shri P.C.
Rawat, Shri Kamla Prasad	Shah, Shri Anoopchand
Rawat, Shri Prabhu Lal	Shahabuddin, Shri Syed
Reddi, Shri C. Madhav	Shailesh, Dr. B.L.
Reddy, Shri B.N.	Shaktawat, Prof. Nirmala Kumari
Reddy, Shri D.N.	Shaminder Singh, Shri
Reddy, Shri K. Ramachandra	Shaker Lal, Shri
Reddy, Shri P. Manik	Shankaranand, Shri B.
Reddy, Shri S. Jaipal	Shanmugam, Shri P.
Riyar, Shri Baju Ban	Shanti Devi, Shrimati
Saha, Shri Ajit Kumar	Sharma. Shri Chairanji Lal
Saha, Shri Gadadhar	Sharma, Shri Nand Kishore
Sahi, Shrimati Krishna	Sharma, Shri Nawal Kishore
Sait, Shri Ebrahirn Sulaiman	Sharma, Shri Pratap Bhanu
Sakargaym, Shri Kalicharan	Shervani, Shri Saleem I.
Salahuddin, Shri	Shingda, Shri D.B.
Sambu, Shri C.	Shivendra Bahadur Singh, Shri
Sangma, Shri Williamson	Siddiq, Snri Hafiz Mohd.
Sankhawar, Shri Ashkaran	Sidnal, Shri S.B.
Sankata Prasad, Dr.	Singaravadivel, Shri S.
Santosh Kumar Singh, Shri	Singh, Shri K.N.

Singh, Shri Kamla Prasad

Thara Devi, Kumari D.K.

Singh, Shri Krishna Pratap

Thomas, Prof. K.V.

Singh, Shri Lal Vijay Pratap

Thomas, Shri Thampan

Singh, Shri N. Tombi

Thorat, Shri Bhausaeheb

Singh, Shri S.D.

Thungon, Shri P.K.

Singh Deo, Shri K.P.

Tigga, Shri Simon

Sinha, Shrimati Kishori

Tilakdhari Singh, Shri

Sinha, Shri Satyendra Narayan

Tiraky, Shri Piyus

Sodi, Shri Mankuram

Ternar, Shrimati Usha Rani

Solanki, Shri Kalyan Singh

Tripathi, Shrimati Chandra

Somu, Shri N.V.N.

Tripathi, Dr. Chandra Shekhar

Soren, Shri Harihar

Tulsiram, Shri V.

Soz. Prof. Saifuddin

Tyagi, Shri Dharamvir Singh

Sparrow, Shri R.S.

Tytler, Shri Jagdish

Sreenivasa Prasad, Shri V.

Van, Shri Deep Narain

Sukhbuns Kaur, Shrimati

Vanakar, Shri Punam Chand Mithabhai

Sultanpur, Shri K.D.

Venkatesan, Shri P.R.S.

Suman, Shri R.P.

Verma, Shrimati Usha

Sundararaj, Shri N.

Vijayaragnavan, Shri V.S.

Sunder Singh, Ch.

Vir Sen, Shri

Surendra Pal Singh, Shri

Vyas, Shri Girdnari Lal

Suryawanshi, Shri Narsing

Wasnik, Shri Mukul

Swami Prasad Singh, Shri

Yadav, Shri Mahabir Prasad

Swell, Shri G.G.

Yadav, Shri R.N.

Tapeshwar Singh, Shri

Yadav, Shri Ram Singh

Thakkar, Shrimati Usha

Yadav, Shri Shyam Lal

Yadav, Shri Vijoy Kumar

Yadava, Shri D.P.

Yashpal Singh, Shri

Yazdani, Dr. Golam

Yogesh, Shri Yogeshwar Prasad

Zainal Abedin, Shri

Zainul Basher, Shri

MR. DEPUTY SPEAKER: Subject to correction*, the result of the division is:

Ayes 387

Noes Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The Bill, as amended, is passed by the requisite majority, in accordance with the provisions of Article 368 of the Constitution.

The motion was adopted

MR. DEPUTY-SPEAKER: I will now put the consideration motion regarding the Representation of the People (Amendment) Bill, 1988 to vote.

The question is:

"That the Bill further to amend the Representation of the people Act, 1950 and the Representation of the People Act, 1951, be taken into consideration."

The motion was adopted

MR. DEPUTY-SPEAKER: The House will now take up Clause-by-Clause consideration of the Bill.

Clause 2 (Amendment of Act 48 of 1950)

PROF. MADHU DANDAVATE: I beg to move:

Page 2, line 11,—

add at the end—

"after ensuring that independence of the Election Commission is assured by providing an executive machinery of the Election Commission fully independent of the Government's machinery" (19)

Page 2,—

after line 11, insert—

"Provided that if the Election Commission required the deployment of para-military forces in any constituencies during the elections, such deployment shall take place only with the concurrence of the concerned State Government." (20)

SHRI DINESH GOSWAMI: I beg to move:

Page 2,—

after line 11, insert—

"Provided that the provision of this section shall come into operation after the Parliament by law sets up an independent Secretariat of Election Commission and the Commission is given total authority over the

*The following Members also recorded their votes for AYES :

Sarvashri Ram Pal Singh, Balram Singh Yadav, Debi Ghoshal, Gopal K. Tandel, Kinder Lal, Kali Prasad Pandey, Sitaram J. Gavali, Manik Sanyal, Dr. Sudhir Roy, Shri Sode Ramaiah and Shri Madan Pandey.

[Sh. Dinesh Goshwami]

electrical staff employed by the Commission independent of the control of the Union Government." (40)

SHRI AMAL DATTA (Diamond Harbour): I beg to move:

Page 2, lines 9 to 11—

omit "and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission." (46)

SHRISOMNATH CHATTERJEE: I beg to move:

Page 2, line 8,—

after "shall" insert—

"subject to the consent of the State Government concerned". (57)

page 2, line 11,—

add at the end—

"only in respect of the work assigned to them in connection with the election and for no other purpose." (58)

SHRI SYED SHAHABUDDIN: I beg to move:

Page 2, line 10,—

after "the" insert "exclusive" (68)

SHRI C. MADHAV REDDI (Adilabad): I beg to move:

Page 2, line 8,—

for "deemed to be on deputation to" substitute—

"under the general superintendence of" (81)

Page 2,—

after line 11, insert—

"Explanation—For the purpose of this section, Election Commission means a multi-member Commission appointed under Article 324 as an independent body with an independent executive machinery in consultation with the Chief Justice of the Supreme Court of India and the Leader of Opposition, if any, in Parliament." (83)

SHRI THAMPAN THOMAS: I beg to move:

Page 2,—

after line 11, insert—

"Provided that the police and other force which are called for keeping the peace during the election time in the constituency shall be under the control of Election Commission, who shall have to take action against erring officers involved in influencing the election." (91)

SHRI SHANTARAM NAIK: I beg to move:

Page 2,—

after line 11, insert—

"Provided that notwithstanding any law providing for disciplinary/punishing and appellate/revisional authority governing services of any such officers or other employees, in the matter of acts of discipline during the course of election process, the Election Commission shall be sole disciplinary authority with powers to impose penalties, provided for under the law and, the

concerned law dealing with disciplinary matters related to the officers and employees concerned, shall stand amended to that extent for the limited purpose and, any provision with respect to the appeal and or revision available to the officers or other employees in the usual course, under the said law, shall stand suspended to that extent." (97)

SHRI INDRAJIT GUPTA: I beg to move:

Page 2, line 8,—

after "Commission" insert—

"Provided the State Government concerned agree" (119)

PROF. SAIFUDDIN SOZ: I beg to move:

Page 2, line 11,—

add at the end—

"exclusively provided that the Election Commission shall seek concurrence of the State Government concerned." (128)

SHRI SAIFUDDIN CHOWDHARY: I beg to move:

Page 2,—

after line 11, insert—

"Explanation:—For the purpose of this section, Election Commission means a three member Commission to be appointed by the President on the unanimous recommendations of a Selection Committee consisting of the Chief Justice of India, the Prime Minister and a leader of the opposition parties to

be selected by the national opposition parties and groups in Parliament." (136)

SHRI BASUDEB ACHARIA: I beg to move:

Page 2, line 8,—

for "be deemed to be on deputation to the Election Commission"

substitute "function under the Chief Election Officer of the State" (146)

(Interruptions)

MR. DEPUTY-SPEAKER: You have spoken already. Do you want to speak?

PROF. MADHU DANDAVATE: I will speak only for one minute. (Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar): What about your name?

MR. DEPUTY-SPEAKER: Only the first ten Members...

PROF. MADHU DANDAVATE: I wish to bring...

MR. DEPUTY-SPEAKER: Can I request the Members to be silent please?

(Interruptions)

PROF. MADHU DANDAVATE: Why are they making noise? I think, let us wait for one minute.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI JAGDISH TYTLER): Where is your leader Raja Saheb, who used to advocate lowering of voting age to 18 years? He has not cast his vote.

PROF. MADHU DANDAVATE: But your Maharaja did cast his vote.

[English]

Please be satisfied with your Maharaja.
(Interruptions)

You don't want support. Mr. Deputy-Speaker, in principal we have already accepted the fact that we want to strengthen the machinery of the Election Commission. But we want to go a step ahead and see that all the powers that are sought to be given regarding the officers to be appointed, in all that matter, we want to put a condition...

MR. DEPUTY-SPEAKER: Don't disturb when a Member is speaking.

PROF. MADHU DANDAVATE: I am putting the amendment. All these powers should be given after ensuring that independence of the Election Commission is assured by providing an executive machinery of the Election Commission, fully independent of the Government machinery. For that number of tasks are to be undertaken and free and fair elections are to be maintained. We had said the other day that if our Lok Sabha machinery and Rajya Sabha machinery had succeeded, it is because the machinery of the staff and the secretariat of the Lok Sabha are not the part and parcel either of the Union Government or the State Government. They are not persons who are taken on deputation from the Government. There is an independent machinery. Therefore, all over the country, there is an appreciation of the independent machinery of the Lok Sabha Secretariat. What under the inspiration of Shri Vithalbhair Patel and Dr. Mavalankar up to the present Speaker has been done is because of the independent machinery of the Lok Sabha. We want the same principle to be adopted. Here, I will conclude by telling that not only in our country but in other countries and even in England which is called the Mother of democracy, even there also unfair practices are there. Just for record I would like to point out to you that just as in our country the Election

Commission had to see that there is no purchase of votes there are no malpractices and there is no impact of money power, such a situation existed even in the Mother of Democracy. Sir, you will be surprised that in the 18th century in England even the constituencies were purchased and they were sold. To one Member who was elected by purchasing the constituency, one voter sent a letter saying that he should vote against the budget and against the excise duty. To that constituent and voter that member of Parliament wrote:

"Gentlemen, I have received your letter about excise and I am surprised at your insolence in writing to me at all. You know and I know that I bought this constituency. You know and I know that I am now determined to sell it. And you know what you think I don't know, that you are now looking for another buyer; and I know what you certainly don't know, that I have found another constituency to buy."

That is what the Member of Parliament in the House of Commons said!

Surely; we don't want such things to happen here. Therefore is the Election Commissioner has to take strong steps, he must not be under the pressure of the Government. Its staff and its machinery, whether it is State or Centre, should be an independent machinery like that of the Lok Sabha Secretariat. Therefore I am moving this amendment, I have not the least doubt, just as the Hon. Minister is going to accept another amendment of mine, in a similar manner he will also accept this amendment and prevent us to resort to voting.

SHRI DINESH GOSWAMI (Guwahati): Mr. Deputy Speaker Sir, the Hon. Prime Minister in his intervention has stated that he wants the Election Commission to be truly independent. You are trying to bring all officers on deputation to the Election Commission. My amendment is that, this provision will come into operation only after the Parliament by law sets up an independent secre-

tariat of the Election Commission and the Commission is given total authority over the electoral staff employed by the Commission independent of the control of the Union Government.

May I point out that this point was discussed during the Constituent Assembly debate? Dr. Ambedkar at that time stated that it may not be necessary to avoid deputation of staff; but when you are bringing every officer on deputation, that argument is no longer available. If you want to put every officer of the State Government on deputation to the Election Commission, it is imperative that the Election Commission staff is made totally independent like the one that we have now in the Lok Sabha and the Rajya Sabha Secretariats.

Therefore, I press this amendment that an independent secretariat should be constituted and the Election Commission should be given full independence. This clause should come into operation only after this secretariat is so constituted.

SHRI AMAL DATTA: Sir, the reason as to why I want this amendment is the same as already advanced by Prof. Dandavate and Mr. Dinesh Goswami. We have no reason to believe as of now that the Election Commission is fully independent or autonomous. Until that is assured, the Election Commission cannot be given the power proposed in the clause over the State Government employees. We want such power to be given; but only after the independence of the Election Commission has been ensured by suitable amendment for the appointment of the Chief Election Commissioner by a number of Members; a multi-member Election Commission; and a secretariat which is fully independent and autonomous of the control of the executive branch of the Government. And the members of the Election Commission should be removed from the temptation of future promotion or their career prospects like being appointed a Governor, as has been done in one case at least. If that is done, then this power can be given; but until that is done, this power cannot be given.

PROF. MADHU DANDAVATE: Sir, are you taking up separate amendments moved by the same person separately or all the amendments to the same clause together?

MR. DEPUTY-SPEAKER: There are so many amendments given. I am calling each person to move his amendment together to the same clause.

PROF. MADHU DANDAVATE: Just half a minute Sir. I have given a second amendment—No. 20—to the same clause.

My amendment is:

"Provided that if the Election Commission requires the deployment of para-military forces in any constituencies during the elections, such deployment shall take place only with the concurrence for the concerned State Governments."

It is our experience in Garhwal that if without the concurrence of the concerned State the para-military forces are put there—even the Chief Election Commissioner's observer has said that—the para-military forces tried to over-awe the voters and, therefore, they had to put off the entire election. Therefore, I stand by my second amendment.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Deputy Speaker, Sir, the Prime Minister said even the proposal to have a multi-member Election Commission shows lack of confidence in the Election Commission. I do not know why this proposal has been brought at all—this 13 cc clause 2. Where is the allegation that the Election Commission finds it difficult to carry out election work through the State Government officials? On the other hand I read out yesterday that when a direct challenge was made Supreme Court had gone into details of the matter and had given its considered verdict that the allegations made against the officers who are discharging the functions under the superintendence and control of the Election Commission they had done

[Sh. Somnath Chatterjee]

their duties properly. Now there is a provision which is sought to be introduced under which there will be 'deemed deputation'. I do not know whether the Law Minister has considered it. Deputation for what purposes? Do they become employees of the Election Commission for all purposes? When certain officers are assigned for election work even the Chief Electoral Officer he does not only discharge functions as Chief Electoral Officer but also he has got his other functions. In all the States this is happening. Now you do not have a separate independent set-up of the Election Commission at Delhi. You want to have separate Election Commission staff in the State Governments. This is an amazing attitude. That is why we say if the State Government wishes to spare some officers completely for election work then you take the consent of the State Government and subject to the consent of the State Government if they depute such staff or if they can release such staff you only take them and even then the deputation must be in respect of election work and nothing else.

Therefore, my amendment is subject to the consent of the State Government concerned they should be given to them and the deputation if any should only be in respect of the work assigned to them for elections and for no other purpose. Under the clause as it is framed they are completely dissociated from the State Government duties and functions and they come completely for all purposes under the Election Commission which is totally unnecessary. It will also create difficulties for the State Governments because they are assigned other work. Therefore, I am pressing that my amendment should be accepted. Let the hon. Minister apply their mind and find out how can there be total deputation during the period of election when other has to be discharged by them.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Deputy Speaker, Sir, the neutrality and the independence of the election staff must be guaranteed because that is the primary pre-condition for proper elections. In

fact, despite all that we have said in this Bill, rigging and booth capturing and so on cannot be eliminated unless we can ensure the neutrality and the independence of the staff deputed for the purpose.

I think 13 cc is a step in the right direction but, Sir, they are only partially on election work either during the time the electoral rolls are prepared or when the conduct of the election takes place. Now a member of the staff is under dual control. He has a parent department and a regime of dyarchy is very difficult to administer. Therefore, I feel that this aspect must be further emphasised by adding the word exclusion so that for this purpose he is not under dual control. He is not under diarchal regime and that he is under the sole and exclusive control of the Election Commission so that any act of omission or commission in respect of election work done by him while he is so engaged may invite and may visit upon him disciplinary action, including—I presume and I stand subject to correction by the hon. Law Minister—such punishments as suspension or even removal from office if he is actually—guilty. Unless this power is vested in the Election Commission that for that work connected with the Election Commission, he is under the exclusive control, that the State Government, from whosoever he comes, has absolutely no say in the matter that the Election Commission alone shall judge him whether he is right or wrong, whether he has committed a punishable disciplinary act or not, then only we can save the sanctity of the election. That is why I have suggested a very simple amendment so that you put the matter beyond any doubt that for that work he is under the exclusive control of the Election Commission.

SHRI C. MADHAV REDDI (Adilabad): Sir, clause 2 seeks to amend the Representation of the People Act, 1950, by inserting a new section 13 CC.

Before we go into this, let us see whether such a change is necessary and what is the present position with regard to the election machinery, the members of the

State Government, whether it is possible now to go ahead without this arrangement. Article 324(6) says:

"The President or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1)."

There is already a constitutional provision and the State Governments are under an obligation to make all the staff available to the Election Commission for discharging the functions. Now, you want to give the functions of disciplining the staff of the State Government to the Election Commission. That is the point. Even though it is wrong, in that case, the Constitution has to be amended. Article 324(6) is to be amended. Unless it is amended by providing in the Constitution saying that such staff shall be deemed to be on deputation to the Election Commission for the period during which the said staff is so employed, I am afraid the present amendment is violative of Article 324.

Sir, what is the need of such an amendment? First of all, what are the consequences of this amendment? The first consequence is that it will lead to dual administration because, as has been rightly pointed out by my colleagues, all these officers are in charge of various functions at the State Government. They are not exclusively working under the Election Commission. A Collector has to discharge several functions in the district as a Collector. In addition to that, he may be a returning officer of a parliamentary constituency. Now, suppose if disciplinary proceedings are started by the commission for some alleged erring of the Collector what will be the effect of this? Where are you keeping the State Government? The State Government will be totally in the dark if they do not know what proceedings are going on between the Commission and the erring officer. So, these disciplinary

functions have to be vested with the State Government itself as it is happening today; these officers have to be disciplined by the State Government and the Commission has to write to the State Government to take action against a particular officer.

The second consequence of this is that lakhs of officer—as I had pointed out yesterday—would be on deputation even though for a month or so. Everyone of these officers will have to be paid deputation allowance. If you calculate roughly, you will find out that an amount of about Rs. 25-30 crores per annum is required for revision of electoral rolls, for correction of rolls, for conducting elections, for conducting by-elections, etc., etc. The Government of India has to incur this huge amount of about Rs. 25-30 crores which is additional burden. Nothing has been said in the Financial Memorandum about this.

The third consequence of this would be that it will interfere with the State Government's work. I agree that the Election Commission has no separate staff in the States. They have to depend on the State Government's staff. But that does not mean that Election Commission take them over on deputation. It will lead to a lot of complications.

The hon. Prime Minister has said that it is proposed to strengthen the Election Commission. I do not see any proposal to strengthen the Election Commission. What are the proposals? Even if you do not have a multi-member Commission, if you want to strengthen the Commission today, the first thing that you have to do is to define the terms and conditions of his appointment; also to say that he will draw his salary differently from what he is doing today. Today, his salary is not a charge on the Consolidated Fund of India; it is voted by us. What is his constitutional status? Even though there is a mention in the Constitution, yet he does not have the same constitutional status as other officers, like C.A.G. etc. have. I think, there is no need for this amendment and I am opposed to it.

SHRI THAMPAN THOMAS: At the outset, I may say that unfortunately, the Government has opted to bring amendments only to certain provisions, and therefore, we cannot mention about provisions other than those. In fact, there is need to have an overall look at the Representation of the People Act. There are certain other provisions in the main Act which require amendments. I hope you will kindly give me a chance to speak in the third reading with regard to those important points. I am now speaking on my amendment only.

As my previous speaker spoke, we are all aware of the experience of the functioning and the influence exercised by the paramilitary forces and police forces at the time of elections in the various constituencies. This affects seriously the independence of the elections and the election machinery. Two things are important; one, whether the Election Commission be a real autonomous body, and two, the people should have belief in that machinery.

Unfortunately, yesterday though the Election Commission has notified elections to three Assemblies, Lok Sabha and Assembly by-elections have not been notified taking into account the convenience of the ruling party. This creates a suspicion in the minds of the electorates of this country. Therefore, if the electorate of this country has to have a real confidence in the Election Commission, it should not only be away from the influence of the Government, but it should also appear to be away from Government influence. In this context, the election Commission should be a multi-member body, and the paramilitary forces which work in the constituencies during the elections should also be independent of Government influence, so that the electorate has faith in them. In view of this I press my amendment.

SHRI SHANTARAM NAIK: Under 13 CC, the staff which will be brought on deputation to the Election Commission, obviously, the Election Commission would exercise control, superintendence, and discipline. The question is whether by virtue of

this amendment, he will be able to control, superintend, and exercise discipline on the officers and employees. Now, there are rules governing control and discipline with regard to each class of workers. For instance, for an Under Secretary, there are rules, Classification of Appeal Rules etc. There the authority has been mentioned. Under this amendment, the disciplinary authority for this class would remain the same. If an Under Secretary commits a mistake or commits indiscipline the Election Commission will have no power to impose penalty on him; he will write to the Chief Secretary to impose penalty on him. Therefore, absolutely no power of discipline will be given to the Election Commission. Actual power is vested under these rules only. My amendment says that the particular power which is vested in that disciplinary authority shall during the period of election process remain suspended and all these powers would be exercised by the Election Commission during that period.

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, my amendment is just like the amendment moved by Shri Somnath Chatterjee. The points which he has already covered, I am not going to cover them again. Instead I am giving some additional reasons as to why we wanted the approval of the State Government and also why the officers should not be used for any other purpose.

Sir, had there been a reconstitution of the Election Commission, we could have thought over this but without any reconstitution, this amendment is very important.

Secondly, Sir, it is an abridgement of the powers of the State Government. With all the declaration from the house-tops that there will be decentralisation of power, why suddenly you have this centralisation, I would like to know. Sir, prima facie I am not doubting any Election Commissioner as such. But, Sir, it is also true that the Election Commissioner's verdicts have been challenged in the courts and the courts have changed them many a time. Therefore, they are also not beyond the question. That is why I think, Sir, these two provisions should be there.

SHRI SAIFUDDIN CHOWDHARY (Katwa): Sir, my amendment is:

"For the purpose of this section, Election Commission means a three member Commission to be appointed by the President on the unanimous recommendations of a Selection Committee consisting of the Chief Justice of India, the Prime Minister and a leader of the Opposition parties to be selected by the national parties and groups in Parliament."

Now, Sir, we all know that our Constitution provides for a multi—Member Commission, there is nothing wrong when we moved this amendment. I take very serious objection to what the Prime Minister said while he was speaking and also what the Minister said. The Minister and also the Prime Minister said that they have no problem with the Election Commissioner; has problem with the Election Commissioner. Why should only opposition have problem with the Election Commissioner? Sir, by saying this you have cast aspirations on the Election Commissioner. Why are you happy with the Election Commissioner? Why should you be happy? If the Election Commissioner takes a decision to hold all the by—elections of Parliament—the power that is there with the Election Commissioner—who can prevent him from taking this decision? This is a vital question. You say that you are happy. Why are you happy, please tell us. Is that because it did not take decision to hold by election?

I have a magazine with me by the name. 'Probe'.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT): The Prime Minister said that there have been decisions taken by the the Election Commissioner which you have not liked and there have also been some decisions which we have not liked. That is what he said. You should take it in

that context. When he said that we want to strengthen the Election Commission, that does not mean that we have anything to do with not holding the Lok Sabha elections. We have always been prepared for the by—elections.

SHRI SAIFUDDIN CHOWDHARY: Sir, it is a very wrong way to try to appease a high official. It is not a good way.

Now, in this *Probe* of February, 1988, there is one interview of a former Election Commissioner, Shri S.L. Shaktidar, who is also known as a Constitutional expert. When he was asked,

"What kind of influences can be brought to bear on the Election Commissioner?"

he replied,

"It can be direct or through the Prime Minister's emissaries."

This was the reply.

There is one more question:

"If pressure continues on the Election Commissioner, what do you think will ultimately happen?"

The answer is:

"The Constitution will be subverted.

He was asked next:

"Apart from using constitutional methods, in what other ways can one put pressure on the Election Commissioner?"

Answer:

"One method can be to hold out some kind of a promise to the Commissioner

[Sh: Saifuddin Chowdhary]

and say that his future is safe in their (the powers that be) hands. I have not experienced it personally."

When a denial is made for the constitution of a multimember Election Commission and when they express their happiness over the present Commissioner, we get doubts. Of course, I do not doubt the integrity of the Commissioner. A man cannot be one hundred per cent perfect. But there should be institutional safeguards and people should understand that the Election Commission is impartial by its very constitution. It is a very democratic point and it has to be conceded if you have any faith in and respect for democracy. I do not want to take much of your time.

SHRI BASUDEB ACHARIA: My amendment is that the existing system should remain. I do not know what the intention of the Government is, when they say that the employees, staff, etc. who will be required for election work, will be deemed to be on deputation to Election Commission. Will this strengthen the Election Commission? I want to know whether this will create problems. As has been stated by my colleagues, these officers perform the election duties in addition to their normal work. For example, a District Magistrate or a Sub-Divisional Officer, etc. are appointed as returning officers. They have to attend to the work in their respective Departments. If they are deemed to be 'on deputation' to the Election Commission, what will happen to their work? Will they have to do election work only during this period of their deputation? This is not clear. Moreover, this amendment will also result in the erosion of the State Government's power. When the present systems is working well and when the officers perform these election duties in addition to their normal work, what is the intention of the Government in bringing about this amendment?

Secondly, unless the Election Commission is strengthened by making it a multi-

member body, unless it is made autonomous and independent, the present malady that is there cannot be stepped. Yesterday, Shri H.K.L. Bhagat observed that these steps would weaken the election Commission. These steps will not weaken the Election Commission. These will rather strengthen it. So, I feel that the present system which is functioning well should remain.

SHRI B. SHANKARANAND: Sir, I am surprised that the Opposition is divided on this issue.

PROF. MADHU DANDAVATE: They are complementary amendments. You will know it if you read them.

SHRI B. SHANKARANAND: Some hon. members in their anxiety and concern for the independence of the Election Commission have suggested certain amendments so that the Election Commission can really be independent and strong to exercise its power.

Some Members, especially from OPM and Telugu Desam are opposed to strengthening the hands of the Election Commission.

SOME HON. MEMBERS: NO.

SHRI BASUDEB ACHARIA: Who said that?

SHRI B. SHANKARANAND: You said that. I am not saying this. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY: Why are you allowing us to strengthen the hands? We want to strengthen the brain.

SHRI B. SHANKARANAND: I really appreciate your brains. The brains that you have...

PROF. MADHU DANDAVATE: When you reply, please note that each one of our Amendments is supported by all others. (*Interruptions*)

SHRI B. SHANKARANAND: I never thought that the Opposition will blow hot and cold at the same breath when they are proposing such Amendments. I never thought that.

Some Members say that staff should be given so that they really function better. I have no quarrel with that Amendment. But some Members have openly said, we are opposed to this Amendment. Now, tell me what is the fate of those who are suggesting something to strengthen this Amendment? What is your fate, when they are opposed to it?

PROF MADHU DANDAVATE: You tell your reaction.

SHRI B. SHANKARANAND: Then my reaction is, I do appreciate the concern of the hon. Members who are in favour of making the Election Commission independent. But do you want to say that the present Election Commission is not independent? Please let us know your views.

SHRI SAIFUDDIN CHOWDHARY: By doing so you are creating a suspicion in our minds....

SHRI B. SHANKARANAND: Let me know your views.

PROF. MADHU DANDAVATE: We are very clear that we want built-in safety valve to strengthen the Election Commission.

SHRI B. SHANKARANAND: Sir, this is not an occasion for discussing the Election Commission as such. I do not think it is the intention of the Opposition. Election Commission cannot be discussed in this way. I request the hon. Members not to talk something which will further reduce the strength of the Election Commission which is independent, which is a Constitutional authority.

SHRI SOMNATH CHATTERJEE: The Prime Minister and also the Law Minister have said that Article 324 does contem-

plate multi-member Election Commission.

is it a crime?

SHRI BASUDEB ACHARIA: What Shri H.K.L. Bhagat had said was that this will weaken the Election Commission. (*Interruptions*)

SHRI DINESH GOSWAMI: I want to know is it a suggestion of the Election Commission itself?

SHRI B. SHANKARANAND: Unless you listen to me, I won't be able to convince you. You please first try to learn how to listen to others.

First let me say Mr. Chatterjee, do not arrogate to yourself knowledge of all the legal and Constitutional matters.

SHRI SOMNATH CHATTERJEE: I am only reminding you. (*Interruptions*)

SHRI B. SHANKARANAND: It will reduce your dignity and respectability. I am advising you. You cannot arrogate to yourself all the knowledge in the world about law and Constitution.

SHRI SOMNATH CHATTERJEE: Who is doing that ? (*Interruptions*)

SHRI B. SHANKARANAND: Don't arrogate to your self as if you are the only man who understands law and Constitution.

SHRI SOMNATH CHATTERJEE: I am not the author of the Constitution.

SHRI B. SHANKARANAND: I know what they are doing in their State and that is why they are opposed to strengthening the hands of the Election Commission. They don't want to strengthen the Election Commission. They don't want the Election Commission to be independent. That is why they are opposed to it.

SHRI BASUDEB ACHARIA: What are you doing here? You don't want the Election Commission to be independent. All the multi—members will weaken the Election Commission.

SHRI B. SHANKARANAND: Regarding Staff about which had been spoken, the staff is really under the control of the Election Commission and Election Commission...(Interruptions)

Claiming the entire knowledge of law and Constitution....(Interruptions)

SHRI SOMNATH CHATTERJEE: Nobody has claimed it. I only said that Article 324 contained a reference to multi—member Election Commission. Where is arrogance here? (Interruptions)

SHRI B. SHANKARANAND: I know. You also know everything about the law. (Interruptions) I know what is the meaning of law in West Bengal. I know that also.

SHRI SAIFUDDIN CHOWDHARY: You know everything.

SHRI SATYAGOPAL MISRA (Tamluk): You only know cover—up.

MR. DEPUTY SPEAKER: Order, order. Why are you dragging that in here?

SHRI B. SHANKARANAND: I entirely condemn what he said against me personally.

(Interruptions)

MR. DEPUTY SPEAKER: Why are you diverting the Minister? (Interruptions)

SHRI B. SHANKARANAND: Please learn something about parliamentary dignity and other things. You learn something. You have come for the first time to Parliament. You should know. (Interruptions) This is the highest forum. You should know how to behave in Parliament. (Interruptions)

MR. DEPUTY SPEAKER: Why are you all shouting?

SHRI SATYAGOPAL MISRA: You have destroyed it.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Incurribles.

SHRI B. SHANKARANAND: Sir, I cannot reply to the shouting part of it.

MR. DEPUTY SPEAKER: Mr. Minister, you address the Chair.

(Interruptions)

SHRI B. SHANKARANAND: For the amusement of the House, may I tell one story Sir—just one story, so that the tension is reduced: In a court of law, one advocate was saying certain things. He shouted, thumped the desk, kicked in the air and blowed in the air. When the other advocate began replying, before the Judge, do you know what he started with? Without uttering a he made similar gestures. (Interruptions) The Judge asked him: "What are you doing?" The other advocate replied. "I am replying to the observations of that advocate. Can I do that? (Interruptions) I do not have that lung power to shout and reply. I do not do that. I can only reply to reasonable propositions and reasonable arguments. (Interruptions)

SHRIMATI GEETA MUKHERJEE: He is a model of humility just now.

SHRI B. SHANKARANAND: I can say I really appreciate the concern of those Members who want really to see that the Election Commission...(Interruptions) But do you want to say that the Election Commission is not independent?

SHRI SAIFUDDIN CHOWDHARY: Who said that?

SHRI B. SHANKARANAND: Is it your case? (interruptions) On the other hand,

this provision gives the Election Commission an authority over all the staff who are drafted for the purpose of election, during the election, and during the time of enumeration and finalizing the electoral rolls. We want to bring all the staff under the jurisdiction of the Election Commission for a brief period. I will read that, it says:

"The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed...."

The period is also mentioned there. It is not for all times. I will read further:

"...and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission."

We are bringing these people under the discipline of the Election Commission. There were complaints that the State machinery was also engaged in rigging, helping in booth-capturing, thinking that they are under the direct disciplinary jurisdiction of the State authorities...(Interruptions) We say: No; the Election Commission should have the jurisdiction during that period, i.e. disciplinary authority on these people. From this point of view, I request the hon. Members who are really opposing this provision, that they should not expose themselves, i.e. that they were not in favour of an independent Election Commission.

So, I am not accepting any one of their amendments.

SHRI SHANTARAM NAIK: I seek the leave of the House to withdraw my amendment, No. 97.

*Amendment No. 97 was, by leave,
withdrawn.*

MR. DEPUTY SPEAKER : Can I put rest of the amendments to the vote of the House?

PROF. MADHU DANDAVATE: We have given you in writing how to put these amendments.

MR. DEPUTY SPEAKER: Amendments 81, 19 and 136 have to be put to the vote of the House separately. The other amendments can be put together.

SHRI B SHANKARANAND: Let them not expose themselves in favour of the State having an authority for these elections so that it will help rigging in favour of the State Authority.

MR. DEPUTY SPEAKER: I will first put amendment no. 19 to the vote of the House. The question is:

Page 2, line 11,—

add at the end—

"after ensuring that independence of the Election Commission is assured by providing an executive machinery of the Election Commission fully independent of the Government's machinery". (19)

The Lok Sabha divided:

16.17 hrs.

Division No.11

AYES

Acharia, Shri Basudeb

Appalanarasimham, Shri P.

Baitha, Shri D.L.

Barman, Shri Palas

Basu, Shri Anil

Bhoopathy, Shri G.

Biswas, Shri Ajoy

Chatterjee, Shri Somnath

Choudhary, Shri Samer Brahma

Chowdhary, Shri Saifuddin

Dandavate, Prof. Madhu

Das, Sri R.P.

Datta, Shri Amal

Ghosh Goswami, Shrimati Bibha

Goswami, Shri Dinesh

Guraddi, Shri S.M.

Hannan Mollah, Shri

Hansda, Shri Matilal

Het Ram, Shri

Iyer, Shri V.S. Krishna

Janarthanan, Shri Kadambur

Jhansi Lakshmi, Shrimati N.P

Kalpana Devi, Dr. T.

Khan, Shri Mohd. Ayub (Udhampur)

Malik, Shri, Purna Chandra

Masudal Hossain, Shri Syed

Misra, Shri Satyagopal

Mukherjee, Shrimati Geeta

Murty, Shri Bhatram Srirama

Patel, Dr. A K.

Pathak, Shri Ananda

Patil, Shri D.B.

Ramashray Prasad Singh, Shri

Rao, Shri A.J.V.B. Maheswara

Rao, Dr. G. Vijaya Rama

Rao, Shri Srihari

Rao, Shri V. Sobhanadreeswara

Ratnam, Shri N. Venkata

Reddi, Shri C. Madhav

Reddy, Shri, B.N.

Reddy, Shri K. Ramachandra

Reddy Shri P. Manik

Riyan, Shri Baju Ban

Roy, Dr. Sudhir

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Sambu, Shri C.

Sanyal, Shri Manik

Shahabuddin, Shri Syed

*Sinha, Shri Satyendra Narain

Thomas, Shri Thampan

Tiraky, Shri Piyus

Tulsiram, Shri V.

Yadav, Shri Vijoy Kumar

Zainal Abedin Shri

NOES

Abbasi, Shri K.J.

Anmad, Shri Sarfaraz

*Wrongly voted for AYES.

Ahmed, Shrimati Abida	Birbal, Shri
Akhtar Hasan, Shri	Birinder Singh, Shri
Alkha Ram, Shri	Chandrashekarappa, Shri T.V.
Ansari, Shri Z.R.	Charles, Shri A.
Anthony, Shri P.A.	Chaturvedi, Shri Naresh Chandra
Arunachalam, Shri M.	Chaturvedi, Shrimati Vidyavati
Athithan, Shri R. Dhanuskodi	Chaudhary, Shri Manphool Singh
Awasthi, Shri Jagdish	Chaudhry , Shri Kamal
Azad, Shri Ghulam Nabi	Chavda, Shri Ishwarbhai K.
Baghel, Shri Pratapsinh	Chokka Rao, Shri J.
Bairagi, Shri Balkavi	Choudhari, Shrimati Usha
Bajpai, Dr. Rajendra Kumari	Choudhary, Shri Nandlal
Bala Goud, Shri T.	Dabhi, Shri Ajitsinh
Balaraman, Shri L.	Dalbir Singh, Shri
Banerjee, Kumari Mamata	Dalwai, Shri Hussain
Basavarajeswari, Shrimati	Damor, Shri Somjibhai
Basheer, Shri T.	Das, Shri Anadi Charan
Bhagat, Shri H.K.L.	Das, Shri Bipin Pal
Bhanu Pratap Singh, Shri	Das, Shri Sudarsan
Bharat Singh, Shri	Das Munsii, Shri Priya Ranjan
Bhardwaj, Shri Parasram	Dennis, Shri N.
Bhoi, Dr. Krupasinghu	Deora, Shri Murlii
Bhosale, Shri Prataprao B.	Digal, Shri Radhakanta
Bhoye, Shri S.S.	Dighe, Shri Sharad
Bhumij, Shri Haren	Digvijaya Singh, Shri
Bhuria, Shri Dileep Singh	Dikshit, Shrimati Sheila

Dube, Shri Bhishma Deo

Kamla Prasad Singh, Shri

Engti, Shri Biren Singh

Kamson, Prof. Meijinlung

Gadhvi, Shri B.K.

Kaul, Shrimati Sheila

Gaikwad, Shri Udaysingrao

Ken, Shri Lala Ram

Garnit, Shri C.D.

Keyur Bhusan, Shri

Gavit, Shri Manikrao Hodlya

Khan, Shri Aslam Sher

Gehlot, Shri Ashok

Khan, Shri Mohd. Ayub (Jhunjhunu)

Gholap, Shri S.G.

Kinder Lal, Shri

Ghosal, Shri Debi

Kisku, Shri Prithvi Chand

Gohil, Shri G.B.

Krishna Pratap Singh, Shri

Gomango, Shri Giridhar

Kshirsagar, Shrimati Kesharbai

Gopeshwar, Shri

Kuchan, Shri Gangadhar S.

Gounder, Shri A.S.

Kujur, Shri Maurice

Gowda, Shri H.N. Nanje

Kuppuswamy, Shri C.K.

Guha, Dr. Phulrenu

Kurien, Prof. P.J.

Gupta, Shrimati Prabhawati

Lachchhi Ram, Shri

Halder, Prof. M.R.

Law, Shri Asutosh

Harpal Singh, Shri

Madhuree Singh, Shrimati

Jain, Shri Virdhi Chander

Mahabir Prasad, Shri

Jangde, Shri Khelan Ram

Mahendra Singh, Shri

Jatav, Shri Kammodilal

Makwana, Shri Narsinh

Jena, Shri Chintamani

Malik, Shri Dharampal Singh

Jhikram, Shri M.L.

Mallick, Shri Lakshman

Jujhar Singh, Shri

Malviya, Shri Bapulal

Kamble, Shri Arvind Tulshiram

Manorma Singh, Shrimati

Kamla Kumari, Kumari

Mavani, Shrimati Patel Ramaben Ramjibhai

Mehta, Shri Haroobhai	Parashar, Prof. Narain Chand
Meirakumar, Shrimati	Pardhi, Shri Keshao Rao
Mishra, Shri G.S.	Paswan, Shri Ram Bhagat
Mishra, Dr. Prabhat Kumar	Patel, Shri Ahmed M.
Mishra, Shri Ram Nagina	Patel, Shri C.D.
Mishra, Shri Shripati	Patel, Shri G.I.
Mishra, Shri Uma Kant	Patel, Shri Mohanbhai
Mohandas, Shri K.	Patil, Shri Balasaheb Vikhe
Mohanty, Shri Brajamohan	Patil, Shri H.B.
More, Prof. Ramkrishna	Patil, Shri Prakash V.
Motilal Singh, Shri	Patil, Shri Shivraj V.
Mundackal, Shri George Joseph	Patil, Shri Uttamrao
Murmu, Shri Sidha Lal	Patil, Shri Veerendra
Murthy, Shri M.V. Chandrashekara	Patnaik, Shrimati Jayanti
Mushran, Shri Ajay	Panwar, Shri Satyanarayan
Naik, Shri Shantaram	Poojary, Shri Janardhana
Nawal Prabhakar, Shrimati Sunderwati	Potdukhe, Shri Shantaram
Neekhara, Shri Rameshwar	Prabhu, Shri R.
Negi, Shri Chandra Mohan Singh	Pradhan, Shri K.N.
Odeyar, Shri Channaiah	Pradhani, Shri K.
Oraon, Shrimati Sumati	Purushothaman, Shri Vakkom
Pandey, Shri Damodar	Pushpa Devi, Kumari
Pandey, Shri Madan	Qureshi, Shri Aziz
Pandey, Shri Manoj	Rai, Shri I. Rama
Panigrahi, Shri Sriballav	Rai, Shri Raj Kumar
Panika, Shri Ram Pyare	Raj Karan Singh, Shri

Rajhans, Dr. G.S.

Shahi, Shri Laliteshwar

Ram, Shri Ram Ratan

Shaktawat, Prof. Nirmala Kumari

Ram, Shri Ramswaroop

Shankaranand, Shri B.

Ram Awadh Prasad, Shri

Shankar Lal, Shri

Ram Dhan, Shri

Shanmugam, Shri P.

Ram Prakash, Ch.

Sharma, Shri Chiranji Lal

Ram Samujhawan, Shri

Sharma, Shri Nand Kishore

Ram Singh, Shri

Sharma, Shri Pratap Bhanu

Ramachandran, Shri Mullappally

Shastri, Shri Hari Krishna

Rampal Singh, Shri

Shervani, Shri Saleem I.

Rana Vir Singh, Shri

Shivendra Bahadur Singh, Shri

Ranganath, Shri K.H.

Siddiq, Shri Hafiz Mohd.

Rao, Shri J. Vengala

Sidnal, Shri S.B.

Rath, Shri Somanth

Singaravadivel, Shri S.

Rathawa, Shri Amarsinh

Singh, Shri Lal Vijay Pratap

Rathod, Shri Uttam

Singh, Shri S.D.

Ravani, Shri Navin

Singh Deo, Shri K.P.

Rawat, Shri Kamla Prasad

Sinha, Shrimati Kishori

Rawat, Shri Prabhu Lal

Sodi, Shri Mankuram

Sahi, Shrimati Krishna

Soren, Shri Harihar

Sakargaym, Shri Kalicharan

Sparrow, Shri R.S.

Salahuddin, Shri

Sreenivasa Prasad, Shri V.

Sankata Prasad, Dr.

Sukh Ram, Shri

Sayeed, Shri P.M.

Sultanpuri, Shri K.D.

Sen, Shri Bholanath

Suman, Shri R.P.

Shah, Shri Anoopchand

Sundararaj, Shri

Sunder Singh, Ch.	Yadav, Shri R.N.
Surendra Pal Singh, Shri	Yadav, Shri Ram Singh
Suryawanshi, Shri Narsingrao	Yadava, Shri D.P.
Swami Prasad Singh, Shri	Yazdani, Dr. Golam
Swell, Shri G.G.	Yogesh, Shri Yogeshwar Prasad
Tapeshwar Singh, Shri	Zainul Basher, Shri
Tariq Anwar, Shri	MR. DEPUTY—SPEAKER: Subject to correction* the result of the division is:
Thakkar, Shrimati Usha	Ayes: 55
Thara Devi, Kumari D.K.	Noes:239
Thorat, Shri Bhausahab	<i>The motion was negatived.</i>
Thungon, Shri P.K.	MR. DEPUTY—SPEAKER: I shall now put Amendment No. 81 moved by Shri Madhav Reddi to the vote of the House.
Tigga, Shri Simon	The question is :
Tilakdhari Singh, Shri	Page 2, line 8, —
Tombi Singh, Shri N.	for "deemed to be on deputation to " substitute—"under the general superintendence of " (81)
Tripathi, Shrimati Chandra	<i>The Lok Sabha divided:</i>
Tripathi, Dr. Chandra Shèkhar	16.20 hrs
Tyagi, Shri Dharamvir Singh	Division No 12.
Vanakar, Shri Punam Chand Mithabhai	AYES
Venkatesan, Shri P.R.S.	Acharia, Shri Basudeb
Verma, Shrimati Usha	Appalanarasimham, Shri P.
Vijayaraghavan, Shri V.S.	
Vir Sen, Shri	
Vyas, Shri Girdhari Lal	

The following Members also recorded their votes

AYES : Sarvashree B.B. Ramaiah, D. N. Reddy and P. Panchalliah.

NOES: Shri Abdul Hannan Ansari, Dr. B.L. Shailesh, Dr. G.S. Dhillon, Shrimati Prabhawati Gupta, Sarvashri Chandra Kishore Pathak, Satyendra Narayan Sinha, Mohd. Ayub Khan, Kall Prasad Pandey, Ramdeo Rai and Raj Mangal Pandey.

Banatwalla, Shri G.M.	Mukherjee, Shrimati Geeta
Barman, Shri Palas	Murty, Shri Bhattam Srirama
Basu, Shri Anil	Patel, Dr. A.K.
Bhoopathy, Shri G.	Pathak, Shri Ananda
Bhuria, Shri Dileep Singh	Patil, Shri D.B.
Biswas, Shri Ajoy	Penchalliah, Shri P.
Chatterjee, Shri Somnath	Ramaiah, Shri B.B.
Choudhury, Shri Samar Brahma	Ramashray Prasad Singh, Shri
Chowdhary, Shri Saifuddin	Rao, Shri A.J.V.B. Maheswara
Dandavate, Prof. Madhu	Rao, Dr.G. Vijaya Rama
Das, Shri R.P.	Rao, Shri Srihari
Datta, Shri Amal	Rao, Shri V. Sobhanadreeswara
Gosh Goswami, Shrimati Bibha	Ratnam, Shri N. Venkata
Goswami, Shri Dinesh	Reddi, Shri C. Madhav
Guraddi, Shri S.M.	Reddy, Shri B.N.
Hannan Mollah, Shri	Reddy, Shri Bezawada Papi
Hansda, Shri Matilal	Reddy, Shri K. Ramachandra
Het Ram, Shri	Reddy, Shri P. Manik
Iyer, Shri V.S. Krishna	Riyan, Shri Bajju Ban
Janarthanan, Shri Kadambur	Roy, Dr. Sudhir
Jhansi Lakshmi, Shrimati, N.P.	Saha, Shri Ajit Kumar
Kalpana Devi, Dr. T.	Saha, Shri Gadadhar
*Kamble, Shri, Arvind Tulshiram	Sait, Shri Ebrahim Sulaiman
Malik, Shri Purna Chandra	Sanyal, Shri Manik
Masudal Hossain, Shri Syed	Shahabuddin, Shri Syed
Misra, Shri Satyagopal	Thomas, Shri Thampan

*Wrangly voted for AYES.

Tiraky, Shri Piyus

Tulsiram, Shri V.

Yadav, Shri Vijay Kumar

Zainal Abedin, Shri

NOES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Ahmad, Shri Sarfaraz

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Alkha Ram, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z. R.

Antony, Shri P. A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Gulam Nabi

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Baitha, Shri D. L.

Bajpai, Dr. Rajendra Kumari

Bala Goud, Shri T.

Balaraman, Shri L.

Banerjee, Kumari Mamata

Basavarajeswari, Shrimati

Bhagat, Shri H. K. L.

Bharat Singh, Shri

Bhardwaj, Shri Parasram

Bhoi, Dr. Krupasindhu

Bhosale, Shri Prataprao B.

Bhoye, Shri S.S.

Bhumij, Shri Haren

Birbal, Shri

Birinder Singh, Shri

Chandrashekarappa, Shri T.V.

Charles, Shri A.

Chaturvedi, Shrimati Vidyavati

Chaudhary, Shri Manphool Singh

Chaudhry, Shri Kamal

Chavda, Shri Ishwarbhai K.

Chokka Rao, Shri J.

Choudhari, Shrimati Usha

Dabhi, Shri Ajitsinh

Dalbir Singh, Shri

Damor, Shri Somjibhai

Das, Shri Anadi Charan

Das, Shri Bipin Pal

Das, Shri Sudarsan

Das Munsi, Shri Priya Ranjan

Dennis, Shri N.

Deora, Shri Murli

Dhillon, Dr. G.S	Jangde, Shri Khelan Ram
Digal, Shri Radhakanta	Jatav, Shri Kammodilal
Dighe, Shri Sharad	Jeevarathinam, Shri R.
Digvijaya Singh, Shri	Jena, Shri Chintamani
Dikshit, Shrimati Sheila	Jitendra Prasada, Shri
Dube, Shri Bhishma Deo	Jujhar Singh, Shri
Engti, Shri Biren Singh	Kamla Kumari, Kumari
Gadhvi, Shri B.K.	Kamala Prasad Singh, Shri
Gaikwad, Shri Udaysingrao	Kamson, Prof. Meijinlung
Gamit, Shri C.D.	Kaul, Shrimati Sheila
Gavit, Shri Manikrao Hodlya	Ken, Shri Lala Ram
Gehlot, Shri Ashok	Keyur Bhushan, Shri
Gholap, Shri S.G.	Khan, Shri Aslam Sher
Ghosal, Shri Debi	Khan, Shri Mohd. Ayub (Jhunjhunu)
Gohil, Shri G.B.	Khan, Shri Mohd. Ayub (Udhampur)
Gomango, Shri Giridhar	Kinder Lal, Shri
Gopeshwar, Shri	Kisku, Shri Prithvi Chand
Gounder, Shri A.S.	Krishna Pratab Singh, Shri
Gowda, Shri H.N. Nanje	Kshirsagar, Shrimati Kesharbai
Guha, Dr. Phulrenu	Kuchan, Shri Gangadhar S.
Gupta, Shri Janak Raj	Kujur, Shri Maurice
Gupta, Shrimati Prabhawati	Kuppuswamy, Shri C.K.
Halder, Prof. M. R.	Kurien, Prof. P.J.
Harpal Singh, Shri	Lachchhi Ram, Shri
Jagannath Prasad, Shri	Law, Shri Asutosh
Jain, Shri Virdhi Chander	Madhuree Singh, Shrimati

Mahabir Prasad, Shri	Negi, Shri Chandra Mohan Singh
Mahendra Singh, Shri	Odeyar, Shri Channaiah
Makwana, Shri Narsinh	Oraon, Shrimati Sumati
Malik, Shri Dharampal Singh	Pande, Shri Raj Mangal
Mallick, Shri Lakshman	Pandey, Shri Damodar
Malviya, Shri Bapulal	Pandey, Shri Madan
Manorama Singh, Shrimati	Pandey, Shri Manoj
Mavani, Shrimati Patel Ramaben Ramjibhai	Panigrahi, Shri Sriballav
Mehta, Shri Haroobhai	Panika, Shri Ram Pyare
Meira Kumar, Shrimati	Parashar, Prof. Narain Chand
Mishra, Shri G.S.	Pardhi, Shri Kesharao
Mishra, Dr. Prabhat Kumar	Paswan, Shri Ram Bhagat
Mishra, Shri Ram Nagina	Patel, Shri Ahmed M.
Mishra, Shri Shripati	Patel, Shri C.D.
Mishra, Shri Umakant	Patel, Shri G.I.
Mohandas, Shri K.	Patel, Shri Mohanbhai
Mohanty, Shri Brajamohan	Patel, Shri U.H.
More, Prof. Ramkrishna	Pathak, Shri Chandra Kishore
Motilal Singh, Shri	Patil, Shri Balasaheb Vikhe
Mundackal, Shri George Joseph	Patil, Shri H.B.
Murmu, Shri Sidha Lal	Patil, Shri Prakash V.
Murthy, Shri M.V. Chandrashekara	Patil, Shri Shivraj V.
Mushran, Shri Ajay	Patil, Shri Uttamrao
Naik, Shri Shantaram	Patil, Shri Veerendra
Nawal Prabhakar, Shrimati Sunderwati	Patnaik, Shrimati Jayanti
Neekhra, Shri Rameshwar	Panwar, Shri Satyanarayan

Poojary Shri Janardhana

Rathawa, Shri Amarsinh

Potdukhe, Shri Shantaram

Rathod, Shri Uttam

Prabhu, Shri R.

Ravani, Shri Navin

Pradhan, Shri K. N.

Rawat, Shri Kamla Prasad

Pradhani, Shri K.

Rawat, Shri Prabhu Lal

Purushothaman, Shri Vakkom

Sahi, Shrimati Krishna

Pushpa Devi, Kumari

Sakargaym, Shri Kalicharan

Qureshi, Shri Aziz

Salahuddin, Shri

Rai, Shri I. Rama

Sankata Prasad, Dr.

Rai, Shri Raj Kumar

Sayeed, Shri P.M.

Rai, Shri Ramdeo

Sen, Shri Bholanath

Raj Karan Singh, Shri

Shah, Shri Anoopchand

Rajhans, Dr. G.S.

Shahi, Shri Laliteshwar

Ram, Shri Ram Ratan

Shailesh, Dr. B.L.

Ram, Shri Ramswaroop

Shaktawat, Prof. Nirmala Kumari

Ram Awadh Prasad, Shri

Shankaranand, Shri B.

Ram Dhan, Shri

Shankar Lal, Shri

Ram Prakash, Ch.

Shanmugam, Shri P.

Ram Samujhawan, Shri

Sharma, Shri Chiranji Lal

Ram Singh, Shri

Sharma, Shri Nand Kishore

Ramachandran, Shri Mullappally

Sharma, Shri Pratap Bhanu

Rampal Singh, Shri

Shastri, Shri Hari Krishna

Rana Vir Singh, Shri

Shervani, Shri Saleem I.

Ranganath, Shri K.H.

Shivendra Bahadur Singh, Shri

Rao, Shri J. Vengala

Siddiq, Shri Hafiz Mohd.

Rath, Shri Somnath

Sidnal, Shri S.B.

Singaravadivel, Shri S.	Thorat, Shri Bhausaheb
Singh, Shri Lal Vijay Pratap	Thungon, Shri P.K.
Singh, Shri S.D.	Tigga, Shri Simon
Singh Deo, Shri K.P.	Tilakdhari Singh, Shri
Sinha, Shrimati Kishori	Tombi Singh, Shri N.
Sinha, Shri Satyendra Narayan	Tripathi, Shrimati Chandra
Sodi, Shri Mankuram	Tripathi, Dr. Chandra Shekhar
Soren, Shri Harihar	Tyagi, Shri Dharamvir Singh
Sparrow Shri R.S.	Vanakar, Shri Punam Chand Mithabhai
Sreenivasa Prasad, Shri V.	Venkatesan, Shri P.R.S.
Sukh Ram, Shri	Verma, Shrimati Usha
Sultanpuri, Shri K.D.	Vijayaraghavan, Shri V.S.
Suman, Shri R.P.	Vir Sen, Shri
Sundararaj, Shri N.	Vyas, Shri Girdhari Lal
Sunder Singh, Ch.	Yadav, Shri R.N.
Surendra Pal Singh, Shri	Yadav, Shri Ram Singh
Suryawanshi, Shri Narsing	Yadava, Shri D.P.
Swami Prasad Singh, Shri	Yazdani, Dr. Golam
Swell, Shri G.G.	Yogesh, Shri Yogeshwar Prasad
Tapeshwar Singh, Shri	
Tariq Anwar, Shri	Zainul Basher, Shri
Thakkar, Shrimati Usha	
Thara Devi, Kumari D.K.	

MR. DEPUTY SPEAKER: Subject to correction*, the result of the Division is:

*The following Members also recorded their votes:

AYES: Shri D.N. Reddy .

NOES: Sarvashri Arvind Tulshiram Kamble, T. Basheer, M.L. Jhikram, Nandlal Choudhary, Kali Prasad Pandey and Naresh Chandra Chaturvedi.

AYES: 58

NOES: 246

The motion was negatived

MR. DEPUTY SPEAKER: I shall now put Amendment No. 136 moved by Shri Saifuddin Chowdhary to the vote of the House.

The question is:

Page 2, -

after line 11, insert -

"Explanation:- For the purpose of this section, Election Commission means a three member Commission to be appointed by the President on the unanimous recommendations of a Selection Committee consisting of the Chief Justice of India, the Prime Minister and a leader of the opposition parties to be selected by the national opposition parties and groups in Parliament."
(136)

The Lok Sabha divided

16.25 hrs.

Division No 13

AYES

Appalanarasimham, Shri P.

Barman, Shri Palas

Basu, Shri Anil

Bhoopathy, Shri G.

Biswas, Shri Ajoy

Chatterjee, Shri Somnath

Choudhary, Shri Samar Brahma

Chowhary, Shri Saifuddin

Dandavate, Prof. Madhu

Das, Shri R.P.

Datta, Shri Amal

Ghosh Goswami, Shrimati Bibha

Goswami, Shri Dinesh

Guraddi, Shri S.M.

Hannan Mollah, Shri

Hansda, Shri Matilal

Het Ram, Shri

Iyer, Shri V.S. Krishna

Janarathanan, Shri Kadambur

Jhansi Lakshmi, Shrimati N.P.

Kalpana Devi, Dr. T.

Malik, Shri Purna Chandra

Masudal Hossain, Shri Syed

Mishra, Shri Satyagopal

Mukherjee, Shrimati Geeta

Murty, Shri Bhattam Srirama

Patel, Dr. A.K.

Pathak, Shri Ananda

Patil, Shri D.B.

Penchalliah, Shri P.

Ramaiah, Shri B.B.

Ramashray Prasad Singh, Shri

Rao, Shri A.J.V.B. Maheswara

Rao, Dr. G. Vijaya Rama	Akhtar Hasan, Shri
Rao, Shri Srihari	Alkha Ram, Shri
Rao, Shri V. Sobhanadreeswara	Ansari, Shri Abdul Hannan
Ratnam, Shri N. Venkata	Ansari, Shri Z.R.
Reddi, Shri C. Madhav	Anthony, Shri P.A.
Reddy, Shri B.N.	Arunachalam, Shri M.
Reddy, Shri D.N.	Athithan, Shri R. Dhanuskodi
Reddy, Shri K. Ramachandra	Awasthi, Shri Jagdish
Reddy Shri P. Manik	Azad, Shri Ghulam Nabi
Riyan, Shri Baju Ban	Baghel, Shri Pratapsinh
Roy, Dr. Sudhir	Bairagi, Shri Balkavi
Saha, Shri Ajit Kumar	Baitha, Shri D. L.
Saba, Shri Gadadhar	Bala Goud, Shri T.
Sambu, Shri C.	Balaraman, Shri L.
Sanyal, Shri Manik	Banerjee, Kumari Mamata
Shahabuddin, Shri Syed	Basheer, Shri T.
Thomas, Shri Thampan	Bharat Singh, Shri
Tiraky, Shri Piyus	Bhardwaj, Shri Parasram
Tulsiram, Shri V.	Bhoi, Dr. Krupasindhu
Yadav, Shri Vijoy Kumar	Bhosale, Shri Prataprao B.
Zainal Abedin, Shri	Bhoye, Shri S.S.
NOES	Bhumij, shri Horen
Abbasi, Shri K.J.	Bhuria, Shri Dileep Singh
Abdul Ghafoor, Shri	Birbal, Shri
Ahmad, Shri Sarfaraz	Birinder Singh, Shri
Ahmed, Shrimati Abida	Chandrashekarappa, Shri T.V.

Charles, Shri A.	Gadhvi, Shri B.K.
Chaturvedi, Shri Naresh Chandra	Gaikwad, Shri Udaysingrao
Chaturvedi, Shrimati Vidyavati	Gamit, Shri C.D.
Chaudhary, Shri Manphool Singh	Gavit, Shri Manikrao Hodlya
Chaudhry, Shri Kamal	Gehlot, Shri Ashok
Chavda, Shri Ishwarbhai K.	Gholap, Shri S.G.
Chokka Rao, Shri J.	Ghosal, Shri Debi
Choudhari, Shrimati Usha	Gohil, Shri G.B.
Choudhary, Shri Nandlal	Gomango, Shri Giridhar
Dabhi, Shri Ajitsinh	Gopeshwar, Shri
Dalbir Singh, Shri	Gounder, Shri A.S.
Dalwai, Shri Hussain	Gowda, Shri H.N. Nanje
Damor, Shri Somjibhai	Guha, Dr. Phulrenu
Das, Shri Bipin Pal	Gupta, Shri Janak Raj
Das, Shri Anadi Charan	Gupta, Shrimati Prabhawati
Das, Shri Sudarsan	Halder, Prof. M.R.
Das Munsii, Shri Priya Ranjan	Harpal Singh, Shri
Dennis, Shri N.	Jagan Nath Prasad, Shri
Deora, Shri Murli	Jain, Shri Virdhi Chander
Dhillon, Dr. G.S.	Jangde, Shri Khelan Ram
Digal, Shri Radhakanta	Jatav, Shri Kammodilal
Dighe, Shri Sharad	Jeevarathinam, Shri R.
Digvijaya Singh, Shri	Jena, Shri Chintamani
Dikshit, Shrimati Sheila	Jhikram, Shri M.L.
Dube, Shri Bhishma Deo	Jujhar Singh, Shri
Engti, Shri Biren Singh	Kamble, Shri Arvind Tulshiram

Kamla Kumari, Kumari	Manorma Singh, Shrimati
Kamla Prasad Singh, Shri	Mavani, Shrimati Patel Ramaben Ramjibhai
Kamson, Prof. Meijinlung	Mehta, Shri Haroobhai
Kaul, Shrimati Sheila	Meria Kumar, Shrimati
Ken, Shri Lala Ram	Mishra, Shri G.S.
Keyur Bhusan, Shri	Mishra, Dr. Prabhat Kumar
Khan, Shri Aslam Sher	Mishra, Shri Ram Nagina
Khan, Shri Mohd. Ayub (Jhunjhunu)	Mishra, Shri Shripati
Khan, Shri Mohd. Ayub (Udhampur)	Mishra, Shri Uma Kant
Kinder Lal, Shri	Mohandas, Shri K.
Kisku, Shri Prithvi Chand	Mohanty, Shri Brajamohan
Krishna Pratap Singh, Shri	Mohan, Prof. Ramkrishna
Kshirsagar, Shrimati Kesharbai	Motilal Singh, Shri
Kuchan, Shri Gangadhar S.	Mundackal, Shri George Joseph
Kujur, Shri Maurice	Murmu, Shri Sidha Lal
Kuppuswamy, Shri C.K.	Murthy, Shri M.V. Chandrashekhara
Kurien, Prof. P.J.	Mushran, Shri Ajay
Lachchhi Ram, Shri	Naik, Shri Shantaram
Law, Shri Asutosh	Neekhra, Shri Rameshwar
Madhuree Singh, Shrimati	Nagi, Shri Chandra Mohan Singh
Mahabir Prasad, Shri	Odeyar, Shri Channaiah
Mahendra Singh, Shri	Oraon, Shrimati Sumati
Makwana, Shri Narsinh	Pande, Shri Raj Mangal
Malik, Shri Dharampal Singh	Pandey, Shri Damodar
Mallick, Shri Lakshman	Pandey, Shri Kali Prasad
Malviya, Shri Bapulal	Pandey, Shri Madan

Pandey, Shri Manoj	Pushpa Devi, Kumari
Panigrahi, Shri Sriballav	Qureshi, Shri Aziz
Panika, Shri Ram Pyare	Rai, Shri I. Rama
Parashar, Prof. Narain Chand	Raj, Shri Raj Kumar
Pardhi, Shri Keshao Rao	Rai, Shri Ramdeo
Paswan, Shri Ram Bhagat	Raj Karan Singh, Shri
Patel, Shri Ahmed M.	Rajhans, Dr. G.S.
Patel, Shri C.D.	Ram, Shri Ram Ratan
Patel, Shri G.I.	Ram, Shri Ramswaroop
Patel, Shri Mohanbhai	Ram Awadh Prasad, Shri
Patel, Shri U.H.	Ram Dhan, Shri
Pathak, Shri Chandra Kishore	Ram Prakash, Ch.
Patil, Shri Balasaheb Vikhe	Ram Singh, Shri
Patil, Shri H.B.	Ramachandran, Shri Mullappally
Patil, Shri Prakash V.	Rampal Singh, Shri
Patil, Shri Shivraj V.	Rana Vir Singh, Shri
Patil, Shri Uttamrao	Ranganath, Shri K.H.
Patil, Shri Veerendra	Rath, Shri Somnath
Patnaik, Shrimati Jayanti	Rathawa, Shri Amarsinh
Panwar, Shri Satyanarayan	Rathod, Shri Uttam
Poojary, Shri Janardhana	Ravani, Shri Navin
Potdukhe, Shri Shantaram	Rawat, Shri Kamia Prasad
Prabhu, Shri R.	Rawat, Shri Prabhu Lal
Pradhan, Shri K.N.	Sahi, Shrimati Krishna
Pradhani, Shri K.	Sakargaym, Shri Kalicharan
Purushothaman, Shri Vakkom	Salahuddin, Shri

Sankata Prasad, Dr.	Sparrow, Shri R.S.
Sayeed, Shri P.M.	Sreenivasa Prasad, Shri V.
Sen, Shri Bholanath	Sukh Ram, Shri
Shah, Shri Anoopchand	Sultanpuri, Shri K.D.
Shahi, Shri Laliteshwar	Suman, Shri R.P.
Shailesh, Dr. B.L.	Sundararaj, Shri
Shaktawat, Prof. Nirmala Kumari	Sunder Singh, Ch.
Shankaranand, Shri B.	Surendra Pal Singh, Shri
Shankar Lal, Shri	Suryawanshi, Shri Narsingrao
Shanmugam, Shri P.	Swami Prasad Singh, Shri
Sharma, Shri Chiranjilal	Swell, Shri G.G.
Sharma, Shri Nand Kishore	Tapeshwar Singh, Shri
Sharma, Shri Pratap Bhanu	Tariq Anwar, Shri
Shastri, Shri Hari Krishna	Thakkar, Shrimati Usha
Shervani, Shri Saleem I	Thara Devi, Kumari D.K.
Shivendra Bahadur Singh, Shri	Thorat, Shri Bhausaheb
Siddiq, Shri Hafiz Mohd.	Thungon, Shri P.K.
Sidnal, Shri S.B.	Tigga, Shri Simon
Singaravadevel, Shri S.	Tilakdhari Singh, Shri
Singh, Shri Lai Vijay Pratap	Tombi Singh, Shri N.
Singh, Shri S.D.	Tripathi, Shrimati Chandra
Singh Deo, Shri K.P.	Tripathi, Dr. Chandra Shekhar
Sinha, Shrimati Kishori	Tyagi, Shri Dharamvir Singh
Sinha, Shri Satyendra Narayan	Vanakar, Shri Punam Chand Mithabhai
Sodi, Shri Mankuram	Venkatesan, Shri P.R.S.
Soren, Shri Harihar	Verma, Shrimati Usha

Vijayaraghavan, Shri V.S.

Vir Sen, Shri

Vyas, Shri Gridhari Lal

Yadav, Shri R.N.

Yadav, Shri Ram Singh

Yadava, Shri D.P.

Yazdani, Dr. Golam

Yogesh, Shri Yogeshwar Prasad

Zainul Basher, Shri

MR. DEPUTY SPEAKER: Subject to correction*, the result of the division is:

Ayes : 54

Noes : 247

The motion was negatived

MR. DEPUTY SPEAKER: Now I shall put the remaining Amendments to Clause 2 to the vote of the House.

Amendments Nos. 20, 40, 46, 57, 58, 68, 83, 91, 119, 128 and 146 were put and negatived.

MR. DEPUTY SPEAKER: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill.

Clause 3

(Amendment of Section 2)

SHRI AMAL DATTA (Diamond Harbour): I beg to move:

Page 2, lines 18 and 19,—

omit "registered with the Election Commission as a political party under section 29A. (47)

SHRI C. MADHAV REDDI (Adilabad): I beg to move:

Page 2, —

for lines 17 to 19, substitute —

'(f) " Political party" means an association or body of individual citizens of India recognised by the Election Commission for the purposes of allotment of symbols under the Election Symbols (Reservation and Allotment) Order 1968." (84)

MR. DEPUTY SPEAKER: I shall now put Amendments Nos. 47 and 84 to Clause 3 to the vote of the House.

Amendments Nos. 47 and 84 were put and negatived

MR. DEPUTY SPEAKER: The question is :

"That Clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill

Clause 4

(Amendment of Section 3)

*The following Members also recorded their votes:

AYES: Shri Basudeb Acharia.

NOES: Dr. Rajendra Kumari Bajpai, Shri Bhanu Pratap Singh, Shrimati Sunderwati Nawal Prabhakar and Shrimati Basavarajeswari.

SHRI SHANTARAM NAIK: I beg to move:

Page 3, —

after line 29, insert —

"(e) any provisions of Forest Act, 1927, Forest Conservation Act, 1980, the Environment (Protection) Act, 1986 or any other law relating to preservation, protection or improvement of environment." (1)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 2, lines 26 and 27. —

Omit "language, etc., and doing acts prejudicial to maintenance of harmony" (7)

Page 2, line 35, —

for "classes" substitute "communities" (8)

Page 3, —

Omit lines 1 to 5. (9)

page 3, —

omit lines 9 to 11. (10)

Page 3, lines 12 and 13, —

Omit "section 125 (offence of promoting enmity between classes in connection with the election) or" (11)

Page 3, —

after line 17, insert -

(i) the Prevention of Corruption Act, 1988 (j) the Official Secrets Act, 1923," (12)

Page 3, line 30, —

omit "and sentence to imprisonment for not less than six months." (13)

Page 3,—

after line 33, insert —

"(2A) A person guilty of female infanticide including the destruction of female foetus (excepting in Medical Termination of Pregnancy) shall be disqualified for a period of six years." (14)

PROF. MADHU DANDAVATE: I beg to move:

Page 3, —

after line 17, insert —

(i) section 7 of the Religious Institutions (Prevention of Misuse) Act, 1988," (21)

Page 3, —

after line 19, insert —

"(1A) A candidate shall also be disqualified for a period of six years if his declaration of assets is found to be false by a court of law." (22)

SHRI THAMPAN THOMAS: I beg to move:

Page 3, —

after line 19, insert —

" 1A) A person shall also be disqualified for six years, if it is found that he was holding any office of profit under the Government of India or any legislative body or was a Chairman and/or a director of a society, public limited company and/or corporation," (36)

SHRI SAIFUDDIN CHOWDHARY : I
beg to move:

Page 3,

after line 39, insert —

“(4) Any person, contesting an elec-
tion, exploiting the religious feelings of
the people during campaign like visit-
ing the places of worship, extracting
religious oath from the people or
making religious appeal for furthering
his or her and the party's prospect in
the election shall be deemed to be
committing an offence which shall
disqualify him for six years from con-
testing and election” (59)

SHRI SHANTARAM NAIK: I beg to
move

Page 3, line 30, —

for “six months” substitute “one month”
(98)

SHRI ANADI CHARAN DAS : I beg to
move:

Page 3,—

after line 19, insert —

“(1A) A person who is —

- (a) drug addict and who is habitu-
ated to wine or addicted to any
other intoxication; or
- (b) guilty of tax evasion; or
- (c) having properties, both movable
and immovable in excess of ceil-
ing; or
- (d) having more than one wife or
concubine; or
- (e) having more than one house or

fifty grams of gold.”

Shall also be disqualified for a period of six
years. (115)

Page 3,—

after line 33, insert—

“(2A) A person guilty of harassing the
share croppers shall also be
disqualified for a period of six
years.” (116)

SHRI BRAJAMOHAN MOHANTY: I
beg to move:

Page 3, lines 31 to 33,—

Omit “ and shall continue to be dis-
qualified for a further period of
six years since his release.”
(122).

SHRI VIJOY KUMAR YADAV : I beg to
move:

Page 2, line 35.—

for “classes” substitute “castes and
communities” (129)

Page 3, line 13 —

for “classes” substitute “castes and
communities” (130)

SHRI AJAY MUSHRAN: I beg to move:

Page 3, line 19,—

add at the end

“except for conviction under the
Narcotic Drugs and Psy-
chotropic Substances Act, 1985
for which disqualification shall
be for twelve years from the date
of such conviction.” (138)

SHRI THAMPAN THOMAS: I beg to move:

Page 3,—

after line 33, insert —

“Provided that a person who is convicted of violating the law relating to adulteration of food or drugs, being an office bearer of a cooperative society or having mere association with that association in that capacity but is not involved in the actual process of adulteration of food or drugs, shall not be disqualified.”(156):

SHRI B. SHANKARANAND: I beg to move”

page 3,—

after line 11, insert-

“(h) section 7 (Offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988, or” (163).

Page 3, line 12,-

for ‘(h) substitute (i)’ (164)

SHRI SHANTARAM NAIK: Various Acts have been mentioned here like the Food Adulteration Act, Dowry Prohibition Act, Commission of Sati Act, etc. And you are providing for six months imprisonment for the offences committed under these Acts. But one important Act has been omitted for which we are all concerned and that is the protection of Environment Act. Therefore, my amendment says that any person who commits offence under various Acts mentioned in clause 4, any item relating to preservation and improvement of environment shall also be included. If we are concerned with the preservation of the environment, this item has to be included.

Secondly, six months conviction which is provided under the Bill should be reduced to one month because no court of law awards punishment upto six months. It will give punishment for one month. Only. Therefore, this period should be reduced to one month.

SHRIMATI GEETA MUKHERJEE: In clause 4(1) various offences punishable under section 153 A of the Indian Penal Code have been mentioned. In that there is the section for “promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony”. Here since this is a question of disqualification for standing, I would like that ‘language’ be taken out from here, and also the words ‘acts prejudicial to maintenance of harmony’. Why do I want this is, say, if today there is a big agitation for the inclusion of Manipuri language in the Eighth Schedule and if some others construe it to be enmity with another language, that can be a disqualifying clause. Therefore, I do not want the word ‘language’ to remain here for this purpose. Then, Sir, ‘harmony’ also is a very wide word. It can be used for anything that it is disturbing harmony. Therefore, for this disqualification clause, I think that ‘harmony’ should also go out.

Then Sir, I come to sub-clause (d) on page 3, lines 1 to 5 where it is said what are the offences for which one may be disqualified. It is said “sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association, offence relating to contravention of an order made in respect of a notified places “ I do not want this clause to remain like this. Who will be interpreting what unlawful activity is? We have had a very pungent experience. Our party in West Bengal was declared unlawful and from that organisation, from underground, Kansari Halder did contest and won by a thumping majority, which is often not found in any other constituency. Now, if Kansari Halder would have contested today, he would have been barred by this unlawful

[Smt. Geeta Mukherjee]

business. I know that at the end of it there are certain other things which will be put on my test by Shankaranand Ji, that is, about religious places, etc. But for that there is another law. That law has already been proposed and you have agreed to take it up. So, for that the whole unlawful need not be entered. Who knows *Ali Samrat Kali She bandi Kutire Rajar Pratidwandi*? Today you may be an emperor, tomorrow you may be a prisoner. So, think over before making this general unlawful as a clause.

Then, Sir, my next amendment is about the terrorist and disruptive activities. Now, those who are convicted under this law will also be debarred from standing. We are against terrorists. I need not declare that we are paying our blood for fighting against the terrorists. But when this law was passed, we vehemently opposed because this encompasses the whole area where absolutely innocent people may also be convicted in the Special Courts and then they will be out of it. Then they will have this clause of not being able to stand against them. So, this can be used for that purpose. Therefore, I want total deletion of this sub-clause (g) that is, the conviction under the Terrorists and Disruptive Activities (Prevention) Act should not be a disqualifying clause.

Then, where there are laws on which this conviction is to be taken as disqualifying clause, among them I have also wanted the inclusion of two laws. One is the Prevention of Corruption Act, 1988 which has been agreed upon on principle. Harobhai Ji did thank for it. I do not claim to be thanked but thank that it has been taken up. I have also included another Act along with it — the Official Secrets Act of 1923. Should a person, who has been proved as a foreign agent, be allowed to stand? I do not think so. Therefore, the Official Secrets Act also should be a disqualifying clause.

Then, Sir, there is another clause given here. That is regarding the sub-clause(2) where the Dowry Prohibition Act, the

Commission of Sati (Prevention) Act, etc. have been mentioned. If one is convicted under these Acts, then a sentence to imprisonment for not less than six months shall be disqualified etc. etc. I do not think that six months should be the criterial. For supporting Sati if one has been convicted, say, for less than six months, there is no reason why for supporting Sati he should not be debarred from this. Therefore, I wanted that the words "sentence to imprisonment for less than six months" to be taken out of this. In the beginning itself, it is there, that is a person convicted by a court in India for contravention of".

That is enough. So, this period of six months is not necessary here.

Then Sir, I have added another point that there cannot be any law quoted. But I believe a law will definitely be passed on this, that is, person guilty of female infanticide including the destruction of female fetus, exception in medical termination of pregnancy, shall be disqualified for a period of six years. About that law, you have not said. That idea should come into this Bill and the persons convicted of this crime should be forthwith disqualified.

Sir, one more amendment I have forgotten. From my point of view, it is very important. Now, there is one thing. One will be debarred under the Penal Code. But I do not agree with the Penal Code on this question, that is, regarding and offence of making statement for creating or promoting enmity or hatred or ill-will between two classes. Now, Sir, in our language, there is a definition of classes, that is, economically oppressed class and exploited class. So, I want that the word 'community' should be there instead of 'classes' because they are at the receiving end.

PROF. MADHU DANDAVATE (Rajapur): Sir, I have two amendments. One amendment that one of the grounds of the disqualification should be section 7 of the religious Institution (Prevention of Misuse) Act 1988 and if that is violated, that should be

the disqualification. The hon. Minister has already move a separate amendment and therefore I will not press it. It is an identical amendment. Of course, it could have been passed. He could allow my amendment to be passed. But he does not want the Opposition amendment to be passed. It does not matter. But one good thing that has happened is that my amendment to sub-clause (i) you are putting under (h). You are upgrading my amendment. So I don't mind it.

Then my amendment 22 is another ground for disqualification. That is a candidate shall be disqualified for a period of six years if his declaration of his assets is found to be false by a court of law. We want that candidate should file his assets and liability statement to the Returning Officer and on any occasion on their submitting them if the court finds that it is false, in that case also this should be the ground for disqualification. Here also just as the first one you have accepted, you will follow suit and you will accept the second one.

SHRI THAMPAN THOMAS (Mavelikara): Sir, I have two amendments, that is, Amendment No. 36 and Amendment No. 156. Sir, amendment No 36. intends to say which are the offices of profit. Several people who hold offices, connected with the Government, said that it is not clearly defined and therefore my amendment suggests that a person shall also be disqualified for six years if he is holding any office of profit in the Government of India or any legislative body or a chairman or a Director of a society, public limited company or a Corporation. Sir, the inclusion of the people in a public limited company and other Government bodies is well known. Therefore, to exclude them I have brought in this amendment. The second amendment No. 156 is arising out of my own personal experience. It was brought to the notice of the House that the main thing has not been included as disqualification because the small fishes have been caught and the big fishes are escaping.

Sir, under the anti-corruption law where there is a charge, such people who are

convicted on that ground are not disqualified and also people who give the secrets of this country to other countries and involve in such activities are not debarred. I would like to say that under the Food Adulteration Act the onus of proof is on the accused and the person being a President or an office bearer of a cooperative society, is merely elected because of his public activity. But the onus of proof is on him and also he is in possession of an article which was adulterated by somebody else because something is purchases for the purpose of sale, which is found in his possession, which is an offence and he is convicted and it is mandatory that the court has to impose a conviction if it is found in the possession of a cooperative society. Suppose the President of a Super Bazar is there. In a Super Bazar there are 20 or 25 agencies. There when the proof is taken against a person, he has to be convicted by a Magistrate. Such people cannot be left. Recently two cases have come to me, about which I know personally. There also the same thing happened. With these two things I would like my suggestions to be taken note of and my amendments accepted.

SHRI SAIFUDDIN CHOWDHARY: Mr. Deputy-Speaker, Sir my amendment No. 59 reads like this:

- "(4) Any person, contesting an election, exploiting the religious feelings of the people during campaign like visiting the places of worship, extracting religious oath from the people or making religious appeal for furthering his or her and the party's prospect in the election shall be deemed to be committing an offence which shall disqualify him for six years from contesting an election."

Now, Sir, we have provision for disqualification on the ground of creating disunity on the basis of religion, caste and other things. But we have to go to the root. It is not that religion by itself is bad. But politicians may

[Sh. Saifuddin Choudhary]

be bad in our country today and when a politician exploits religion, there he turns to communalism, just as some time ago we heard a lecture from the Prime Minister on Secularism . But I want to say that if this amendment is accepted, then our intention to free politics from religion and effect separation. will be achieved. How, one question can be raised as to how we can debar a member, a religious person who, 365 days in a year, goes to the places of worship. Now can we debar him during the election campaign from going to a place of worship? We can discuss this and make arrangement for exemption for these people. But those persons, for instance, if we take the case of the Leader of the House who never goes all the other days of the year to any place of worship, but during campaign he thinks that he has to go to a place of worship, on that ground he should be disqualified. (*Interruptions*) If you are serious , you accept it.

[Translation]

SHRI ANADI CHARAN DAS (Jaipur): Mr. Deputy-Speaker, Sir, we have pledged to make India a sovereign socialist republic. Through this Bill we have added the words 'principle of socialism, secularism and democracy' for the purpose of registration of a new party. This is most welcome.

A party which fields a candidate should ensure that its candidate has faith in socialism and is against the capitalist system. Further it should also be ensured that the party candidate is a noble person and is in no way prejudicial to the general interests of the society. That is why I have brought in this Amendment.

[English]

"drug addict and who is habituated to wine or addicted to any other intoxication."

[Translation]

The same thing has been mentioned in the

constitution of the Indian National Congress. On Page 6 where it refers to 'effective membership' it is written there that

[English]

He abstains from alcoholic drinks and intoxicant drugs.

[Translation]

But clause 'G' says:

[English]

He does not own any property in excess of ceiling laws as applicable.

[Translation]

In spite of the enactment of a law on land ceiling, many people still have surplus land. They have retained it in the name of their pet dogs and cats. In fact even today there is no ceiling on property because the term 'property' includes gold, cash and buildings. So this Bill needs to be introduced to define the word 'property'. If this is not done, there is no point in maintaining it in the constitution of the Congress party. Every party has some members who have land in excess of the ceiling. These members contest elections and such a Bill is necessary for them. So I have based my amendment on certain points like a person who has surplus property, evades taxes, keeps a mistress or has a large quantity of gold or cash, or is habituated to intoxicants or indulges in the harassment of the poor, should be debarred. I wish the Government to accept it. I support the Bill which has been introduced here but at the same time I would request the house to accept my proposal.

SHRI VIJOY KUMAR YADAV (Nalanda): My amendments no. 129 and 130 are very minor ones. The constitution says that we have adopted the socialist system of Government. I feel that the provision for the disqualification of a person who speaks out or displays an ill-will against capitalism is in violation of the constitution. Hence the word

'class' should be deleted and substituted by the words 'caste and community' because the war we have waged against the caste system and poverty, will continue. It cannot be stopped.

[English]

SHRI AJAY MUSHRAN (Jabalpur): Mr. Deputy-Speaker, Sir, my amendment is specifically for increasing the disqualification period for offences listed at sub-section (f), i.e. those who are convicted under the Narcotic Drugs and Psychotropic Substances Act. For all other seven types of offences, the disqualification period has been stipulated for six years. I am stipulating in my amendment that those who are convicted under the Narcotic Drugs and Psychotropic Substances Act, should be debarred for 12 years. As a matter of fact, the other types of offences are not as much affecting the society as it affects under the Narcotics Act. Today, take for example, Delhi where there are 70,000 drug addicts and for each of them there is a courier and organiser which is a lucrative illegal and most destructive trade. Even in Pakistan, their Prime Minister has recently said that their problem No. 1 is drug trafficking. We have also recently, about half-an-hour ago amended the Constitution and dropped the voting age limit from 21 to 18 years. Out of 70,000 people who are affected and addicted to drugs in Delhi, a large majority consists of people between 18 and 20 years. To save them and to put the fear of deterrent punishment in the minds of younger people who have some how become the victims of this drug addiction, I very strongly plead that at least disqualification period should be increased from 6 years to 12 years. Moreover, in this very House, in the near future, either in this Session or in the coming session you are going to debate a Bill in which for drug trafficking, the punishment is going to be recommended, if I am not wrong, up to death penalty. If we are taking drug addiction so strongly, I personally feel that we must also take into account these people. (*Inter-rptions*). This is a historic Bill. I only urge that the hon. Minister will make a historic

convention by accepting this amendment which is for the good of the people and the good of the younger people.

SHRI BRAJAMOHAN MOHANTY (Puri): My amendment is very simple, in the sense, I invite the attention of the hon. Minister to Clause 1. Clause 1 simply says "a person convicted under the offence is punishable under". But, no specific punishment has been specified

In Clause 2 it is said "sentenced to imprisonment for not less than six months."

I do not understand what is the difference. Does the Government consider that the offences enumerated in Clause 1 are less than the offences enumerated in Clause 2? You know that so far as the Indian Penal Code is concerned, the criminal jurisprudence was built up during those days to support the feudal order and that is why the offences against person was considered of lesser gravity.

In this case, why are you so cruel to these offences that only when six months sentence will be there, he will be disqualified?

SHRI B. SHANKARANAND: With regard to the amendment for protection of environment, the hon. Member's suggestion is, of course, appreciable. But, I do not think we can put this as a disqualification for the purpose of contesting the elections. The House may appreciate that we did consider in the Cabinet this aspect.

SHRI AJAY MUSHRAN: You are bringing Section 2 for similar offences.

SHRI B. SHANKARANAND: Another hon. Member said about the language. I do not think that there is any ambiguity in the Clause that we have. I do not think that dissension and ambiguity is created by the language. I do not think that there is any ambiguity in the Clause.

I do not think that we accept that amendment also.

[Sh. B. Shankaranand]

Some hon. Members asked what is wrong if he is only a member of the unlawful association. (*Interruptions*). At least we on this side do not subscribe to your thinking and there are many more on that side also. Perhaps I am not going to accept your amendment. Even the amendment is sought in respect of the people who are indulging in terrorist and disruptive activities. I wonder how Members can dare say this, for the purpose of making them Members of this House. How can we have such people in this House who are indulging in disruptive and terrorist activities and who are members of the unlawful activities? Do you want these people to be members of this House? I do not think the House will accept this. (*Interruptions*). I think this should have been raised in the Legislative Assembly of your State. (*Interruptions*). Ctd by ZZZ Regarding other additions?, they said about the innocent people. It is not that merely because any person is a Member of any unlawful association, he is disqualified. It is only on conviction such a person is disqualified. It is not like that being a Member of some body, he is disqualified. (*Interruptions*)

SHRI THAMPAN THOMAS: If Gandhiji were alive today, according to this provision, he could not contest the elections because he was picketing the offices, participating in the freedom movement and in the trade union struggle. (*Interruptions*)

SHRI B. SHANKARANAND: Are you citing Gandhiji for this purpose?

MR. DEPUTY-SPEAKER: Even Shri Thampan Thomas wants to become a Gandhiji.

(*Interruptions*)

PROF. MADHU DANDAVATE: Mr. Thampan Thomas is so outmoded because he is speaking about Gandhiji. (*Interruptions*)

SHRI B. SHANKARANAND: What I said was that he is quoting Gandhiji for this purpose. I don't say he is outmoded. Only you have said so. I am very happy that somebody is thinking of Gandhiji even at this hour.

PROF. MADHU DANDAVATE: They are Gandhians... (*Interruptions*)

SHRI BASUDEB ACHARIA (Bankura): When you don't think of Gandhiji, they are thinking of him. (*Interruptions*)

SHRI B. SHANKARANAND: Regarding certain additions like Prevention of Corruption Act, Official Secrets Act, Anti-Corruption Act and other things, extracting oath from voters on religious grounds, interestingly somebody suggested that somebody should not be allowed to contest, he should be disqualified because that somebody is visiting temples. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY (Katwa): During all the days in a year, somebody doesn't visit temples. Only during elections he goes there... (*Interruptions*)

MR. DEPUTY-SPEAKER: He may have faith on that day. He may have so much faith.

(*Interruption*)

MR. DEPUTY-SPEAKER: Order please. You please listen to the Minister's reply.

(*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Ajay Mushran, why are you so agitated? What is this?

(*Interruptions*)

SHRI B. SHANKARANAND: Fortunately, this is your custom. Please try to learn something. Try to learn to listen. I do not want to learn anything. You please learn to listen. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY:
Some people are misusing religious places.

SHRI AJAY MUSHRAN: When you are
not believing in religion, why are you speak-
ing? (*Interruptions*)

MR. DEPUTY-SPEAKER: Don't waste
the time.

(*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will
go on record except the Minister's reply.
Only the Minister's reply will go on record.

(*Interruptions*)*

17.00 hrs.

SHRI B. SHANKARANAND: I am
aware of some people because I have been
in politics before independence, not now. I
know people who openly and in public plat-
forms say that they do not believe in religion,
but actually, they practice it. We know some
people are there. There is no law which
punishes and which recognises it as an
offence if somebody visits temple and other
places. There is no law. You must read the
section which says, only if a person is con-
victed then he is disqualified. I you can't
understand this, what can I do? (*Interrup-
tions*)

Please try to learn. You have a great
future in this country. (*Interruptions*)

I cannot compete with the hon. Mem-
bers. I will only say that this is not all exhaus-
tive. I don't say that the list is exhaustive. It is
not the claim of the Government that we
have put all the offences which should be
considered and under which persons should
be disqualified. But you have made sugges-
tions. Of course, we will see to it and they
deserve consideration. But, at the moment,
opposition should not oppose these provi-
sions and they should support the amend-
ments. (*Interruptions*)

I am grateful to Professor Dandavate
and I am grateful to Shri Haroobhai Mehta
who have suggested amendments which
they have moved and we requested them to
agree to our amendments. We don't claim
that is it our amendment. We have said that
these are their amendments. (*Interruptions*)

PROF. MADHU DANDAVATE: I was
only enquiring whether you had withdrawn it.

SHRI B. SHANKARANAND: How can
I? I have already moved it. That is why I say
that list is not exhaustive. This is the
reason...(*Interruptions*)

SHRIMATI GEETA MUKHERJEE:
What is wrong with the Official Secrets Acts?

SHRI B. SHANKARANAND: It is al-
ready there. First of all, I request the House
to accept my amendments and then reject
other amendments.

MR. DEPUTY-SPEAKER: I am putting
the Government amendments first for adop-
tion and then I shall take up other amend-
ments.

The question is:

Page 3,

after line 11, insert -

"(h)" section 7 (offence of contra-
vention of the provisions of sections 3 to 6) of
the Religious Institutions (Prevention of
Misuse) Act, 1988; or" (163)

page 3, line 12, -

for "(h)" substitute "(i)" (164)

The motion was adopted

MR. DEPUTY-SPEAKER: What about
the members who are withdrawing their
amendments

SHRI SHANTARAM NAIK: I seek leave of the House to withdraw my amendments Nos/and 98

*Amendments Nos 1 and 98 were, by leave
withdrawn*

SHRI BRAJAMOHAN MOHANTY: I seek leave of the House to withdraw my amendment No 122.

*Amendment No 122 was, by leave,
withdrawn*

SHRI AJAY MUSHRAN: I seek leave of the House to withdraw my amendment No 138.

*Amendment No 138 was, by leave,
withdrawn*

MR. DEPUTY-SPEAKER: I shall now put rest of the amendments to the vote of the House.

*Amendments Nos 7 to 14, 21 22, 36, 59,
115, 116, 129, 30 and 156 were put and
negatived.*

MR. DEPUTY-SPEAKER: The question is:

*"That Clause 4 as amended stand part of
the Bill."*

The motion was adopted

*Clause 4, as amended, was added to the
Bill*

Clause 5

(Insertion of new section 28 A)

SHRI DINESH GOSWAMI: I beg to move:

Page 4,—

after line 12, insert—

"Provided that the provision of this

section shall come into operation after the Parliament by law sets up an independent Secretariat of Election Commission and the Commission is given total authority over the electoral staff employed by the Commission independent of the control of the Union Government." (41)

SHRI AMAL DATTA: I beg to move:

Page 4, lines 10 to 12,—

omit "and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Election Commission." (48)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 4, line 6,—

after "shall" insert—

"Subject to the consent of the State Government concerned," (60)

Page 4, line 12—

add at the end—

"only in respect of the work assigned to them in connection with the election and for no other purpose." (61)

SHRI SAIFUDDIN CHOWDHARY: I beg to move:

Page 4,—

after line 12, insert—

"Provided that during the period commencing on and from the date of the notification calling for such elections and ending with

the date of the declaration of such election, the Election Commission shall exercise exclusive control and superintendence over Doordarshan and Akashvani." (62)

SHRI SYED SHAHABUDDIN: I beg to move:

Page 4, line 11,—

after "to the" insert "exclusive" (69)

SHRI C. MADHAV REDDI: I beg to move:

Page 4, lines 6 and 7,—

for "deemed to be on deputation to" substitute "under the general superintendence of" (85)

DR. A.K. PATEL: I beg to move:

Page 4, lines 5 and 6,—

for "This part, and any police officer designated for the time being by the State Government, for the conduct of any election"

substitute—

"this Part and the Directors-General of Doordarshan and Akashvani and the entire staff of the news sections of both the Doordarshan and Akashvani shall be deemed" (92)

SHRI SHANTARAM NAIK: I beg to move:

Page 4,—

after line 12, insert—

"Provided that notwithstanding any law providing for disciplinary/punishing and appellate/re-

visional authority governing services of any such officers in the matter of acts of indiscipline during the course of election process, the Election Commission shall be sole disciplinary authority with powers to impose penalties, provided for under the law and, the concerned law dealing with disciplinary matters related to the officers concerned, shall stand amended to that extent for the limited purpose and, any provision with respect to the appeal and or revision available to the officers in the usual course, under the said law, shall stand suspended to that extent." (99)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 4, line 7,—

after "commission" insert—

"provided the State Government concerned agree" (123)

SHRI AMAR ROYPRADHAN: I beg to move:

Page 4, line 12,—

add at the end—

"with the consent of the State Government concerned" (117)

SHRI DINESH GOSWAMI: This is similar to my amendment No. 40 regarding an independent secretariat. A very peculiar argument has been advanced by Mr Shankaranand and the Prime Minister that if you want to have an independent secretariat or a multi member commission, then you are casting reflection on the Commission. Actually those who have faith in the institution they want to strengthen it and those who want the institution to be pliable, they don't want to strengthen it.

[Sh. Dinesh Goswami]

When Mr. Vithalbai Patel wanted to strengthen the office of the Speaker, did he cast reflection on the office? When Mr. Mavalankar wanted to strengthen the office of the Speaker, did he cast reflection on himself or on Pandit Jawaharlal Nehru?

May I point out to you that the Election Commission itself has recommended for the creation of a department of election? If you like, look to your own book published by Mr. Gadgil of the AICC. There is a suggestion for strengthening the Election Commission. I don't know why you are not accepting this amendment.

SHRI AMAL DATTA: I have already spoken on this subject, except that I strongly object to what Mr. Shankaranand has said in reply to what we have said earlier.

We don't for a moment suspect the integrity of the Election Commission. But we want to see that the independence is assured by statute. Unless that is done, we will not give more power to the Election Commission.

SHRI SAIFUDDIN CHOWDHARY: My amendment reads like this:

"Provided that during the period commencing on and from the date of the notification calling for such elections and ending with the date of the declaration of such election, the Election Commission shall exercise exclusive control and superintendence over Doordarshan and Akashvani."

I find that you have so much confidence in the Election Commission, that you are giving the officials of the State Government under their deputation for this period of election. So, to be fair and for the interest of better use of this media, you should accept this amendment of giving Doordarshan and Akashvani under the superintendence of the Election Commission during the period of election.

I think, you should not have any objection to this.

SHRI SYED SHAHABUDDIN: This is similar to Clause 2 of this Bill. The Hon. Minister has given us a very laborious explanation including some *Mudras*. But that has not really convinced us. What I want to be sure about is that if the Election Commission decides that an officer on deputation has committed an act and suggests a punishment, will that be final or whether that will be subject to further inquiry by the parent department or the parent Government?

SHRI V. SOBHANADREESWARA RAO: In addition to what my leader Shri Madhav Reddi said earlier I would like to emphasise till such time that the Election Commission convinces all the political parties that it is acting quite independently, for example, I would like to say before Tripura elections had taken place the activities of TNV volunteers and escalated with the connivance of the ruling party and before the elections you had deployed a very large number of CRPF people to bring a psychological atmosphere to influence the voters. Now you are doing the same thing in Tamil Nadu. You have sent some thousands of para-military forces there as if the additional reserve police battalions are not there. (*Interruptions*)

Sir, not only that we should do justice but it must appear to be so. There is another equally important aspect of election. The ruling party is misusing the AIR and Doordarshan to a very very great extent. So why not AIR and Doordarshan be brought under the purview of the Election Commission at least during the period of elections. I would like to point out in Great Britain the BBC has got guts to comment that some of the actions of Mrs. Margaret Thatcher are dictatorial and her economic policies are going in a wrong way. It has got guts to say so and the Government there could not do anything to that autonomous corporation. (*Interruptions*)

Let our AIR and Doordarshan also be

under the purview of the Election Commission during the period of elections. Then we can agree to this type of amendment. I request the Government to accept the amendment.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF IN-
FORMATION AND BROADCASTING
(SHRI H.K.L. BHAGAT): Several policies of
the Government have been criticised on AIR
and Doordarshan by several speakers in-
cluding some of you sitting opposite. (*Inter-
ruptions*)

DR. A.K. PATEL (Mehsana): Sir, the
idea to bring this electoral reforms Bill was to
conduct the elections free and fair but the
purpose will not be served by this Bill. TV and
AIR are misused by the ruling party. So I
suggest they should be under autonomous
organisation so that there is no propaganda
for the ruling party. Secondly negative pow-
ers should not be given to the electoral
officers. Only positive power should be given
to them. So I press to accept my amend-
ment.

SHRI SHANTARAM NAIK: Sir, my
amendment is similar to the one which I had
moved earlier. It relates to indiscipline.
Powers of punishing indiscipline lie else-
where, that is, in service rules. By this
amendment Election Commission cannot
punish anybody who is put at the disposal of
the Election Commission even for a tempo-
rary period. So what are we going to do if an
official commits an act of indiscipline? This is
my amendment.

SHRIB. SHANKARANAND: Sir, before
replying to each of the members observa-
tions I could see a little difference in their
argument when they were speaking about
Clause 2 and now about clause 5. People
who totally opposed Clause 2 are now
coming to say that 'no' 'no' you give some-
thing to the Election Commission so that
they function independently. I am really
surprised. There is some difference. So I
really wonder what the members want to

say. They say: No, no, this is not acceptable
to us. All the staff should not be given under
the control of the Election Commission. It
should be under the disciplinary authority of
the State Government. Those people, who
were telling so then, within fifteen minutes,
have changed their view and they say, no, it
should be given.

SHRI DINESH GOSWAMI: Be fair to
us.

SHRI B. SHANKARANAND: I am not
talking to you. (*Interruptions*)

Is that cap fitting you? (*Interruptions*)
That cap does not fit you.

SHRI SOMNATH CHATTERJEE:
Clause 2 has been voted. That is a part of the
Bill now. Therefore, we are trying to say
something.

SHRI B. SHANKARANAND: Quite
right. (*Interruptions*) I am coming to your
point. (*Interruptions*) You are asking about
TV and AIR that this authority also should be
given to the Election Commission. That is
what the Members say. May I take it that the
hon. Members agree to my amendment?
(*Interruptions*)

In addition to that, they want to say that
on TV and AIR also they should be given the
authority... (*Interruptions*) So, I presume that
they accept my amendment as far as clause
5 is concerned (*Interruptions*)

My I say one word? TV and Radio are
not the subject-matter of the discussion. As
a matter of fact, the Members on our side
have a grievance against the Minister that he
is presenting the Opposition leaders too
much. (*Interruptions*) We have really many
Members on our side who say that we are
giving more time to the Opposition leaders.

SHRI SOMNATH CHATTERJEE:
Then, he should give it to the Election
Commission. (*Interruptions*)

SHRI B. SHANKARANAND: The only grievance of the hon. Members seems to be that TV should shut up as far as the Prime Minister is concerned. That is what you want to say. The question is, first, one has to become the Prime Minister so that his photo comes in the television. Why are you worried about that? Have you anything against that. (Interruptions) This is the argument. (Interruptions) I said in a lighter moment. The problem is whether the Prime Minister should be shut up from TV and Radio. Is it your argument?

PROF. MADHU DANDAVATE: Who says? It is advantageous to us. Let it be there on the TV.

SHRI H.K.L. BHAGAT: You are all being covered more than me because you speak more.

SHRIB. SHANKARANAND: The Prime Minister is helping the poor people to realise their electoral rights. Do you want to suppress them? Naturally we want everybody, who supports the rights of the poor people, to be televised. We are very proud of the Prime Minister that he is going round the country and telling the people the philosophy of our party.

So, Sir, I am not accepting any suggestion. Of course, one suggestion was made by Mr. Shantaram Naik about the disciplinary authority. There is a point in what he said, but during the election period and during the dates which have been mentioned in the amending Bill, I hope, the Members have no objection to this amendment. The objection raised is not with reference to amendment but the purpose of the amendment is whether Election Commission can act as a disciplinary authority to punish a particular officer. The disciplinary proceedings can be initiated by the Election Commission and it is finally for the disciplinary authority to take action against those officers.

SHRISHANTARAM NAIK: I seek leave of the House to withdraw my amendment.
No 99

*Amendment No. 99 was, by leave,
withdrawn.*

MR. DEPUTY SPEAKER: I shall now put the rest of the amendments to clause 5 to the vote of the House.

*Amendments Nos. 41, 48, 60, 61, 62, 69,
85, 92, 117 and 123 were put and nega-
tived.*

MR. DEPUTY SPEAKER: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6

Insertion of new Part IV A

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 4,—

Omit lines 23 to 26. (15)

Page 5, line 10,—

after "Secularism" insert "world
peace" (16)

Page 5,—

omit lines 12 and 13. (17)

PROF MADHU DANDAVATE: I beg to move:

Page 4,—

Omit lines 22 to 29. (23)

Page 5,—

for lines 9 to 11, substitute—

"of India as by law established and

would uphold the sovereignty,
unity and integrity of India." (24)

Page 5,—

for line 25, substitute—

"(8) An appeal against the deci-
sions of the Commission shall lie
with the Supreme Court." (25)

SHRI G.M. BANATWALLA: I beg to
move:

Page 4, line 25,—

for "sixty days" substitute "ninety
days" (29)

Page 4, line 28,—

for "thirty days" substitute "ninety
days" (30)

Page 4,—

after line 29, insert—

"Provided that the Election
Commission may, on being satis-
fied that there is good reason or
justification, relax or extend the
aforesaid period within which an
application for registration is to be
made or it may condone the failure
to make the application within the
aforesaid period." (31)

SHRI HAROOBHAI MEHTA: I beg to
move:

Page 5, line 11,—

add at the end—

"and that its membership is open to
all citizens irrespective of his relig-
ion, race, community, caste, place
of birth or sex." (32)

SHRI G.M. BANATWALLA: I beg to
move:

Page 5,—

after line 11, insert—

"Provided that where an associa-
tion or body is in existence at the
commencement of the Representa-
tion of the People (Amendment)
Act, 1983, and the memorandum
or rules and regulations of the
association or body does not con-
tain any specific provision as afore-
said, the application made under
sub-section (1) shall contain and
undertaking that the memorandum
or rules and regulations shall be
duly amended to include such a
specific provision." (33)

Page 5, line 19—

after "or" insert—

"for reasons to be recorded in writ-
ing."

Page 5,—

for line 25, substitute—

"(8) Any association or body ag-
grieved by any decision under sub-
section (7) refusing to register it as
a political party may, within sixty
days from the date communicating
such decision, prefer an appeal to
the High Court within the local lim-
its of whose jurisdiction the head
office of such association or body is
located." (35)

SHRI DINESH GOSWAMI: I beg to
move:

Page 5,—

after line 30, insert—

"Provided that an association or
body already registered as a politi-
cal party by the Commission under
the Election Symbol (Reservation

[Sh. Dinesh Goswami]

and allotment) order 1968 shall be deemed to be registered under the provision of this part, on submission of memorandum or rules and regulations or such associations or body conforming to the provisions of sub-section (5), if the memorandum or rules and regulations submitted under the symbol order do not contain the specific provision required under the sub-section." (42)

SHRI AMAL DATTA: I beg to move:

Page 5,—

Omit lines 12 and 13 (49)

Page 5, lines 14 to 17,—

omit "After considering all the particulars as aforesaid in its possession and any other necessary and relevant factors and after giving the representatives of the association or body reasonable opportunity of being heard," (50)

Page 5, line 17,—

omit "decide either to" (51)

Page 5, line 19,—

omit "or not so to register it;" (52)

Page 5, line 20,—

for "its decision" substitute "the same" (53)

SHRI D.B. PATIL: I beg to move:

Page 5, line 13,—

add at the end—

"relating to the points mentioned in sub-section (4) of this section only

and not otherwise." (55)

Page 5,—

for line 25, substitute—

"(8) There shall be an appeal against the order of the Commission to the Supreme Court in case of National Parties and to the High Courts in case of regional parties." (56)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 4,—

after line 21 insert—

"Provided that no political party shall be eligible for registration unless it has held and holds free elections of its office bearers at least once in three years." (63)

Page 4, line 42—

add at the end—

", dates of their respective election and the period for which they have been so elected;" (64)

Page 5,—

for line 25, substitute—

"(8) The Commission shall give reasons for its decision in the matter." (65)

SHRI SYED SHAHABUDDIN: I beg to move:

Page 4, line 26,—

add at the end—

"but forthwith" (70)

Page 4, line 41,—

for "of its president, secretary, treasurer and others" substitute "and designation of its" (72)

condition specified in clause (B) is, fulfilled by that party and not otherwise, that is to say:-

Page 4,—

(A) that such party—

for line 46, substitute—

(a) has been engaged in political activity for a continuous period of five years; and

"(f) the location of its State, District, Gram Panchayat units, if any" (73)

Page 5, line 6,—

(b) has, at the general election in that State to the House of the People, or, as the case may be, to the Legislative Assembly, for the time being in existence and functioning, returned either (i) at least one member to the House of the People for every twenty-five members of that House or any fraction of that number elected from that State;

after "regulations" insert—

"including the manner of election or nomination of its office bearers and organs and the dates thereof in the light of its memorandum or rules and regulations" (74)

DR. A.K. PATIL: I beg to move:

Page 5, lines 9 to 11,—

omit "and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India" (93)

Page 5, line 17,—

omit "either" (94)

or (ii) at least one member to the Legislative Assembly of that State for every thirty members of that Assembly or any fraction of that number;

SHRI SHANTARAM NAIK: I beg to move:

Page 5,—

after line 30, insert—

'29 B. (1) Political parties shall either be recognised political parties or unrecognised political parties or unrecognised parties.

(2) A Political party shall be treated as a recognised political party in a State if and only if either the conditions specified in clause (A) are, or the

(B) that the total number of valid votes polled by all the contesting candidates set up by such party at the general election in the State to the House of the People, or, as the case may be to the Legislative Assembly, for the time being in existence and functioning (excluding the valid votes of each such contesting candidate in a constituency as has not been elected and has not polled at least

[Sh. Shantaram Naik]

one-twelfth of the total number of valid votes polled by all the contesting candidates in that constituency) is not less than four per cent, of the total number of valid votes polled by all the contesting candidates at such general election in the State (including the valid votes of those contesting candidates who have forfeited their deposits)

- (3) For the removal of doubts it is hereby declared that the condition in clause (A) or (B) of sub-section (2) shall not be deemed to have been fulfilled by a political party if a member of the House of the People or the Legislative Assembly of the State becomes a member of that political party after his election to that House or, as the case may be, that Assembly.

29 C. (1) If a political party is treated as a recognised political party in accordance with section 29 B in four or more States, it shall be known as, and shall have and enjoy the status of, a "National Party" throughout the whole of India; and if a political party is treated as a recognised political party in accordance with that section in less than four States, it shall be known as, and shall have and enjoy the status of a "State Party" in the State or States in which it is a recognised political party.

- (2) Notwithstanding anything contained in subsection (1), every political party which immediately before the commencement of this section is a

multi-State party shall, on such commencement, be a National Party and shall continue to be so until it ceases to be a National Party on the result of any general election held after such commencement.

- (3) Notwithstanding anything contained in subsection (1), every political party which immediately before the enforcement of this section is in a State a recognised political party, other than a multi-State party as aforesaid, shall on such commencement, be a State party in that State on the result of any general election held after such commencement.' (100)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 5, line 11,—

add at the end—

"and that the association or body shall conduct periodical democratic elections to elect all office bodies and office bearers and their term shall not exceed a period of four years." (125)

SHRI BRAJAMOHAN MOHANTY: I beg to move:

Page 5, line 11,—

add at the end—

"as comprised in schedule to the Constitution of India alongwith a note of assurance that the members so enrolled do individually and collectively subscribe to the commitments of such memorandum or rules and regulations and with an undertaking that individu-

als only having such commitments shall be enrolled as member" (126)

SHRI D.B. PATIL: I beg to move:

Page 4,—

after line 21, insert—

"Provided that a political party shall be registered only if its constitution provides for election of office bearers and executive bodies in a democratic manner and acts accordingly:

Provided further that if a political party has no such provision in its constitution, it shall not be registered;

Provided also that in spite of such provision in the constitution of the political party if the party has not acted accordingly then the political party shall not be registered." (157)

Page 4,—

after line 21, insert—

"Provided that a political party which is not registered as specified shall not be entitled to have time on radio and television for purpose of election campaign." (158)

SHRIMATI GEETA MUKHERJEE: Sir, I have moved three amendments to Clause 6.

Sub-clause 2(A) says:

"if the association or body is in existence at the commencement of the Representation of the People (Amendment) Act, 1988, within thirty days next following such commencement..."

And then in the next sub-clause, it is mentioned that they have to submit certain par-

ticulars within sixty days. Those parties which are already recognized so far as the giving of symbol is concerned, that should be enough. For them, in opinion, it is not necessary.

Then, I have another amendment to sub-clause (6) which says:

"The Commission may call for such other particulars as it may deem fit from the association or body."

This is a very wide term. What other particulars? The Commission may want anything from the party. The party may not be in a position to do that. Such an unspecified power of calling 'such other particulars' should not be applicable to a party which is registered. And then, it is not clear, whether they will be disqualified. Therefore, I think that this clause should be deleted.

Then, in the sub-clause before that, sub-clause (5), it is mentioned:

"...shall bear true faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism and democracy..."

In the morning, Com. Indrajit Gupta elaborated the general view and said that this socialism should not be included here. If the Government would agree to that, I would immediately withdraw my amendment. But if they would not agree to that and keep the principles of socialism, and democracy etc. here, I cannot help. Ours is a scientific socialism, and not the kind of socialism that you believe in.

In any case, if you insist on it, Sir, then I would like the world peace may also be added to this because that is one of the things which everybody vows for in this atomic age.

PROF. MADHU DANAVATE (Rajapur): Sir, there are two amendments. I would not speak on one. That is simple; in

[Prof. Madhu Dandavate]

sub-clause 2, line 29 should be dropped, because after 60 days and 30 days, it is all meaningless.

The second amendment is the most important. Though I have been a socialist, I do concede that whenever the parties are formed and elections are fought, it is not absolutely necessary that one must accept socialism. There have been conservative parties and other parties everywhere. For instance, I hope, Prof. Ranga will not misunderstand—I don't want to show any disrespect—but there was a time when there was Bhartiya Jan Sangh Party and then there was Swatantra Party. They were political parties but they were not committed to socialism. But for that reason you cannot prevent them from registering themselves as the political parties or continue in the elections.

Sir, with Prof. Ranga's permission, with full respect to him, I may point out in 1959 for instance for a very honest reason when he inaugurated the Swatantra Party's Conference while talking about the Swatantra Party he said,

"Secondly the Swatantra Party is firmly opposed to the socialism of the Congress brand which it thinks is hardly distinguishable from communism. According to it, the brand of socialism which the Congress Party has been trying to implement will bring India closer to a Communist polity where economic and political freedom will well-nigh cease to exist. This dominant concept of socialism is irreconcilable with freedom and independence of the people, with their capacity to develop their personality and prosperity."

PROF. N.G. RANGA: The Congress socialism of those days is different from the Congress socialism of these days. (*Interruptions*)

Today they are in favour of 'perestroika'

'Glasnost' and all that.

PROF. MADHU DANDAVATE: I do agree with you. I don't want things to be static. I want more than Gorbachev... (*Interruptions*)

PROF. N.G. RANGA: You have got the wrong end of the stick. Why are you labouring?

PROF. MADHU DANDAVATE: I agree with him. I stand for 'Perestroika', 'Glasnost' and everything. But what I am trying to point out is at any stage of political life there can be parties who can have differences...

SHRI H.K.L. BHAGAT: Prof. Dandavate said, "I stand for everything".

PROF. MADHU DANDAVATE: Yes, everything that is good. (*Interruptions*)

SHRI H.K.L. BHAGAT: I am only quoting you. Why do you grudge my quoting? (*Interruptions*)

PROF. MADHU DANDAVATE: So, what I was pointing out to you was...

SHRI H.K.L. BHAGAT: He is trying to create everything for the Janata Dal and trying to put everything, socialism and anti-socialism, everything.

PROF. MADHU DANDAVATE: Sir, how can we stand on four legs at the same time?

All that I am saying is that you have made a mention of Constitution as established by law and provided one stand for the unity and integrity. That is sufficient, because in the Preamble socialism is also there. When you come to the mention of the principles, then, as Prof. Ranga rightly said in 1959, there may be different approaches to the principles of socialism. Therefore, I was suggesting, only keep Constitution as established by law and one would stand by unity and integrity. That is all we said when we took oath standing there and joined the

Parliament. So, that much portion which is there in the Oath should be retained.

I hope and trust that you will see the substance in the simplicity of the drafting and, therefore, accordingly accept my amendment and try to make your formation more rational and more practicable.

SHRI G.M. BANATWALLA (Ponnani): Mr. Deputy Speaker, Sir, Clause 6 in its present form is totally unacceptable. One can understand the registration of political parties if the idea is to introduce proportional representation: which we all support and which we all demand. Today, the Government may not be in favour of proportional representation. But I am quite sure that grim realities of the situation will assert themselves and one day or the other all will have to come back to the system of proportional representation.

If the idea of registration is to force a party to adopt a particular ideology alone, then it makes a short work of democracy and it is also violative of all our fundamental rights. Sir, I therefore say that Clause 6 in its present form is totally unacceptable. This clause will create further difficulties and complications about which I have moved amendments.

Sir, for example, Clause 6 says that every party will have to apply for registration within a particular period, i.e. 60 days. Now this is a very rigid clause. There may be situations where some extension of date may be required and some delay may take place. In that case, you all have confidence in the Election Commission and the Election Commission should be given the power and authority to extend this date in case of a particular situation. We should also be in a position to condone genuine delays. Therefore my amendment No. 31 is that the Election Commission may, on being satisfied that there is good reason or justification, relax or extend the aforesaid period within which an application for registration is to be made or it may condone the failure to make

the application within the aforesaid period.

Sir, I have further stated that, whether it is a new party or a party already in existence at the time of the commencement of this Act, the period should be 90 days, during which it may be required to apply for registration. It is also said that the rules and regulations for the memorandum of a particular party must have a particular clause. At present the clause may not exist in those very words. In that case, the political party will be required to amend its constitution to have that particular wording. The rules and regulations of the political party provide and lay down a particular procedure which is required for amendment of its memorandum of rules and regulation and its constitution. In such a case, the Chief Executive of that party while getting the applications can give an undertaking to the Election Commission that in due course of time, the necessary amendment will be carried out.

Sir, in case the Election Commission refuses to register a political party, the Commission must be duty-bound to record the reasons for refusal in writing. Further, there should be explicit provision for appealing to the appropriate court by any party which feels aggrieved of the decision of the Election Commission. My amendments take care of these procedural aspects. However, unless this clause is amended properly, in the present form in which the whole clause is coached, it cannot be acceptable to us.

MR. DEPUTY SPEAKER: Shri Harroobhai Mehta

SHRIMATI GEETA MUKHERJEE: Sir, please give me half a minute. I have forgotten to mention about one of my amendments. It is very important...*(Interruptions)*

MR. DEPUTY SPEAKER: I have already called him. I cannot allow you. Nothing goes on record. I have not allowed her.

*(Interruptions)**

SHRI HAROOBHAI MEHTA (Ahmedabad): Sir, on the earlier occasion while dealing with Clause 4, I pointed out one thing through an Amendment which was graciously accepted by the Government for which I am grateful to the Prime Minister and the Law Minister.

Now, so far as this Clause is concerned, what I am suggesting is that you merely elaborate what is already found in Sub-Section of Section (29(a) and incorporate it by Clause 6 of this Bill. This is my respectful submission. Ultimately, the registration of political parties does not exclude other political parties which are not registered from the very existence as political parties for even contesting the elections. It only enables them to gain certain facilities from the Election Commission like the symbols and other facilities consequent upon or concomitant to the registration. My suggestion is that when we emphasise on the acceptance of secularism as a principle, we should also insist that they should state in their Constitution that membership is open to all citizens irrespective of the religion, race, caste, community, place of birth or sex.

Sir, a party which is confining its membership only to members of a particular religion, community or even the place of residence or on the parochial outlook, all these things cannot be said to be secular parties. I will not go to the extent of branding them as communal parties but the insistence on secularism must include insistence on open membership. Therefore, I want to tell this idea for proper consideration at an appropriate time. I know several dimensions are involved in the acceptance of this, if it is insisted at this hour. But the idea should be accepted. I therefore commend it to the Minister for his acceptance.

SHRI DINESH GOSWAMI (Guwahati): Yesterday also I had raised this point which was left unanswered by the hon. Minister. If a political party says that the type of socialism as contemplated in the Constitution it does believe or it does believe in the socialism itself and the democratic process and

under Article 368 of the Constitution it will make a change of the Constitution itself, I do not think we can prevent them from fighting election under our democratic polity. Apart from this, I raised a point regarding debarring a political party on the ground that it must have a particular political or economic philosophy. It will be against Article 19. Article 19 gives right to form associations or unions. And reasonable restriction can be put under Sub-Clause 2 of Clause 6, which says, Nothing in Sub-Clause (a) of Clause 1 shall affect the operation of any existing law or prevent the State from making any law insofar as such law imposes any reasonable restrictions on the exercise of the right conferred by the said Sub-Clause, i.e. right to form a union or association, in the interests of the Sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence." The framers of the Constitution took note of the right to form a union. That can be restricted only on these grounds and no other and to make a law by which the rights to form a union, to fight an election, are restricted on other grounds in my view will be against Clause 19 of the Fundamental Rights of our Constitution.

Now, realising fully well that Mr. Shankaranand will not accept that position, I have given Amendment suggesting that the particulars that you have asked for, all these particulars are already submitted to the Election Commission while a party applies for the election symbol, reservation and allotment order. Therefore, I have suggested that those political parties which have already been recognised by the Election Commission on consideration of all these materials should be deemed to be registered. But even—I have further gone and said—assuming that a particular Clause 5 has not been complied by any political party, then that political party may be asked to comply with Clause 5. There is no need once more for the Election Commission to go through all these particulars and other things. The Election Commission is already satisfied with the particulars necessary, and

the information necessary under this very clause, because this clause has almost word for word been borrowed, except clause 5, from the Election Symbols Order.

SHRI AMAL DATTA: I strongly object to the proposal to give to the Election Commission the power to ask for particulars from political parties. Then it can ask for all kinds of particulars which the political party may not be in a position to supply, or it may not want to supply. It is in the sweet whim of the Election Commission that this power of 1 this amplitude lies. This cannot be given

The second set of amendments, so far as this clause is concerned, is to deny the Election Commissioner the power to decide whether to register or not to register a political party; because the Election Commissioner cannot have that power without our knowing for what purpose the registration is going to be. First of all, the power of the Election Commissioner is itself very wide and arbitrary; and secondly, nothing is being said in this clause 6, as to the purpose for which this power is being given, this registration is to be effected. So, this is a totally unacceptable clause. But I have asked for amendments only in these two clauses, which should be accepted.

SHRI D. B. PATIL: Clause 6 provided for registration of political parties. We are totally opposed to this clause, whereas Government is bent upon enacting it the way it has proposed. We want to have some restrictions provided for. Sub-clause (6) of Clause 6 says:

"The Commission may call for such other particulars as it may deem fit from the association or body."

It has been given very wide powers. I propose that the Commission shall have the authority to call for particulars relating only to the points in sub-section (4). In sub-clause (4), the details are given regarding the particulars of the political parties. They are more than sufficient.

Apart from that, under sub-clause (8) it has been proposed that the decision of the Commission shall be final. It is not fair. If the decision of the Commission is final, then the political parties which have not been recognized by the Commission will have to face hardships. Therefore, apart from that, there should be an appeal against the order of the Commission.

Then, in my amendment No. 157 I have proposed:

"Provided that a political party shall be registered only if its constitution provides for election of office bearers and executive bodies in a democratic manner and acts accordingly."

The words 'act accordingly' are important I come from Maharashtra. In Maharashtra, an organization called Shiv Sena is there. Shiv Sena is preparing itself to contest the elections. That association has no constitution. As there is no constitution, there is no question of electing any office bearers and executive bodies. Their supreme is Shri Bal Thakare and word his word is the first and the last as far as Shiv Sena is concerned. (*Interruptions*) He does not believe in democracy. He has stated it publicly that Shiv Sena will contest election on the issue of *Hindutva* and if Shiv Sena is not allowed to do so he will not allow to do the elections to take place.

The constitution of the ruling party provided for the election of the office bearers of the executive body. But, so far as elections are concerned, since 1972, elections have not taken place in the Congress Party itself, even though it is provided there for the election of the office bearers of the executive body. I have further proposed that if it is not acted upon, then the party will not be entitled for registration, and the Commission shall reject the application for registration of such a party; and the firsts victim of my amendment will be the Congress I Party which is the Ruling Party.

SHRI SOMNATH CHATTERJEE (Bolpur): I am strongly supporting my amendments nos. 63, 64 and 65. We are trying strongly to impress upon my friends on the other side the reasonableness of this.

The Prime Minister has said that this is a revolutionary Bill and these are historic amendments, historic legislations. He also has said that because of the laws passed by the Congress Party, the democracy has come to stay in this country: and the Indian democracy is showing to the world at large how the parliamentary democracy can function. The democracy pre-supposes opportunities given to the people periodically to express their views and choice through periodical elections; and that is also the Prime Minister's philosophy about which Mr. Shankaranand reminded us earlier that the election is the very basic postulate of a democratic polity.

Now, if the parties which take part in the elections have no faith in inner party democracy, if they do not practise democracy themselves, how can those parties be allowed to be registered as political parties and participate in the election process which is the very basis of the periodicity in the choice of the representatives. Therefore, I have said that to enable a party to be eligible to apply for registration, it shall hold elections regularly at least once in three years. Therefore, I said, provided that no political party shall be eligible for registration unless it has held and hold free elections of its office-bearers at least once in three years. If three years is too short a period, then Mrs. Geeta Mukherjee's amendment for four years is there; that can be accepted. Can the Ruling Party say that it will be registered although it does not practise democracy in its own party? There is no scope for elections in that party. From 1969, I believe, they have not held any elections in their party. It is all adhocism which is going on. Adhoc Minister is there; adhoc President is there; adhoc Vice-Presi-

dent is there. Everybody is there adhoc; adhoc Chief Minister is there. Everybody is at the mercy of the President and nobody has got any elected post in the Party; and everybody is at the mercy of the President, who is also adhoc. Therefore, this is there not only in the Congress Party but in many other parties also, which do not practise this inner party democracy about which Mr. Gadgil has said that the Congress Party is an embodiment of inner party democracy in this country. If this sycophancy is equated to only party democracy, then you are in a democracy. Therefore, if the basis of democracy is an election in the party itself, then every party which is eligible to be registered must have elections inside the party. No responsible politician can oppose this; and I am sure, if Mr. Shankaranand is allowed to think on his own, he will also accept it.

The particulars about the office-bearers which have to be given, in them, they must also mention to the Election Commissioner the period for which they have been elected. Therefore, the office of President, elected for how many years, when elected, Secretary for how many years, when elected you have to mention all those details.

The third amendment is that the Election Commission whose decision is supposed to be final must give reasons for its decision. I am sure, that the Law Minister of India does not want arbitrariness anywhere.

PROF. MADHU DANDAVATE: How can it be final? The Supreme Court is there.

SHRI SOMNATH CHATTERJEE: The reason for this is, as you know and the hon. Minister knows and tells us, that reasons are anti-thesis of arbitrariness. Therefore, I am suggesting that the Commission shall give reasons for its decision in the matter. It accepts, or it does not accept, but it should give reasons. Of course, the Supreme Court's power is there under Article 136. If

reasons are given and it appeals to people, then they may not challenge it. Therefore, the law should itself provide for giving reasons. Otherwise, there may be scope for arbitration. (*Interuptions*) Therefore, these three amendments should be accepted.

SHRI SYED SHAHABUDDIN (Kishanganj): I agree with the criticism that the procedure given in this section is very rigid, particularly the time-limited of 30 days for new associations or bodies to be registered or to submit their application for registration, is indeed very brief and that it should at least be 90 days.

Secondly, there is a point that several parties have different nomenclatures for their office bearers. Some parties do not have presidents or treasurers. Therefore, I feel that perhaps giving the names and designations of office bearers should have been a happier form of drafting.

In sub-clause (f) the clause speaks of the local units. Now, we are living in a country which has the dimensions of a continent and national parties at least operate at various levels. They operate not only at the national level, they also operate at the State level, at the district level, at the block level and many of them operate at the Panchayat level. Perhaps this term 'local unit' needs to be further clarified and defined.

Finally, I would like to mention this problem of inner party democracy. While the Election Commission is supposed to receive all sorts of information, there is no specific requirement that the party applying for registration should inform the Election Commission about the manner of appointment of its office bearers or of its various bodies. They may be elected, they may be nominated; whatever it might be, that should be one of the specific items to be conveyed to the Election Commission before a party is regis-

tered and that of course that it has acted in accordance with whatever rules or regulations or whatever constitution it has adopted for itself.

If I may take just a minute, I also very strongly feel that the decision of the Commission with regard to registration or non-registration should not be absolutely final, and that it should be justifiable.

And finally, we cannot really strait-jacket our democratic system to one single ideological pattern. We have got political variety and therefore we must distinguish between upholding the sovereignty, unity and integrity of India and circumscribing, to adopt a particular ideology.

DR. A.K. PATIL (Mehsana): I have got three amendments to Clause 6.

On page 5, lines 9 to 11, I insist that we omit the words

"and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India"

because, secularism and all other things one has to take an oath and say, and it is true that it is necessary to have it.

Then on page 5, line 17, I insist that the word "either" be omitted because no such power should be given to the election authority.

About the registration, on page line 19, the words "or not so to register it" may be omitted, because no such power should be given to the Election Commission or to determine, which is a negative power.

MR. DEPUTY-SPEAKER: Shri Shantaram Naik.

SHRI SHANTARAM NAIK (Panaji): Mr. Deputy—Speaker Sir, this is with respect to my Amendment No. 100. The proposed Clause 29(A) speaks of registration of Political parties virtually taken from para 6 of Election Symbols Reservation Order, where the law presently stands. There are two other paragraphs in the same order, which speak of kinds of parties, recognised, unrecognised, State and National, which elaborate in detail what is the State party, what is the National party, what is the recognised party and what is the non-recognised party. These two paras have not been incorporated in this Bill. Therefore, half the law with respect to registration remains in this Bill and the other half of the law remains in the Symbols Order. To cure this anomaly, I sought to introduce my amendment, which is a lengthy amendment.

SHRI BRAJAMOHAN MOHANTY (Puri): Mr. Deputy—Speaker Sir, It is unfortunate that my Amendments are not receiving serious attention of the Law Ministry. My amendment is very simple. They have provided in the Clause for upholding the sovereignty, unity and integrity of India. I want to add "as comprised in schedule to the Constitution of India". Sir, otherwise this will be very nebulous and at the time of interpretation it will not indicate whether that would be violated or not.

Another point is about the enrollment of a new Member by the party. For enrollment of new Members, there would be a Memorandum or a regulation. Whenever new Members are enrolled, they should swear allegiance to the Constitution.

That is why, I have incorporated this in the Amendment.

AN HON. MEMBER: For how long will we sit?

MR. DEPUTY—SPEAKER: I hope the Members will agree that till the Bill is passed, we will sit.

SHRI C. MADHAV REDDI (Adilabad):

We agreed only upto 7 O'Clock.

MR. DEPUTY—SPEAKER: At that time, let us see.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND): First of all, let me take the amendment objecting to Sub—clause 6, which says: "The Commission may call for such other particulars as it may deem fit from the associations or bodies."

Sir, it is seen that this Sub—Clause has been put at the bottom of the other Sub—clauses and the parties which want to be registered with the Election Commission are required to give various information under various Sub—clauses. Then, in the end we have said that the Commission may call for such other particulars as it may deem fit from the associations or bodies. I can assure the House that the Election Commission is not going to ask for particulars which the party might consider to be untoward. The particulars which are legitimate for the purpose of registration—this is a residuary general Clause. As is usual, this general Clause is put and I do not think Members should be chary about this clause, because there is nothing offending in it. First let me talk about the word "Socialism".

18.00 hrs.

PROF. MADHU DANDAVATE: You will come to trouble in the court of law. That is the problem.

SHRI B. SHANKARANAND: There was some exchange of words or I should say, argument or thought between you and the oldest Member of this House, Prof. Ranga, with regard to the word 'socialism'.

SHRI THAMPAN THOMAS: Have you defined socialism in the Constitution? Without defining that, how can you say this?

SHRI B. SHANKARANAND: When this Constitution was adopted, the words 'social-

ist' and 'secular' were not there. When the Constitution was adopted, the only words in the Preamble were "sovereign, democratic republic". In 1969 the Congress was split and the people who believed in socialism, stood with Mrs. Gandhi and those who opposed socialism, left the Congress.

PROF. MADHU DANDAVATE: Mr. Ashok Mehta left the Congress though he believed in socialism.

SHRI B. SHANKARANAND: I do not know why he left. It is most unfortunate.

PROF. MADHU DANDAVATE: In 1984 only those who were socialists left the Congress.

SHRI B. SHANKARANAND: I am talking of 1969. On the other hand, those who had left Congress in 1984 should have joined after 1969. This is history.

In Faridabad Congress the entire AICC deliberated on this thing. All these who were in the Congress and were opposed to socialism, left the Congress and the entire country which stood with Mrs. Gandhi, believed in socialism. This is the history. One of the oldest Members about whom you have commented, perhaps, it was before the split. When he found that this was the real Congress which believed in socialism, perhaps, he came to us. You should have also come to us because you believe in socialism.

PROF. MADHU DANDAVATE: Because I am a socialist, that is why, I have not come to you.

SHRI B. SHANKARANAND: Anyhow, that is the history. This is how the Congress then was as described by Prof. Ranga in whose socialism he did not believe in. Those Congress people left us. That is why, he came to us.

PROF. MADHU DANDAVATE: His criticism was against Pandit Jawaharlal Nehru and not against all those who left the Congress.

SHRI DINESH GOSWAMI: You are factually incorrect. Swatantra Party fought Mrs. Gandhi(Interruptions)

SHRI B. SHANKARANAND: I have been here at least since 1967 when Swatantra Party was also sitting on that side of the House. I know that. Mr. Minoo Masani, who was the leader of the Swatantra Party, was sitting on that side and I was sitting on this side. I know that. I do not deny that. But in those days from '67 to '69 when the Congress came to split, the real socialist people remained with Mrs. Gandhi and those who did not believe in socialism left us. (Interruption)

The word 'Socialism' came to be incorporated...(Interruptions)

PROF. MADHU DANDAVATE: Please excuse me. The point is that you and I accept socialism. But the question is in a pluralistic society, have non-socialists a right to organise a democratic party or not.

SHRI B. SHANKARANAND: I am coming to that.

SHRI INDRAJIT GUPTA: If the whole of the Congress had become socialist, then why was it necessary for some Congressmen to form a socialist forum?

SHRI B. SHANKARANAND: Let me not digress from the matter. The one thing that he has asked is regarding forming the association. Contesting election is not a Constitutional right....(Interruptions)

SHRI THAMPAN THOMAS: What you are going to do is completely a gimmick. It will not stand to logic.

SHRI B. SHANKARANAND: Do you understand what you are talking? I am so sorry. Contesting election and forming political parties for the purpose of election is not a Constitutional right. This is not a fundamental right....(Interruptions). You have the right to form associations under article 19, if it is not otherwise debarred. But to form an

[Sh. B. Shankaranand]

association, to name the political party for the purpose of contesting election, is not a fundamental right. Contesting election is a statutory right, not a Constitutional right. That is how I am making difference between article 19 and the Representation of the People Act...(Interruptions). Article 19, which is concerned with the Chapter or Fundamental Rights, does not give any right to any citizen to fight election...(Interruptions). The question is we are not amending here article 19, otherwise I would have taken note of the objection of Mr. Dinesh Goswami. He is right. But we concede that you are free to form your own associations. We are not debaring forming of associations under article 19 which is a Fundamental Right. But any association getting symbol for the purpose of contesting election comes under the statutory right. It is not a fundamental right. Symbol we get under the Symbols Order, where also you are required to register your political party...(Interruptions).

SHRI BASUDEB ACHARIA: What is the purpose of registration?

SHRI B. SHANKARANAND: I will come to that. If you have a little patience, you listen to me. In 1960, we had the Symbols Order, where also the political party is defined for the purpose of registering the political party for getting a symbol. It is an Order, it is not a statute passed by the Parliament, or the Constitution which has been amended. It is not so. We are deliberately bringing this clause here for registration of the party. We want to see which are the political parties—communal, or with ulterior motives or trying to disrupt the democratic process of this country. And if any political party is just ashamed to say that they are not socialist, let them say so. Let the people of this country understand which is a socialist party, which is the party for the poor, which is not a party for them. Let them say...(Interruptions)

SHRI BASUDEB ACHARIA: The point is whether that will debar that party from

contesting election.

SHRI B. SHANKARANAND: We will say, after 1976, when the Constitution was amended, we had the Forty—second Amendment Act. The word 'Socialism' was put there and you are duty—bound to say that you are committed to the ideologies of this country, you are duty—bound to the spirit of the Constitution. You cannot deny that.

SHRI INDRAJIT GUPTA: Socialism is an ideology. Suppose I do not subscribe to that, how can you compel me? Do you mean to say that I cannot contest the election?

SHRI B. SHANKARANAND: You can contest, not as a political party.

SHRI BASUDEB ACHARIA: Why?

SHRI B. SHANKARANAND: We are only providing this for a political party. We say we believe in socialism. We believe in the Preamble of the Constitution. We believe in the spirit of the Constitution. (Interruptions) You want to say that you don't believe in socialism? (Interruptions)

SHRI SAIFUDDIN CHOWDHARY: You don't believe in socialism. Like your party you don't believe in socialism. How can you be a socialist?

SHRI B. SHANKARANAND: You don't understand it. There is no bar on any political party from coming and saying that "we don't believe in socialism. We are not for poor people" Let them say so.

SHRI INDRAJIT GUPTA: That means if you want to get a symbol, you say that you believe in socialism, whereas you don't.

SHRI B. SHANKARANAND: You say that you believe in the spirit of the Constitution which is enshrined in the Preamble of the Constitution. But you don't want to say that.

PROF. MADHU DANDAVATE: Sup-

pose we have in our country the pre-Avadi Congress saying that we believe only in Cooperative Commonwealth or we believe in the welfare State, such a Congress would not have the right to contest the elections

SHRI B. SHANKARANAND: Such a Congress is not there today. (*Interruptions*). There is a proverb in Kannada language that "if my aunt has moustaches, I would call her uncle". So, that Congress is not today. Today the real Congress believes in socialism.

SHRI BASUDEB ACHARIA: If everybody believes in socialism, why do you want this clause here?

SHRI B. SHANKARANAND: Sir, hon. Members have said that they do not believe in this clause. Prof. Dandavate and others have said and they are totally opposed to this. If one is totally opposed to this and if they do not believe in the national unity, national integrity and the ideologies enshrined in the Constitution, we cannot help it.

SHRI G.M. BANATWALLA: We said that we do not believe in the clause, in the form in which it has been brought in here. That is the difficulty. The Constitution as I know is with reference to the secular democracy. We are dedicated to this even before you got wisdom. That apart, the point is that what I said was that unless and until you accept certain amendments which we have moved, and remove the complexities of this particular clause, the law in present form cannot be accepted.

SHRI B. SHANKARANAND: What is the complexity?

SHRI G.M. BANATWALLA: What kind of a Law Minister you are? (*Interruptions*)

Such persons should not be allowed to contest the elections. He has not understood a Member in this House who is very explicit and if the other does not understand

him, he must be asked to vacate his seat (*Interruptions*)

SHRI B. SHANKARANAND: I sincerely admit my inability to understand the complexity of the person. I cannot understand the complex personality of the Member. (*Interruptions*) Sir, for political considerations, all sorts of words are being (*Interruptions*) Mr. Banatwalla, you know where the shoe pinches.

SHRI G.M. BANATWALLA: Look at your shoes and look at your pinch.

SHRI B. SHANKARANAND: Your shoe is pinching. That is why you are crying. (*Interruptions*) I am here as a Law Minister not because of your favour. The people have put me on this side. (*Interruptions*)

Sir, it is natural that Members who are finding themselves in a critical situation will say something.

(*Interruptions*)*

MR. DEPUTY—SPEAKER: I have not called him, I can't allow. Nothing will go on record. I am not allowing him.

[*Translation*]

(*Interruptions*)*

SHRI BALKAVI BAIRAGI: Mr. Deputy Speaker, Sir, when hon. Shri Shankaranand was speaking, hon. Shri Banatwalla interfered then there were some heated exchanges. At this moment, I would like to say only this much:—

"Na kuch ye samzhe na ye samzhe, Hame to batao hum kya samzhen". (*Interruptions*).

[*English*]

MR. DEPUTY—SPEAKER: Mr. Minister, you speak.

*Not recorded.

SHRI B. SHANKARANAND: Now, Mr. Banatwalla....

(Interruptions)

SHRI EBRAHIM SULAIMAN SAIT (Manjeri): He tries to divert the attention of the people. Actually, we agreed as far as the integrity of the country and the Constitution also are concerned. But other matters put in clause 6 are very much confusing. *(Interruptions)*.

SHRI B. SHANKARANAND: Any way, the entire House has understood your views. Please sit down. *(Interruptions)*

MR. DEPUTY—SPEAKER: What is this? I cannot run the House like this.

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARADWAJ): Why are you trying to govern the House? Unnecessarily they should not create this type of situation? *(Interruptions)*. Let him have his say when his turn comes.

PROF. MADHU DANDAVATE: If the matter goes to the court, for God's sake, don't appeal like that in the House. *(Interruptions)*.

SHRI B. SHANKARANAND: Now, I should say, Sir, I have explained enough to the Members who are totally opposed to this clause. Perhaps some Members have very serious objections as far as sub—clause (v) is concerned. I can understand their grievances, I can understand their precarious condition and the critical situation. I can understand that, but the nation is interested in having a healthier political system and further interest in the poor.

Regarding Mr. Naik's amendment, it is a very long amendment in which he wanted other things to be put into here. I think it is not necessary because the Symbols Order can be amended any time after adopting this

Amending Bill. So, Sir, I am not accepting any of the amendments.

SHRI SOMNATH CHATTERJEE: What about my amendment about the inner party democracy?

SHRI BASUDEB ACHARIA: Inner party democracy—are you accepting his amendment?

SHRI B. SHANKARANAND: Perhaps the hon. Member does not know...

PROF. MADHU DANDAVATE: From 1971 onwards that has also changed.

SHRI B. SHANKARANAND: No. We hold AICC every year, now twice every year, and our views are expressed fully. *(Interruptions)*

MR. DEPUTY—SPEAKER: Order. Order.

(Interruptions).

SHRI AZIZ QURESHI: He means CPI and CPI (M)

SHRIMATI GEETA MUKHERJEE: We regularly hold our elections. *(Interruptions)*

SHRI A. CHARLES: What about Kerala? In Kerala Mr. Raghavan expressed his opinion and he was dismissed from the CPI(M). *(Interruptions)*. The man who expressed his opinion was dismissed. *(Interruptions)*.

MR. DEPUTY—SPEAKER: What is this? Why are Members shouting like this? Are you sitting here properly or not? What is this? You sit down. All of you are shouting. When the Minister is on his legs and replying, you are shouting.

SHRI A. CHARLES: Do you agree with that?

MR. DEPUTY—SPEAKER: Let him say.

(Interruptions)

SHRI B. SHANKARANAND: Sir, I can only say that our political party is the most democratic party. That is why it has sustained itself that is why people have believed in our party. That is the reason why we are in greater majority on this side. This much you should make out. *(Interruptions)*

SHRI BASUDEB ACHARIA: If you believe in inner party democracy, you accept his amendment.

SHRI B. SHANKARANAND: You do not have democracy. *(Interruptions)*.

MR. DEPUTY—SPEAKER: Please, Order.

SHRI B. SHANKARANAND: Let not Marxists teach democracy to us. Do you believe in their democracy? Let Mr. Dandavate say, does he believe in their democracy don't teach democracy. We know, what is democracy. You ask your colleagues sitting around. Do they believe in your democracy?

SHRI SOMNATH CHATTERJEE: If you believe in it, then you accept the amendment.

SHRI B. SHANKARANAND: Let Mr. Madhav Reddi say, does he believe in your democracy?

(Interruptions)

Don't you see people this side? We are elected through democratic process. *(Interruptions)*

SHRI INDRAJIT GUPTA: Quoting Pandit Kamalapati Tripathi, he has said, there is bogus membership in your party.

SHRI B. SHANKARANAND: Mr. Indrajit, I can very well appreciate your concern for my party. I thank you for that. But what is your democracy? What are you talking about democracy? What is the inner

party democracy that you are following? You do not teach us about democracy.

PROF. MADHU DANDAVATE: Sir, he is recently elected as Deputy General Secretary. *(Interruptions.)*

SHRI B. SHANKARANAND: Sir, I am not accepting any of the amendments.

SHRI DINESH GOSWAMI: Mr. Shankaranand, you have not talked about my amendment.

MR. DEPUTY—SPEAKER: He is not accepting. That is all.

SHRI DINESH GOSWAMI: My amendment is, those parties about whom the Election Commission is already satisfied with all the particulars for being registered under the Election Symbol (Reservation and allotment) Order, should become automatically registered. Why do you ask all the parties to submit all the documents?

SHRI B. SHANKARANAND: Sir, this point has been considered. I should say to the hon. Member, what is wrong for the existing political parties to furnish the details. What problem have you to send an application for registration?

MR. DEPUTY—SPEAKER: Has Shri Haroobhai Mehta leave of the House to withdraw his amendment No. 32?

SEVERAL HON. MEMBERS: Yes.

*The Amendment No. 32 was by leave,
withdrawn.*

MR. DEPUTY—SPEAKER: Has Shri Shantaram Naik leave of the House to withdraw his amendment No, 100?

*Amendment was No. 100 by leave,
withdrawn.*

MR. DEPUTY—SPEAKER: Has Shri Brajamohan Mohnaty leave of the House to withdraw his amendment No. 126

*Amendment No. 126 was, by leave,
withdrawn.*

MR. DEPUTY—SPEAKER: I shall now
put the rest of the amendments together.
The question is:

*Nos. 15, 16, 17, 23, 24, 25, 29, 30, 31, 33,
34, 35, 42, 49, 50, 51, 52, 53, 55 56, 63,
64, 65, 70, 72, 73, 74, 93,94, 125, 157,
and 158.*

Amendments were put and negatived.

THE DEPUTY—SPEAKER: The ques-
tion is:

"That clause 6 stand part of the Bill."

Let the Lobbies be cleared—

Lobbies are cleared. I will put clause 6
for adoption

The question is:

"That Clause 6 stand part of the Bill".

The Lok Sabha divided:

AYES

18.29 hrs.

Division No.14

Abbasi, Shri K.J

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shir M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Bairagi, Shri Balkavi

Baitha, Shri D.L.

Balaraman, Shir L.

Basavarajeswari, Shrimati

Basavaraju, Shri G.S.

Basheer, Shri T.

Bhagat, Shri H.K.L.

Bhardwaj, Shri Parasram

Bhoi, Dr. Krupasindhu

Bhosale, Shri Prataprao B.

Bhumij, Shri Haren

Charles, Shri A.

Chaturvedi, Shrimati Vidyavati

Chaudhary, Shri Manphool Singh

Choudhary, Shrimati Usha

Choudhary, Shri Nandlal

Dabhi, Shri Ajitsinh

Das, Shri Anadi Charan

Das, Shri Bipin Pal

Das, Shri Sudarsan

Dennis, Shri N.

Digvijay Singh, Shri

Dube, Shri Bishma Deo

Engti, Shri Biren Singh

Gadhvi, Shri B.K.

Gamit, Shri C.D.

Ghosal, Shri Debi	Mallick, Shri Lakshman
Gomango, Shri Giridhar	Mehta, Shri Haroobhai
Gowda, Shri H.N. Nanje	Meira Kumar, Shrimati
Gupta Shri Janak Raj	Mishra, Dr. Prabhat Kumar
Gupta, Shrimati Prabhawati	Mishra, Shri Ram Nagina
Halder, Prof. M.R.	Mishra, Shri Umakant
Jagannath Prasad, Shri	Mohanty, Shri Brajamohan
Jain, Shri Dal Chander	Motilal Singh, Shri
Jain, Shri Virdhi Chander	Mushran, Shri Ajay
Jangde, Shri Khelan Ram	Naik, Shri Shantaram
Jatav, Shri Kammodilal	Naikar, Shri D. K.
Jena, Shri Chintamani	Negi, Shri Chandra Mohan Singh
Jhikram, Shri M.L.	Oraon, Shrimati Sumati
Kamla Prasad Singh, Shri	Pande, Shri Raj Mangal
Kaul, Shrimati Sheila	Pandey, Shri Madan
Ken, Shri Lala Ram	Pandey, Shri Manoj
Khan, Shri Aslam Sher	Panika, Shri Ram Pyare
Khan, Shri Mohd. Ayub (Udhampur)	Panja, Shri A.K.
Kinder Lal, Shri	Parashar, Prof. Narain Chand
Kshirsagar, Shrimati Kesharbai	Pardhi, Shri Keshao Rao
Kuchan, Shri Gangadhar S.	Paswan, Shri Ram Bhagat
Kurien, Prof. F.J.	Patel, Shri Ahmed M.
Lachchi Ram, Shri	Patel, Shri C.D.
Law, Shri Asutosh	Pathak, Shri Chandra Kishore
Madhuree Singh, Shrimati	Patil, Shri H.B.
Malik, Shri Dharampal Singh	Patil, Shri Vijay N.

Patnaik, Shrimati Jayanti	Santosh Kumar singh, Shri
Poojary, Shri Janardhana	Sen, Shri Bholanath
Potdukhe, Shri Shantaram	Shahi, Shri Laliteshwar
Pushpa Devi, Kumari	Shankaranand, Shri B.
Qureshi, Shri Aziz	Shankar lal, Shri
Rai, Shri, I. Rama	Shanmugam, Shri P.
Rai, Shri Raj Kumar	Sharma, Shri Chiranjilal
Rai, Shri Ramdeo	Sharma, Shri Nand Kishore
Rajhans, Dr. G.S.	Sharma, Shri Nawal Kishore
Ram, Shri Ram Ratan	Shastri, Shri Hari Krishna
Ram, Shri Ramswaroop	Siddiq, Shri Hafiz Mohd.
Ram Awadh Prasad, Shri	Sidnal, Shri S.B.
Ram Dhan Shri,	Singaravadivel, Shri S.
Ram Singh, Shri	Singh, Shri Lal Vijay Pratap
Ramachandran, Shri, Mullappally	Singh Deo, Shri K.P.
Rana Vir Singh, Shri	Sinha, Shrimati Kishori
Ranganath, Shri K.H.	Sinha, Shri Satyendra Narayan
Rao, Shri J. Vengala	Sparrow. Shri R.S.
Rao, Shri P.V. Narasimha	Sreenivasa Prasad, Shri V.
Rao, Shri V. Krishna	Sultanpuri, Shri K.D.
Rathawa, Shri Amarsinh	Suman, Shri R.P.
Rathod, Shri Uttam	Sundararaj, Shri N.
Rawat Shri Kamla Prasad	Swami Prasad Singh, Shri
Sahi, Shrimati Krishna	Tariq Anwar, Shri
Sakargaym, Shri Kalicharan	Thara Devi, Kumari D.K.
Sankata Prasad, Dr.	Tigga, Shri Simon

Tombi Singh, Shri N.	Hansda, Shri Matilal
Tripathi, Dr. Chandra Shekhar	Iyer, Shri V.S. Krishna
Vanakar, Shri Punam Chand Mith-abhai	Janarthanan, Shri Kadambur
Venkatesan, Shri P.R.S.	Jhansi Lakshmi, Shrimati N.P.
Vyas, Shri Girdhari Lal	Malik, Shri Purna chandra
Wasnik, Shri Mukul	Masudal Hossain, Shri Syed
Yadav, Shri Ram Singh	Misra, Shri Satyagopal
Yazdani, Dr. Golam	Mukherjee, Shrimati Geeta
Yogesh, Shri Yogeshwar Prasad	Patel, Dr. A.K.
Zainul Basher, Shri	Pathak, Shri Ananda
	Patil, Shri D.B.
NOES	Penchalliah, Shri P.
Acharia, Shri Basudeb	Raju, Shri Vijaya Kumar
Banatwalla, Shri G.M.	Ramaiah, Shri B.B.
Basu, Shri Anil	Ramashray Prasad Singh, Shri
Bhoopathy, Shri G.	Rao Shri A.J.V. B. Maheswara
*Birbal, Shri	Rao Dr. G Vijaya Rama
Biswas, Shri Ajoy	Rao, Shri Srihari
Chatterjee, Shri Somnath	Rao, Shri V. Sobhanadreeswara
Chowdhary, Shri Saifuddin	Reddi, Shri C. Madhav
Dandavate, Prof. Madhu	Reddy, Shri B.N
Das, Shri R.P.	Reddy, Shri K. Ramachandra
Datta, Shri Amal	Riyan, Shri Baju Ban
Ghosh Goswami, Shrimati Bibha	Roy, Dr. Sudhir
Goswami, Shri Dinesh	
Gupta, Shri Indrajit	Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

after line 37 , insert

Sait, Shri Ebrahim Sulaiman

"Provided further that in the case of parliamentary or Assembly constituency, the reference to, an elector of the constituency as proposer, shall be construed as a reference to 0.2 per cent of the electors of the constituency or one hundred such electors whichever is less as proposers" (87).

Sambu Shri C.

Shahabuddin, Shri Syed

Somu, Shri N. V.N.

Thomas, Shri Thampan

Tulsiram, Shri V.

Yadav, Shri Vijoy Kumar

MR. DEPUTY SPEAKER: You are moving your amendment, Mr. V. Kishore Chandra S. Deo? He is absent.

Zainal Abedin, Shri

Are you moving your amendment, Mr. V. Sobhanadreeswara Rao?

MR. DEPUTY SPEAKER: Subject to correction*, the result of the division is:

AYES: 146

SHRI V. SOBHANADREESWARA
RAO: I beg to move:

NOES: 48

Page 5—

The motion was adopted

after line 37, insert—

Clause 6 was added to the Bill.

Provided further that in the case of Parliamentary or Assembly constituency, the reference to " an elector of the Constituency as proposer" shall be construed as a reference to "Twenty five per cent of the electors of any one polling station of the constituency or one hundred such electors whichever is less as proposers." (153).

Clause-7 (Amendment of Section 33)

MR. DEPUTY SPEAKER: Are you moving your amendment, Mr. Dinesh Goswami?

SHRI DINESH GOSWAMI: No.

MR. DEPUTY SPEAKER: Are you moving your amendment, Mr. Madhav Reddi?

SHRI C. MADHAV REDDI: Yes. -

MR. DEPUTY-SPEAKER: I shall now put amendment Nos. 87 and 153 moved to Clause 7 to the vote of the House.

I beg to move:

page 5—

*Amendments No. 87 and 153 were
put and negatived.*

*The following Members also recorded their votes:

AYES: Shrimati Manorama Singh, Shri Birbal, Shri Somnath Rath, Shri Channaiah Odeyar, Shri Ganga Ram, Shri Bapulal Malviya and Shri Mankuram Sodi.

NOES: Shri Hannan Mollah.

MR. DEPUTY SPEAKER: There are no amendments to Clause 8 and 9.

Therefore, I put together Clauses 7 to 9 to the vote of the House.

The question is:

"That Clauses 7 to 9 stand part of the Bill."

The motion was adopted.

Clauses 7 to 9 were added to the Bill

Clause 10 (Insertion of new section 58 A)

MR. DEPUTY SPEAKER: Mrs. Geeta Mukherjee..... not here.

Shri Thampam Thomas.

SHRI THAMPAN THOMAS: Sir, I beg to move:

Page 6,—

after line 26, insert—

(c) during the election time the police officers or any persons deputed for keeping peace in the locality and to ensure peaceful holding of elections creates wilfully a situation by which voters could not come and participate in the election; or

(d) during the process of election either the presiding officer or the polling officers themselves cast the vote on the plea of inability of voters or otherwise and cast the vote against the will and choice of the voters. (96).

MR. DEPUTY SPEAKER: Shri Indrajit Gupta.. not here

SHRI VIJOY KUMAR YADAV (Nalanda): Sir, I beg to move:

Page 6, lines 20 to 22,

Omit" (i) or at a place fixed for the poll (hereafter in this section referred to as a place)

(ii) line 23,—

omit or lace (113)

Page 6, line 30, —

after " under sub-section (1) insert—

"or on the receipt of a report from the candidate" (134)

SHRI THAMPAN THOMAS: Sir, the fallacy of this Bill has very much been revealed during the discussion. Booth capturing is made an offence. But, many other things also happen during the time of elections. Therefore my a amendment No. 96 says how they canvass the election process. This is very clear from the past experience. Therefore, many of the important things which have been excluded are not taken note of. So, I am suggesting these two things. The fact is that the Police Officers and other people who are deputed for election duties, they involve themselves in the election matters and influence the election. There is another thing. At the time of casting vote, they use the officers to cast the vote in favour of the persons whom people want, who will control. Therefore, to curb this, I have moved my amendment.

[Translation]

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Deputy-Speaker, Sir, my amendment to Clause 10 is that the Election Commission should not decide the cases of booth-capturing or irregularities committed at the time of election merely on the basis of the report from the Returning Officer which is not adequate. I shall conclude after giving an example.

[Sh. Vijoy Kumar Yadav]

In the 1985 elections, in the Islampur area of my Parliamentary constituency the candidate of Communist Party of India was declared elected and given a certificate of election. But after two days the Returning Officer issued a certificate of election to the Congress candidate and declared our candidate to have lost the elections.

So this provision does not hold good in the cases where the Returning Officer himself is involved in such irregularities or booth capturing or other malpractices. Who will file a complaint against him in such cases?

That is why I have moved the amendment which says that in such cases the Election Commission should take action not only on the basis of the report received from the Returning Officer but also on the basis of the report received from the candidate in case the candidate files a complaint in this regard.

That is my amendment.

[English]

SHRI B. SHANKARANAND: Sir, I think, the hon. Member has not been able to appreciate the provision of the amendment. This amendment says—I will read for the benefit of the House "the returning officer shall forthwith report the matter to the Election Commission." The point is he doesn't take the decision. He makes only a report to the Election Commission and the Election Commission takes the decision. Therefore, this objection is not well-founded. I don't accept this.

MR. DEPUTY-SPEAKER: Now, I shall put the amendments moved by Shri Thampar Thomas and Shri Vijoy Kumar Yadav to the vote of the House.

Amendment Nos 96, 113 and 134 were put and negatived

MR. DEPUTY-SPEAKER: The ques-

tion is:

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill .

CLAUSE 11 (Insertion of new Section 61A)

SHRI DINESH GOSWAMI (Guwahati):
Sir, I beg to move:

Page 7, line 7, -

*for "having regard to the circumstances of each case"
substitute—*

"in consultation with the Leaders of the recognised political parties and the "Union of India and State Governments." (44)

SHRI SOMNATH CHATTERJEE
(Bolpur): Sir, I beg to move:

Page 7, lines 5 to 7,—

for "may be adopted in such constituency or constituencies as the election Commission may, having regard to the circumstances of each case, specify."

substitute " shall be adopted in all the constituencies during the same election." (66)

MR. DEPUTY-SPEAKER: Shri Amar Roypradhan not here

SHRI BASUDEB ACHARIA
(Bankura): Sir, I beg to move:

page 7, lines 5 to 7,—

for "such constituency or constituencies as the Election Commission may, having regard to the circum-

stances of each case, specify.

substitute "all constituencies".

SHRI DINESH GOSWAMI: Sir, my amendment is very simple. It is regarding electronic voting machine. The Clause says, "the Election Commission may, having regard to the circumstances of each case, specify..." Therefore, there is no guideline under which the Election Commission will decide as to in which booth the electronic voting machine will be employed. The Statement of Objects and Reasons says that it is sensitive. There is no such consequence. Therefore, my amendment is that the Election Commission will decide the polling booths in consultation with the Leaders of the recognised political parties and the Union of India and the State Governments.

SHRI SOMNATH CHATTERJEE (Bolpur): As Mr. Goswami just now said, our apprehension is because of the Financial Memorandum. The Financial Memorandum says, if you kindly look at it:

"It is proposed that the machines may be introduced in the first phase, in constituencies identified as sensitive by the Election Commission."

I do not know on what basis this Financial Memorandum is prepared. Did you have a discussion with the Election Commission? As rightly said by Mr. Goswami, there are no guidelines. Nobody knows on under what circumstances, on what basis, the Election Commission may decide something? There should have been some guideline some Indication. And in the Financial Memorandum, as I said earlier, sensitive for whom? Sensitive from what point of view? If the Government for the purpose of sensitivity, refers to the Election Commission to decide the utilisation of voting machine, then this becomes too much indefinite. Therefore, if they adopt voting machine, it shall be adopted in all the constituencies during the same election. Therefore, there is nothing to be picked and chosen without any guidelines.

SHRI BASUDEB ACHARIA (Bankura): My amendment is very simple. If electronic voting machine is introduced, it should be introduced in all constituencies. Here, it has been stated that some sensitive constituencies are to be identified by the Election Commission. There is no role of State Government which looks after the law and order problem of the State. My amendment that if electronic machine is introduced that should be a foolproof machine that should be introduced in all constituencies and not in some constituencies which are sensitive and that too identified by the Election Commission. In the Financial Memorandum it has been stated that one machine will cost Rs. 5,000. And to introduce it in all the constituencies, it will cost about Rs. 75 crores. If electronic voting machine is introduced, that should be introduced in all constituencies in this country.

SHRI B. SHANKARANAND: I don't think the opposition or any other Member has any objection for using electronic machine for voting. The only objection seems to be that it should be used in all the constituencies. That is the only thing that they have said.

SHRI SOMNATH CHATTERJEE: What is the basis of sensitiveness?

SHRI B. SHANKARANAND: The question is, perhaps, you know the constitutional status of the Election Commission.

SHRI SOMNATH CHATTERJEE: But it is mentioned in the Financial Memorandum. How do you know about it?

SHRI B. SHANKARANAND: When we have not been able to provide electronic machines for all the constituencies in the country and we have been able to provide only a few number which has been specified, to those constituencies the Election Commission will decide. We are not going to decide.

SHRI SOMNATH CHATTERJEE: How do you know about it?

SHRI B. SHANKARANAND: The Election Commission is in charge of all these things. They know where is what and we have left it to the Election Commission.

SHRI SOMNATH CHATTERJEE: Did you consult the Election Commission before making Financial Memorandum?

SHRI B. SHANKARANAND: The Bill doesn't say that these powers have been left to the Government. It has been left entirely to the Election Commission which is an independent constitutional authority.

SHRI BASUDEB ACHARIA: Why only sensitive constituencies?

SHRI DINESH GOSWAMI: The point we would like to be clarified is that in the Financial Memorandum you have said that the total expenditure likely for introducing the electronic voting machine in all the sensitive constituencies will be Rs. 75 crores. Which means such constituencies will be 150. We would like to know what are the criteria on the basis of which you have considered a constituency to be sensitive constituency and on what basis you have come to conclusion of 150. This is not what the Election Commission has decided. It is what the Government has decided.

SHRI B. SHANKARANAND: I still maintain that the sensitive aspect of what the Election Commission, you or me think, is not a part of the amending bill... (Interruptions)... We are not bringing an amendment on that account. Perhaps it may be that whichever constituencies the Election Commission may feel necessary, there the electronic machines can be used. This is the intention of the Government.

MR. DEPUTY SPEAKER: I shall now put all the amendments moved to Clause 11 to the vote of the House.

Amendment Nos 44, 66 and 154 were put and negatived.

MR. DEPUTY SPEAKER: The ques-

tion is:

"That Clause 11 stand part of the Bill"

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 (Amendment of Section 77)

SHRI DINESH GOSWAMI: I beg to move:

"Page 7, -

for clause 12, substitute

'12. In Section 77 of the principal Act, in sub section (1),

(a) for Explanation 1, the following Explanation shall be substituted, namely:-

'Explanation:- Notwithstanding any judgement, order or decision of the Court any expenditure incurred or authorised in connection with the furtherance of election prospects of a candidate by a political party, recognised under the Election Symbol Order, 1968 or otherwise shall be deemed to be expenditure incurred in connection with the election or authorised by the candidate or by the election agent for the purpose of this sub-section.

Provided that any expenditure by the State for funding election of candidate by the Union of India like free postage for appeals to constituents, transport and fuel facilities, with limits prescribed under rules, shall not be deemed to be expenditure in connection with election incurred or authorised by the candidate or by the election agent for the purpose of this section.";

(b) Explanation 2 shall be omitted;

(c) Explanation 3 shall be omitted.
(160)

SHRI C. MADHAV REDDI: I beg to move:

"Page 7,—

for clause 12, substitute

' 12. In section 77 of the Principal Act, in sub-section (1) for Explanation 1, the following Explanation shall be substituted, namely:-

'Explanation 1. - Notwithstanding anything contained in any other section of this Act, the total of the said election expenditure incurred by the political party of the candidate or any other association or supporters of the candidate, shall not exceed rupees two lakhs and fifty thousand in case of Parliament and rupees fifty thousand in case of Assembly.' (162)

SHRIDINESH GOSWAMI: My amendment is in two parts. The first part is that under the present law there is a ceiling of expenditure but the ceiling applies only to the candidates and not to a political party with the result that election expenses are made but not shown in the ceiling and the ceiling has become totally unrealistic. Therefore, I have given an amendment that the election expense by a political party for the furtherance of election prospect of a candidate by a political party recognised under the election symbol order or otherwise should be included.

I may point out that the successive Chief Election Commissioners and even a number of important committee recommendations have suggested that the party's expense also should come within the ceiling of the election expense.

My second proviso is, if the State decides to provide certain funds either by cash or otherwise, that will not be included within the ceiling of election expense.

I feel this is a very reasonable suggestion which the Government should accept.

SHRI C. MADHAV REDDI: My amendment also relates to the election expense. In 1974, the Representation of People's Act 1951 was amended and the expenditure incurred by the political parties, friends of the candidates, or any other associations supporting the candidate, all that expenditure has been excluded. I would like that proviso to Section 77 of the Representation of People's Act which was inserted in 1974 to be deleted.

SHRI B. SHANKARANAND: I think the amendments are so clear that booth capturing by candidate or this agent or any other person has been made a corrupt practice and accordingly this is added.

AN HON. MEMBER: This is about election expense.

SHRI B. SHANKARANAND: About the election expenditure there were discussions. Perhaps Mr. Madhav Reddi was there when we discussed this matter when I had a consultation with the Opposition leaders. This matter was raised by the Hon. Members. This is a matter we don't think that should form a part of the legislation.

MR. DEPUTY SPEAKER: The question is:

'Page 7,—

for clause 12, substitute -

' 12. In section 77 of the principal Act, in sub-section (1), —

(a) for Explanation 1, the following Explanation shall be substituted, namely:-

"Explanation-Notwithstanding any judgement, order or decision of the Court any expenditure incurred or authorised in connection with the furtherance of election prospects of a candidate by a political party, recognised under the Election Symbol Order, 1968 or otherwise shall be deemed to be expenditure incurred in connection with the election or authorised by the candidate or by the election agent for the purpose of this subsection.

Provided that any expenditure by the State for funding election of candidate by the Union of India like free postage for appeals to constituents, transport and fuel facilities, with limits prescribed under rules, shall not be deemed to expenditure in connection with election incurred or authorised by the candidate or by the election agent for the purpose of this section";

(b) Explanation 2 shall be omitted;

(c) Explanation 3 shall be omitted."
(160)

"Page 7,—

for clause 12, substitute-

'12. In section 77 of the Principal Act, in sub-section (1) for Explanation 1, the following Explanation shall be substituted, namely:-

"Explanation 1. - Notwithstanding anything contained in any other section of this Act, the total of the said election expenditure incurred by the political party of the candidate or any other association or supporters of the candidate, shall not exceed rupees

two lakhs and fifty thousand in case of Parliament and rupees fifty thousand in case of Assembly." (162)

The Lok Sabha divided

Division No 15

18.50 hrs.

AYES

Acharia, Shri Basudeb

Basu, Shri Anil

Bhoopathy, Shri G.

Biswas, Shri Ajoy

Dandavate, Prof. Madhu

Das, Shri R.P.

Datta, Shri Amal

Ghosh Goswami, Shrimati Bibha

Goswami, Shri Dinesh

Gupta, Shri Indrajit

Hansda, Shri Matilal

Jhansi Lakshmi, Shrimati N. P.

Malik, Shri Purna Chandra

Masudal Hossain, Shri Syed

Misra, Shri Satyagopal

Mukherjee, Shrimati Geeta

Pathak, Shri Ananda

Patil, Shri D. B.

Penchalliah, Shri P.

Raju, Shri Vijaya Kumar

Ramaiah, Shri B.B.	Balaraman, Shri L.
Ramashray Prasad Singh, Shri	Banerjee, Kumari Mamata
Rao, Shri A. J. Y. B. Maheswara	Basavarajeswari, Shrimati
Rao, Dr. G. Vijaya Rama	Basheer, Shri T.
Rao, Shri Srihari	Bhagat, Shri H. K. L.
Rao, Shri V. Sobhanadreeswara	Bhardwaj, Shri Parasram
Reddi, Shri C. Madhav	Bhosale, Shri Prataprao B.
Reddy, Shri B. N.	Bhumy, Shri Harea
Reddy, Shri K Ramachandra	Birbal, Shri
Riyan, Shri Bajuban	Charles, Shri A.
Roy, Dr. Sudhir	Chaturvedi, Shrimati Vidyavati
Saha, Shri Ajit Kumar	Chaudhary, Shri Manphool Singh
Saha, Shri Gadadhar	Choudhary, Shri Nandlal
Somu, Shri N. V. N.	Dabhi, Shri Ajitsinh
Thomas, Shri Thampan	Dalbir Singh, Shri
Tulsiram, Shri V.	Das, Shri Anadi Charan
Yadav, Shri Vijoy Kumar	Das, Shri Sudarsan
Zainal Abedin, Shri	Dennis, Shri N.
NOES	Digal, Shri Radhakanta
Abbasi, Shri K.J.	Digvijaya Singh, Shri
Anthony, Shri P. A.	Dube, Shri Bhishma Deo
Arunachalam, Shri M.	Engti, Shri Biren Singh
Athithan, Shri R. Dhanuskodi	Gadhvi, Shri B. K.
Awasthi, Shri Jagdish	Gamit, Shri C. D.
Bairagi, Shri Balkavi	Ganga Ram, Shri
Baitha, Shri D. L.	Ghosal, Shri Debi

Gomango, Shri Giridhar	Manorama Singh, Shrimati
Gupta, Shri Janak Raj	Meira Kumari, Shrimati
Gupta, Shrimati Prabhawati	Mishra, Dr. Prabhat Kumar
Jagan Nath Prasad, Shri	Mishra, Shri Ram Nagina
Jain, Shri Viridhi Chander	Mishra, Shri Uma Kant
Jangde, Shri Khelan Ram	Motilal Singh, Shri
Jatav, Shri Kammodilal	Mushran, Shri Ajay
Jena, Shri Chintamani	Naik, Shri Shantaram
Jhikram, Shri M L.	Naikar, Shri D. K.
Kamla Prasad Singh, Shri	Nagi, Shri Chandra Mohan Singh
Kaul, Shrimati Sheila	Odeyar, Shri Channaiah
Ken, Shri Lala Ram	Oraon, Shrimati Sumati
Khan, Shri Aslam Sher	Pande, Shri Raj Mangal
Khan, Shri Mohd. Ayub (Jhunjhunu)	Pandey, Shri Madan
Khan, Shri Mohd. Ayub (Udhampur)	Pandey, Shri Manoj
Kinder Lal, Shri	Panigrahi, Shri Sriballav
Kshirsagar, Shrimati Kesharbai	Panika, Shri Ram Pyare
Kuchan, Shri Gangadhar S.	Parashar, Prof. Narain Chand
Kurien, Prof. P. J.	Pardhi, Shri Keshao Rao
Lachchhi Ram, Shri	Pathak, Shri Chandra Kishore
Law, Shri Asutosh	Patil, Shri H. B.
Madhuree Singh, Shrimati	Patil, Shri Vijay N.
Mahendra Singh, Shri	Patnaik Shrimati Jayanti
Malik, Shri Dharampal Singh	Patnaik, Shri Jagannath
Mallick, Shri Lakshman	Poojary, Shri Janardhana
Malviya, Shri Bapulal	Potdukhe, Shri Shantaram

Pushpa Devi, Kumari	Shankaranand, Shri B.
Qureshi, Shri Aziz	Shankarlal, Shri
Rai, Shri I. Rama	Shanmugam, Shri P.
Rai, Shri Raj Kumar	Sharma, Shri Nand Kishore
Rai, Shri Ramdeo	Shastri, Shri Hari Krishna
Rajhans, Dr. G. S.	Siddiq, Shri Hafiz Mohd.
Ram, Shri Ram Ratan	Sidnal, Shri S. B.
Ram, Shri Ramswaroop	Singaravadivel, Shri S.
Ram Awadh Prasad, Shri	Singh Deo, Shri K. P.
Ram Singh, Shri	Sinha, Shrimati Kishori
Rana Vir Singh, Shri	Sinha, Shri Satyendra Narayan
Ranganath, Shri K. H.	Sparrow, Shri R.S.
Rao, Shri J. Vengala	Sreenivasa Prasad, Shri V.
Rao, Shri P.V. Narasimha	Sultanpuri, Shri K. D.
Rao, Shri V. Krishna	Suman, Shri R. P.
Rath, Shri Somnath	Sundararaj, Shri
Rathawa, Shri Amarsinh	Thara Devi, Kumari D. K.
Rathod, Shri Uttam	Thorat, Shri Bhausahab
Rawat, Shri Harish	Tigga, Shri Simon
Rawat, Shri Kamla Prasad	Tombi Singh, Shri P. P.
Sahi, Shrimati Krishna	Tripathi, Dr. Chandra Shekhar
Sakargaym, Shri Kalicharan	Vanakar, Shri Punam Chand Mith- abhai
Sankata Prasad, Dr.	
Sen, Shri Bholanath	Venkatesan, Shri P. R. S.
Sethi, Shri Ananta Prasad	Vyas, Shri Girdhari Lal
Shahi, Shri Laliteshwar	Yadav, Shri Ram Singh

Yazdani, Dr. Golam

Yogesh, Shri Yogeshwar Prasad

language it shall be deemed to be an appeal by the candidate on such ground." (26)

MR. DEPUTY SPEAKER: Subject to correction*, the result of the Division is:

Ayes: 38

Noes: 138

The motion was negatived

MR. DEPUTY SPEAKER: The question is:

"That Clause 12 stand part of the Bill."

The motion was adopted

Clause 12 was added to the Bill

Clause 13 (Amendment of Section 123)

PROF. MADHU DANDAVATE: I beg to move:

"Page 7, -

after line 17, insert -

' (a) after the proviso to clause (3), the following further proviso shall be inserted, namely:-

"Provided further that if a candidate is set up or seeks or receives the support of an organisation or a political party whose membership is open to citizens belonging only to a certain religion, race, caste, community or

SHRI THAMPAN THOMAS: I beg to move:

Page 7, -

after line 17, insert -

'(a) after clause (7), the following clause shall be inserted, namely:-

"(7A) The securing the assistance of a Government servant belonging to any class to make any arrangement or provide and facility or doing any other act or thing for election of the candidate." (38)

SHRI DINESH GOSWAMI: I beg to move:

"Page 7, -

after line 21, insert -

" (9) The use of official cars, planes, helicopters etc. by persons holding official positions for the purpose of furthering the election prospect of any political party or candidate." (39)

PROF. MADHU DANDAVATE: Really speaking, the hon. Minister has accepted my earlier amendment regarding the misuse of religious institutions. This is only a corollary of that. Only one proviso is being added about the corrupt practices, namely:

"Provided further that if a candidate is set up or seeks or re-

*The following Members also recorded their votes for NOES:

Sarvanree Mullapally Ramachandran, Chiranjia Lal Sharma, Ram Bhagat Paswan, T. Bala Gowda, Braja Mohan Mohanty, Prof. M.R. Haldar, Shri Bipin Pal Das, Shri Ram Dhan and Shri Mankuram Sodi.

ceives the support of an organisation or a political party whose membership is open to citizens belonging only to a certain religion, race, caste, community or language it shall be deemed to be an appeal by the candidate on such ground "

This should be liable for corrupt practice.

SHRI THAMPAN THOMAS: Sir, I also want to include a point about corrupt practice. Nowadays, the civil service is very much influenced by political parties. The political parties are involving civil servants in an election. They may manipulate according to their own political sympathies and all that. To avoid that, I am proposing to insert the following clause after clause (7):

" (7A) The securing the assistance of a Government servant belonging to any class to make any arrangement or provide any facility or doing any other act or thing for election of the candidate."

This is the common experience. The cases are there in the courts. The Supreme Court has also decided in that favour. Therefore, I press this amendment.

SHRI DINESH GOSWAMI: The House will be happy to know that this is my last amendment.

PROF. MADHU DANDAVATE: Is anything likely to happen to you afterwards?

SHRI DINESH GOSWAMI: No, Sir, I want the following to be included in the corrupt practice:

"The use of official cars, planes, helicopters etc. by persons holding official positions for the purpose of furthering the election prospect of any political party or candidate."

SHRI B. SHANKARANAND: The amendment suggested are beyond the scope of the amending Bill. Therefore, I cannot accept them.

MR. DEPUTY SPEAKER: I shall put all the amendments to clause 13 to the vote of the House.

Amendment Nos 26, 38 and 45 were put and negatived.

MR. DEPUTY SPEAKER: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 (Amendment of Section 127)

SHRI. V. SOBHANADREESWARA RAO: I beg to move:

Page 7, line 30, -

for "one thousand rupees" substitute—

"two thousand rupees" (39)

Sir, this amendment is to further strengthen the provision to discourage persons who disturb the election meetings. The Government has proposed Rs. 1,000. I have proposed Rs. 2, 000. It will be more stringent and effective. I hope the Minister will accept it.

SHRI B. SHANKARANAND: We have already enhanced the punishment. Therefore, I cannot accept it.

MR. DEPUTY SPEAKER: I shall now put the amendment moved by Shri V. Sobhanadreeswara Rao to the vote of the House.

Amendment No 39 was put and negatived.

MR. DEPUTY SPEAKER: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted

Clause 14 was added to the Bill

MR DEPUTY SPEAKER: The question is

"That Clause 15 and 16 stand part of the Bill,"

The motion was adopted

Clauses 15 and 16 were added to the Bill.

Clause 1 [Short Title and Commencement]

SHRIMATI GEETA MUKHERJEE: I beg to move:]

Page 1, -

for lines 7 to 11, *substitute* —

" (2) It shall come into force at once." (6)

SHRI VJOY KUMAR YADAV: I beg to move:

Page 1, lines 8 to 11, -

omit "and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision." (127)

SHRIMATI GEETA MUKHERJEE: This is an enabling clause which makes Government able to have the provisions of

these implemented at a different date as the Government will think fit. It seems to me that in view of the discussions held only a little while ago about voting machines, this enabling provision is very dangerous. In Bihar, our candidate was declared elected in the Islampur Assembly constituency. The certificate was handed over to him by the Electoral Officer. After two days it was said that he was not elected, somebody else was elected, because there was some trouble in counting. If this kind of selective enabling power is given to the Government with regard to various provisions, I am afraid the questions will be decided in the way, it was decided in Islampur.

Therefore, I am opposed to this Clause if the Bill is to be adopted, it has to be put into practice all at once and not at the discretion of the Government in power.

[Translation]

SHRI VJOY KUMAR YADAV (Nalanda): Mr. Deputy Speaker, Sir, my amendment is of the similar nature. The Bill which has been introduced is not comprehensive but a piecemeal. A provision has been made to implement this Bill in a piece-meal. I suggest that when a Bill is passed in its entirety, all the provisions of the Bill should brought into force on one date. This is what my amendment says. As my amendment is quite a simple one, I hope the hon. Minister will accept it.

[English]

SHRI B. SHANKARANAND: The hon. Members may kindly consider that this is an enabling provision. We have in the amending Bill so many clauses. With respect to certain clauses certain preliminary actions are to be taken, and in that case the particular clauses cannot come into force immediately. But this Section does not bar that we cannot bring all the provisions of the Bill into force on one date. Some time is required for preliminary action in certain cases. For example, for electronic machines, can we say that it will come into force from tomorrow? These are

the purposes for which this enabling clause is there. Therefore, I do not accept this amendment.

MR. DEPUTY SPEAKER: I shall now put the amendments to clause 1 to the vote of the House.

Amendments 6 and 127 were put and negatived.

MR DEPUTY SPEAKER: The question is:

"That Clause 1 stand part of the Bill".

The motion was adopted

Clause 1 was added to the Bill.

MR DEPUTY SPEAKER: The question is:

"That the Enacting Formula and Title stand part of the Bill."

The motion was adopted

The Enacting Formula and Title were added to the Bill.

SHRI B. SHANKARANAND: I beg to move:

"That the Bill, as amended, be passed."

MR DEPUTY SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

Some hon. Members want to speak. I would request them to be brief.

Shri Ramachandra Reddy.

SHRI K. RAMACHANDRA REDDY (Hindupur): Mr. Deputy Speaker, Sir, the Government had come forward and this

House has passed the Constitutional Amendment Bill for lowering the voting age from 21 to 18 years. But I am doubtful, whether it would be implemented before the next elections. Even though the Constitutional Amendment Bill has been passed, it has to be rectified by fifty per cent of the States and then the President's assent has also to be received. Only then, it will become an Act. On these grounds, the Government may like to delay its implementation.

Further, Section 19 of the Representation of the People Act has also to be amended to give effect to the lowering of the voting age. That has also not been done. That gives an indication of the intentions of the Government.

As far as the issue of identity cards is concerned, we have already done it in Andhra Pradesh in respect of Corporation elections, Municipal elections as also elections to the cooperative societies. It has been a great success in preventing bogus voting. But here, the Government has not chosen to do it immediately on the ground of expenditure.

These two things require to be attended to immediately.

With these words, I opposed this Bill.

*SHRI B. N. REDDY (Miryalguda): Mr. Deputy Speaker, Sir, fairness is very important in conducting elections. The present Bill to amend the Peoples Representation Act has almost ignored this prerequisite. These amendments are meaningless if the elections are not free and fair. Just reducing the voting age from 21 years to 18 years will not serve any purpose if the elections are not free and fair. In that case the intentions of all such amendments will be nullified. Hence once again I stress the importance of free and impartial conducting of elections.

Another important point that I want to stress is that of the power of the ballot. Justice will be done to elections and voters only when they are duly taken note of. Jus-

[Sh. B.N. Reddy]

time should be done to the vote cast during the elections. What we see today is that the party which bags only 40% of the votes is ruling the country while the 60% of the votes that are cast is being ignored. Justice will only be done to the vote and voter only when the importance of vote is taken cognizance of. If a party which bags only 40% of the votes and comes to power it is nothing but injustice to the remaining 60% of the voters. Hence I advocate the importance of proportional representation. Democracy is not justified if there is no proportional representation system. It is most unfortunate that the Hon. Minister has turned down the appeal made by all sections of Members for proportional representation. I ask the ruling party, which is trying to claim all the credit in reducing voting age from 21 years to 18 years, why the proposal for proportional representation has not been accepted. They owe an answer to this question.

Sir, another important factor which influences one elections is the money and the muscle power. While participating in the debate, the Hon. Members from all sections of the House, repeatedly drew the attention of money and muscle power in the elections. What is more alarming is that these twin evil influences are being more and more institutionalised. Everyone in this august House is well aware of what has happened in Tripura. It is a clear case of institutionalised muscle power. It shows that institutionalised and legalised muscle power is playing a role in the elections. This muscle power power has played its role in Tripura and is playing its role in Tamil Nadu also. The ruling party has successfully institutionalised the money and muscle power. In such a situation how can the ruling party do justice to elections? It is most unfortunate that the Government has not accepted amendments for controlling and eliminating money and muscle powers from the election scene. There is no justification in their claim that the present amendment Bill is historical and revolutionary. This is a hollow claim, for, they have not accepted even the most reasonable amendments

proposed by Opposition Members to make elections free from evil influences. I consider the Bill neither historical nor revolutionary but I do consider it as yet another political gimmick of the ruling party which would certainly go down in the history as such.

19.00 hrs.

SHRI THAMPAN THOMAS (Mavelikara): I want to point out one important thing. This is about 10 million people Indian citizens who are living abroad. They are not given the voting right. They are working abroad. The Government have received several representations in this respect. The people who are working abroad and who are not in a position to vote here should be given a voting right. My humble submission is that the Government should pay some attention to see that these people who work abroad about 10 million people earning foreign exchange.

I hope the hon. Minister will pay some attention in this regard.

Another thing which is very important is the principle regarding withdrawal of a candidate who is already elected. It is one of the democratic principles followed by several countries. If a person is found to be unfit by the people who have elected, they have a right to recall him. That is a people's right. I would like the Government to think over this issue also.

Then about the compulsion to vote.

MR DEPUTY SPEAKER: Mr Thomas, this is not correct. You should have given it in writing. You should speak only for or against the Bill.

SHRI THAMPAN THOMAS: Now there is no compulsion in our country to exercise the vote. Less and less proportion of people are going to vote nowadays. There should be some provision to compel persons to vote.

Then about socialism. You have not defined it. It is a cap suitable for anybody who wears it. (*Interruptions*) I am a socialist. I know it. But you have no socialism. You are wearing it; that is all.

SHRI B. SHANKARANAND: It is the practice of the House that during the Third Reading, no new points are made, and another general delete cannot take place on those points. So, I do not think I need to take the time of the House in this regard.

The second point is about is about the symbol. Perhaps the hon. Member knows it. It is there in the 1950 Act. Next about identity cards. There is a provision already there under section 228 for issuing identity cards. The only thing is that we have to take action. The Election Commission will take care of it.

About money power and muscle power, Mr. D.N. Reddy has spoken. This has been debated at length earlier. I do not think we

have to refer to it now.

With these words, I beg to move:

"That the Bill, as amended, be passed."

MR DEPUTY SPEAKER: The question is;

"That the Bill, as amended, be passed."

The motion was adopted.

MR DEPUTY SPEAKER: The House now stands adjourned till 11 hrs. tomorrow.

19.07 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 16, 1988 Agrahayana 25, 1910 (Saka).