

be deferred for years together. It should be time-bound. Let it be deferred for a week's time.

SHRI G.M. BANATWALLA: Sir, I am sorry to say that this is a sad reflection on the part of the Government. This is the second Bill, the consideration of which is getting postponed and the House is being taken for a ride. The Government must properly study the things before they come here. This is not the way. So many terms I have passed here in this House and now I find again and again the Government sleeping on the matters and then suddenly waking up to realities. They must do their home work properly. The consideration of which Bill is now going to be adjourned? This is the second Bill in one week, the consideration of which is now going to be adjourned. They do not study the things properly. I do not know how they come before the House. (Interruptions). This is, of course, a good Bill and I support it. But I say that the Government ought to have taken care of all these things.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): Sir, Shri G.M. Banatwalla is a senior Member of this House. With deference to the wishes of the hon. Members, we are deferring this item which has been listed in the agenda today. It is not that the Government has not applied its mind. The Government has applied its mind. But with deference to the wishes of the hon. Members, we are postponing it and we are taking up the second one. The difficulty with the second one in the secretariat is that the hon. Speaker allowed the amendments up to one o'clock. The amendments are yet to be circulated. They have not been circulated as yet. That is why I am requesting the Chair that we can go to the next item, that is, the Statutory Resolution. The electoral reforms have been agreed to by all political parties. Immediately after the amendments are circulated, we shall take up the Electoral Reforms Bill. This is precisely the point. I hope, Shri G.M. Banatwalla will appreciate this position.

[Translation]

SHRI SANTOSH KUMAR GANGWAR: Mr. Chairman, I object to it. It was decided at 10pm. That amendments will be accepted upto 12 Noon. Then, why have they not been circulated? It is there in the list of Business.

[English]

MR. CHAIRMAN: We shall check it up.

[Translation]

SHRI SANTOSH KUMAR GANGWAR: Mr. Chairman, we had come prepared for item No.20 and not for 21 or 22.

[English]

MR. CHAIRMAN: We are prepared for all the items which find place in the List of Business. Anyway, let us wait for the circulation of the proposed amendments.

SHRI SRIKANTA JENA: We can take up the discussion. In the mean time, the amendments are being circulated... (Interruptions).

MR. CHAIRMAN: Please make up your mind.

SHRI SRIKANTA JENA: We are ready, Sir. The only point is that the discussion can be started and the amendments are being circulated.

SHRIMATI GEETA MUKERJEE: Sir, the confusion is because one sheet was circulated. That is really a technical mistake... (Interruptions).

16.00 hrs

SHRI RAMAKANT D. KHALAP: Sir, I beg to move: "That the discussion on the Representation of the People (Amendment) Bill, 1996 be postponed for the next week".

MR. CHAIRMAN: The question is:

"That the discussion on the Representation of the People (Amendment) be postponed for the next week".

The motion was adopted.

16.01 hrs.

## REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

[English]

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP): Sir, I beg to move:

"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".

Mr. Chairman, Sir... (Interruptions)

SHRI G.M. BANATWALLA (Ponnani): Sir, where are the amendments?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): They are coming. They are being circulated. They are on the way... (Interruptions)

SHRI G.M. BANATWALLA: Sir, we are discussing this without knowing what the amendments which the hon. Members are going to bring? ... (Interruptions)

MR. CHAIRMAN: I am told that some hon. Members have already got the circulated amendments.

SHRI G.M. BANATWALLA: They are fortunate. But what have we done? Why is this distinction between certain Members receiving them and certain Members not receiving them? What a confusion in this House? ... (Interruptions)

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, please listen to me. There is no confusion. Yesterday, the whole night, many speakers wanted to speak on the Railway Budget. Many members decided that they need not listen to the others. Those are the members who are in the confusion... *(Interruptions)* Therefore we should not say like that. Because it became so late that some Members wanted the permission that the time for giving amendments be extended and that is why it was extended. That is why the amendments are coming a little late. It is not just that the Government is working in a peculiar way... *(Interruptions)*

*[Translation]*

SHRI I.D. SWAMI (Karnal): Mr Chairman, this matter came up in the morning also. We were told to get them from the counter. When we approached the counter, they were not there. They were not there yesterday, day before yesterday and not even today.

*[English]*

SHRI SRIKANTA JENA: Mr. Chairman, Sir, this is not the first time that during the course of the discussion of a Bill also amendments are being allowed by the Chair. We can proceed with the discussion. The amendments can come. The Minister is just making a statement as to why this House should consider this Bill. You just listen to it... *(Interruptions)* The amendments are coming. If you have any amendments also, the Government is open for them. It is a unanimous Bill. It has been accepted by all political parties. It is your property. It is not that the credit has to go to the Government. All of us have put our heads together and we have decided to bring these electoral reforms. That is why I request that the discussion may start now... *(Interruptions)*

SHRI SONTOSH MOHAN DEV: Mr. Minister, nobody is objecting to it. But how could you guarantee that in the course of the discussion of the amendments will reach here?

SHRI SRIKANTA JENA: They will reach you.

SHRI SONTOSH MOHAN DEV: You give that assurance... *(Interruptions)*

MR. CHAIRMAN: I have been told that some amendments have already been made and circulated. The others are in the process of being circulated... *(Interruptions)*

SHRI MADHUKAR SARPOTDAR (Mumbai North-West): Not a single copy of the amendments has, so far, been circulated... *(Interruptions)*

MR. CHAIRMAN: The Office is ready to circulate the amendments in English. But in Hindi it is not yet complete

*(Interruptions)*

DR. SATYANARAYAN JATIA: I have given amendments in Hindi.

MR. CHAIRMAN: You will get them also. Let us agree to it. Let the hon. Minister start now.

SHRI RAMAKANT D. KHALAP: Mr. Chairman, Sir, It is a very important Bill which is coming to the House for consideration. Sir, the Government is committed to electoral reforms with a view to purifying and strengthening the electoral process. The Common Minimum Programme of the Government mentioned a commitment that a Bill on electoral reforms reflecting the consensus already arrived at will be introduced in the first Budget session of the Eleventh Lok Sabha.

With the introduction of the Representation of the People (Second Amendment) Bill, 1996, my Government has fulfilled this commitment.

The hon. Members may be aware that the Government has held a meeting with leaders of various political parties on 23rd July, 1996 and provisions contained in the Representation of the People (Second Amendment) Bill, 1996 are based on the consensus arrived at this meeting.

Government recognises that electoral reforms is a continuous process and it shall be the endeavour of our Government to implement such further proposals on electoral reforms on which consensus emerges from time to time among various political parties. Towards this end, we propose to hold another meeting with leaders of various political parties in the near future.

I will go to briefly explain clauses of this Bill. Clause 1 is the short title and commencement clause. Clause 2 seeks to enhance the punishment for breach of official duty in connection with the preparation of electoral rolls etc. from existing punishment of fine upto Rs. 500 to imprisonment for a term which shall not be less than three months but which may extend to two years and with fine. Clause 3 seeks to provide that a person convicted of an offence punishable under Section 2 or Section 3 of the Prevention of Insults to National Honour Act, 1971 shall be disqualified for a period of six years from the date of such conviction.

Clause 4 seeks to provide statutory backing to the Observers appointed by the Election Commission. At present, the Observers appointed by the Election Commission to watch the conduct of elections do not have any statutory backing. The Observers are also sought to be empowered to direct the Returning Officer in the constituency to stop counting of votes at any time before the declaration of the result or not to declare the result if he is of the opinion that booth capturing has taken place at a large number of polling stations etc. or where the ballot papers are unlawfully taken out of the custody of the Returning Officer or are tampered with. In cases where the Observer directs to stop the counting of votes or not to declare the result, he shall report the matter to the Election Commission and the Election Commission shall issue appropriate directions under the provisions of the Act. This clause thus enables

Observers to immediately take action in the event of booth capturing etc.

Clause 5 seeks to reduce the minimum time between the last date of withdrawal of candidature and date of poll from 20 days to 14 days. The measure is intended to reduce election expenditure on campaigning. Clause 6 seeks to prohibit the nomination of a person as a candidate for election in more than two constituencies of the same class. This clause also seeks to provide that a candidate not set up by a recognised political party would not be deemed to have been validly nominated for an election unless his nomination paper is subscribed by ten electors of the constituency. Clause 7 seeks to increase the existing amount of security deposit by candidates for election to Rs. 5,000 and if the candidate belongs to Scheduled Caste or Scheduled Tribe to Rs. 2,500.

Clause 8 of the Bill seeks to provide that names of candidates are listed in the list of contesting candidates in the following order.

(a) Firstly, the names of the candidates set up by the recognised political parties.

(b) Secondly, the candidates of the registered political parties, and

(c) Thirdly, the independent candidates and that the candidates in each category would be arranged in an alphabetical order.

Sir, increase in the Security deposit, requirement of ten proposers in case of candidates not set up by recognised political parties and listing of independent candidates in the last on the ballot paper are the measures intended to discourage non-serious candidates from contesting elections.

Clause 9 of the Bill seeks to provide that the election shall not be countermanded even in case of death of a candidate belonging to a recognised political party and in such a case, the election shall be adjourned to a date to be notified later. The recognised political party whose candidate has died would be allowed to nominate another candidate for the said poll within seven days of issue of a notice to it by the Election Commission to nominate another candidate.

Sir, this proposal alongwith the proposal to reduce the minimum campaign period to 14 days would help in reducing the election expenditure.

Clause 10 of the Bill seeks to amplify the existing provision relating to prohibition on holding of public meetings during the period of 48 hours ending with the hour fixed for conclusion of poll with a view to prohibit during this period even other forms of electioneering. Clause 11 seeks to enhance the existing punishment for disturbance at election meetings from imprisonment upto six months or with fine which may extend upto rupees two thousand or with both. This clause also

makes the offence a cognizable one. Clause 12 seeks to enhance the penalty for illegal hiring or procuring of conveyance for free conveyance of electors to any polling station from the existing punishment of fine upto rupees one thousand to a punishment with imprisonment which may extend to three months and with fine. Clause 13 seeks to prohibit any person other than those specified in this clause to go armed within the neighbourhood of a polling station. Clause 14 seeks to substitute the word "fraudulently" with the word "unauthorisedly" in section 135 of the Representation of the People Act, 1951 with a view to amplifying the scope of offence of unauthorised removal of ballot paper. Clause 15 seeks to make the penalty for the offence of booth capturing more stringent. At present, the penalty for the offence of booth capturing in case of a person other than a Government servant is imprisonment for a term of not less than six months but which may extend upto two years and fine and for a Government servant the penalty is imprisonment for a term which shall not be less than one year but which may extend upto three years and fine. This clause seeks to enhance the penalty to not less than one year but which may extend to three years and with fine in case of a person other than a Government servant and for a Government servant to imprisonment for a term which shall not be less than three years but which may extend upto five years and with fine. The offence of booth capturing is also being made cognizable. The offence of booth capturing is also being sought to be amplified in its scope by changing certain expressions in the 'Explanation' to section 135A of the Representation of People Act, 1951 which specifies the offence of booth capturing.

Sir, the clauses 11, 13, 14, and 15 of the Bill are intended to reduce the use of muscle power in elections.

The clause 16 of the Bill seeks to provide for grant of paid holiday to employees in any industrial undertaking or establishment on the day of polling. In case of contravention, the employer would be punished with a fine which may extend upto rupees five hundred. This clause also provides that no spirituous, fermented or intoxicating liquors or other substances shall be sold, given or distributed at any hotel, eating House, etc., within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area. The clause also provides for punishment for its contravention. Clause 17 seeks to provide for holding of bye-elections within six months from the date of occurrence of the vacancy except when either the term of the vacancy is less than one year or the holding of bye-elections within said period is difficult.

Sir, as the proposals contained in the Bill are non-controversial in nature and consensus amongst political parties already exists on these proposals, I am sure that the Bill would receive unanimous support of the House.

I may also add that this Bill is based on the Dinesh Goswami Committee recommendations. It has also taken into consideration the recommendations made by the Congress Party. They had also moved certain Bills in the past. We have resorted to consultations among all political parties. The credit for this Bill does not remain exclusively with the United Front Government. But the credit goes to all the parties in this House. The credit also goes to the Press, who have been speaking about this. The credit also goes to the public in general. This is only a first step towards bringing a comprehensive electoral reforms Bill. It is only a beginning. I would, therefore, request the hon. Members that what has been started on a good note be accepted by this House and whatever is required to be done further in this aspect shall be done very shortly.

Sir, with these words, I commend the Bill for the consideration of the House.

MR. CHAIRMAN : Motion moved:

"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."

16.15 hrs.

SHRI SONTOSH MOHAN DEV : At the very beginning, I convey my gratefulness to Dr. Jayanta Rongpi. As per the convention, he should have been the first speaker. But since I am doing it, I take the liberty of taking his permission, subject to your approval.

The hon. Minister in his speech has admitted that the purpose of this Bill is to purify the electoral reforms system. Purification is necessary when there is adulteration. He himself admits it.

The first and foremost point is India is one of the biggest democracies in the world. We can feel proud of that. The Indian electoral system, when compared to the systems of our neighbouring countries like Pakistan, Bangladesh and Nepal, is still one of the best. There is no doubt about it but experience shows that corrective steps should be taken. This was felt by all political parties for the last 10 or 15 years. Time and again, the Election Commission has made various norms and recommendations. Government after Government had deliberations with various political parties, national and regional. There was some unanimity. There was some area of objection. Some electoral reforms were done by Ordinance with the consent of various other parties for reducing the period from 21 days to 14 days. When there was an election in Assam, there was a total boycott by the Assam youth, AASU. Now our friends from AGP are Ministers. At that time, electoral officers and counting agents from outside the State were sent there. So, many of these things happened. Our other friends will speak on the Bill. I will not go much into that.

Today in the morning, we had a meeting of our party. There was a total revolt in the party against us.

We have expected this Bill to be passed today. This is only because of two reasons. Shri Srikant Jena knows that there is beating of the drum by the local United Front partners to announce that "We are bringing a Bill and we are fulfilling a pledge." This is your pledge supported by us. Today in the morning, I asked Shri Atal Bihari Vajpayee and he also told me that "We are going to support it." Let us share if there is any glory and if there is anything wrong, let us share that too. Though we will accept the Bill, many of our Members will give certain suggestions. Have an open mind because we have accepted in All Party Leaders' discussion, but the basic idea of this Bill is to have electoral reforms.

So, whatever proposals come from this side or from that side, have an open mind on all of them and then take a decision. Do not be in a hurry and do not make it a prestige issue that what we have got, that should be done.

The main point which was discussed in our meeting was the nomination papers for national parties. I was present in the meeting. First of all, the national parties like the Congress, BJP and Janata Dal and other parties were recognised by the Election Commission.

Then the registered parties and the regional parties also will come. Then the individuals come. Some hon. Members have opined that it may not have the approval of the law. We were told in the All-Party meeting that the Supreme Court also expressed its opinion about this thing to be done in one of the judgements given by it. The Supreme Court also has wanted that the Government should do something about the non-serious candidates. Here, you are talking about fixing the rate of Rs.10,000 or 5,000 as deposit. Some people say that it should be Rs.10,000 and 5,000 for the Parliament and for the Assembly seats. If it is for the Assembly, some people feel it is too much. They say that there should be different rates for Parliament and Assembly seats. This is one suggestion.

The next suggestion is about the code of conduct vis-a-vis the role of the observers. I do not mean any aspersion to any political party, any Chief Minister, any Congress President or non-Congress President or anybody for that matter. The general feeling is that the power of the observers should be enhanced in such a manner that they can work independently of the State machinery. What happens is this. If an observer lands in any State, it depends whether the Chief Minister is Biju lala or anybody on certain things how he can act along with the officials there. The complaint is that in certain States, the observers are neutral and in certain other States, the observers are handled in such a manner that it becomes difficult for them to work. I do not want to elaborate this point here. There will be a lot of problems here if I elaborate on it. I do not want to bring here any particular State or any particular region.

The second point is this, our experience shows that though counting is supposed to be done neutrally and



independently, yet, unfortunately, counting is not done so that way. It happens that in a State if 40 seats are owned by a party, an atmosphere is created all over the State that the other seats are taken on counting not on the basis of polling. So, while counting is done, rigging must be stopped. More rigorous rules should be made. It has happened in certain States. To cite an example, a terrorist had taken control of the agent of the counting centre and the candidates of the recognised political parties, and the candidates were thrown out of the counting centre. It happened. From our experience we tell this. The Press and the Radio declared that the total polling in such and such a district is 50 per cent. But when the results came, it reflected 70 per cent. Where from the 20 per cent votes came? Nobody knows about it... (Interruptions) why? I am not talking of any political party. But it is happening. Since the hon. Minister is bringing forward reforms, he should take care of these things. He must do it now. We want an assurance that the suggestions that will come from the hon. Members would be taken note of and circulated. Also, he should have an All-Party meeting and take decisions whereby he can say that the Government is having an open mind; it is for better reforms and better performance.

In our meeting, it has been told that there should be some rules. The other day, it was stated that if you want to debar a candidate from participating in the elections in future, the percentage of votes polled by him should be taken into account. If it is 10 per cent or five per cent, he should be debarred. Then the question came, and very rightly, that in such an election even the winning candidate can get 500 votes. It happened in Assam. Somebody became a Minister who got just 284 votes.

It happens sometimes. That has been deleted. That is a good thing.

Next is the voters' list. Mr. Khalap, the point about the voters' list is very very important. Voters' list is done through certain process. But our experience is that just 48 hours before the elections, 500 names are deleted from the voters' list and it is said that it is the power of the electoral officer. The power should be exercised as per rules. When the final voters' list is published, after that, there is no authority left to delete the names from the voters' list whether it is the Election Commissioner or the district officer. Even if there is a mistake you cannot count it. In the process, even a voter who has stood for election, sometimes his name is being deleted. They say, "no, no, your name is valid but other 500 persons name is deleted." We have to do something on that.

Then I discussed it the other day I specifically mentioned it to Shri Biju Patnaik. I was incharge of the Orissa elections and we had a lot of problem in organising meetings of the VVIPs. Shri Biju Patnaik was kind enough and told me to go ahead. He instructed the Deputy Magistrate and others to give chance to other

political parties. It is his magnanimity. But what happens? Sometimes it becomes difficult to organise meetings. The Election Commission sometimes says that you cannot take people with you in the meeting. The moment they say that vehicles must not be used, that the candidates cannot come on the dais. What does the political parties like the CPM say. 'Look here' the candidate is not liked by the Prime Ministers. That is why, he has been asked to get down and sit there. The terror is so good, they spread it. This is not proper.

Next is the use of aircraft. They say, the Prime Minister can use it, others cannot use it. The Chief Minister can use it but not the Government aircraft. You have to take permission. My point is that leaders of national stature or the local or State leaders can use Government aircraft on payment. Why does the Election Commission say no to it? It says, you have to give the same aircraft to other parties. I become the Chief Minister elected by my people and not by the Election Commission or anybody else. The other person has not become the Chief Minister or the Prime Minister, why should it be given to him. So this is one area you have to do.

The most important thing is that you have brought the power of the observer. We demand that this should be done. Suppose a person loses by fifty votes, then recounting is not allowed. But if a person loses by 5000 votes, recounting is allowed. What is this? Individual presiding officer is taking decision on this count. We suggest that there should be some limit. If anyone loses by less than 500 votes or 10 000 votes, if he wishes, he can demand a recounting. A fights an election after fighting and toiling hard for five years. And he goes back to his House by not being satisfied, if there is a recounting. But if you do not want to fix the limit as 5000, you can fix it at 3000. Some sort of limit should be there whereby he gets a justice from the election officer.

The last point is a very controversial point. I do not know whether it will be allowed or not.

There is a division in each party on that, that is counting by making a cocktail of ballots. In the case of drinks you mix different drinks, it becomes cocktail. Here what you do is, each vote is not counted independently. It is brought together, mixed together and then counting is done. There is a feeling that this is a good method especially because Harijans and Girijans are saved from various sorts of atrocities after the elections. But some others feel that it gives a chance to very powerful political parties with good powerful Chief Ministers to change the boxes at night, mix them and bring them to the counting centres. It is a fact. It happens in many an election at many a time. It may not happen in Kerala, but it happens in certain parts of the country and various cases are also pending in this regard. I totally do not support the idea that mixing should not be done. I also agree that we should take care of Harijans and Girijans.

Prof. Madhu Dandavate once told me that when he was in Government he went to Belchi as a Minister of

the Janata Party Government. When he landed there and asked the people as to what happened and how it happened, they said that after 40 years for the first time they had voted and this was the reward they had got. This is not my statement; this Prof. Madhu Dandavate's statement. He personally told me when we were committee members.

Once I went to Bullandshahar in one of the by-elections. I visited a village. People refused to talk to us; they were afraid. They looked right, left to find out whether anybody is seeing, whether they are talking to a particular political party. So, I have some reservations. But I feel that the result of all the points which have culminated in today's meeting and in the meetings of other political parties is that it needs a serious discussion. The Law Minister, the Minister in charge of elections and others should meet the Members of Parliament of all political parties and listen to them because they are very very experienced people and they have certain good suggestions. I am not threatening you, Mr. Jena. We have with great difficulty made our party leaders sit and agree to what you are bringing today. So, please take it as a success of all the efforts of all of us, not just yours. There is a criticism in the Congress Party that if anything good happens, the credit goes to the United Front and if anything bad happens, the Congress and perhaps the BJP will be held responsible. That should not be the case. You should consider that if 140 and 160 which becomes 300 combine and come together, all of you are out. So try to build up a consensus. Consensus does not mean forcing decision. Consensus means looking into the interests of the nation and all national political parties will cooperate with you. I confess that I went to Vajpayeeji. I asked him whether he is supporting the Bill. He said 'yes Sontosh, we are supporting.' They also have reservations. They want further reforms, for example, State funding. You have to decide in future. Since we are not against it, if you can fund the elections, it is good. But to what extent? Some people say only ballot papers or voters list should be given. Some others say four mikes should be given. This is nothing.

Another point raised today by one of the Members very correctly is that accounts is one thing, fighting election is another thing. Every night if I have to satisfy the Election Commission by writing down my accounts and then go to bed and the next day if the Election Officer asks where is the candidate, I feel this is too much. My first consideration is to campaign and win.

It is not to satisfy the election machinery. They should be very clear about that. They can see my accounts fortnightly or monthly. But why do I have to produce my accounts before the electoral Inspector everyday after election? Some inspectors are good; some inspectors are very bad, some are amiable to certain things. This is not proper. Experience has told us that not everything is good.

Lastly, I should say that there is nothing wrong if Observers and such others get accommodation in circuit

Houses. But it should not be that an officer of the rank of a Joint Secretary stays in a VVIP room whereas a leader like Shri Vajpayee or Shri Advani or Shri Patnaik or Shri Gowda stays in room No.5. The people in-charge of the circuit House just say, 'I am sorry, Sir. He is an observer.' I went to Orissa at the time of the elections. I went to a guest House in Kalahandi. I was not allowed to enter a room because Observers were staying in that room with TV and such other facilities. So, I had to stay in the varandah. To my utter surprise, a man whom I brought in as a Joint Secretary in my Ministry was sitting inside that room and I was sitting outside in the varandah. That gentleman came to me and said, 'Sir, I am sorry that I have not see you. Now, I am going inside the room because if somebody sees together they would say that this officer and Sontosh Mohan Dev have cooked up something. This is too much.'

The Election Commission: I must say, with Shri T.N. Seshan and the two other Election Commissioners has done a good job. I was one of the persons who used to criticise them initially.

When I went to Karnataka during the elections, I was unhappy to see that posters were not allowed to be posted on the walls. I thought that the percentage of polling would be very poor because of that. We lost the elections there. I do not mind that. But I was surprised to see that there was sixty per cent to eighty per cent of polling. People have liked the elections, but there is a limit to strictness.

I was in Austria. I went there when I was a Minister. There were elections at that time. In every road, their Government puts up some temporary boards and for each political party a certain space is given. They can paste their posters there. But what do we do here? In Calcutta, they say, 'All the walls have to be defaced by tomorrow and if you do not do that, I shall see that...' (*Interruptions*). Again, I have seen in Australia that when there are elections the Government erects the rostrum and the candidates give their speeches. Well, it is good. Of course, the crowd has to be brought in by you, not by the Government.

We are supporting this Bill. But it is qualified support that we give, in the sense that we accept what is brought in today but unless you give a commitment to us that you are going to bring in a comprehensive Bill. We are willing to support it.

The next point is this. Do not beat your own drum. Try to beat everybody's drum. You wanted to do this before the Kashmir and Uttar Pradesh Elections. Hon. Members must note the argument given by the Government and the Home Secretary that last time there were 40,000 candidates for 500-odd seats. So, they wanted to stop the non-serious candidates from contesting. That is why, when we wanted to bring in this Bill, our Members asked us what the hurry was. The hurry is only because in Kashmir there is a law and

order problem. If the candidates are genuine, there would be less pressure on the security forces.

There will be less pressure on the security people. That is why we are cooperating. But our cooperation should not be taken as our weakness. Our cooperation should be taken as our honest effort to keep you alive, to keep the democracy alive and to see that good things happen, so, with this, I am giving my support.

Since I was going, I thought, I should speak. I gave a message to my people behind that we were supporting it. But the suggestions that will come will not come with the intention of stopping your will. Hon. Members like Mr. P.R. Dasmunsi are there. They are very experienced. They are wounded soldiers. Listen to them.

Hon. Members from other parties will also speak. I will suggest that if any amendment is needed, kindly incorporate it. With these words, I support this Bill. I again thank my friend, Mr. George. This is how we will cooperate slowly and slowly.

[Translation]

SHRI SATYA PAL JAIN (Chandigarh): Mr. Chairman, Sir, while speaking on the electoral reforms Bill, though Shri Sontosh Mohan Dev has not threatened the Government, yet he has definitely issued a warning. Two incidents have taken place today because of which Government's position has become slippery as far as parties extending cooperation to the Government are concerned. I feel that the Government should be conscious of it and the people of the country are also becoming conscious as to what turn the national politics can take in the days to come.

For some days past, it was being reported in the press that the Government would bring a comprehensive Bill regarding electoral reforms. We were happy because if there is any single political party unanimously seized of the electoral reforms with consistency, it is Bharatiya Janata Party. Hon. Lal Krishna Advani and other hon. Members of Dinesh Goswami Committee on electoral reforms made commendable contribution in the deliberations of this Committee. Thereafter 14-page recommendations were submitted by the Committee. From these recommendations, it appeared that when Government would bring a Bill on electoral reforms, it would incorporate all the recommendations based on the consensus of all the parties but it appears from the perusal of the Bill that the Government has included far less of these recommendations. We are supporting the Bill because we want the electoral reforms. But these reforms are too less to suffice. As has been said that the elections are due in Uttar Pradesh and Jammu & Kashmir and Government would like to take some steps before this: We are of the view that all these steps are remarkable. I would like to bring some points to your notice on which almost all the political parties are unanimous but even then other points have not been included in the Bill. Dinesh Goswami Committee had

elaborately discussed the need for State-funding of elections and had taken up four points in this regard on which all the parties were unanimous. There should not have been any difficulty to incorporate this recommendation in the Bill because in our view black-money is the main cause of corruption engulfing our country. The ever increasing misuse of black-money in the elections is posing great danger to the country. This is a fact that nobody wins the elections to become Member of Parliament within the ceiling fixed for expenses in this regard. But this is also a fact that in case you adhere to the limit honestly, the other person contesting elections against you can pose such difficulties before you that you would be looking hither and thither to find some way out. One might stand in the House and claim that he has won the election with honest means, but I know the fact. I am a lawyer by profession. I have been fighting election-petitions of the people and would be doing the same in future also. I know how a way out is found in this connection. When we talk in this House, it will be better if we talk honestly. There are some weaknesses and everybody is subjected to them without any exception. So, we were hoping that State-funding would also form part of the Bill. But the Government has not done so.

The other point I would like to touch upon is that the accounts of political parties should be audited. Action should be taken against the political parties not maintaining their accounts. This point has also not been included in the Bill.

Mr. Chairman, Sir, it has been said in the Dinesh Goswami Committee Report and Shri Sontosh Mohan Dev has also attended to it, that the electoral officer would be a full time officer. In case you appoint an officer of some State as an electoral officer and the Chief Minister of that State seems to continue for a long time and where it appears that the party of that Chief Minister will win again, in such circumstances, the I.A.S. Officer cannot work with the required extent of independence. You may grant him autonomy for some days but even then he will not be able to do full justice to his allotted job. The electoral officer should, therefore, be a full-time officer. There had been a reference to reservation for women. All parties are unanimous about it. The ruling party is speaking of reserving 33 per cent seats for women. There is no reference about it in the present Bill although the ruling party had approached their Government some days back for this: Photo-identity cards have been introduced. This has received an all-round welcome. But this has also been relaxed many often. We are of the view that the sooner this rule is implemented fully, easier it will be to check impersonation and booth-capturing.

Mr. Chairman, Sir, the Dinesh Goswami Committee had recommended that the age of a candidate contesting the election should be reduced from 35 years to 25 years in case of Rajya Sabha and in case of Lok Sabha

it should be reduced from 25 years to 21 years. This also does not find any place in the Bill.

Mr. Chairman, Sir, the election petitions filed as a result of disputes in elections, linger on for one year to five years in the courts. There are no two opinions about this point amongst the political parties. Then, after that...

[English]

As a matter of right, you can file an appeal to Supreme Court under Section 116 of the Representation of People Act. Once you file an appeal in the Supreme Court, it will automatically be admitted and a conditional stay will be given saying that, you are entitled to mark your presence but you cannot participate in the proceedings of the House. You can claim TA/DA, but you cannot vote and all that. This is a routine order and any court will sign and pass this order to you. By the time the case will be decided, the five year period will come to an end. I know of certain election petitions which are not yet decided even on preliminary issues. Therefore, there was a suggestion in Dinesh Goswami Committee Report that for the trials of the election petitions, ad hoc judges should be appointed and they should be asked to complete the trials within six or nine months or within one year. There is nothing of that sort in the present Act.

All the Members, MLAs and all the political parties are very much concerned about the Anti-Defection Act. There is a very vague clause in it and that was also considered by Dinesh Goswami Committee one clause says, 'if there is a split in the party and the split is supported by one-third of the Members, you are saved from disqualification'. What do you mean by the word 'split', whether it is a split in the original political party - the party which has given you the ticket and got you elected - or it is a split in the legislature Party? What is happening is, if five Members out of 15 from a particular Party - who are elected to Lok Sabha or Vidhan Sabha - decide to join a particular group and form a splinter group, without there being a split in the original party, they will form a party and support another group. But that was not the intention. Unless there is a vertical or horizontal split within a political party, which is the original party and which elected you, you cannot say that there is a split in the Party. Even one-third of the MPs or MLAs defect from one Party to other political Party. There is no proposal to amend this clause. In many States, no proper rules have been framed under the Anti Defection Act. They are very important but no attempt has been made to frame these laws.

Now, I will talk about polling and counting. Shri Sontosh Mohan Dev has very rightly pointed out that there are certain defects in it. Under the existing law, even if you lose security deposit, you can get yourself elected to the legislature because for losing security deposit you must get less than one-sixth of the total votes polled. But there is no limit to win the election. The hon. Member was talking about certain other States. In my own State, Punjab, in the last Assembly electios,

from one particular constituency a person was elected as MLA by getting 419 votes and the same person became the Minister also in that Government. The same fellow could not be elected even as a Panch in the Panchayat. Akali Dal had boycotted the elections and because of that people did not come to cast their votes, especially in the rural areas. In the urban areas there was a good response. So, in Late Sardar Beant Singh's Government, only 10 per cent of the votes were polled and they won about 87 or 89 seats. You may forget as to who won, whether it was 'A' who won or 'B'. This is not the issue at the moment. There is no check under the existing law. I feel, we should resolve even if repolling has to be done that unless somebody gets more than 50 per cent of the votes polled, he should not be declared elected. This clause has got to be examined. Supposing, in a particular constituency nobody has crossed that stage, you may order repolling. Let there be repolling among the top two. Let the people choose from the top two. I think, these are the clauses which need to be examined.

SHRI B.K. GADHVI (Banaskantha): Why can't we have an amendment that only registered party can elect the elections?

SHRI SATYA PAL JAIN : You can move that amendment.

There are various clauses in the Bill and I would like to clarify the stand of my Party on certain clauses. I will refer to Page 3, Clause 6 of the Bill, which says:

"Provided that a candidate not setup by a recognised political party, shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by ten proposers being electors of the constituency."

I would like to bring to the notice of the House one lacuna that is there in this clause. In the Nomination Form there is no clause for entering the name of the father of the proposer. The Proposer's father's name is not given. Suppose, you got the name proposed by Shri Ram Lal. In politics these things happen. After a few days he may say that he did not propose his name and it is not he but some other Ram Lal who had proposed the particular name. I have come across such an election petition. So, I suggest that the name of the father of the proposer should also be there on the nomination form so that the person who is proposing the candidature should be properly identified.

SHRI B.K. GADHVI : It is there in the electoral roll.

SHRI SATYA PAL JAIN : It is there in the electoral roll, but I am talking about the nomination form.

SHRI ANIL BASU (Arambagh) : In the election form, you have to mention the Part Number and the Serial Number and you have to be very specific about the proposer of that part and the Serial Number.

SHRI SATYA PAL JAIN : But the name of the proposer's father is not there. Therefore, if there are two



persons with the same name in the same village, there may be some confusion. That is why Section 38 says that we have to verify the facts. Let us clarify the things. Let us know as to who is the proposer. In all other nomination forms, be it of panchayats or of Municipal Corporation, the name of the proposer's father is mentioned. I think this should be done here also.

At the moment, there is no limit and even ten proposers can propose the name of number of candidate. For example if a voter wants to propose 10 persons from the same constituency, there is no bar to it. Under the existing law, for a single seat a voter can propose five or ten names.

SHRI B.K. GADHVI : One member can propose only one name. Otherwise, the name will not be registered.

SHRI SATYA PAL JAIN : You may check it. It is not there. It is there in the Gram Panchayats or in Municipal Corporation but for Rajya Sabha or Lok Sabha, there is no such provision. The intention is, one should get the support of ten persons. Even if ten persons are there, they can propose the names of five, ten or twelve candidates. So, you may kindly amend this clause and make it clear that no person can propose more name than the number of persons to be elected. If there is only one seat, you can propose only one name. And, if there are two seats, you can propose two names. These things should be amended.

Now, you may refer to Clause 7. At the moment you have provided that for the same House a person can simultaneously contest from two constituencies. Our Party is of the view that this should not be there. No person should be allowed to contest, for the same House, from more than one constituency. In the present House, there are three national leaders, S/Shri Vajpayeejee, Biju Patnaik and Narasimha Rao who got elected from two constituencies. Now, they have vacated all the three seats. Now, all the process has to be started again. All the expenditure has to be met again. You have to spend lakhs of rupees on elections. A lot of time and energy is also wasted. So, we should resolve that no person should be allowed to contest, for the same House, from more than one constituency. There should be a bar on that.

SHRI ANIL BASU : Whom are you opposing?

SHRI SATYA PAL JAIN : I said that there are three leaders who were elected from more than two constituencies. Our Party is of the view that this should be avoided. This should be prohibited under law. No person should be allowed to contest from more than one constituency.

Clause 8 is about the name of the candidate in the Ballot Paper.

Coming to Clause 8 of the Bill, about the order of appearance of names of candidates on the ballot paper, the Dinesh Goswami Committee had recommended that the names have to be divided into four categories

i.e., the candidates of national level political parties, the State-level political parties, recognised political parties, and then the registered political parties and their the independents. However whereas the Bill envisages only two categories, the recognised political parties and registered political parties and these categories include the State-level parties as well as the national-level parties. It should be clarified here. Names of candidates of the national-level recognised political parties should be printed first and then should come the State-level recognised political parties, and then the registered political parties and after that independents. If they are printed in alphabetical order, even the name of a candidate of the State-level political party can come on top. The intention is that the voter should be clear as to who are the candidates of the national-level political parties and who are from the State-level political parties etc. These things should be further clarified in Clause 8.

Clause 9, on page 5 of the Bill, speaks about the postponement of election in the case of death of a candidate, but no time limit has been fixed for it. This should be specified. If a candidate dies, seven days' time has been given to the political party to suggest a substitute for the deceased candidate. A specific time limit within which re-election could be held should also be fixed.

As per Clause 17 on page 8 of the Bill, if a bye-election cannot be held within the prescribed period, the Election Commission in consultation with the Central Government should certify it. Election should be held first within three months of the date on which the vacancy is caused and if it cannot be held within that time, it can be postponed by the Election Commission. I think to avoid any arbitrariness, it would be better if this Clause is amended by adding here that if the Election Commission feels that it would not be possible to hold election, the Commission shall also give reasons for that. It should not be arbitrary decision of the Commission. By a one line order it should not be said that because the Election Commission is not in a position to do so election will not be held.

Another suggestion which I would like to make is with regard to amendment of Section 98 of the Representation of the People Act. For the knowledge of some hon. Members, I will recall a very interesting fact. In two election petitions, the High Court conducted recounting of votes. After recounting was done it was found that the candidate who was elected had polled votes more than the candidate who lost. However, because under Section 98 the winning candidate did not file a re-election petition, the Supreme Court and the High Court declared the candidate with lesser votes elected to the State Legislature. There is a dissenting judgement by Justice Sudhanshu Mukherjee in which he said, "We are making a mockery of law".

17.00 hrs.

(MR. DEPUTY-SPEAKER *in the Chair*)

I have seen with my own eyes a candidate who polled lesser votes being announced as elected simply because of technicality that the winning candidate had not filed a recrimination petition which is a counter petition. In that specific case, election of the person who polled more number of votes had been set aside and the person who got lesser votes was declared elected. This, Sir, there is a judgement of Supreme Court in the year 1964. Later on, in Bhagmal case in Haryana the Supreme Court has reaffirmed it. I have been told that it has now been referred to a larger Bench. But any how there is a need to amend that law. I request that this particular Section of the Representation of the People Act be amended to provide that even if there is a recounting, unless a candidate gets a larger number of the valid votes polled, irrespective of the fact whether he has filed the recrimination petition or not, he or she should not be declared elected. I request the hon. Members and the hon. Law Minister to kindly go through that judgement. The hon. Deputy-Speaker might remember it well as it happened in his constituency and the Supreme Court had upheld that judgement and had also said that the Act was defective and so, therefore cannot do anything.

These are the few suggestions that I give on behalf of my party. We appeal to the Government to kindly not to play politics on this issue, these are the issues which go to the root of the matter. Unless corruption is eradicated from the electoral system as such, no reform is going to be fruitful and nothing great is going to come from it. The Bharatiya Janata Party stands for electoral reforms. I request the Government to go in for electoral reforms. So far as electoral reforms are concerned we will give all possible support and we will see to it that the Bills are passed.

With these words, I conclude.

SHRI BIJU PATNAIK (Aska) : Mr. Deputy Speaker, Sir, I will not be able to elaborate all the detailed points mentioned by the hon. Member from BJP. Sir, I have been watching these elections for the past 45 years. I am a little worried because I know what vitiates the elections. I think that the hon. Minister of Law should take note of this for future guidance.

Firstly, can we or can we not make every voter or every vote mandatory, with a penalty clause that if a person, he or she, does not vote being a voter, has to pay a substantive fine? Then you can add to that, to get elected one must have to get 50 per cent votes. Whether a voter is he or she it must be made mandatory that he or she should vote.

Secondly, for somebody to get elected, he must also get 50 per cent of the votes.

Thirdly, when it is talked that we should have State funding, which the BJP has been asking for and many

of us also have also been asking for, it is absolutely imperative that money power has to be curbed totally. I know how much money my fiends who are here have spent to get elected. Some of them even take high jump with the money power. They spent cores to get elected to this House. This is an amazing phenomenon. There is no limit, there is no check, there is nothing at all. Therefore, State Funding is a must whether it has Rs.1000 crore or Rs.2000 crore, whatever it is.

For a railway line to Kashmir, we spend Rs.200 crore or Rs.500 crore. I see no reason why for the safety of the electorates, safety and integrity of this elected House or State Legislatures, money cannot be funded. Money has to be found. This is a primary interest for the integrity. Without funding, that cannot happen. There is a chain reaction with the money bags. Money bags come with the money. Every party can take and say that we have to take the money. Money takes a rolling and they take the benefits. Whether it is Orissa contractors or Orissa politicians or whoever it is, who doles out money, gets the benefit. So, if he gives one rupee, he gets the benefit of two rupees from the Government, whatever the powers that be.

When I asked Shri Jena to know the position about the State Funding and the rest of it, he said that this issue can be taken up only at second stage. I said that it is a waste of time to discuss what the hon. Minister of Law has brought us. It is a joke. It does not take the main points. Can the voter be forced to vote or not? A person must get 50 per cent votes for his election—whether he is elected to the State Legislature or Parliament. Can you find State Funding or some other way so that money could be prevented from entering into the electoral process? If this cannot be done, the terrible sickness with which the electoral process is suffering from cannot be remedied.

I would request that the House take up instead of going into the details and legal questions of various sorts, the House should apply its mind to honour two or three points with which alone our democratic process can survive.

SHRI SUDHIR GIRI (Contai) : Mr. Deputy-Speaker, Sir, Bharat can legitimately be proud of its being the largest democracy in the world although illiteracy and backwardness of the people of the land still persisting. Other vices are also there. The role of money and muscle power at elections sometimes is very prominent. Rapid criminalisation of politics greatly encouraged evils of booth capturing, rigging, violence, misuse of official machinery, participation of non-serious candidates etc. This constitute the core of electoral problems in our society. For this purpose various corrective measures have been proposed and some have also been adopted. But our society has not been able to touch the magnitude of the problem as yet. However, various efforts have been made to bring about electoral reforms to some extent. The main effort was the recommendation

of Justice Tarkunde Committee. The recommendations of various Seminars and various groups etc., are also the source of bringing about the rationality and moral sense as far as electoral reforms are concerned.

Last of all, under the Chairmanship of Shri Dinesh Goswami, a Committee was constituted. The representatives of political parties in Parliament also met at New Delhi in 1990. The Dinesh Goswami Committee was formed by the Union Government. On the basis of the discussions held, the main recommendations of the Goswami Committee came out. The main recommendations were that a person should not contest elections from more than two Constituencies. The registration and recognition of political parties as also individual candidates should be there. Regulation of containing the individual candidates who are not serious at all have also been chalked out.

Sir, they have also suggested a Model Code of Conduct. In spite of all these things, political parties and individuals resort to huge expenditure and if such expenditure is not publicly incurred, it is not possible for anyone or even for the Observers to detect how much and in what way such unusual expenditures are being incurred.

So the recommendations of these Committee are being implemented step by step in different States. But in this connection, I also want to point out that certain provisions have been entered into the present Bill. It has been provided that observers will be appointed. It is desirable that observers should be there and they should also be impartial. But in a class-divided society such observers cannot be expected to be absolutely impartial. They are bound to take sides and under such circumstances observers should also be taken proper care of.

Sir, campaigning period has been reduced from 20 days to 14 days. It is a fact that people get political education through political campaigning. If the period of political campaign is reduced, I think there remains the scope of being remained ignorant of the political situation as prevailing in the present society.

Sir, security deposit has been increased and it has been increased, to the extent of Rs. 5,000 for general candidates and Rs. 2,000 in the case of Scheduled Castes and Scheduled Tribes candidates, so that non-serious candidates may not take part in elections. The limit an amount is nothing to some people of our society. They can, at their will, incur expenditure to any extent of money that you can imagine. If they incur expenditure behind the knowledge of the people or observers how can we detect them? But there is no provision in this Bill in this regard. It has been amended at page 5, Clause 52 and I quote:

"If a candidate set up by a recognised political party -

(a) dies at any time after 1100 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under section 36; or

(b) whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section dies, and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under section 38..."

Here it has been pointed out that on the information of the death of a particular candidate, new process will start but the candidate who has withdrawn his name will not be eligible for participating in the elections.

I would like to give an example. 'A' is a candidate of a political party and 'B' is also a candidate of that political party. 'B' has filed his nomination because in the case of eventualities, if the nomination paper of the candidate 'A' is cancelled, then 'B' will stand there. Suppose before the finalisation of the list 'B' has withdrawn from the picture and if the process newly starts, then why should not 'B' be entitled to remain in the picture? This matter should be thought of. I will urge upon the Government to apply its mind in this matter and, if necessary, suitable amendments should be made.

However, on the basis of the consensus arrived at by all the political parties, I also support the Bill.

[Translation]

SHRI GEORGE FERNANDES (Nalanda): Mr. Deputy Speaker, Sir, there are no two opinions about the need of this Bill. But we had hoped that the work in regard to this Bill would be taken up expeditiously and United Front Government would bring a comprehensive Bill. It appears to me that there has been some haste in regard to this Bill. Although some five or six days ago all the political parties discussed this matter for one hour and a half and consensus also emerged in this regard, yet in spite of that consensus, I am of the view that there are some points in the Bill which need amendment. I, therefore, will not speak at present on the reforms to be incorporated in the comprehensive electoral reforms Bill. The hon. Minister has said that a meeting of all the political parties would be held soon again and a comprehensive Bill brought before the House. Insofar as the present Bill is concerned, I have given notices of amendments. In my view, the clauses of the Bill need an improvement and I have shown them in my amendments.

The imprisonment of three months has been substituted by two years in the present amendment whereas in the 1950 legislation, there was a provision of fine of Rs. 500 and imprisonment of three months which could be extended to two years. The provision of one or two months' imprisonment in the Act does not have any effect. There are many people amongst us who had been incarcerated for very long period and not in those jails where we were extended comforts but on the other hand those jails where we had to dig pits etc. We had started labour movement and we were put

behind the laws. We were sentenced for rigorous imprisonment. (Interruptions). Some people even now wish that we should be sent to jail. There is a demand that the Baroda Dynamite case be reopened and we people sent to Jail. But this point is not under discussion at present. We are only talking of jail. Therefore, knowing the jails fully and having spent five years in jail, I am proposing that jail sentence for a month or two has no meaning. If one has to be sentenced, one should be sentenced to rigorous imprisonment and this is why I have come with an amendment. There is a reference of incorporating a new sub-clause in clause 3. It says:

[English]

"Section 2 (offense of insulting the Indian National Flag or the Constitution of India) or Section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971."

[Translation]

I have proposed that it should be deleted. This matter came up before Supreme Court some time in the recent past. The case of showing disrespect to the National Flag, i.e., national symbol came before the Supreme Court three years ago. The verdict in this case was that if a person burns the National Flag, he need not be arrested. Now, what was the logic behind that. I do not want to go into that but I want to tell the House that this is the verdict of the Supreme Court and not that of the lower court. In my view, there should not be any difficulty to follow the Supreme Court judgement because today there are such Ministers in the Government itself who had talked of burning of the Constitution itself but this did not cause any harm to the country and it only proved to be the expression of one's anger. Such people will frame laws here and also such people will keep the Government to frame this law who do not at all bother about the laws in the elections. The person might have resolved to burning the Constitution in anger. I, therefore, do not think it proper to deprive that person from contesting the election for six years. This approach does not appeal to me from moral and legal point of view.

I have an objection that a new clause is being added to clause 20B insofar as Observers are concerned.

[English]

"The observer nominated under sub-section (1) shall have the power to direct the returning officer for the constituency or any of the constituencies for which he has been nominated, to stop counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the observer booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are

accidentally or intentionally destroyed or lost or are damaged or tampered with..."

[Translation]

I have sought the deletion of the portion coming thereafter.

[English]

"...to such an extent that the result of the poll at that polling station or place cannot be ascertained."

[Translation]

This means that if it does not affect the result, then booth-capturing is justified.

[English]

Only if it is going to affect the result.

[Translation]

Then discontinue the counting. But.

[English]

Loot in principle is accepted. Running away with ballot papers in principle is accepted. But do not do it to an extent where it can adversely affect the result of a candidate against whom all these things have been resorted to.

[Translation]

Thus the thing you have provided in the clause does not appeal to me because in this way we are conceding a misdeed. But the misdeed should not be committed to the extent that it culminates in excesses against somebody. This is why it does not appeal to me. I dissent haste in the drafting of the Bill. The Government has, therefore, to reconsider this clause and bring about improvement therein.

As far as canvassing is concerned, you have said about reducing the time from 20 days to 14 days. But here also there is a serious self-contradiction in it. I think, Government has not paid much attention towards this also. You are staggering the election. It spreads upto two months. One day there is notification and on the other there is nomination but the election spreads to the 15th of the next month. Last two or three elections were conducted in this very fashion whether they were Legislative Assembly elections or Lok Sabha elections. I would, therefore, like to ask as to whom this 14-day provision refers to. From this, it appears that the 14-day ceiling is good for the persons who are fortunate enough to have the elections before anybody else because in other cases you have staggered the election as you do not have enough security force or you are facing some other difficulty or there is tension in some area and you have to pay special attention towards that area. In these circumstances, the provision of 14-day ceiling is not applicable to all everyone, there is much scope in it for



improvement. I would like the hon. Minister to consider this point. I would definitely appreciate if the voting is fixed after canvassing for 14 days only. But the perusal of the Bill does not make this position clear.

SHRI BIJU PATNAIK (Aska): Make it ten days.

SHRI GEORGE FERNANDES: Whatever it may be.

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): What is your suggestion in this regard?

SHRI GEORGE FERNANDES: I am not in a position to say anything. If you cannot do anything without staggering and the Government stick to this conclusion, then there is no use saying anything in this regard. There is no use making a provision of 14 days in the Bill.

SHRI SRIBALLAV PANIGRAHI (Deogarh): It can be maximum period of 21 days.

SHRI GEORGE FERNANDES : Minimum fourteen days and maximum 21 days...*(Interruptions)*. If it is so, you will have to frame a new clause. Only then it will carry some meaning. But the position, as it stands today, has no meaning. I have to humbly submit before you this much.

I have nothing to say about the proposer and public holiday mentioned in the Bill. But I could not make out anything of the proviso in the Bill. Maybe, I may be possessing less knowledge about it. It says:

*[English]*

"Provided also that in the case of a local authorities' constituency, graduates' constituency or teachers' constituency, the reference to "an elector of the Constituency as proposer" shall be construed as a reference to ten per cent of the electors of the constituency or ten such electors, whichever is less...."

*[Translation]*

You have mentioned in the Bill - "Ten per cent of the electors". In what type of elections will this situation arise - whether in local bodies' elections or in legislative assembly elections? Presently, we are talking of legislative assembly elections. I would like to know as to what are the local bodies where you need the proposers. I have not been able to comprehend the meaning of "ten per cent of the electors or whichever is less".

SHRI MANORANJAN BHAKTA : This will mean that these should be ten.

AN HON. MEMBER : For election from the assembly to the Council.

SHRI GEORGE FERNANDES : If it will be ten, then why have they mentioned ten per cent ?

SHRI SATYA PAL JAIN : As in the case of Haryana, where there are 90 Members, nine Members will be required.

SHRI GEORGE FERNANDES : I had already said that I could not comprehend the meaning of this proviso. This is for the elections from assembly to the Council. But the way you have framed the provision, this interaction is not clear.

Then you have said in clauses A to H that a person cannot contest elections from more than two constituencies. In this connection I have said in my amendment that it should not be more than one constituency. I have an objection in regard to provision for contesting from more than one constituency. Firstly, this is great injustice unto voters. An hon. Member just now mentioned three leaders from amongst whom Shri Biju Patnaik is present here. The hon. Member mentioned Ataiji and Raoji. Now, all these three hon. leaders have resigned from one constituency each and there is no representation for the voters of these constituencies in the House. This is great injustice unto these voters. There is nobody here who can raise voice on their behalf as far as their crores of problems are concerned. What crime these voters have committed for being deprived of any representatives here for many months and may be for the next six months more. My second point in this regard is that a huge amount of taxpayer's money is spent on elections and this money ultimately belongs to the poor people. Now, I would like to ask as to how far it is advisable to spend this money on more than one constituency - sometimes two, three or five even for just one contesting candidate. I, therefore, submit that the provision of "not more than two" should not be there. It should be confined to just one constituency, whether it is the election for assembly or Lok Sabha...*(Interruptions)*

*[English]*

SHRI BIJU PATNAIK : Yes, I agree to that.

*[Translation]*

SHRI GEORGE FERNANDES : Thank you. I am, therefore, urging the hon. Minister to accept this amendment. Coming to the provision of fine, I have already said that the provision of three months, six months, five hundred rupees etc. does not appeal to me. I have, therefore, suggested an increase at many places in fine and period of sentence.

Mr. Deputy Speaker, Sir, now I am coming to clause No. 8. This issue was discussed in detail in our meeting held some days ago. There are recognized political parties on one side and on the other, there are registered political parties. At present I do not have the booklet of political parties brought out by the Election Commission. I understand that there are about seven hundred registered political parties at present. I have studied these registered political parties to some extent to know the nature of the party, why has it been formed and how many votes it fetches. These political parties registered with the Election Commission, generally contest just one Lok Sabha seat at one place or the other. There

may be some exception here. And then how many votes do they poll? Somewhere they are five hundred, somewhere seven hundred, eight hundred and one thousand two hundred. For getting the party registered, one has to submit a list showing the names of President, Vice President, Secretary, Treasurer, the place of work, as also the constitution of the party. One has to do only this much and the party is registered. Now, what that person or group of persons gain by this is beyond my comprehension but of the whole, I do not find any justification for these registered political parties. I cannot appreciate a party if it is doing some work amongst the people, if it is carrying on some struggle on some issues concerning the country. But this idea does not appeal to me that some party is registered unnecessarily and gets recognition. I acknowledge that the law is there for registration of the parties. There is provision in the law for the registration of political parties for elections but this does not mean that seven people assemble and declare a political party, contest one seat, from some place, poll only three hundred votes and even then we recognize that party. This is why I have urged the removal of recognition of various candidates of the parties.

Mr. Deputy Speaker, Sir, I would like to dwell upon one or two points more connected with this Bill. I had already touched the point regarding sentence. I had referred to five hundred rupees fine and three months prison sentence. About this somebody can say that it is not very big crime and there was some mistake while entering the name. But I know many such cases where the names of twelve to fourteen years children are made to enter the rolls, and some time also to demonstrate that people can get anything done. Therefore, I submit that the elections should not be taken that lightly. Mr. Deputy Speaker, Sir, this is why I am urging that the law should be stringent. The law should be strict to check every kind of crime. If we want to have fair elections, we should remove all the flaws and shortcomings in the present Bill. But the hon. Minister has said in the very beginning that electoral reforms is a continuous process and it will be an endeavour of the Government to implement further reforms also and as the Government has committed that an electoral reforms Bill would be brought in the first Session, the Government has fulfilled its commitment. But now we have to wait for further reforms but waiting too much would not be beneficial. Shri Sontosh Mohanji has left the House, but the point to which he has alluded has been understood by all. The matter, therefore should not be delayed and the new instalment of the Bill embodying comprehensive reforms should be brought soon. It will be a step in the right direction and it will help strengthening the country.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura) : Hon. Deputy Speaker, Sir I understand and as everybody here has commented, a comprehensive Bill has to be brought on this subject. This is a step in that direction on one

specific points. So, the scope of discussion may be the whole comprehensive Bill or may be these clauses. I will try to be somewhat concrete about some points which have been raised here. Before that I must fully agree with the comments made by my hon. colleague Shri Sudhir Giri that unless we can fight against the money power, muscle power and criminalisation of politics, whatever laws that we may make, these things will go on happening. I believe that everybody knows this at heart. I am saying these things because whatever laws that we may pass, they will only be for the time being. On the basis of consensus some limited clauses are taken up and even to make those effective unless constant campaign among the people and constant heart-searching in the political parties is done. I think, the exercise will not be fruitful. I hope that will not happen.

I personally think that this Government has tried to come to some conclusion in consultation with all other political parties. Shri Sontosh Mohan Dev hinted - I am not saying in any manner which should be harsh on him but as I understood, as he hinted three times - that because the elections in Kashmir and Uttar Pradesh are coming, that is why the Government wants to show that they are doing something.

That is why others are being undermined. I personally think that that was not the case. The leaders of all the parties sat together and it is not like that the parties in the Government alone did it.

Secondly, I think Kashmir elections and Uttar Pradesh elections are something which you cannot take lightly. We must understand that some signal must go from here may be of limited scope, that we want to make these elections really democratic, at least on some points. That is why, I do not see anything wrong with Kashmir elections and Uttar Pradesh elections being in front of us. That is why, I am really glad that that initiative has come and others are also trying in their own way to come to some conclusions.

Before I say something about the amendments and certain clauses, I would say that I believe that in this Session of Parliament, a law for 30 per cent reservation for women has to be passed and if that law is passed, it will very much have its own implications which will again necessitate amendment in some of the clauses. At the moment, keeping that in mind, I can go to that. I think that is why we should pass that law quickly so that these things also tally with that idea.

I think that reducing the campaigning period has in the background the question of State funding of elections because that is what we all wanted from Dinesh Goswami Report. We go on having meetings for 33 days. In a country like ours we have to think whether we can take such a big period and also the State funding. Probably, these two things will not go together. Maybe, at the moment, since State funding is not there, we can come to some compromise. I would request those

friends who are objecting to the reduction of campaigning period to consider this aspect as well.

Some of my colleagues from BJP side have raised the question of age of candidates. They say, when we give right to vote at that age, why can they not be elected? I do not know about other States, but in our State we have two cases this time and two excellent candidates had to be changed just for nothing. I think when we have given a voting right, then we have believed in that person's intellectual capacity to exercise the right democratically.

Then, why is he not entitled to receive those votes and act democratically?

Secondly, on the question of deposit, the amount must be increased. Since there is a gap at the moment, maybe, for our understanding, we can come to some temporary conclusion on the exact amount. But I think we shall have to increase it. We cannot keep the same amount of Rs. 250. When was that settled?

It was done in 1952 and now it is 1996 ! So, we have to increase it from the present amount of Rs. 500 and Rs. 250. In my opinion, that should be taken into consideration.

Now, on the question of national honour, I feel that this national honour clause should be there because it is not a question of somebody making a mistake. Our whole force is being thrown in Kashmir and they are forced to do that activity. It is being said that this should not be done. But if I expect that a person would vote out of free will, we must also expect from that person that he or she observe the national honour. This, in my opinion, is a very important clause.

Now, I come to the question of boycott. The question of punishing persons who boycott, I think, would be very wrong. You must punish the agency which calls for a boycott. The boycotts are arranged in two ways. There is the local boycott and that is another thing. But if the recognised national parties or local parties in the State, for example, organise this boycott, then it is they who are responsible and, therefore, we should take some legal measures against boycotting by such parties. I would like to suggest some legal measures with regard to that, but I do not know whether I can do it or not within such a short time.

The behaviour of the media during the election campaign is very important. How will the media behave? Will they behave objectively? The Press Council tried but could not mobilise so quickly. Mr Justice Sawant had called for everybody's opinion on that question and a questionnaire was circulated on how the media should behave objectively. If they do not behave, then what could be done? I think, this aspect also should be looked into.

Rigging is surely punishable and we have to punish those people who do the rigging.

If objectivity is being given up totally by the media or with the help of certain Houses, if certain political parties are being boosted up or if certain political ideas are given prominence which may not be always according to our Constitution, should we keep quiet? So, some ethics should be found out, but I do not know whether we would be able to do it within such a short time or not.

But this aspect must be considered when the total comprehensive Bill would be considered.

The last point in this regard that I will take up is the question of observers and counting. Our experience of counting is terrible. There are some problems created for the observers in Bangalore. But on the whole, the observers in West Bengal are independent this time. That is my opinion. I think it is the opinion of everybody because all the others also got the benefit, not only the ruling party combination as observers. But the question of this Election Commission's method of counting is taken in our State. If that becomes the norm, then no fair counting is possible. Only three days of counting is done and only one set of polling agents will be there.

So, if some parties combine and make their Agenda, it is another thing. But normally every party will have a polling agent. Can any polling agent count 12 tables in three days? Is it possible? There were many mistakes, not intentional. If this kind of counting is given, then the result may not be exactly what it should be. That is why, I am suggesting that with the Election Commission, before these elections, this question of counting, how it should be best done, should be discussed so that counting is quick, attentive and objective. We have to find a way out at least in this type of two days counting that same person at the same table cannot be fair way of counting.

With these words, I would say that on the whole what has been stated here is a good attempt.

Maybe with a little amending here and there, with getting together for a consensus, we should pass the Bill because that will give a signal to the country that this Parliament at the initiative taken by the Government and with the cooperation of all the parties, is giving a signal that different types of elections should be there and the most difficult place, Kashmir let the beginning there and let that most popular State, Uttar Pradesh, also have the same objective basis.

Thank you.

[Translation]

SHRI SANTOSH KUMAR GANGWAR (Bareilly) : Mr. Deputy Speaker, Sir, our party had been talking about electoral reforms for the past many years and we were wishing very earnestly that this Bill should be brought very soon. But it appears that whoever party was in power, that party did everything to cater for its own interest. The Dinesh Goswami report could not, therefore, be implemented till this date. And even now

perhaps it appeared to the parties that in case the electoral reforms are not undertaken, it might cause harm to them. The need for a comprehensive reforms Bill has, therefore, been lost sight of for the present and the present Bill has been brought keeping in view the elections in Uttar Pradesh and Jammu & Kashmir, on the basis of consensus on a few points. A Member of my party who spoke before me, referred to the Dinesh Goswami report and also touched upon many points regarding electoral reforms. I would like those points to be considered by the Government. We know that electronic machines were procured some years ago and crores of rupees were spent therefore but those machines are now lying idle. It appears as if they are of no use. Multipurpose photo identity cards have been prepared. There may be some mistakes here and there. I cannot say about Delhi but the use they are being put to at other places is known to everybody. In some case, the political parties have to rise above party level and take a decision. Immediately after independence, the candidates were selected on individual merit but today the candidates are selected on the basis of caste and religion. No political party is able to rise above this communal and caste-based approach.

Mr. Deputy Speaker, Sir, I would like to draw Government's attention to a few points here. This is right that the period of election propaganda is being reduced and there is rethinking about the sentence to be awarded to the persons indulging in malpractices. But I have to submit that some influential persons are put forth as candidates by some independent candidate and they are then misused. How will you be able to find this out. Although you have fixed rupees five thousand as fine but the person who has blackmoney can very easily put forth ten to fifteen candidates. People like us will be put to difficulty because of this. In this connection I have given notice of an amendment that this provision of rupees five thousand should be changed, and in case of Lok Sabha, it should be rupees ten thousand and in case of assemblies, it should be rupees five thousand. I would like the hon. Minister to pay attention to this point.

There is another point towards which I want to draw the attention of all the political parties. What arrangements should be made on the polling day? If one has got influence in some polling booth and one has ten musclemen with him, one can easily capture that polling booth and get all the votes of that booth in his favour. I would like to know the steps taken by Government to ensure that all the voters vote smoothly on the polling day. Further, I would like to know the policy in regard to electoral rolls and the polling booths. I was surprised to see that at the place I hail from, there were polling booths for women and men voters at two different places. The result was that the people did not go for voting. Why should the members of the same family go to two different places for casting their votes? When this anomaly was pointed out, the answer was

whatever had been done could not be changed. The situation in the rural areas is worse than this. There are the places where even now people have to walk down four to five miles to cast their vote. We cannot provide them transport because as it well known this time, the vehicles were inoperative because the tyres were punctured. No effective steps have been taken in this regard so far. Our party has suggested that the Government machinery should be energised to set the things right to ensure smooth voting on the polling day. Otherwise, there will also be bogus voting. All told, there may be only fifty per cent voting and in this, there may be ten to fifteen per cent bogus voting.

Today, the voters are not that much interested in casting their votes as they had been in the past. These days, the voter is running away from the vote. We want that there should be such arrangements that the voter feel keenly interested in vote. He should not delink himself from the process. We should not indulge in such act as to make the voter run away from voting. We are not giving any thought to it. I submit that we all should sit together and think over the steps to be taken to ensure as to how to make voter reach the polling station and cast his vote.

Shri Santosh Mohanji was telling that the polling booths are provided at many nearby places. We have a school in our village but the polling booth is not provided there. On the other hand some temporary booth is constructed at some other place. The district administration should be given power in this regard so that they can take corrective measures when approached. Only then we can proceed towards right direction.

My predecessor has rightly asked whether this fourteen days limit is enough. I remember the day of Rajiv Gandhi's tragic assassination. Immediately after that, the next day we had to move out to fight elections. Then there is the question of ceiling on election expenses. When there was election in our place for the first time the ceiling was less but this ceiling went on increasing during the elections second and third time. And the funnier thing than this is that the counting of votes takes place after a month? How will our expenses during this one month be computed. Why should counting take place one month after voting. I fail to comprehend as to why the votes of different polling booths are mixed together. This is done on the plea that it will obviate quarrels afterwards as nobody will know how many votes he got from which booth?

**18.00 hrs.**

After all electronic voting machines are going to be installed and counting will be in the polling booth itself and the nature of voting will become known to all. And then, elections to the posts of Pradhans also take place.

MR. DEPUTY SPEAKER: It is already six o' clock. Six hon. Members have already spoken and the seventh



is on the floor and twelve hon. Members remain to speak. If the House so desires, the time of today's sitting can be extended by one hour.

SHRI SRIBALLAV PANIGRAHI : Today, the House wants to adjourn. The House sat whole yesterday night. The staff also feel tired.

MR. DEPUTY SPEAKER : What is the opinion of the House?

[English]

SHRI P.R. DASMUNSI (Howrah) : Sir, the Lok Sabha Secretariat thinks that the matter may be referred to the Human Rights Commission ... (Interruptions)

SHRI SRIBALLAV PANIGRAHI : There is a limit to overtime also.

[Translation]

SHRI RAJIV PRATAP RUDY (Chhapra) : Most of the Members had been awake the whole yesterday night.

MR. DEPUTY SPEAKER : Please keep one thing in mind. I have to proceed according to your will. But this Bill has to be passed expeditiously. Rajya Sabha has also to pass it. If some hon. Members speak today and thereafter the hon. Minister gives a reply, then....

(Interruptions)

[English]

SHRI SRIKANTA JENA : The whole problem is that we have agreed to this today, we can extend and discuss the whole thing. We can even take it up on the 30th because it has to be passed and it has to go to the Rajya Sabha. The whole intention is that we have to pass it before the notifications for the Jammu and Kashmir and U.P. elections are issued, otherwise it will not have any meaning. If required, we can call an all-party meeting to discuss even the amendments. The Government is prepared for that. Therefore, whatever suggestions are there, we can sit for one hour and discuss the whole thing. The Government has an open mind.

[Translation]

SHRI RAJIV PRATAP RUDY : Please, get it passed on the 30th.

SHRI SRIKANTA JENA : The Railway Budget has to be passed on the 30th; there will be no time available for ordinances also. We will sit one hour now and discuss this Bill.

SHRI I.D. SWAMY (Karnal) : Why are you making so much haste in it? It is an important Bill. You are rushing through it because elections in Jammu-Kashmir and U.P. have to take place.

SHRI SRIKANTA JENA : There is no haste. This is the outcome of the last ten years. The Goswami Report was submitted and the discussion thereon started. It is not that we have drafted in the morning and brought it

in the evening. It has been discussed in all-parties meeting twenty times. This Bill had been referred to the Select Committee and it had been discussed there also. It is not that we have brought it lightly ... (Interruptions)

[English]

SHRI MANORANJAN BHAKTA : Yesterday the whole night and till morning 7 O'clock, the House was sitting.

[Translation]

SHRI I.D. SWAMY : Please fix the discussion for an hour or two on the 30th.

[English]

SHRI SRIKANTA JENA : I have no objection. But the whole question is, on the 30th we will face a lot of problems. We do not have time. We are not passing it today. But we are just discussing it. Members can participate on this for another one hour. We can discuss it upto 7 O'clock.

[Translation]

SHRI G.M. BANATWALLA : Please let it continue upto 7 O'clock.

MR. DEPUTY SPEAKER : All right; it is extended by one hour. It will go upto 7 p.m. There remain twelve hon. Members to speak. Please take less time.

SHRI RAJIV PRATAP RUDY : Please fix five minutes for each hon. Member.

MR. DEPUTY SPEAKER : All right, please finish your speech within five minutes.

SHRI SANTOSH KUMAR GANGWAR : Mr. Deputy Speaker, Sir, it is very important Bill indeed and intention of everybody is to pass it. As far as our party is concerned, it agrees fully. I will not spend time on the points which have been highlighted earlier. It is a fact that the anti defection law is being made an object of ridicule. I feel that it should be taken seriously and a decision taken in this regard. The way it spoils our image should also be taken into consideration.

I would like to touch one point more which is known to honourable George Sahib. This is about the election petitions filed after the elections. This is very time-consuming. There was an election petition against me too and that took five years. Mr. Deputy Speaker, Sir, there should be a separate meeting in this connection and we should consider that the entire staff engaged on the election work should be under the Election Commission during that duration. The announcement of the result should not be withheld if there is no particular reason therefor. The announcement can be withheld in case there are grounds affecting the result. Otherwise sometime the situation becomes embarrassing.

In the end, I would like to submit that many reforms not included in this Bill, and about which there is consensus amongst all the parties. Those reforms

should be brought about rising above the party level so that we may be in a position to give new direction to the opinion being formed by the masses at large about us. We should also keep in view as to how we can do away with the use of muscle and money power in the election.

With these words, Sir, I conclude.

[English]

SHRI CHITTA BASU (Barasat): Mr. Deputy Speaker Sir, I rise to support the Bill. I support the Bill because this is an urgent necessity to respond to the exigencies of the time. However, I am quite conscious that this Bill is not adequately comprehensive. It is not commensurate with the demands of the people, particularly the democratic apparatus and it does not conform fully to the democratic aspirations of our millions. This is a step in the right direction. But this step is not strident enough. This step is hesitant, this step is faulty, this step is too small having regard to the long journey that lies ahead.

This does not reflect the totality of the perception of the electoral reforms in a country like India. We are proud that in this part of the world we are sustaining the democracy. This democracy has ripened, but it should be ripened fully. For this purpose the electoral process should be purified, reformed and safeguarded. It is against the money power, against the muscle power, against the criminalisation of politics, against other evil practices that we witness today the election period. Therefore my observation is that this Bill, although a right step in the right direction, is fragmented, it is fractured. We need a Bill containing the totality of the perception of comprehensive electoral reforms.

I quite agree with Shri Sontosh Mohan Dev when he says that it is not to the credit of particular party or a particular Minister on a particular combination of parties which are running the Government today. It is the fruit of the labour of many of us. It is the product of the wisdom of the House. It should be further expanded in the wider interest of democracy of our country. It has been suggested by the hon. Minister while commending his motion that electoral reforms is not a self-contained process. It is not an end in itself. It is the beginning of a process and it must end in producing some result. My complaint against this Government is that the process may be long, but after all the process must take some shape.

I am happy to recollect that the process was started long ago. The process was started more than decade ago. It was because of the Government of the day, whatever might be the complexion of the Government, because of their lack of political will, because of their proneness to serve a particular vested interest, they did not take adequate steps to give it a proper shape during the past few decades. It began with the Goswami Committee Report. Many Members, including myself, want comprehensive

electoral reforms. The work 'comprehensive' should also be comprehended. A particular word or a particular phrase 'comprehensive' does not mean anything unless some contour is there, unless some paradigms are there. It is the most valuable part of the recommendation of the Goswami Committee to delineate the comprehensiveness; what we really mean by comprehensive electoral reforms. I will not quote it, because I know the limitations of time.

I simply want the hon. Members to go through a particular paragraph and that is 19 (12). It is enunciated by 14 points. It visualises the 14 aspects which constitute the comprehensive electoral reforms. In the context of India, not in the context of other countries, these are the 14 interconnected, cohesive, integrated perception of comprehensive electoral reforms. I am sorry to say, that totality of perception is not reflected in this Bill. Therefore, it cannot be called a comprehensive electoral reform. It cannot be a substitute even of a part of the perception which was visualised by the Goswami Committee.

I conclude by saying that the Goswami Committee is a Committee which comprised of a representative from all sections of the House, the Congress Party, the BJP and all other parties. It is needless to mention the names. The names are there. They are talented Members of Parliament and members of intelligentsia who contributed their mite for the finalisation of this Committee's report. It is a unanimous Report. There has been no dissent to this Report. These are the 14 points of the comprehensive electoral reforms.

On this, there have been other recommendations from the Election Commission. In this House and also the other House, there have been introduction of certain piecemeal legislations based on this.

In all humility I would say, let us have a comprehensive Bill, within a very reasonable period of time, containing the common recommendations of the Election Commission, Goswami Committee and the unanimous recommendations of the Standing Committee or the Joint Standing Committee. Had it been so, I think this would have been much more appreciated and it would have been a strong and a sharp weapon to fight the evils who are now occupying the arena electoral battles.

Sir, electoral battle is also an important field of battle by which the truth can be established. Then, the future of the nation can be shaped. With these few words, I implore upon the Government, particularly, the new Minister of Law and Justice to assure the House that within a brief period of time he will bring about another legislation containing the suggestions which the hon. Members have so far made. If you feel correct, you may include my suggestion also as that will be a proper response to the urges of many Members of this House. I support the Bill.

SHRI MANORANJAN BHAKTA : Mr. Deputy-Speaker, Sir, the piece of legislation under discussion is a very wide-ranging one. The hon. Members who spoke before me touched many of the important points. So far as the present Bill is concerned, it has a very limited purpose to serve.

We have heard the other hon. Members speak on electoral reforms. This subject has been under discussion for a long period in different forums. There was an occasion for the House also to discuss it earlier when a Bill was introduced which could not be passed.

We are discussing today a limited piece of legislation. The point enumerated in this Bill is mostly and mainly to contain the non-serious candidates. It is only the serious candidates who should have the facilities to contest without any kind of hindrance and the non-serious candidates who create problems in the electoral fray have to be kept out of it. It is also aimed at minimising the number of candidates in a particular election whether for Parliament or for State Assemblies.

Regarding the points raised here, I do not think that there is really much left to be said except, as an hon. Member said, the security deposit should be raised. I also feel that it should be Rs.10,000 for Parliamentary election and Rs.5,000 for Assembly elections. Otherwise the purpose of the Bill would be defeated.

The role of the observers is also a very important point. The Observers and the Returning Officers, when sent to the States, are completely at the mercy of the State Government concerned. Until and unless they are provided some authority to use in an eventuality, the very purpose of enacting a law to provide observers will be lost.

Amendment No.41 says:

"The observers shall have the power to reallocate the polling personnel for conducting election, and bogus voters shall be eliminated from the voters' list."

Amendment 47, given by Shri Rajiv Pratap Rudi says:

"The observers shall have the power to remove, suspend any officer or officers associated with the electoral process found indulging in electoral malpractice or abetting booth-capturing or any such act which adversely affect the free, fair and fearless poll

The observers shall have the power to cancel counting of votes in a booth or booths where actual votes cast is the same as the total number of voters and the polling booth in question or where the total or majority of counterfoils of the poll ballot papers have only thumb impression of voters.

The observers shall have the powers to cancel counting of any such votes in a particular booth where the signatures of the Presiding Officer is only in initials and does not tally with the actual signature of the Presiding Officer."

Sir, I am conscious of the time. You have to do justice to my party also. We are 142 Members in the Lok Sabha.

MR. DEPUTY-SPEAKER : Your Party has given names of some other Members also.

SHRI MANORANJAN BHAKTA : You can give time on a rational basis.

The second point here is that at the time of counting, the Counting Hall should also be included. A new trend has come up in the Counting Hall. If some electoral malpractices in the electoral rolls take place the Observer should have some authority to control such malpractices by denying entry to the unauthorised persons, etc.

Another important point, I would like to raise here is most of the hon. Members know it very well but have not spoken it very openly - that becoming a candidate is a crime at the time of election. Some direction from the Election Commission or from the Supreme Court or from some other authority is issued, as if all the time these candidates who are standing in elections have done some great crime and that they have to be contained. This is a very serious thing. Every dignified person will feel humiliated the way the candidates are treated during the time of elections. I have not once seen during my long years in politics that after seven or ten days, some circulars are issued after the electoral process have started, the Election Commission or the courts issue instructions before the election process starts so that everybody can follow them. Every member chalks out his *modus operandi* as to how to run the campaign well in advance. Thereafter, after ten or 15 days if the member finds that circular has come and that they have to follow them, it creates problem for the member fighting the elections. Again another circular comes saying that they will have to follow that. So this way the candidates are harassed. Nobody has raised this point. This is a major point to be discussed thoroughly and there is a consensus in this House - almost every hon. Member has spoken on this subject - that you will have to have a comprehensive Bill on electoral reforms where either State funding or any other method or the criminalisation, whatever is there in the politics, all these matters have to be taken into consideration.

Sir, one important point which I would like to mention here is that until and unless all political parties come together to discuss various matters of electoral reforms, nothing can be done. Criminalisation in politics has come to such an extent that no party is left out of this. As such, all parties will have to see how this malady can be removed. That is why I would like to request the Government that you can take this opportunity to discuss among all the parties as to how this can be contained and as to how the politics can be made free, fair and acceptable to the people.

(Shrimati Geeta Mukherjee *in the Chair*)

Another important point is, as Shri Biju Patnaik has stated, that a candidate should get 50 per cent of the votes, only then he could be declared elected. If that is so, then you will have to bring another Bill for compulsory casting of votes. Until and unless that is done, it is not possible that you can do this ... *(Interruptions)* Even then, if you cannot do, then you cannot think that way also.

Then polling booths should be in such a position that it should not be at a distant place. Suppose the polling booth is five kilometre away, then the Election Commission gives a direction that no one should use any vehicle; there should be no transport or conveyance.

Either the Government should provide facility for the voters for reaching the polling booths or the Government should allow the candidates to take the voters to polling booths. Particularly in the remote areas, this should be done.

Ultimately, what I want to say that so far as this piece of legislation is concerned there is no question of my opposing it. It is because in the all party meeting, there was unanimity.

I would like you to consider the two amendments, namely, 41 and 47 were given by me. There should be flexibility as far as campaign period is concerned. At the moment it is fourteen days. As suggested by Shri George Fernandes and Shri Panigrahi, it may be increased from 14 days to 21 days.

With these few words, I thank you very much for giving me an opportunity to speak.

SHRI G.M. BANATWALLA (Ponnani) : Madam Chairperson, I rise to support the Bill subject to certain observations. The Government had made it clear at the very beginning that it is not a comprehensive Bill. The area touched by the Bill represents those items which have the broad consensus of all the political parties here.

Before I enter into any critical examination of the various Clauses, I must congratulate the Government for its policy of having consensus and then working upon the consensus of the political parties. Of course, we have recommendations from the Election Commission. We have recommendations from the Goswami Committee. We have also recommendation from the Standing Committee and so on. But one cannot go on more recommendations of these Commissions and Committees. It is a very healthy policy of the Government to ascertain the opinion of the various political parties and try to have a consensus among them. I congratulate the Government for this. This is a commendable policy.

I must also say with full convention that the Bill that is before us, though not a comprehensive Bill nor intended to be a comprehensive Bill that itself reflects the sincerity and the genuine desire of the Government

to bring about electoral reforms. This is a Bill that responds to the exigencies of the situation.

Now, Madam Chairperson, let us take up some of the important points with respect to the Bill. At the very outset, I must strongly protest against the discrimination between recognised parties viz., national or State parties on the one hand, and the registered parties on the other hand. This is a discrimination which is unfair, illegal and unconstitutional. We are told that there are many registered parties. We are told that registered parties can be easily formed. Therefore, they should be penalised. I am afraid nobody, national party or recognised national party or a State recognised party or anybody can be a sole repository of all seriousness in contesting the elections. Among the registered parties, how can you challenge their sincerity and their seriousness?

To do so is a matter of arrogance, a deplorable arrogance. I must say, there was time, yes, there was time when the so called national parties were very arrogant about the fact that we are the national parties with national perspective and these are the regional parties without any national perspective. But today, we know that these regional parties have proved to be having a better national perspective than even the so called national political parties. Therefore, this is the situation that is there before us. First, you allow and provide for the registration of the parties and then you try to show them the door. That, I must say is hypocrisy and nothing else.

There are two provisions here in the Act. One is Clause 6, where a candidate, other than the candidates set up by a recognised party, needs ten proposers. Let everybody have ten proposers. Why are these national parties fighting shy of bringing ten proposers? I cannot understand this. What is the basis of this discrimination? The national parties are not in a position to bring ten proposers. Of course, I see no difficulty for a registered party to bring ten proposers but then this is the type of discrimination that is there. They have a feeling "we are the national party, we are a recognised party and only one proposer can do for us."

Madam, Chairperson, I know very well that there are instances after instances of the recognised parties not being serious in putting up a particular candidate in a particular constituency and the candidate is put up with an ulterior motive. But here it is childish and childlike to say that let only the registered parties and independents have ten proposers and that the so called national parties have the arrogance of saying, "we do not require even ten proposers from the entire constituency." It is this arrogance or this sort of classification, I am sure, which will be struck down by the courts here in our country.

A second clause 9 provides for the adjournment of poll on the death of a recognised political party candidate. I can understand the death of an independent candidate and then nobody in his shoes to take up. But



then the death of a candidate belonging to a registered political party is a serious thing. If you do not adjourn the poll, if you do not give the registered political party to put up a substitute in place of the deceased, then you are pushing that registered party totally out of the electoral fray.

I do not know why these political parties are afraid of these registered parties also and push them out of the electoral fray. The registered party may be a serious party putting up a candidate and if the candidate dies, that registered party should not be thrown out of the electoral fray and must be given the opportunity to put up a substitute candidate. That has nothing to do with the seriousness on the non-seriousness of the candidate. It is an act of nature that he died and then he needs to be substituted. Therefore, we find a totally baseless type of an attitude taken up.

Article 14 of the Constitution provides for equal protection of law for everyone and this discrimination denies this equal protection of law to the candidates.

I know very well that the doctrine of classification is incorporated in Article 14. But then, the doctrine of classification is based on certain limitations, restrictions and criteria... (Interruptions)

MR. CHAIRMAN : You kindly go to the next point because you have made this point.

SHRI G.M. BANATWALLA : Madam, I am sorry that I have been trying upon your patience. But this is a very important point. The whole exercise of the election will be simply struck down... (Interruptions)

MR. CHAIRMAN : Shri Banatwallji, you were not there yesterday and I was there the whole night.

SHRI G.M. BANATWALLA : Therefore, I was trying to emphasise it and I emphasised it even at the time of the meeting of the Leaders, in difference to your direction I may refer to another point relating to Clause 5. And then I was assured by the hon. Home Minister in the meeting of the Leaders that the point would be considered though there were not many takers of the point in that particular meeting. Therefore, I appeal to this House that absolutely there is no base for this particular classification and discrimination.

Madam Chairperson, in Clause 5, the campaign period is sought to be reduced from 20 days to minimum 14 days. Yes, the point has been well taken by the hon. Member, Shri George Fernandes whom I may have displeased a few minutes ago. This particular point taken by him was a valid point. When the poll is staggered and taken on different dates, then the people who go to the poll first, the candidates who go to the poll first are at a disadvantage compared to others. This point has been well taken. I will not elaborate more upon the same. But here is also the question with the counting of votes. Kindly take up the previous reports and recommendations in regard to the counting of votes.

Almost all the recommendations of the previous Commissions and Committees emphasise upon the prompt counting of votes. The hon. Member, Shri George Fernandes, would remember that when he was contesting the Parliament election from Bombay and myself in alliance with him for the Maharashtra Legislative Assembly, he was pointing out that one had to be very careful to ascertain the security of the boxes. And I remember that volunteers were posted at the door of the building in which the boxes were kept. But, today we find that a whole week or ten days pass or 15 days pass or a month passes and we have to wait for the counting date after the poll. This situation must be taken care of.

Then, I take up the Clause that deals with the question of deposits. You may have a larger amount of deposits Rs.5,000/-. But if the idea is to keep the non-serious candidates out, I doubt very much whether this Rs.1,000 or Rs. 5,000 will help a much. But I must say that in the first place, a person must be allowed to contest from only one constituency. But, in case a person is being allowed to contest from two constituencies, then let him pay more and more of the deposit; let him at least pay more and more of the deposit and the constituency which he does not later on retain, that deposit should be forfeited. That must also be considered in case you want a few to retain this particular facility of contesting from more than one constituency.

Clause 3 provides that a person convicted of specified offences be disqualified for six years. It is a very good Clause. And certain more acts, insults to national honour and all that are added. You may go on adding as many as you may think fit. I have no objection to that.

But I want to ask the Government to consider seriously the sincere implementation of the various Acts which provide for conviction for various offences. For example, in this very House, with a lot of fanfare, we passed the Places of Worship Special Provision Act, 1991.

MR. CHAIRMAN : Please do not go into that.

SHRI G.M. BANATWALLA : That Act was passed. That Act is now there in this clause 3, disqualifying a person for six years. But I want only to say that from 1991 up to 1996, the Act has never been invoked. The people have been going round challenging the Act with impunity, talking of conversions of the places of worship with impunity and even then, not a single prosecution, not a single conviction was made. Now if you do not prosecute a person, if you do not get him convicted, then this whole clause 3 is nothing but is of an ornamental value and subjective satisfaction value in our Bill.

Clause 2 of the Bill enhances the punishment for refusal to perform electoral duty but then there is a proviso which says that "provided the refusal is based on a reasonable cause". Now the term 'reasonable' is very elastic. It is very vague and therefore, due caution will be wanted whenever this particular clause is sought to be invoked.

Madam Chairperson, I will conclude by saying that there are several areas of electoral reforms. It is shocking to see that while India is the largest democracy in the world, the right to vote and the right to stand as a candidate are not Fundamental Rights. They are more legal rights. The right to vote, the right to be a candidate is the very basis of the foundation of democracy. But it is not a Fundamental Right. I must urge upon the Government to see that a proper amendment to the Constitution is brought in order to see that the right to vote, the right to participate in an election is made the Fundamental Right under our Constitution.

There is also the question of proper electoral rolls. The present electoral rolls are so defective that words cannot sufficiently describe their defects. In the first place, a large number of names are omitted. A wholesale deletion also takes place. In Delhi, for example, I may say that in the electoral roll in certain parts, it was written as "The election nil". That means the whole street is full of people but not a single elector or voter is there. How a ridiculous way it is. At least, something has to be done in order to see how the electoral rolls is prepared. Even if the names are given wrongly, mistakes have to be corrected. For example, whenever the electors come to me, I tell my name as Gulam Mahmood. They do not understand. I go on explaining to them and mistakes occur. Whatever be the mistakes that have occurred, have to be corrected and for all that, we have to be after that.

When you have your enumerators also and when you send those enumerators to a particular locality, please see that the enumerators are those who correspond to the nature of the locality so as to have the least number of mistakes also in enumeration. This is apart from the question of wholesale deletion of names and other things.

Finally, before I resume my seat, I would like to touch upon one item. We have the system of majority vote. The candidate who gets the majority is elected. It is an outdated system now. We must have a proper proportional system of voting. There are several methods. I will not go into the details of the same.

But this proportional system of voting will bring about a House which will be more and more reflective of the entire nation. The time has come for taking bold initiatives in this particular area. A proportional system of voting with list system without any threshold may be

wanted today and that will solve a lot of our problems with respect to serious and non-serious candidates, independent and party candidates, recognised and registered party candidates and so on and so forth.

Madam Chairperson, with these words, I support the present Bill. I hope that the submissions that have been placed before this House by me will be duly considered by the House and by the Government and a favourable response will be there.

I must congratulate the Government for moving in the right direction of electoral reforms. With all sincerity I urge upon the Government that their efforts to bring about more and more consensus among the political parties for more and comprehensive reforms should continue.

I wish them well.

MR. CHAIRMAN : Hon. Members, there are still 13 names. So, I have to take your permission. As we did the last time, each Member will speak for five minutes.

...(Interruptions)

SHRI PRAMOTHES MUKHERJEE (Berhampore) (WB): Then you have to extend the time of the House (Interruptions)

SHRI I.D. SWAMI (Karnal) : When a new Member gets up to speak since he is not recognised the bell would ring and hardly a minute or so would be given to him whereas when the other well recognised Members would stand up, they would continue speaking for thirty or forty minutes and sometimes not very relevant to the Bill. (Interruptions).

[Translation]

DR SATYANARAYAN JATIA (Ujjain) : Madam Chairperson, we should not discuss this important Bill hastily. Unnecessary haste in this regard will not be fruitful. It is not that the Bill if going to be passed today itself and there is compulsion to enforce it from tomorrow. Good discussion needs sufficient time. Without proper time, the desired result cannot be achieved and we will fail in our cherished goal of electoral reforms. The bill should be discussed in detail. Otherwise also, the Bill is incomplete and does not embody all the electoral reforms. All told, we are putting outlines under an illusion.

MR. CHAIRMAN : Let us at least agree that we shall go on extending the time of the House as long as these Members do not finish and I appeal to them to be as precise as possible.

...(Interruptions)

[English]

SHRI MANORANJAN BHAKTA : Madam, yesterday we sat throughout the night. You have to see that the staff are working since yesterday.

MR. CHAIRMAN : What do we do with these names? The discussion has to be finished. Is it not? Then, the Leaders of the Parties have to sit with the amendments and all that. So, the time also may not be there. Is it not?

SHRI MANORANJAN BHAKTA : How many names are there?

MR. CHAIRMAN : There are thirteen names.

SHRI I.D. SWAMI : My submission is that another one hour's time may be allotted on the next working day so that a proper debate can take place. But if the suggestions have not been debated then how can they be incorporated in this Bill. *(Interruptions)*.

SHRI SRIKANTA JENA : Actually, we have no objection for a longer debate. The whole point is that on this issue there has been a debate for the last five, seven or ten years. This Bill was sent to the Select Committee. There was recommendation again from the Select Committee and after that we had two rounds of an All Party meeting.

Whatever was agreed upon unanimously after the all-party meeting, only those points have been brought forward here. And this is not the end of the story also.

SHRI I.D. SWAMI : Then we raise our hands and say that it is passed, let us do it that way. Let us not have the debate at all.

SHRI SRIKANTA JENA : As the hon. Members have already said, this is not the complete comprehensive Bill so far as the electoral reforms are concerned. The Government is also of the same opinion as the other hon. Members that the Bill is not complete yet. Whatever has been agreed to so far, that at least should go. For the rest of the things, again the dialogue will continue with other political parties. It is not the Government business alone because on this issue, all the political parties are committed. Because of the urgency that is involved in it, I am just reminding the House. *(Interruptions)*. What I suggest is that let the Members say whatever they want to say. Let them make whatever suggestions they have in their mind. About the amendments, I suggest to the Law Minister that though Monday is a holiday, an all party meeting can be had on Monday itself. We can sit down again on Monday and discuss it so that without any debate, the Minister will reply to that and we can pass the Bill and it can go to the Rajya Sabha because in the Rajya Sabha, they will again take some time. Before 31st July, we want to see that the Bill is passed. That is the whole intention of the Government. Yesterday whole night we were all here up to 7.20 a.m. in the House. I am not advocating that no, we should sit for another one hour or two hours. But whatever little time we can afford to sit at least another half-an-hour, we can accommodate

three or four Members within that time. Then we can conclude the debate and take it up on 31st. That is my only request.

DR. SATYANARAYAN JATIA : There are still thirteen more speakers left, not three or four.

SHRI MANORANJAN BHAKTA : You can do one thing. You can give chance to one or two Members from each party which has not been given a chance so far.

DR. SATYANARAYAN JATIA : No, that will not do. We have been sitting here for a long time to speak.

MR. CHAIRMAN : Well, let us begin it and let us try it.

SHRI I.D. SWAMI : Sir, my submission is that the earlier Members have spoken for half-an-hour to forty-five minutes, but now you want to put this restriction only on these twelve poor persons who are left. You are asking them to speak for one minutes or half a minute each and go home. If your view is that everything is well thought over and the leaders of all the Parties have agreed, then what was the necessity of having this debate and wasting the time of the House? *(Interruptions)*. We want to make some suggestions. You can give us some time on the next working day. One hour will not mean much. We can cut short on something else.

MR. CHAIRMAN : No, the Minister has said that technically it is not possible. He has also told you that this debate will continue later on also. This is not the last day of the debate on electoral reforms.

Let us start now. I appeal to all the Members to be precise in making their speeches.

SHRI PRAMOTHES MUKHERJEE : Thank you, Madam, for the opportunity given to me to express our views on this important Bill, that is, the Representation of the People (Second Amendment) Bill. On behalf of my party, RSP, I rise to support the Bill in general, but on particular points I have some reservation and I have some objection to a particular point in respect of reduction time to fourteen days in place of twenty-one days.

Madam, with your kind permission I beg to quote from Clause 5 on page 3 of the Bill in respect of amendment of Section 30 :

"in section 30 of the 1951 Act, in clause (d), for the words "twentieth day", the words "fourteenth day" shall be substituted.

I have objection to this clause and it is my suggestion that the words "twentieth day" should remain fixed and they should not be changed to the words "fourteenth day".

Again, Madam, my friend my party-mate hon. Member Shri N.K. Ramachandran has brought a notice

of amendment in respect of amendment of Section 33. With your kind permission I quote from the Bill:

"Provided that a candidate not set up by a recognised political party shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by 10 proposers being electors from the constituency".

Let me clarify our position on this point. There is an apprehension that any political party, once they are recognised, may lose the political affiliation in another State. It is better to say that candidate not set up by a recognised political party and in such place or by a registered party. It is better to say that independent candidates from the personal wish cannot be nominated and if nomination paper is to be submitted, then it should require ten proposers or more.

Again, Madam, there is a vital question of State funding. We have studied the salient features of the Dinesh Goswami Committee Report. State funding has vital role to play in this affair and it is only the State funding that can be the only instrument of implementing our ideas.

Another point is about the criminalisation of politics. It is a matter of regret that the Congress Party, during their regime in the past days, has given the indulgence for criminalisation of politics, and the use of money power and muscle power have become the daily feature in the period of election ...*(Interruptions)*.

SHRI MANORANJAN BHAKTA : Everywhere you talk about Congress. There is no end to this ...*(Interruptions)*.

SHRI PRAMOTHES MUKHERJEE : It is because you were there in power since 1947 and during the last 50 years, which was the period of your rule, only it has been done. So, I say this...*(Interruptions)*

SHRI A.C. JOS (Idukki) : What about Bengal? ...*(Interruptions)* Are you not doing the same thing there?

MR. CHAIRMAN : The question is about criminalisation. His appeal is not to have criminalisation in the country. The hon. Member may continue.

... *(Interruptions)*

SHRI PRAMOTHES MUKHERJEE : That is a different matter ... *(Interruptions)*

SHRI PRADIP BHATTACHARYA (Serumpore) Madam, it is not that we are coming and sitting quietly. We are observing. What he is saying is not correct...*(Interruptions)*

MR. CHAIRMAN : Why should we go into this? The question is about criminalisation on which we all try and give our view. The hon. Member may continue.

SHRI A.C. JOS : The Left parties in Bengal never delineated politics from anything...*(Interruptions)*

MR. CHAIRMAN : That is why you want democracy in politics.

...*(Interruptions)*

SHRI PRAMOTHES MUKHERJEE : That feature should be incorporated in the Bill...*(Interruptions)*

Madam, I want to speak about the appointment of observer which is another feature of the Bill. The statutory background should be given to the appointment of observer. I agree to this fact. I have the saddest experience in this regard during the last elections. The former Chief Minister of West Bengal and the former Ambassador in Washington, Shri Sidharth Shankar Ray was the contesting candidate against me...*(Interruptions)*

SHRI PRADIP BHATTACHARYA: You are again taking the name. Why should you do this? You should not take names

SHRI MANORANJAN BHAKTA: Madam, I am on a point of order. He cannot take the name of person who is not here, who cannot come and reply. His name should not be taken.

SHRI PRAMOTHES MUKHERJEE: He was my contesting candidate.

SHRI MANORANJAN BHAKTA: Madam, the name should be expunged ...*(Interruptions)*

SHRI PRAMOTHES MUKHERJEE: He was, my contesting candidate. I beg to refer to the behaviour pattern of the observer during that period of counting.

MR. CHAIRMAN: Then you do not take names of any persons outside.

SHRI PRAMOTHES MUKHERJEE: Yes Madam. He was my contesting candidate. When I came to know that the contesting candidate was trailing behind me by 24,000 votes, I did not mind.

19.00 hrs.

I do not have any ill-feeling on reporting of this type of news. But I beg to refer to the incident that all of a sudden, when that contesting candidate was trailing behind by 24,000 votes, announcement was stopped by this Observer for reasons unknown to me. I also inquired into it. I beg to refer to this matter in this House only to assert the fact that Observers should not be given such a high power. He should not be given an autocratic power. This is my contention.

At the same time, I beg to mention that another important feature of this Bill is security deposit of candidates. It is justified that the security deposit should be raised higher. It should be raised to Rs 5,000 or more and in respect of Scheduled Caste and Scheduled Tribe candidates, it should be Rs. 2,500 and not more than that. This is my humble suggestion in this regard.



I want a comprehensive Bill and if necessary, we will give our suggestions for arriving at a consensus. Thank you.

SHRI I.D. SWAMI: Madam Chairperson, though my party and I are compelled to support this Bill because of the consensus arrived at amongst the leaders to support this Bill, I would say that this half-hearted attempt does not satisfy anybody. I had been a Returning Officer from 1956 to 1987 and my experience is that you may give whatever power to them, until and unless a comprehensive Bill containing everything in it comes up, it will not help. The Returning Officers are already armed with two Acts earlier - Representation of People Act, 1950 and Representation of People Act, 1951. Now, this amending Bill is also coming up. It is also promised that another comprehensive Bill would come. Still, we have not been able to take care of the code of conduct, whether it is to be made statutory or not, whether photo identity cards are to be made compulsory or not. I would only say that so far as photo identity cards are concerned, colossal waste of this nation has already taken place. The Government will have to take a decision, after thinking over it, whether this process is to be stopped. In all the States, crores of rupees have already been spent on this. Moreover, it is a continuous process because as soon as a person attains the age of 18 years, his name will have to be included. There is summary revision of rolls every six months. Whenever there is election or bye-election, again there is summary revision. On every 1st January, there is revision of electoral rolls again. Then, we know that booth capturing is not going to be stopped by photo identity card; only some percentage of impersonation can be stopped. Even that will not be very practical because in those villages, in those parts of the country and in those parts of the State where muscle power is used very much, what is done is that the poor, down-trodden people are called to the chaupal by the land owners, by the Right Holders and are asked what is their opinion. They have to say

[Translation]

"We want to do whatever you like. Our vote is for you." And then the land owners say, "Good we have reviewed your vote."

[English]

This would facilitate the process of usurping their right to vote because they would collect their photo identity cards and keep the cards with themselves and let the poor people sleep over as without photo identity card, they cannot vote. So, this waste of money should be stopped forthwith.

Then, what about the code of conduct? It has also not yet been decided whether the code of conduct is to be made statutory or not. So far as Observers are

concerned, I would say that even if the Observers - the IAS officers or anybody else - are posted from the same State, they cannot be that much objective. The experience of the Supreme Court and High Courts is there. The Supreme Court has been making transfer of the High Court judges of one region to other region and the results are perceptibly very healthy.

Similarly, if at all the observers have to be sent, they should be sent from the Government of India or from one region to another region. So, from the State, if the Observers go, they would not be that effective in that very State.

MR. CHAIRMAN: Since the allotted time has been finished, let us extend the time of the House by another half-an-hour.

SEVERAL MEMBERS: Yes.

SHRI I.D. SWAMI: Madam, with regard to counting of votes, nothing has been mentioned. In the counting of votes, what has been our experience is that, sometimes, in one election, instructions come saying that counting could be done booth-wise; in another election, another set of instruction from the Election Commission comes saying that there would be two counts, and the counting would be done by mixing of the ballot papers which would mean that all the people would be sitting together for 18 to 24 hours. The main difficulty is for the candidates and their counting agents. What happens is that the signatures of the counting agents with photocopies would have to be taken before the Returning Officer. It is a very long-drawn process and it takes hours together. After appointing the counting agents, those counting agents cannot sit for 24 hours and 48 hours. Counting has been continuing for 48 hours in any constituencies. So far as the counting supervisors, the counting assistants of the Government staff is concerned, they are replaced after eight hours or ten hours, but the counting agents of the candidates are never allowed to be replaced. How can it be physically possible for anybody to sit for 48 hours? If you happened to see those places - counting halls - where the counting agents are made to sit, they would look as if they were bound in a zoo, and these counting agents, one after another, would be jumping up and seeing from a distance because barbed wire was put in front of these counting agents. So, once for all, the Government has to take a decision in this regard.

If we see, the only argument which is being given for mixing of the ballot papers before the counting is that the people would not be able to know which particular section had voted for which person or for which candidate. But in a political process, in 1952, the first election was fought in this country and till now we have fought so many elections, we are still afraid that it would be known that which section or people have voted for us or for a particular candidate. I must point

out that it is only in the nature of political process. Those people who are participants in this political process, in this democratic process, they have the right to know where he is feeling weak, where the section of the people are not with him and what he should do to improve upon his electoral chances in the next election. He is not only denied of this right, but unnecessary burden is also put on the total machinery of the Government and the candidate and his election agents for 48 hours. If whatever discretion has been given to the Returning Officer, if he uses that discretion - in a parliamentary election when he says that recounting is allowed - it means another 48 hours or 70 hours is spent on that. That is the main difficulty in the counting.

I would like to make one major point. This, of course, is challengeable in the courts of law. If we want to diminish the number of candidates, then raising the amount of security upto Rs. 5,000 or Rs. 10,000 is not going to help. It is because those people, those candidates who think that their political agents, their counting agents, their polling agents should be more than one, that half a dozen people should be there, that dummy candidates are always put up by all candidates, by all parties, could well afford to pay Rs. 5,000 or Rs. 10,000 and they do not mind even if that security is forfeited. In a democratic process, if the political parties have a major role to play, whether recognised parties or all India parties, then the political parties only should be allowed to put up the candidates and the independent candidates should not be allowed. Maybe, this will be challenged in the courts of law.

The right of contesting the election to an independent candidate is being denied. But we must think of some remedy. Article 14 would come in. No doubt about it. I am cognizant of that. But all the same, just raising the figure from Rs.5,000 to Rs.6,000/- and from Rs 500/- to Rs.1,000/- will not matter at all.

So far as the question of drawing of the list of candidates is concerned, it is a very minor point. Our honourable very elder Member has said about the recognised parties and All India parties. I think it is only for drawing the alphabetical order of the list of candidates. For no other purpose, this amendment will come in. First they would take the All India recognised political parties and then the other parties. This is the only way by which you can alphabetically draw a sensible list of candidates for election.

There was a point raised by Shri George Fernandes. The result of the poll at the polling station cannot be ascertained. This is Section 20 (b). He said that if a small crime is committed, even that should be punished. We have no objection to that. Every crime has to be punished. Stringent provisions are being made for that. But there are people who would not only destroy on one counting table certain ballot paper but also select one person for this

purpose. He can be hauled up for that and he may not even go to jail because there is such a long and tardy process of the judiciary that he may ultimately get acquitted and by destroying a few ballot papers on one counting table, he can get the whole process nullified because he knows that he is losing that election. So, though the Returning Officer or the Observer is authorised to do it, he must satisfy himself that if the result is going to be affected adversely, very badly or if it is not possible to ascertain which candidate is winning, then only this result should be withheld or counting should be stopped or the poll should be reordered. Otherwise, every candidate who knows that he is losing shall detail hire, as is the practice in our country, for booth capturing. He will hire a goonda at one or two counting tables, who have destroy a few ballot papers and the whole effect of the Government as well of the candidate as well as of their agent and the people of large would be nullified only by doing this small mischief.

With these words, I do support the Bill because my party has supported it. I am thankful to you for giving me an opportunity though at this late hour.

SHRI S.K. KARVENDHAN (Palani): Respected Chairperson, I rise to support the Bill. I am happy to welcome the bold step taken by the Law Minister to introduce amendments to the Representation of the Peoples Act.

First of all, in Section 20 (b) appointment of observers to deal with election and counting is welcome.

With respect to Section 33 and Section 24, new amendments are introduced to avoid more number of candidates. I would like to mention one example. In the recent Assembly elections in Tamil Nadu, more than 1,000 independent candidates contested in the elections. The election has been postponed. Sections 33 and 34 will avoid more number of independent candidates.

With respect of Section 34, my submission, is, that the amount of Rs.5,000/ for nomination of candidates has to be increased to Rs.10,000/-. With respect to Scheduled Castes and Scheduled Tribes, it may be Rs. 2,500/- and most of our Members here accept it. But my opinion is that it has to be reduced.

With respect of Section 52 also, an amendment is proposed. So far, elections should not be postponed on account of death of a candidate. I welcome this amendment. Most of the party candidates spend a huge amount of money while contesting elections. If an election is postponed on account of death of any candidate, it will spoil the chances of all the candidates. I welcome this amendment also.

With respect to Section 127, they have given some amendments. The previous Section says "three months

or with fine which may extend to one thousand rupees". Now, this amendment says "six months or with fine which may extend to two thousand rupees". In this, the amendment is treated as a cognizable offence and an officer can arrest the person, who acts against law, without warrant. I kindly submit that this has to be amended and made a non-bailable Section in order to put the person in jail. It will avoid criminalisation of politics and elections.

With respect to Section 126, they have given so many amendments. My only submission is that all candidates and recognised parties should be given opportunity to speak on television. It will avoid more expenses. In foreign countries, they are following this practice and giving a chance to all candidates to appear on the television or any media before the election is announced. That opportunity must be given in India also. It will avoid expenses also.

Therefore, I support this Bill. More over, some amendments are necessary. If an opportunity is given, on behalf of my Party, I would like to say that we will definitely utilise it and present our point of view.

With these words, I conclude.

[Translation]

DR. SATYANARAYAN JATIA (Ujjain) : Madam Chairperson, the efforts being made by us to make the democracy meaningful are only superfluous. The democracy will be meaningful only when we plunge again into the struggle of that magnitude as we did for attaining independence only then every citizen of the country will be able to improve the lot and experience the feeling of independence, as has been enshrined clearly in the preamble of the Constitution of India that "We the people of India having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens justice social, economic and political; liberty of thought, expression...". Every citizen must have the feeling of independence but we are noticing that democracy has been continuously becoming weaker for the last fifty years. If democracy is depleting, we are taking it very lightly. If somebody enters the Government he is happy and contented and becomes influential. And the person who is no more in the Government, loses his influence. But this will not suffice. We should also think of the masses who vote for those people who form the Government. We should pause and ponder for a while as to what improvement we have brought in the condition of the people at large. I would like to ask what improvement have we brought:

"Jab manavta ki peer wahi, tasveer wahi,

Badal gaya hai kuchh logon ka jeevan,

kintu aansoo peene waalon ka parivaar wahi".

We should, therefore, bring independence for these people. If we do not want to bring meaningful

independence for these people, it is not going to do any good to the country the systems which have been suggested are only in the name. The man today has become worse than a stone:

"Pathar se pathhar ka rishta hota nahin hai,

Aur pathharon ke dard par koi rota nahin hai.

Pathhar ne kab dikhaya pathharon ko raasta.

Aur pathharon ne kab rakha hai pathharon se waasta.

Patthar ke raaj ko jaanta hai pathhar

kintu pathhar se bane cement se judkar

pathhar ho jaata hai pathhar,

yeh aadmi hi hai ki aadmiyat se judta nahin

Aisaa lagtaa hai ki pathhar se bhi badtar

ho gaya hai aadmi."

If a human being becomes conscious of the human feelings, it can be said that the people have achieved democracy. Therefore, the Government should consider all the suggestions made and the proposals submitted. We have made the electoral procedure complicated. In so far as the electoral rolls are concerned, if no names are included therein, how are the elections going to be held. Every citizen, therefore, should have the responsibility to cast his vote. Voting should be made compulsory. That should be his contribution towards democracy. It appears that the intellectual class does not exercise their franchise and the class other than the intellectuals is at a loss to understand as to what to do with his vote. Therefore, there is a need to educate the voter. The way democracy is being run for the last fifty years has failed to achieve meaningful democracy. Therefore, until a person becomes fully conscious of his voting right, this system has no meaning. To achieve this end, we have to reduce the distance of polling booths. In the urban areas, it should not be more than one kilometer while in the rural areas also it should be so near that the voter can easily go and cast his vote.

The increase in the ceiling of election expenses and security deposit is not going to help. The way election expenses accounts are maintained and submitted is just a deception. In this way we are declining the democracy; we are deceiving the rules and regulations. We declare that we have submitted the accounts of expenses within the prescribed limit. In fact these accounts do not reflect the actual expenses. I would, therefore, like to submit that the election expenses should be increased by the State and not by the candidates. The Government should take steps towards this direction.

The Government propose to limit the election propaganda to fourteen days. Fourteen days will not be sufficient at all for election propaganda for a Parliamentary Constituency. Twenty-five days are not enough and even sixty days are not enough. The voting

should, therefore take place within a week of the date of withdrawal of names. If somebody is fighting elections, as an independent candidate, he will win the elections according to his capability and if somebody is contesting on party-ticket, he will win on the basis of party programme. We should make such arrangement as could promote faith in democracy. Money-power, muscle-power and manipulation of estimates should be done away with. Only then, then democracy can be purified. In a way, this beginning is quite good and we should resolve to take it further in all honesty so that the democracy can become meaningful. The step we have taken to achieve this goal should be further strengthened.

Yeh kadam badha, who kadam badhe,  
 hum kadam badhaen manzil tak,  
 yeh paudh lage, woh paudh lage,  
 badh jaaen chhaen manzil tak,  
 Sab duniya dost hamari hai,  
 har kali-kali phulwari hai  
 Kya baat bade ya chhote ki,  
 har koi murat pyari hai,  
 Inko pranam, unko sijda, sau,  
 sau aashaen manzil tak.

May our democracy prosper. With these words I conclude.

SHRI RAJIV PRATAP RUDY : Madam, Chairperson, I wanted to discuss the provision of this Bill in detail but I do not think it proper now because the time allotted is less. During the debate on this Bill, we have expressed our views. Insofar as our efforts towards electoral reforms are concerned, we have to go to the very roots, with a view to eliminating irregularities and rigging taking place in the elections. Once we know, how wide-spread these irregularities have become, it will be easier for us to formulate a strategy in connection with electoral reforms and achieve full success in our ventures.

I would now like to speak about the amendments submitted by me. I have given notice of an amendment particularly in connection with the role of the observers. The position which obtains at present is that the observers visit the polling stations but they have no legal power with them and can only issue directions and establish contact with the Election Commission. I have asked in my amendments that the observers should be armed with more power particularly in case of Bihar, where it is beyond the imagination of anybody as to what method is adopted there while polling is going on. The Government is talking of some law and order here, but I would like to submit that where it is the question of people standing in queue and there are a few cases of impersonation, one can talk of electoral reforms but there are places where the voters do not at all go to the polling station but even then the polling there is cent per cent. All our hon. Members are present here. There

is republic in the country but the situation obtaining in Bihar today... (Interruptions).

Everyone has been returned to Lok Sabha in this very fashion. The hon. Minister is present here and I would like him to examine the conditions prevailing in Bihar separately if he wants to see the republic alive and to create some basis for bringing about some change in the election laws in the country. Only thereafter, the poll should be conducted. If you set Bihar in order, all your election reforms will be successful in the country. Three to four persons go to the polling booth and decide as to who will get the votes of the entire village. In Bihar, it is the officers who decide the way of voting.

I may tell you by way of an example that the party whose Government is there in the State, that party decides on which polling booth B.S.F. has to be deployed, and the booth where district level police has to be deployed. The decision is taken to this regard also as to which officer would be posted at which place. If it is Assembly Constituency having one hundred fifty to three hundred polling stations, and out of those, one is able to "manage" thirty to forty stations through the officers and anti-social elements, one is sure to return to the Assembly.

The same thing happens in the case of Parliamentary elections if out of about one thousand polling booths, one hundred fifty to two hundred booths are similarly "managed". I know what happens before the elections. If the police officer in your assembly constituency is against you, he apprehends your party-workers under Section 107 overnight and puts them in jail. Then the next day, he deploys his force there and you cannot go there. I would like to tell the hon. Minister that a large number of voters are affected this way.

I have given notice of an amendment particularly to provide for more power to the observers. My amendment provides for stringent punishment to those officers who tamper with the election procedure and indulge in booth-capturing themselves; the officers who tamper with visit the polling booths many times, threaten the voters and make them flee from the booths. Harsh punishment should be provided for such officers so that the arbitrariness of the bureaucrats, which is playing a decisive role in the election, is eliminated.

My other point is how the authorities are going to detect whether booth-capturing has taken place in some constituency or not. I can tell about North Bihar. If you go to a polling both there, you will find that out of 1000 votes, 999 votes have been polled. Is it possible anywhere in the country where 999 out of 1000 votes have been polled. In this context, I would like to ask the hon. Minister present here as to what electoral reforms he is talking of when the Government does not consider these points and eliminate these irregularities. Even



fake signatures of the presiding officers of the polling booths are appended. Until you take stock of this situation, your efforts are not going to fructify. I am repeating all this because it has become necessary now to examine these things. Vaishali was greatest republic in Bihar in the past and democracy in that very place has suffered most now. This malady is spreading to more and more areas and someday it will engulf the entire country, and your skin-deep poll reforms will fail miserably.

Today, Bihar is the victim of this ailment, tomorrow it will be Kerala, then Karnataka and then the entire country. This is why I am drawing the attention of the hon. Minister and this august House to the need of embarking upon corrective measures in Bihar. This will prove beneficial for the whole country and the Government will succeed in their efforts regarding electoral reforms.

Madam Chairperson, I had been hearing that a comprehensive Bill would be brought but the present Bill is only a small one. It is essential for the future of the country and for the democracy that the entire Bill is reconsidered and keeping the example of Bihar in view, more amendments are brought and incorporated in this Bill.

[English]

SHRI SRIBALLAV PANIGRAHI : Madam, kindly let us rise for the day. Feel the pulse of the employees also.

SHRI A.C. JOS : No more extension, please.

MR. CHAIRMAN : We will extend for 15 minutes only. I feel for the employees as much as you do, if not more. There are two or three speakers.

[Translation]

SHRI SRIBALLAV PANIGRAHI : Madam, you are not comprehending the situation. There is strong reaction amongst the employees. (Interruptions)

SHRI VIRENDRA KUMAR SINGH (Aurangabad): Madam Chairperson, I have to make a suggestion in this regard. Polling arrangements should be made second time in those booths which are boycotted. In my constituency, eighty booths were boycotted and afterwards arrangements for polling were made only in case of five booths. When such arrangements were made and polling conducted, the voters did come to cast their votes. Therefore, arrangements should be made again for polling at all such booths.

My second point is that the provision for contesting election from two constituencies should be done away with. Such provision is an insult to the people and democracy as the Members have to resign their seat from one constituency.

My next point is that the provision to fight the election should be limited to this extent that a person can contest

from the State where that person is a voter. The system of fighting election from other State should be scrapped.

SHRI SRIBALLAV PANIGRAHI : This will not be done.

SHRI VIRENDRA KUMAR SINGH : If not, let it be so. Not adding anything particular, Madam, I support the Bill.

SHRI VIJAY GOEL (Sadar - Delhi) : Madam Chairperson, I am thankful to you that you have granted me time to speak. It is already very late today. The way the Government has brought this Bill shows that this is an incomplete Bill. I recapitulate two lines of a song:

yeh uthal-puthal uttaal lahar.

Patte na digaana paaegi.

Patwar chalaate jaaenge.

Manzil aaegi, aaegi.

The Government has made a beginning and I feel that a detailed Bill will also be brought by Government. I would like to dwell upon some two to three points in this connection. In case these points appeal to the law Minister, he can take them into consideration. Firstly, no qualification has been laid down for a candidate contesting election. Even for the post of a peon in the country, the minimum qualification has been prescribed but no minimum qualification has been laid down for a person desiring to contest Parliamentary election.

AN HON. MEMBER : This is an anti-democratic suggestion.

SHRI VIJAY GOEL : I am of the view that there should be minimum qualifications for the MPs. Secondly, I would like to say that the scrutiny of the nomination papers have now lost its importance. A person who proposes to fight an election of such a great magnitude, and earns popularity amongst his people is sometimes rejected on the basis of some flaw detected during scrutiny of nomination papers. This point has to be taken into serious consideration. This is agreeable that there are some conditions to be fulfilled for nomination, but the officer concerned can help in filling of those forms and mistakes, if any, can be rectified. The mistakes regarding filling in the name or date of birth should not be taken serious note of and should be rectified. There should not be any rejection of nomination papers on this plea.

Thirdly, the election expenses should be borne by the State. Further every candidate should be extended an opportunity for a debate on Television. There should be separate debate for each constituency and also the candidates should be provided an opportunity for these debates.

A ceiling of fourteen days has been fixed for election propaganda. Even in my small constituency  
...(Interruptions)

MR. CHAIRPERSON : This point has already been covered.

SHRI VIJAY GOEL : In the end, I would like to say that the candidate should not have any right to ask for recounting of the votes irrespective of the fact that he may be losing by any number of votes. I am giving this suggestion on the basis of my personal experience, what happens is that the counting goes on during the whole night and no objection is taken by the rival candidate but as soon as he comes to know that he is losing by 1600 or two thousand votes, then he appears at once and says that the counting has not been done fairly. It should be ensured that no candidate should raise an objection at this stage.

I would like to draw the attention of the hon. Law Minister to the provision at page 3, Section 33 which says :

[English]

"Provided further that no nomination papers shall be delivered to the Returning Officer on a day which is a public holiday".

[Translation]

I would like to submit that you should not direct the candidate, but amend this provision at your end itself as follows:

[English]

"provided further that no nomination papers shall be received by the Returning Officer on a day ..."

[Translation]

If he does not receive the nomination papers on that day, the question of submitting them does not arise.

Then, I have to submit that the money we deposit as security should not have the nomenclature of "security deposit". This should be termed as "election fee" because a lot of time is spent to ascertain as to how many votes were polled by which candidate. Today when lakhs of rupees are being spent in election and the Election Commission itself has fixed limit of four lakh fifty thousand rupees, the amount of rupees five thousand fixed as security deposit and its reimbursement afterwards has lost its importance.

I am in support of the view that a candidate should have the right of contesting from only one place.

In the end, I have to submit that there should be some arrangement to check the menace of bogus and non-serious candidates. The problem of some office-bearer of a recognised party becoming the counting agent or polling incharge of some independent candidate should also be looked into.

With these words, I conclude .

SHRI KALPNATH RAI : Madam Chairperson I will give my opinion on some points and conclude. I support this bill wholeheartedly. In my opinion, the security deposit should not be less than ten thousand rupees.

The population in Lok Sabha constituencies in the entire country is different. Somewhere it is 40 lakhs while in other it is three lakhs or just one lakh. How is this going to work? If the population of the country is ninety crore and 543 Members have to be elected for Lok Sabha, the average comes to 16 lakh people per candidate. The number of seats for Members of Parliament should be decided on the basis of population of a place.

The expenses ceiling of rupees four lakh and a half is totally wrong. And the ceiling on election propaganda should not be less than 21 days at any cost. It is difficult for anybody to establish contact with ten to fifteen lakh voters in short period. The period of 21 days election propaganda fixed by Nehruji and other great leaders should be retained, and the elections held on the basis of population. I can say it with a challenge that no Member of Parliament can be returned to Lok Sabha with the expenses limit of four lakh fifty thousand. Now the Members will be returned to Lok Sabha only after fourteen days election propaganda whether they belong to C.P.M., C.P.I., Congress or B.J.P. We, ourselves have become so much selfish that all times we are thinking of our own interest. But I am of the firm view that today in the entire country there is no person more honest than the M.P.s, M.L.A.s or other persons serving as politicians. If there is a debate on the point, I can prove that there is nobody more honest than them. I would like to say that there were election in 1989 when 75 per cent M.P.s lost their seats and then in 1991 elections 75 per cent of the M.P.s who won in 1989 were defeated at the hustings. In the present election 330 M.P.s have lost their seats. After life long sacrifice a person is returned as an M.P. once or twice from amongst the ninety percent people, i.e., ninety per cent people lose the election just after first term. It is with great difficulty the candidates are successful for three or four terms and hon. Members like Indrajit Gupta, Somnath Chatterjee and George Fernandes fall under the category and they are hardly two per cent their number may be fifteen to twenty... (Interruptions) or may be twenty-five. I would like to ask you that the opportunity which we get to speak in this House, that opportunity is spent on discussing wrong things day in, day out here. The electoral reforms are discussed for four to six days. I would like to ask what is the use of this discussion until you fix the election expenses honestly. The C.P.M. people represent the poor classes of the country. Let them form a committee and fix this amount. This will be agreeable to us.

The other point I would like to touch is that each of us is the representative of twelve to fifteen lakh people... (Interruptions).

MR. CHAIRMAN : The House has only two minutes to go and I will not extend the time further.

SHRI KALPNATH RAI : As far as electoral reforms are concerned I would like to submit that there should be a detailed discussion thereon running into three or four days to one week and every Member should express his opinion so that a national consensus is evolved. The electoral reforms should be undertaken only thereafter.

MR. CHAIRMAN : There is a statement by Shri Raghuvansh Prasad Singhji but it is not going to be made now.

SHRI SRIKANTA JENA : We will take it up on the 30th morning...*(Interruptions)*.

MR. CHAIRMAN : So, I thank all the Members and particularly the staff of the Secretariat who have gone through this ordeal by sitting late yesterday and today

*Now the House stands adjourned to meet at 11 a.m. on Tuesday, 30th July, 1996.*

**19.45 hrs.**

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, July 30, 1996/Sravana 8 1918 (Saka).*