

**Title:** Regarding disapproval of the Representation of the People (Amendment) Ordinance; and Representation of the People (Amendment) Bill, 1999.

14.40 hrs.

MR. DEPUTY-SPEAKER: We will now take up Item Nos. 19 & 20 together.

SHRI RAMESH CHENNITHALA (MAVELIKARA): Sir, I beg to move:

"That this House disapproves of the Representation of the People (Amendment) Ordinance, 1999 (No.8 of 1999) promulgated by the President on 21 July, 1999."

Mr. Deputy-Speaker Sir, I am in support of this piece of legislation because due to the terrorist activities in the State of Jammu & Kashmir, a lot of people had come to Delhi and other parts of our country. They were staying in different camps and the Government has extended all kinds of reliefs. Even though it was inadequate, the Government has taken care of them.

When this general election came, as a citizen of the country, it was their right to vote and exercise their franchise. Unfortunately, they are in Delhi and other parts of the country, so they could not exercise their franchise in their home State, that is, Jammu & Kashmir. So the Government had promulgated this Ordinance to enable them to vote by using the postal ballot. Generally, the postal ballot device will be given to the Jawans and other such people but this has been extended to these people also.

Definitely, we are welcoming this step. The only point that I want to make is that there is a long standing demand from the people of Kerala and other places that the voting rights should be extended to those also who are working in the Gulf as well as other countries. Sir, you know that in the Gulf countries, there are a large number of Keralites and other Indians working there.

In the Eleventh Lok Sabha, the then Finance Minister promised that the Government will ponder over this issue seriously and they will have some kind of a legislation so that the people in a large number who are working in the Gulf countries will get a chance to exercise their franchise. When we are seriously considering about the migrants of the Jammu & Kashmir, I think, it would be appropriate for the Government to think and give voting right to the people who are working in the Gulf countries also.

I do not know whether the Government has seriously thought about this. Earlier there was a suggestion, I do not want to take much time, so I do not want to go into that suggestion, the only thing is that when we are considering this, my request to the hon. Minister is to think about this also and the long standing demand should be met some way. There are a lot of other suggestions. I do not want to go into them.

A comprehensive Representation of the People Act is necessary. There are a lot of lacunae in this Act. For the last fifty years we are experiencing this democratic system in our country. From our experience we are able to say that there are a lot of lacunae and shortcomings in our electoral system, which should be rectified. So, a comprehensive Bill is necessary.

The House had constituted the Goswami Committee and that Committee had given certain recommendations. In the light of those recommendations, I think, the Government should come forward with a comprehensive Bill for our electoral reforms.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI O. RAJAGOPAL): Sir, on behalf of Shri Ram Jethmalani, I beg to move:

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

The State of Jammu & Kashmir has been the target of terrorist activities for the last several years. A large number of people have been the victims of violence perpetrated by the terrorists.

A sizeable part of the population of Kashmir valley has migrated elsewhere. Section 60 of the Representation of the People Act, 1951 contains provisions regarding the facility of postal ballot to certain categories of persons. These categories primarily include the Armed Forces personnel and the persons detained under Preventive Detention. To enable the migrant voters from Kashmir valley to exercise their franchise, Ordinances were promulgated at the time of Lok Sabha elections in 1996 and 1998 as also the recent Lok Sabha elections in 1999 to amend the Representation of the People Act, 1951 to insert a new clause (c) in section 60 thereof authorising the Election Commission, in consultation with the Government, to notify any class of persons to give their vote by postal ballot. The Election Commission of India has been of the view that the provisions included in the Ordinance should be placed permanently in the Statute book so that similar situations can be met in future also. The Government is agreeable to the suggestion of the Election Commission and it has, therefore, decided to make the necessary amendment in the Act itself, on a permanent basis, through this Bill by replacing the Ordinance promulgated by the President on 21st July, 1999.

I am confident that the hon. Members will agree with the Government with regard to the issue and the Bill would receive support from all quarters of the House.

Sir, I commend the Bill for consideration of the House. I request the hon. Member to withdraw his Statutory Resolution.

MR. DEPUTY-SPEAKER: Motions moved:

"That this House disapproves of the Representation of the People (Amendment) Ordinance, 1999 (No.8 of 1999) promulgated by the President on 21 July, 1999."

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

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Mr. Deputy-Speaker, Sir, while supporting this Bill, I have to say that there are thousands of Keralites working in gulf countries, namely Abu Dhabi, Dubai, Baharain Saudi Arabia, Kuwait and so on. They do not acquire double citizenship. They are really citizens of India. By staying there for two or three years, they do not get the citizenship of a foreign country. So, the double citizenship or the citizenship of a foreign country does not arise in the instant case. In every way they are Indian citizens. As they could not get employment in our country, they left their native land and proceeded to a foreign country for employment. They got their employment. They earn foreign exchange, which is being transmitted to our country. We are also in one way benefited. Their families are also benefited. They are doing a very good service to the country as well as to the progress of their families. It has to be commended upon.

For the simple reason that they are away from this land at the time of election for earning their livelihood, they are denied the fundamental right of a citizen, namely to exercise their franchise. ... (Interruptions)

SHRI RAMESH CHENNITHALA : The hon. Minister is well aware of that. ... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : Yes, the hon. Minister is also aware of that. That fundamental right is denied to them. It is a glaring injustice. ... (Interruptions)

MR. DEPUTY-SPEAKER: Yes, I am also aware of that. Now, you kindly conclude.

SHRI VARKALA RADHAKRISHNAN : I am very happy that the hon. Deputy-Speaker is also quite aware of it. So, that is the position. Why should we deny to them the right to exercise their franchise? This could be done either through the Embassy or by a person who is authorised by the Embassy to countersign the declaration. In postal vote, there must be a declaration. That declaration could be countersigned by the Indian Embassy itself or its

representative who is abroad and in his presence the declaration can be countersigned and forwarded to the respective State from where they have to exercise their franchise.

So, my humble submission is that some arrangement will have to be made to see that these people also exercise their franchise at the time of election in India. It need not be taken as a question of double citizenship.

Suppose, some people are in America. They acquire that country's citizenship. That is another matter. (Interruptions).

MR. DEPUTY-SPEAKER: Please conclude.

... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : But this is not like that. There is nothing in similar with these two instances.

So, I request the Government to see that these people get their right to exercise their franchise during the coming elections. And if it could be done by this amendment, then that will be a very welcome step and in that perspective I support the Bill.

Thank you.

SHRI V.M. SUDHEERAN (ALLEPPEY): Sir, let me congratulate the hon. Minister, Shri O.Rajgopal on this occasion first. Since he is dealing a very serious subject I have great expectations with him that during his period he may try his best to formulate the most desired electoral reforms which we have been expecting for a long time.

Sir, in the Presidential Address, the Government has made its policy very clear that the Government would come with a comprehensive electoral reforms. It is a welcome move. There is no doubt about it. In that the Government will have to take utmost care and do elaborate exercise to make it more meaningful. The viewpoints of all sections of the society have to be obtained even before preparing the draft and make it a point of national debate. All sections have to be taken into confidence and all views have to be obtained. Then, after formulating a draft, this should be made a subject for national debate. That is my contention number one.

Sir, unless we remove the money power, muscle power and punish the biased or partisan or guilty officials, there is no point in beating around the bush.

My esteemed friends, Shri V. Radhakrishnan and Shri Ramesh Chennithala would be having an idea of providing right to vote to the Indians staying abroad. I fully support that. But, I have to make another important point that while we are discussing the voting right to the people staying abroad, in India after 50 years of Independence, our own people are denied their most cherished right of right to vote. We have to closely watch the trend of conduct of elections. We have been reading newspapers that in many parts, booth capturing has taken place. I wonder and I pained that a politically conscious State like Kerala, this time, we witnessed booth capturing in many areas including my Constituency. (Interruptions).

SHRI N.N. KRISHNADAS (PALGHAT): He is misleading the House. There is not a single complaint. (Interruptions).

MR. DEPUTY-SPEAKER: Nothing will go on record.

(Interruptions) \*

MR. DEPUTY-SPEAKER: Do not interrupt him. We do not have time. Please resume your seat. I have given him the floor. Please resume your seat.

... (Interruptions)

SHRI V.M. SUDHEERAN : Sir, I seek your protection. I have every right. (Interruptions).

MR. DEPUTY-SPEAKER: He has given in writing to participate.

... (Interruptions)

SHRI V.M. SUDHEERAN : They are free to contradict if they feel...(Interruptions).

MR. DEPUTY-SPEAKER: Shri Sudheeran, please address the Chair.

... (Interruptions)

SHRI V.M. SUDHEERAN : I have every right. I seek your protection. I am saying from my own experiences, not from anywhere. (Interruptions). I have every right. There is no doubt about it. In my Constituency, 31 booths were captured.

SHRI N.N. KRISHNADAS : No, Sir. There was not a single complaint. How can he mislead the House? (Interruptions).

Sir, there were the Observers of the Election Commission. Did he make a complaint to them?...(Interruptions). How can he mislead the House?...(Interruptions).

MR. DEPUTY-SPEAKER: Please resume your seat. This is not unparliamentary.

... (Interruptions)

MR. DEPUTY-SPEAKER: Will you please resume your seat?

... (Interruptions)

SHRI V.M. SUDHEERAN : Sir, let me mention in this very House which one of the booths were captured.

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\*Not recorded.

MR. DEPUTY-SPEAKER: Shri Sudheeran, this Bill seeks a very limited purpose. You kindly confine yourself to that particular amendment of the Bill.

... (Interruptions)

MR. DEPUTY-SPEAKER: Please do not interrupt him. He is an hon. Member. When he says something, he is stating it with authenticity.

SHRI V.M. SUDHEERAN : Sir, I have never disturbed the proceedings of the House so far. I had served as the Speaker of the Kerala Assembly and I have been a Member of Parliament for four times. They do not have the feelings but I have the feelings. I have contested eight elections, four times for the Assembly and four times for the Parliament. I never experienced such a bitter thing as this time...(Interruptions)

MR. DEPUTY-SPEAKER: Why do you disturb him? Do not interrupt like that.

... (Interruptions)

MR. DEPUTY-SPEAKER: Do not interrupt. Please resume your seat.

SHRI V.M. SUDHEERAN : Sir, you can see the intolerance of my friends even here, in Parliament, where we are free to speak...(Interruptions)

SHRI N.N. KRISHNADAS: He is misleading the House, Sir...(Interruptions)

MR. DEPUTY-SPEAKER: What is the misleading he is doing? He is making a statement. He is stating his own experience in his own constituency.

SHRI N.N. KRISHNADAS : No, Sir, let him mention here which ones are the booths that were captured.

SHRI V.M. SUDHEERAN : Sir, they do not know the details. Anticipating the trouble, even before the election, I filed a petition to the Election Commission (Interruptions)

MR. DEPUTY-SPEAKER: Shri Sudheeran, please conclude now. We do not have the time.

SHRI V.M. SUDHEERAN : I will not take much time of the House, Sir...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Radhakrishnan, you have had your say. Please resume your seat. You were also the Speaker of the Kerala Assembly.

SHRI V.M. SUDHEERAN : Sir, I am not a person who will waste the time of the House. I thought that after coming to this House, I

should inform the House of the undemocratic act that took place in my constituency.

Sir, in my area, that is, Kainakary Panchayat, all the sixteen booths were captured; in Nedumudy Panchayat, four booths were captured; in Thakazhy Panchayat, two booths were captured; in Karuvatta Panchayat, two booths were captured; in Champakulam Panchayat, three booths were captured; in Edathua Panchayat, three booths were captured; and in Ramankari Panchayat, one booth was captured.

SHRI N.N. KRISHNADAS : Sir, kindly allow me to interrupt for a minute.

MR. DEPUTY-SPEAKER: I can allow you only if Shri Sudheeran yields.

SHRI V.M. SUDHEERAN : I am not yielding, Sir.

MR. DEPUTY-SPEAKER: He is not yielding. You are not a new Member.

... (Interruptions)

MR. DEPUTY-SPEAKER: Please resume your seat. If there is anything objectionable, I shall expunge it.

... (Interruptions)

MR. DEPUTY-SPEAKER: Please do not interrupt. Both of you are senior Members. SHRI N.N. KRISHNADAS : Sir, not a single complaint was filed before the Election Commission... (Interruptions).

MR. DEPUTY-SPEAKER: Now I am asking the hon. Minister to reply.

SHRI V.M. SUDHEERAN : I am concluding, Sir... (Interruptions)

MR. DEPUTY-SPEAKER: Now I have to warn you. Please do not interrupt like this. I am telling you that if there is anything unparliamentary or if any untruth is stated, that will be expunged.

15.00 hrs.

Why are you objecting? When I am standing, you will have to resume your seat. Shri Sudheeran, you please conclude now.

SHRI V.M. SUDHEERAN : Sir, I will conclude. I have the personal experience of the most distorted and gruesome and frightening face of the system. It is the clear case of misuse of State machinery by the ruling C.P.I. (M) flouting the very spirit of the rule of law. ... (Interruptions)

SHRI N.N. KRISHNADAS : Sir, this should be deleted from the record. ... (Interruptions) There were observers posted by the Election Commission of India. There was not a single complaint. ... (Interruptions)

SHRI RAMESH CHENNITHALA : There were complaints made. You go into the same. ... (Interruptions)

SHRI N.N. KRISHNADAS : There were observers posted by the Election Commission. ... (Interruptions)

MR. DEPUTY-SPEAKER: Now I call the hon. Minister to reply.

... (Interruptions)

SHRI V.M. SUDHEERAN : Sir, just a minute. The Election Commission observers were not available. I filed complaints from time to time. ... (Interruptions) Even before the elections, sensing the danger, I have filed complaints with the Election Commission. ... (Interruptions) On the date of election I faxed three complaints the one on the next day to the Election Commission. ... (Interruptions)

MR. DEPUTY-SPEAKER : Nothing except what the hon. Minister says will go on record.

(Interruptions)\*

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\*Not recorded.

SHRI O. RAJAGOPAL : Sir, even though my friends disagree on certain aspects regarding the electoral practices etc. ..

MR. DEPUTY-SPEAKER: Hon. Minister, just a minute please.

The Statutory Resolution is to be withdrawn. Shri Ramesh Chennithala, are you withdrawing the Statutory Resolution?

SHRI RAMESH CHENNITHALA : Yes sir. I am withdrawing the Statutory Resolution.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House that the Statutory Resolution moved by Shri Ramesh Chennithala be withdrawn?

The Statutory Resolution was, by leave, withdrawn.

SHRI ALI MOHD.NAIK (ANANTNAG) : Mr. Deputy-Speaker, Sir, before the hon. Minister replies, I may be given two minutes"" time to express my views.

MR. DEPUTY-SPEAKER: Yes.

श्री अली मोहम्मद नाईक : जनाब डिप्टी स्पीकर साहब, जहां तक कश्मीरी पंडितों के कश्मीर से निकलने का सवाल है, वे बेचारे दस साल से रियासत से बाहर हैं और कुछ रियासत में हैं। जहां तक इन लोगों का ताल्लुक है, मेरे लीडर जनाब शेर कश्मीर शेख मोहम्मद अबदुल्ला ने कहा है कि -

According to Mohd Sheikh Abdulla, Kashmiri Pandits are the flesh and blood of the Kashmiris and there can be no Kashmiri civilisation without them.

उनकी अपने घरों में आबादकारी के लिए रियासतें हुकूमत ने एक बहुत बड़ा पैकेज उनकी बहाली के लिए गवर्नमेंट ऑफ इंडिया के पास भेजा है और मैं यह चाहूंगा कि उस पैकेज के बारे में गवर्नमेंट ऑफ इंडिया फौरन फैसला ले। दूसरा यह कि जहां तक वोटिंग राइट का हक है, यह गवर्नमेंट ऑफ इंडिया ने दिया, मैं इस बिल की हिमायत करता हूं, लेकिन इसमें दिक्कत है कि और यह एक बड़ा कॉम्प्लिकेटेड सिस्टम है।

गैजेटेड ऑफिसर्स के पास वोटर्स को शिनाखत के लिए लेकर जाना होता है.

It has become very cumbersome and very difficult for these people to vote even if they want to vote.

मैं गुज़ारिश करूंगा मृताल्लिक मिनिस्टर साहब से कि यहां उनकी मीटिंग बुलाएं और जम्मू कश्मीर के लोकल एम.पीज़ की एक मीटिंग बुलाएं और देखें कि उसमें कौन सी दिक्कतें हैं क्योंकि वे वोट नहीं कर सकते। उसके बाद जो कनसेन्स हो, उसी के मुताबिक अगले इलेक्शन के लिए मूनासिब अमेण्डमेण्ट किये जाएं लेकिन उससे बेहतर यह है कि जो पैकेज यहां स्टेट गवर्नमेंट ने भेजा है, उसे मंज़ूर किया जाए, उस पर फ़ौरी ऐक्शन लिया जाए ताकि वह अपने-अपने घरों में फिर बहाल हो जाएं।

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI O. RAJAGOPAL): Sir, I am thankful to the hon. Members who have expressed their agreement on the principles underlying this Bill. Certain suggestions were made regarding the improvements in the electoral system and also about certain irregularities in the provisions and facilities already given. In the Address of the hon. Rashtrapati there is specific mention about electoral reforms. The Government is committed to electoral reforms and before any legislation is brought about, there will be wide-ranging discussion with all political parties on the question of electoral reforms.

At that time, some of the issues that have been raised by the hon. Members could be taken care of, including the suggestion made by the hon. Member from Jammu and Kashmir. The difficulties pointed out could also be considered at that time and necessary incorporations made in the legislation for electoral reforms.

I would now request the House to pass this Bill.

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

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

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

MR. SPEAKER : The question is :

"That Clause 1, the Enacting Formula and

Title were added to the Bill"

The motion was adopted

Clause 1, the Enacting Formula and the

Title were added to the Bill

SHRI O. RAJAGOPAL: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.