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12.33 hrs.

Title: Shri Kirit Somaiya called the attention of the Minister of Law and Justice to the alleged inclusion of bogus voters in the electoral list in Madhya Pradesh.

SHRI KIRIT SOMAIYA (MUMBAI NORTH EAST): Sir, I call the attention of the Minister of Law and Justice to the following matter of urgent public importance and request that he may make a statement thereon:

"The alleged inclusion of bogus voters in the electoral list in Madhya Pradesh and steps taken by the Government in regard thereto."

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, I am on a point of order.(*Interruptions*)

MR. SPEAKER: What is your point of order?

SHRI PRIYA RANJAN DASMUNSI : My point of order is this.â€¦ (*Interruptions*)

MR. SPEAKER: Please keep silence in the House.

...(*Interruptions*)

KUMARI MAMATA BANERJEE (CALCUTTA SOUTH): Sir, we are waiting since one month to raise the Dhantala issue....(*Interruptions*) Everyday, they are raising the issues. We are not allowed to raise this issue....(*Interruptions*)

MR. SPEAKER: I have already told you that during the 'Zero Hour' you can raise the issue and not now.

KUMARI MAMATA BANERJEE : My humble submission is this.â€¦ (*Interruptions*)

MR. SPEAKER: I have already started the Calling Attention. After the Calling Attention, I am going to the 'Zero Hour.' During the 'Zero Hour', you can raise the issue.

SHRI SUDIP BANDYOPADHYAY : Sir, the hon. Deputy Prime Minister is present. Please allow us to raise it....(*Interruptions*)

KUMARI MAMATA BANERJEE : This is a very serious matter. I would request Shri Dasmuni to take his seat for one minute....(*Interruptions*)

This is a very serious matter. The House should know that atrocities on women are so high in Dhantala. The marriage party was coming back from the marriage ceremony and the women were gang-raped by the ruling party cadres there....(*Interruptions*) After 18 days, an FIR was lodged.â€¦ (*Interruptions*) It is about atrocities on women. I did not mention the name of the Party. I have said that the ruling party cadres were involved in it....(*Interruptions*)

SHRI BASU DEB ACHARIA (BANKURA): Sir, this matter is being discussed in the State Assembly. The Assembly is in Session. This is a State issue. Why are you allowing this here?

KUMARI MAMATA BANERJEE : The rape issue is not a State subject. It is about the gang-rape of women....(*Interruptions*)

MR. SPEAKER: Kumari Mamata Banerjee, you want to raise an important issue. I do agree with you. Let the House be aware that we go according to the rules before us.

I have no objection to your raising this issue, but you can raise it during 'Zero Hour'. Yesterday also, the same case was there. I have permitted the Calling Attention first and thereafter I have allowed other issues to be raised during 'Zero Hour'. Shri Priya Ranjan Dasmunsi has not raised this issue. He is on a point of order relating to the Calling Attention raised by Shri Kirit Somaiya and some other Members. According to them, their issue is also equally important and therefore I have gone to that issue. I have already started it. As soon as it is completed, I will permit you to speak.

...(*Interruptions*)

SHRI BASU DEB ACHARIA : Mr. Speaker, Sir, why should a State subject be raised here? ...(*Interruptions*)

MR. SPEAKER: Shri Basu Deb Acharia, you can raise your objection when the issue is raised in the House.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Mr. Speaker, Sir, I also went to Danthola. ...(*Interruptions*)

SHRI SUDIP BANDYOPADHYAY (CALCUTTA NORTH WEST) : Mr. Speaker, Sir, an editorial is also published in *The Hindustan Times* today about this matter.

MR. SPEAKER: I know that this is important. You will be allowed to speak..

...(*Interruptions*)

MR. SPEAKER: I am going to permit you to speak very soon. Please take your seat.

SHRI PRIYA RANJAN DASMUNSI : Mr. Speaker, Sir, I would like to raise a point of order. Under Rule 197 of the Rules of Procedure and Conduct of Business in Lok Sabha, you are the sole custodian and authority of this House and you are competent to allow any matter to be raised under Calling Attention and no Member has a right to question your competence. I am not questioning that. What I am questioning is, under the Practice and Procedure in Parliament by Kaul and Shakhdar, the procedure is very clear that all Calling Attention matters concerning the Union Government can be taken up. I am not questioning the admissibility of the Calling Attention. The text of the motion says:

"To call the attention of the Minister of Law and Justice to alleged inclusion of bogus voters in the electoral list in Madhya Pradesh and steps taken by the Government in regard thereto."

Now, article 324 (1) of the Constitution says:

"The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission)."

The entire authority in all matters relating to election, as per article 324 of the Constitution, is with the Election Commission. Certainly, the Law Minister can communicate to the House on behalf of the Election Commission. I am not questioning that. But the matter precisely lies with the Election Commission and not with any State Government, be it Madhya Pradesh or any other State. Therefore, I desire and I seek your guidance and ruling as to whether a matter of this nature, which is still being investigated by the Election Commission under article 324 of the Constitution, can be raised in the House through a Calling Attention. I feel that the Union Government and the Law Ministry has no jurisdiction in the matter.

SHRI SOMNATH CHATTERJEE : Mr. Speaker, Sir, the Central Government can do nothing in this matter.

DR. VIJAY KUMAR MALHOTRA (SOUTH DELHI): No; it can intervene. ...(*Interruptions*)

श्री सोमनाथ चटर्जी : बोलो क्या करेगा?

डॉ. विजय कुमार मल्होत्रा : अगर इलेक्शन कमीशन की बात स्टेट नहीं माने तो - the Central Government can give them a directive and the Central Government can dismiss that Government. ...(*Interruptions*) If the Election Commission's directives are not accepted by them, why can it not be done? ...(*Interruptions*)

MR. SPEAKER: I have heard the point of order very carefully and I have gone through article 324 (1) of the Constitution also. I went through the notice that was given to me and in the notice I do not find any allegation against the Election Commission. There is only a reference to the words 'Election Commission', because the orders for preparing the list was given by the Election Commission. The text of the Calling Attention says:

"To call the attention of the Minister of Law and Justice to alleged inclusion of bogus voters in the electoral list in Madhya Pradesh and steps taken by the Government in regard thereto."

It means that there seems to be some irregularity on the part of the Government of Madhya Pradesh. That is what the Member has said in the notice.

SHRI PRIYA RANJAN DASMUNSI : Sir, how can a matter pertaining to the Government of Madhya Pradesh be taken up with the Law Minister here?

MR. SPEAKER: Therefore, I have gone through this and I have come to the conclusionâ€¦

...(Interruptions)

SHRI PRAKASH YASHWANT AMBEDKAR (AKOLA): Mr. Speaker, Sir, I would like to submit that under the Representation of People Act ... (Interruptions)

MR. SPEAKER: When the Speaker is giving a ruling, how can you stand up in between?

How can you stand up like that?

SHRI PRAKASH YASHWANT AMBEDKAR : Sir, I am just helping you in this matter. ... (Interruptions) If you kindly hear me for a minute, I would help you.

MR. SPEAKER: If I want help from the other Member, I will ask him to help.

...(Interruptions)

MR. SPEAKER: Considering the authority of the Speaker, this particular question can be discussed under the Rule relating to Calling Attention Notice. Therefore, I have permitted Shri Kirit Somaiya to go ahead.

SHRI KIRIT SOMAIYA : I have drawn the attention of the Minister. Now, the Minister has to reply. ... (Interruptions)

अध्यक्ष महोदय : जितने लोगों के नाम ध्यानाकर्षण प्रस्ताव की सूची में दिए गए हैं, वे ही बोल सकेंगे। यदि आपका नाम उस सूची में है, तो आप भी बोल सकेंगे।

श्री सत्यव्रत चतुर्वेदी (खजुराहो) : अध्यक्ष महोदय, मैंने आपसे लिखित में बोलने की अनुमति मांगी है।

अध्यक्ष महोदय : जी हां। I want the other side to come.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): Sir, the Election Commission of India through the Chief Electoral Officer (CEO), Madhya Pradesh and District Election Officers (DEOs) took up the special revision of intensive nature of electoral rolls in the State of Madhya Pradesh in May, 2002. After house-to-house enumeration based on preliminary list generated on the basis of existing rolls, the draft rolls were published in 11 districts on 26th December, 2002 and in the remaining 34 districts on 20th January, 2003 for inviting claims and objections. When the second tranche of the draft rolls were published on 20th January, 2003, a number of complaints were received in the Commission alleging large-scale omissions, mistakes and irregularities.

A representative of the Commission visited Bhopal on 30th January, 2003 to review the rolls. Some of the political parties through their representatives submitted representations in Bhopal and later in Delhi, highlighting discrepancies and alleging large-scale irregularities.

The Commission after taking the note of these representations decided to say the process of revision on 'as is where is' basis and directed the CEO to conduct a thorough review of the draft rolls on 3rd February, 2003.

The CEO after a detailed review submitted a report in respect of 40 districts on 22nd February, 2003. He also sent a special report in respect of Rewa district on 19th February, 2003. These reports indicated, *inter alia*, the following types of errors in the rolls:-

- i. A number of enumerated electors left out in the printed draft electoral rolls.
- ii. A large number of duplicate entries found in the rolls.
- iii. A number of electors, who should have been deleted, were not deleted in the draft rolls.
- iv. A number of minor printing errors in respect of electors (e.g. mistakes in name, relation, age, sex, house number, etc).

The CEO after analysing the data identified the Assembly Constituencies with excessive errors based on the following criteria:-

- i. Number of electors left out to be printed in the draft rolls is more than five per cent of the total number of electors or more than 60 per part on an average basis.
- ii. Number of entries replicated more than once is more than five per cent of the total number of electors or more than 60 per part on an average basis.
- iii. Number of electors who should have been deleted but were not deleted in the draft rolls is more than five per cent of the total number of electors or more than 60 per part on an average basis.

Based on the above criteria, 41 Assembly Constituencies spread over 16 districts were identified having excessive

errors. The remaining 189 Assembly Constituencies had manageable error limits that can be corrected without resorting to fresh draft publication. The CEO also reported that the DEOs of five districts failed to furnish the data.

The Commission after considering the reports of the CEO desired that draft publication of electoral rolls may be done afresh in respect of 41 Assembly Constituencies where excessive errors have been found, after making the corrections based on the manuscript generated during the enumerations. In respect of remaining 189 Assembly Constituencies, the Commission decided that the errors should be corrected under the provisions of Rules 21, 21(A) and 22 of the Registration of Electors Rules, 1960 that provide for *suo motu* corrections by the Electoral Registration Officers (EROs). The EROs will display such corrections in their offices and also at every Polling Station (the part in which corrections have been carried out). The Commission approved the following schedule for final publication of rolls after incorporating the necessary corrections.

i. The draft electoral rolls shall be republished in 41 Assembly constituencies as per schedule below:-

- (a) Republication of the draft electoral rolls : 28.3.2003
- (b) Period for inviting claims and objections : 28.3.2003 to 17.4.2003
- (c) Disposal of claims and objections : 18.4.2003 to 2.5.2003
- (d) Final publication of electoral rolls : 21.5.2003

ii. In respect of remaining 189 Assembly constituencies:-

- (a) Period for filing claims and objections : Up to 28.3.2003
- (b) Disposal of claims and objections : 29.3.2003 to 17.4.2003
- (c) Final publication of electoral rolls : 8.5.2003

The Commission felt that in certain districts due care and diligence was not displayed by the concerned DEOs and Deputy District Election Officers in preparation of draft rolls which is a fundamental and integral part of election exercise and a statutory duty under Section 13 AA of Representation of People Act, 1950.

The commission found excessive errors in Rewa, Shahdol and Khargone districts. In Rewa, the rolls for all seven Assembly constituencies were substantially defective. In Shahdol all six Assembly constituencies had defective rolls and in Khargone rolls five out of six Assembly constituencies were found defective. In respect of Rewa, the separate enquiry by CEO revealed that the DEO as well as Dy. DEO ignored the representations made by various political parties pointing out irregularities and defects and failed to take any corrective action in different stages. The Commission after considering all the facts decided to recommend to the State Government of Madhya Pradesh suspension of Collectors-cum-DEOs and Dy. DEOs of these three districts with immediate effect.

The Commission also recommended initiation of departmental proceedings (under the relevant service rules) leading to major penalty against the Collectors-cum-DEOs and Dy. DEOs of five districts, namely, Jabalpur, Dhindori, Katni, Damoh and Narsingpur who failed to furnish the required information in time despite clear directives from the CEO and the Commission. The act of not submitting the reports in time amounted to gross indiscipline and irresponsibility in meeting the requirement of a major task connected with the conduct of elections.

The CEO, Madhya Pradesh has given following figures in respect of errors in the draft rolls for all the constituencies in the State.

S.No. Errors No. of Errors

1. Number of electors left to be printed in the draft rolls 6,40,319
2. Number of entries replicated more than once in the 1,86,449
draft rolls
3. Number of electors who should have been deleted 3,36,205
but were not deleted in the draft rolls
4. Number of electors whose entries have minor 16,30,666
printing errors.

MR. SPEAKER: After the Statement, there is a list of 41 Assembly constituencies where draft rolls have to be republished, which would be treated as laid.

Annexure 'A'

* SHRI ARUN JAITLEY : Sir, I lay the list.

**LIST OF 41 ASSEMBLY CONSTITUTENCIES WHERE DRAFT
ROOLS HAVE TO BE REPUBLISHED.**

1. 16- Lashkar East
2. 18-Morar
3. 41-Rehli
4. 66- Rewa
5. 67- Gurh
6. 79- Beohari
7. 83- Kotma (ST)
8. 85-Sohagpur
9. 131- Pandhurna
10. 132- Piparia
11. 133- Hoshangabad
12. 148- Govindpura
13. 163- Sarangpur (SC)
14. 165- Khilchipur
15. 173- Khachrod
16. 175- Ghatiya (SC)
17. 176- Ujjain North
18. 177- Ujjain South
19. 181- Indore-2
20. 183- Indore-4
21. 184- Indore-5

- As the Speaker subsequently did not accord the necessary permission, the list was not treated as laid on the Table.

1. 190- Khategaon
2. 194- Khandwa
3. 198- Bhikangaon
4. 200-Maheshwar (SC)
5. 201- Kasrawad
6. 202- Khargone
7. 203- Dhulkot (ST)
8. 204- Sendhwa (ST)
9. 205-Anjad (ST)
10. 207- Badwani (ST)
11. 218- Thandla (ST)
12. 226- Suwasara (ST)
13. 68- Mangawan
14. 69- Sirmaur
15. 70-Teonthar
16. 71- Deotalab (SC)
17. 72- Mauganj
18. 82- Jaisinghnagar
19. 84- Anuppur (ST)
20. 86- Pushparajgarh

SHRI E. AHAMED (MANJERI): Sir, I am on a procedural matter. The hon. Minister has given the details. Has he got something from the State Government or from Election Commission or from any other source? We would like to know the source of information on which the hon. Minister has made a statement here.

SHRI PRIYA RANJAN DASMUNSI : Sir, I would like to thank you for giving this ruling. It will give opportunity to every Member to bring their issues regarding State electoral rolls in future in this House.

MR. SPEAKER: That was according to the convention in the House.

SHRI PRIYA RANJAN DASMUNSI : Sir, it is simple. The Law Minister will have to oblige the House on such details regarding every State electoral rolls.

MR. SPEAKER: Yesterday, when Shri Chandra Shekhar raised this issue I said, 'let us sit together and discuss whether the State matters can be brought'.

SHRI PRIYA RANJAN DASMUNSI : I am not saying that. I thanked you that you gave this opportunity to all of us.

MR. SPEAKER: I am thankful to you that at least once you have thanked the Chair!

...(Interruptions)

MR. SPEAKER: Please sit down. When the hon. Minister replies to this, he will answer your question. Shri Kirit Somaiya to speak now.

Let me make the rule clear to the hon. Members. You can only ask clarificatory questions and nothing more than that. I will not be allowing speeches on this Calling Attention Notice because the rule has to be observed.

Secondly, instead of going to the resolution, which was moved by Shri Anandrao Vithoba Adsul in the House, at 2 o'clock we are going to start the debate on Dalits Issue, which is an important issue, if the House agrees.

SHRI KIRIT SOMAIYA : Hon. Speaker Sir, I would like to know from the hon. Minister whether the Election Commission's directives have been implemented or not. If the same have not been implemented what would happen? As per article 324 – Shri Dasmunsi has read article 324 of the Constitution, so I am not going to read the whole article – and after that article 325 are very much clear that the same rules which are to be prepared for Assembly elections will be used for Lok Sabha elections.

I would also like to know from the hon. Minister whether it is true that the same roll will be used for the Lok Sabha election. I would like to draw the attention of the hon. Minister that yesterday, in the Madhya Pradesh Vidhan Sabha – it is reported in a newspaper – that the hon. Chief Minister of Madhya Pradesh has said that though he refute the directive from the Election Commission, he is going to conduct his own inquiry. It is also reported that he has called a meeting of the officials consisting of the Chief Secretary and also the Chief Electoral Officer of that State. It is reported that he has called a meeting of the officials to discuss, which was also attended by the Chief Electoral Officer of Madhya Pradesh. I would like to know from the hon. Minister, whether, after receiving a directive from the Election Commission, the Chief Minister can call such a meeting and he can ask the Chief Electoral Officer of the State to attend this meeting.

I would also like to know from the hon. Minister – he has made it very clear in his reply – whether it is true that the whole process of misrepresentation or manipulation in the electoral list have been brought to the notice of the Government, to the Chief Election Commissioner, to the Election Commission and to the officials concerned since January 2003. If it is brought to the notice of the Government, to the Chief Election Commissioner, to the Election Commission and to the officials concerned, what measures the State Government have taken for the last two months?

I would like to mention what the Chief Minister has said, which I would like to quote:

"Mr. Singh finds the Election Commission's recommendation as very harsh. "

Is it a democratic language, which the Chief Minister can use against the Chief Election Commissioner and the Election Commission? Further he said:

"We will take up the matter with the Poll Panel. It does not accept that there are any irregularities in the list. There might have been some printing mistake."

Is it democratic to challenge the *bona fide* of the intention and the decision of the Election Commission?

Lastly, if the Government of Madhya Pradesh does not accept the directive of the Election Commission, then what are the provisions in the Act, and what a common citizen, whose name has been deleted and not included in the Electoral List, has to do?

अध्यक्ष महोदय : शिवराज जी, आप क्लैरीफिकेटरी प्रश्न पूछ सकते हैं, जितने आवश्यक हों, आप उतने ही प्रश्न पूछें।

श्री शिवराज सिंह चौहान (विदिशा) : माननीय अध्यक्ष महोदय, जैसा कि माननीय मंत्री जी के उत्तर से स्पष्ट हुआ है, मध्य प्रदेश में जान-बूझकर एक दल विशेष को जिताने के लिए मुख्यमंत्री के इशारे पर वोटर लिस्ट में व्यापक पैमाने पर गड़बड़ियां की गई हैं। **â€** (व्यवधान) यह मैं नहीं कह रहा हूँ, जैसा कि माननीय मंत्री जी के उत्तर में आया है **â€** (व्यवधान)

अध्यक्ष महोदय : मैंने आपको पहले ही प्रश्न पूछने के लिए कहा था।

श्री शिवराज सिंह चौहान : मैं सीधे सवाल पूछ रहा हूँ, माननीय अध्यक्ष महोदय।

SHRI PRIYA RANJAN DASMUNSI : Sir, I strongly object to this. This is not the way. The Calling Attention Motion was not against the Chief Minister. ... (Interruptions)

SHRI CHANDRA SHEKHAR : Mr. Speaker, Sir, I want one clarification from you. I would like to know whether we are discussing the question of electoral roll or we are going to discuss the conduct of the Chief Minister. I think, it is very objectionable. Shri Priya Ranjan Dasmunsi has correctly raised this issue. Everyday it is happening in other States. Where were the Members when these things were happening in Gujarat? Much more serious things against the Election Commission were said. Anybody could have raised that matter but it was not done. In many States, things are being done, which are against the Constitution, against the conduct of any civilised society, and we are keeping quiet about it. ... (Interruptions)

श्री किरीट सोमैया : माननीय अध्यक्ष महोदय, गुजरात के मुद्दे पर उस समय किसी ने क्वेश्चन नहीं किया और **â€** (व्यवधान)

MR. SPEAKER: Shri Chandra Shekhar, the State subjects should not be discussed. Therefore, yesterday I made it clear that let all the leaders come together and decide on this issue. I have no objection in stopping it. But till then, whatever the present practice is there, it is continued.

श्री शिवराज सिंह चौहान : अध्यक्ष महोदय, मंत्री जी ने अपने उत्तर में बताया है। **â€** (व्यवधान)

MR. SPEAKER: I will not allow you to raise issues against the Chief Minister individually. You can only put the questions on your grievance.

श्री शिवराज सिंह चौहान : अध्यक्ष महोदय, 16 लाख से ज्यादा मतदाताओं के नाम गलत तरीके से जोड़े गये हैं या काटे गये हैं ? उनको मताधिकार से वंचित किया गया है। ये सारी गड़बड़ियां चुनाव आयोग ने पकड़ी हैं। यह कोई पार्टी आरोप नहीं लगा। उसके बाद इलैक्शन कमीशन ने राज्य सरकार को अनुशंसा की कि जिन अधिकारियों ने जान-बूझकर ये गड़बड़ियां की हैं, उन तीन क्लैक्टर्स को सस्पेंड किया जाये तथा आधा दर्जन से ज्यादा अन्य अधिकारियों के खिलाफ कड़ी कार्रवाई की जाये। ये स्पष्ट निर्देश हैं क्योंकि इलैक्शन कमीशन की अनुशंसा निर्देश ही होती है। लेकिन उन निर्देशों को राज्य सरकार मान नहीं रही है। आज छः दिन हो गये हैं, न तो उन क्लैक्टर्स के खिलाफ कार्रवाई हुई और न बाकी अधिकारियों के खिलाफ कोई कार्रवाई हुई। अगर राज्य सरकार इलैक्शन कमीशन की अनुशंसाओं को नहीं मानेगी तो निपक्ष और स्वतंत्र निर्वाचन कराना असंभव हो जायेगा। मेरा यह मानना है कि ऐसी स्थिति में संविधान के जो उपबंध हैं, उनके अनुसार राज्य सरकार कार्रवाई नहीं कर रही है। मैं यह जानना चाहता हूँ कि चुनाव आयोग ने जो अनुशंसा की है, उसका पालन सुनिश्चित किये जाने के लिए क्या उपाय किये जायेंगे? इसके बाद भी अगर प्रदेश सरकार उन अधिकारियों के खिलाफ कार्रवाई नहीं करती तो फिर क्या यह मानकर कि संविधान के उपबंधों के खिलाफ वहां की सरकार कोई कार्रवाई नहीं कर रही है जिससे संवैधानिक संकट उत्पन्न हुआ है इसलिए वहां धारा 356 का उपयोग करते हुए उस सरकार को सस्पेंड करने की सिफारिश क्या राष्ट्रपति से की जायेगी ?

श्री प्रहलाद सिंह पटेल (बालाघाट) : अध्यक्ष महोदय, आपका बहुत-बहुत धन्यवाद। मैं अपनी बात इसी निवेदन के साथ प्रारंभ करूंगा कि सवाल दलीय भावना का नहीं है। मूलतः जिन निर्वाचन अधिकारियों ने अपनी कर्तव्य परायणता और सजगता का परिचय नहीं दिया, उनके खिलाफ निर्वाचन आयोग ने कोई कार्रवाई की। सवाल इस बात को लेकर है। मैं नहीं मानता कि किसके निर्देश पर हुआ या नहीं हुआ, मैं उस पर कोई टिप्पणी नहीं करना चाहता लेकिन निर्वाचन आयोग के अधिकारी से यह अपेक्षा की जाती है कि वह अपनी सजगता का परिचय देगा और अपनी कर्तव्य परायणता के आधार पर इस देश के लोकतंत्र में मतदान के अधिकार को सुनिश्चित करेगा। इसमें त्रुटि हुई है। इस बात को जानना होगा कि मध्य प्रदेश के भारतीय जनता पार्टी के सांसद जब निर्वाचन आयोग के सामने गये थे तो इनीशियेटिव हमने ही किया था। इसका साफ मतलब है कि इन अधिकारियों ने उन भारी गलतियों की जानकारी निर्वाचन आयोग के सामने नहीं रखी। मैं एक मिनट का समय लेना चाहता हूँ। उसके बाद भी कुछ जानकारीयें रह गयी हैं। मेरे पास मतदाता सूची की प्रमाणित प्रति है। पनागर विधान सभा जो जबलपुर जिले में है एक ही मतदान केन्द्र पर 1773 नाम जोड़े गये जिसमें किसी प्रकार के मकान नम्बर का कोई हवाला नहीं है। उसमें पहले मतदाता की उम्र 125 वाँ है और आखिरी मतदाता की उम्र 18 वाँ है। मेरा कहना है कि 1773 नाम एक ही मतदाता केन्द्र पर लिखे जायें और यह कहा जाये कि यह प्रिंटिंग मिस्टेक है, तो उस पर विश्वास नहीं हो सकता। **â€** (व्यवधान)

श्री किरीट सोमैया : आप इस सूची को सभा पटल पर रख दीजिए। **â€** (व्यवधान)

श्री प्रहलाद सिंह पटेल : मैं सरकार और इस सदन से यह प्रार्थना करना चाहता हूँ कि इससे दो प्रकार की बातें खड़ी होती हैं। जिन अधिकारियों ने अपनी कर्तव्य परायणता का परिचय नहीं दिया या जिन्होंने निर्वाचन आयोग के निर्देशों का पालन नहीं किया, उनके खिलाफ कोई कार्रवाई की जायेगी, यह कानून मंत्री जी बतायें। दूसरी बात मैं यह भी कहना चाहता हूँ कि कोई सर्वदलीय संसदीय प्रतिनिधि मंडल वहां जाकर देख सकते हैं कि सच्चाई क्या है। उसके बाद क्या आप स्वीकार करेंगे कि यह बहुत गंभीर मामला है। अब प्रश्न यह है कि कानून मंत्री क्या कार्रवाई करेंगे ? मैं कहना चाहता हूँ कि यह बात साबित हो जाये तो दोनों प्रकार की कार्रवाई होनी चाहिए। एक, मैं यह भी निवेदन करना चाहता हूँ कि हमें यह प्रति सभा पटल पर रखने की अनुमति दी जाये और दूसरा, हम जो विय नहीं रख पाये हैं, क्या सारी कार्रवाई के बाद जबलपुर के क्लैक्टर ने पनागर की इस विसंगति को दूर किया है जिसका मैं उल्लेख कर रहा हूँ, उसे रिकार्ड में आने दें। मैं दो बातें उस मतदान केन्द्र के लिए कहना चाहता हूँ कि खंड 208, श्री सुभा चन्द्र बोस वार्ड है। दो महीने हो गये हैं। उसमें एक नम्बर से लेकर 797 नम्बर और उसके बाद 798 नम्बर से लेकर 1773 नम्बर तक के मकान की कोई संख्या नहीं है। यह मिस प्रिंट नहीं हो सकता। उसके बाद खंड 207, श्री सुभा चन्द्र वार्ड, उसी मतदान केन्द्र पर किसी का मकान नम्बर जीरो लिख दिया है। इसमें एक से लेकर 765 मतदाताओं के मकान नम्बर ई.डब्ल्यू.एस. कालोनी का नाम इंगलिश में लिख दिया है। **â€** (व्यवधान)

अध्यक्ष महोदय : इतनी लम्बी डिटेल देने से कैसे चलेगा ?

...(व्यवधान)

श्री प्रहलाद सिंह पटेल : उसके बाद 773 से 1225 मतदाता हैं। यह मिस प्रिंट नहीं हो सकता। हम पूरे गांव की उम्र 18 वां से लेकर 21 वां तक लिख दें तो क्या एक ही उम्र के लोग सारे गांव में रहते हैं।

13.00 hrs.

ऐसी भयानक गलती की जानकारी कटनी और जबलपुर के कलेक्टर ने आज भी चुनाव आयोग के सामने नहीं दी। क्या उन पर कार्यवाही नहीं होनी चाहिए? अगर हम राजनैतिक दल के कार्यकर्ता के नाते प्रोटैस्ट नहीं करेंगे तो किसी निर्वाचन अधिकारी की जिम्मेदारी नहीं है कि वह निर्वाचन आयोग के सामने तथ्य रखे। यह गंभीर सवाल है, इस पर कानून मंत्री जी क्या करेंगे। मेरा निवेदन है कि वे इसका उत्तर दें।

MR. SPEAKER: Kumari Uma Bharati is not present in the House now. She was very much insisting that this question should be raised in the House. I wanted to permit her because she was very much disturbed on this issue.

SHRI KIRIT SOMAIYA : Sir, the hon. President has given her time at one o'clock for an appointment. That is why she has gone there. ...*(Interruptions)* लेकिन प्रहलाद जी मतदाता सूची टेबल पर रखना चाहते हैं।*â€* (व्यवधान)

श्री प्रहलाद सिंह पटेल : अध्यक्ष जी, यदि आपकी अनुमति हो तो मैं वोटर्स लिस्ट टेबल पर रखना चाहता हूं।*â€* (व्यवधान)

MR. SPEAKER: Yes, you can present it.

श्री सत्यव्रत चतुर्वेदी (खजुराहो) : अध्यक्ष महोदय, आप सहित यहां हम सब लोग राजनैतिक कार्यकर्ता हैं। हम जानते हैं कि *â€* (व्यवधान)

अध्यक्ष महोदय : सत्यव्रत जी, आप भी केवल प्रश्न पूछ सकते हैं।

श्री सत्यव्रत चतुर्वेदी : यहां इतना भाण दिया गया है।*â€* (व्यवधान)

MR. SPEAKER: As a special case, I am permitting Shri Satyavrat Chaturvedi because he would make the case of the other side clear before the House.

श्री सत्यव्रत चतुर्वेदी : मध्य प्रदेश में भी अन्य राज्यों की तरह मतदाता सूची बनाने का काम इलेक्शन कमीशन की सुपरविजन में किया जा रहा है। जैसा हम और आप सब जानते हैं कि मतदाता सूचियां बनाने का काम जिस ग्रामीण स्तर पर होता है, वहां कुछ त्रुटियां, कुछ गड़बड़ियां हो सकती हैं। इस संभावना को दिमाग में रखते हुए इस नियम का प्रावधान किया गया है कि पहले मतदाता सूचियों का प्राथमिक प्रकाशन किया जाएगा और प्रत्येक मतदान केन्द्र पर उनके प्रकाशन के बाद मतदाताओं को यह अधिकार होगा कि यदि उनकी मतदाता सूचियों में कोई गड़बड़ी है, यदि किसी के नाम छूट गए हैं या बढ़ गए हैं, ऐसे मामलों पर वे दावे और आपत्तियां प्रस्तुत कर सकेंगे। मंत्री जी के जवाब के समय आपने ध्यान दिया होगा, अभी प्राथमिक प्रकाशन की स्टेज पर मतदाता सूचियों का प्रथम प्रकाशन किया गया है।*â€* (व्यवधान)

श्री प्रहलाद सिंह पटेल : अध्यक्ष जी, तारीख निकल गई थी।

अध्यक्ष महोदय : अभी आप बैठिए।

श्री सत्यव्रत चतुर्वेदी : कहीं अप्रैल के महीने तक और कहीं मई के महीने तक दावे, आपत्तियां

आमंत्रित की जाएंगी, उन पर सुनवाई होगी और संबंधित प्राधिकारी उसमें जो संशोधन करना चाहेंगे, वे संशोधन करेंगे, तब मतदाता सूचियों का अंतिम प्रकाशन किया जाएगा। यह वह स्टेज है। इसलिए मेरा बड़ा विनम्र अनुरोध है कि बिना किसी मुद्दे के मुद्दा बनाने की कोशिश हो रही है। यह आरोप लगाना कि जान-बूझकर किसी दल विशेष को लाभ देने के लिए एक विशेष प्रयास हो रहा है, सरासर गलत है।

मैं मात्र दो बातें आपकी जानकारी में लाना चाहूंगा, ये बहुत जरूरी हैं। जैसे ही 9 तारीख की शाम को मुख्य मंत्री को इलेक्शन कमीशन का पत्र मिलता है, उन्होंने तत्काल चीफ सैक्रेटरी और मध्य प्रदेश के मुख्य चुनाव अधिकारी को बुला कर इस संबंध में मीटिंग की और कहां-कहां, कौन सी गड़बड़ियां आई हैं, इस संबंध में प्राथमिक जांच करने पर पाया कि मात्र तीन जिलों में गड़बड़ियों की शिकायत प्राप्त हुई हैं, शो अन्य जिले - रीवा, खरगोन और शहडोल में मतदाता सूचियों की गड़बड़ी के कारण इलेक्शन कमीशन ने नहीं लिखा, विलंब से रिपोर्ट दी गई है, इसलिए उन्होंने लिखा कि इनके विरुद्ध भी विभागीय जांच की कार्यवाही शुरू की जाए। यह बहुत गंभीर बात है। प्राथमिक प्रकाशन के लिए सारी प्रक्रिया इलेक्शन कमीशन की सुपरविजन में संचालित होती है, वहां राज्य सरकार की कोई डायरेक्ट भूमिका नहीं है, उन्हीं की जिम्मेदारी है। जो पांडुलिपियां बन कर आई हैं, प्राथमिक जांच में यह पाया गया कि वे पांडुलिपियां सही बन कर आई हैं लेकिन जहां प्रिंटिंग कराई गई है, उस जगह पर, प्रिंटिंग के समय बहुत से नाम जुड़े और त्रुटियां आई हैं।

इसीलिए यह प्रश्न उठता है कि इस बात की पहले पूरी जांच होनी चाहिए। यह निर्धारित होना चाहिए कि कौन एकाउंटेबल है। किस स्तर पर गड़बड़ी हुई है, नीचे के स्तर पर हुई है, निर्वाचन अधिकारी के स्तर पर हुई है या प्रिंटिंग के स्तर पर हुई है? इसी बात को मुख्य मंत्री जी ने कहा कि इलेक्शन कमीशन से निरन्तर सम्पर्क करेंगे।*â€* (व्यवधान)

SHRI KIRIT SOMAIYA : Sir, the hon. Member is *â€*...*(Interruptions)*

MR. SPEAKER: The Minister is capable to remove all the misunderstandings.

...*(Interruptions)*

श्री सत्यव्रत चतुर्वेदी : मैं आपके माध्यम से प्रश्न पूछना चाहता हूं।*â€* (व्यवधान)

अध्यक्ष महोदय : प्रश्न आपको पहले ही पूछना चाहिए था।

...(Interruptions)

MR. SPEAKER: I have called the Minister to reply to the debate.

...(Interruptions)

श्री सत्यव्रत चतुर्वेदी : मैं आपके माध्यम से प्रश्न पूछ रहा हूँ और माननीय मंत्री जी बताने की कृपा करेंगे कि जिन लिस्टों का प्रकाशन हुआ है, (व्यवधान)

श्री सुदीप बंधोपाध्याय : अध्यक्ष महोदय, मैं भी एक प्रश्न पूछना चाहता हूँ। (व्यवधान)

अध्यक्ष महोदय : आपका इस विषय से कोई संबंध नहीं है। इनका संबंध है।

(व्यवधान)

कुमारी ममता बनर्जी : संबंध है।

अध्यक्ष महोदय : उसके लिए दूसरा नोटिस देना होगा।

कुमारी ममता बनर्जी : वोटर्स लिस्ट कौंसिल हुई है।

MR. SPEAKER: You can give me another notice about West Bengal.

...(Interruptions)

श्री सत्यव्रत चतुर्वेदी : मैं सीधा प्रश्न पूछूंगा और मैं आपसे अपेक्षा करूंगा कि आप भी सीधा जवाब दें। (व्यवधान)

अध्यक्ष महोदय : प्रश्न पूछते नहीं हैं। आप प्रश्न पूछिए।

(व्यवधान)

श्री सत्यव्रत चतुर्वेदी : जो सूचियां अभी प्रकाशित की गई हैं, क्या ये अंतिम सूचियां हैं? इनमें संशोधन अभी नहीं होना है और क्या इन्हीं सूचियों के आधार पर अगला चुनाव होने जा रहा है जो अभी प्रकाशित हुई हैं बिना संशोधित हुए? (व्यवधान)

MR. SPEAKER: I have not permitted any Member to speak now. Nothing will go on record except the Minister's reply.

(Interruptions)*

SHRI ARUN JAITLEY: A number of questions have been raised by the hon. Members.

As far as the question is concerned, after we got the notice, we have sought a report or response from the State Government. But, obviously, the time was inadequate. The State Government sources might not have received it as yet.

Shri Kirit Somaiya wanted to know whether the directions have been implemented or not. Several other questions have been raised with regard to who has really the authority in this matter because the prerogative is of the Election Commission and the sole responsibility to prepare the electoral rolls. But the

* Not Recorded.

Election Commission does it with the assistance of the staff of the Union Government or the State Government. This staff is not under the disciplinary jurisdiction of the State Government or the Central Government. But they are on election duty and to that extent they are under the Election Commission. Therefore, the dispute has been carried on between the Centre, the States and the Election Commission for several years in the past. Now this question has arisen as to what will happen when a staff member, who is under the disciplinary control of the State Government, misconducts in matters relating to elections. What are the powers of the Election Commission or would the Election Commission be powerless in those matters? ... (Interruptions)

SHRI A.C. JOS (TRICHUR): Did you not bring it in the case of Gujarat? ... (Interruptions)

13.08 hrs. (Mr. Deputy-Speaker in the Chair)

MR. DEPUTY-SPEAKER: Shri Satyavrat Chaturvedi, let the Minister answer.

...(Interruptions)

SHRI ARUN JAITLEY: The whole issue of power of the Election Commission in regard to staff working under the State Governments was finally resolved in a litigation before the Supreme Court on 21st September, 2000, by way of a settlement between the Government and the Election Commission. The terms of those settlements were incorporated as a part of the Supreme Court's order itself. I will just read out the three paragraphs:

"The disciplinary functions of the Election Commission over officers, staff and police deputed to perform election duties shall extend to:

a) suspending any official or police personnel for insubordination or dereliction of duty; "

b) substituting any officer, official or police personnel by another such person and returning the substituted individual to the cadre to which he belongs, with appropriate reports of his conduct;

c) making recommendation to the competent authority for taking disciplinary action for any act of insubordination or dereliction of duty while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority and action taken will be communicated to the Election Commission within a period of six months from the date of the Election Commission's recommendations."

These terms of settlement have now been incorporated as part of Supreme Court's order itself because this settlement was arrived at before the Supreme Court. Therefore, the Election Commission, pursuant to this power, has made the recommendations to the appropriate authority, which is the State Government, and in this matter, it is expected that the recommendation having been made, the State Government will appropriately act in accordance with the recommendation itself.

Thank you. ...(*Interruptions*)

SHRI KIRIT SOMAIYA : The question is whether the State Government has taken any action. If the State Government has actually taken any action, what is the action taken? ...(*Interruptions*)

SHRI PRAKASH YASHWANT AMBEDKAR : What is an administrative matter is now going to be a part of the proceedings of the House. ...(*Interruptions*)

SHRI ARUN JAITLEY: We have no communication with regard to any action the State Government has taken so far. Depending on how the State Government eventually reacts to this, in terms of article 324 and other provisions of the Constitutions, the Election Commission will then take appropriate action. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : I thank the Law Minister for reporting the correct position. According to him, it is the disciplinary authority who can implement the recommendation within six months and the Election Commission will react only after that. That is fine. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Now, `Zero Hour' starts. Kumari Mamata Banerjee.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: What information he had, he has already shared with the House. Now, `Zero Hour' starts.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Now, `Zero Hour' has started.

...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, the hon. Members want to know from the hon. Minister whether the existing rolls will be the basis for elections or the final roll. ...(*Interruptions*) Why is he not answering that question?

...(*Interruptions*) The question he should answer is whether the existing rolls of voters will be final. ...(*Interruptions*)

श्री सत्यव्रत चतुर्वेदी : मैंने यह पूछा था कि क्या इस सूची के आधार पर चुनाव होगा ? इसका जवाब नहीं आया। (ब्यवधान)

MR. DEPUTY-SPEAKER: I think, he has shared the information with the House.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Why is he keeping quiet? ...(Interruptions)

MR. DEPUTY-SPEAKER: Hon. Minister, do you want to add anything?

...(Interruptions)

SHRI ARUN JAITLEY: Sir, if the hon. Member had cared to go through my initial statement, the reply to his question was already there. The question was not necessary. In my first paragraph itself, I have stated that this was a special revision carried on. The special revision was published and thereafter, the complaints with regard to this preliminary list generated on the basis of house to house survey, which was published, was received. The Election Commission then sent an officer to check into all these complaints and found a number of complaints to be valid.

...(Interruptions)

MR. DEPUTY-SPEAKER: Now, `Zero Hour'. Kumari Mamata Banerjee.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : We have the liberty to bring Privilege Motion tomorrow. ...(Interruptions)

MR. DEPUTY-SPEAKER: You have. I cannot come in the way.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : He is not answering the question in the right direction. The question is whether the existing list is final. ...(Interruptions)
