

15.57 hrs

Title: Consideration of the Election Laws (Amendment) Bill, 1999. (Not concluded)

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): I beg to move:

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

Madam, I do move this Bill for consideration and approval by this hon. House. This is a small amendment both to the Representation of the People Act and to the Indian Penal Code. I may just explain the background of this amendment.

Pursuant to a demand which was raised by a section of the defence forces, the Chief Election Commissioner had, in 1997, written to the Government with regard to a situation by which there is virtually a denial of vote to those officers of the armed forces and to the other employees of the armed forces who are posted in far-flung areas of the country. I used the word 'denial', for the reason that particularly after the amendment to Section 30 of the Representation of the People Act, the time period between the withdrawal of candidates and the actual casting of votes is now reduced to 14 days, from the earlier period of 21 days. As a result of these 14-day-period, for the officers and other employees of the armed forces who are posted in far-flung positions on the border, there is a cumbersome process of voting by postal ballot which is available to them.

This process of postal ballot is like this. For instance, in the context of the Navy, the postal ballot, during this 14-day-period, will be despatched by the Returning Officer to the Naval Headquarters. From the Naval Headquarters, it will be despatched to the ship or the unit through the FMO; and from thereafter, the vote, after being cast, will be sent back by a postal ballot, to the Returning Officer. A similar procedure for officers is also there.

Similarly in the case of the Air Force, the Returning Officer is to send from all over the country, the ballot papers to the Air Headquarters; from there, they get sent to the respective units. The officer casts his vote and then the vote is sent back to the Returning Officer. In the context of the Army officers, it would be sent by the Returning Officer of each constituency to the Army Headquarters. From the Army Headquarters – let us say, if the officer of the Army is posted in the North East – it will be sent to the APO in Calcutta; from there, it would be sent to Arunachal Pradesh or Nagaland or wherever the officer is posted. From there, the vote has to come back to the Returning Officer.

Now, we do expect that, in this entire circuitous route that the ballot paper takes, this must come back, within the 14-day-period, to the Returning Officer for the vote to be registered.

Due to this entire process, on the 19th December 1997, the Chief Election Commissioner, wrote to the Government that because of the logistical constraints of despatching postal ballots, recording them and then getting them back, the percentage of voters of the armed forces, who are actually able to exercise their vote, has gone down considerably. w

16.00 hrs.

He had mentioned that the total voting is now between 10 to 15 per cent, which means almost 85 per cent of them have been deprived of their rights because of this procedural constraint. The right exists in law. It exists on paper but effective exercise of that right is not possible. It was, therefore, suggested to make a change in the whole procedure.

In 1998, the Government moved an amendment to the law but because of the dissolution of the 12th Lok Sabha, it could not be taken up for consideration. In 1999, this law was again revived by the present amendment which has been made. The proposed amendment applies to all those officers of the Armed Forces which are so declared under the Army Act. *Ipsa facto* it applies to the Army officers and it can also apply to other Army officers which are notified under the Army Act. There are some illustrations to the officers whom it will apply to. It will apply to the terrestrial Army, the Central Reserve Police, the Air Force, the Navy, the BSF, the Coast Guard, the Indo-Tibetan Border Police Force, the Central Security Force, the National Security Guard, the Railway Protection Force and the Army itself. These are the various categories to whom this can be made available. This has been discussed at various levels. After it was introduced in Parliament, it was referred to the Standing Committee. There were two kinds of views which were expressed in the Standing Committee....(Interruptions)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): You are discussing about the situation obtained before introduction of electronic voting system. We now have the computerised system. Why should we lose the sanctity of secrecy in voting system?...(Interruptions)

MADAM CHAIRMAN : Let us listen to the Minister. I will not allow you to interrupt. Let the Minister make the statement. You can speak when your turn comes. You cannot interrupt at this stage. You may speak after this is over.

SHRI VARKALA RADHAKRISHNAN : He has given me the opportunity to speak.

MADAM CHAIRMAN: I have to give you the permission and not him. I am not giving you the permission. I am not giving permission to anyone to speak now. Please sit down. You may give your name for participating in this discussion.

SHRI VARKALA RADHAKRISHNAN : I am raising the point as to why the secrecy be lost....(*Interruptions*)

MADAM CHAIRMAN: Mr. Minister, if you want a debate even before you finish, it is all right. You can go ahead. When the Minister yields to him, what can I do!

...(*Interruptions*)

SHRI ARUN JAITLEY: Madam, there were two kinds of views which were expressed. Therefore, there was no complete consensus on the issue and the Government thought it proper that it should be discussed in the House and appropriately voted upon. One set of view is that those who serve the country in far-flung areas, because of these logistic reasons of their being away from the home constituencies, should they be effectively deprived because we are not able to reach ballot papers to them.

Today, we are switching on to the electronic voting system. In the electronic voting system, personal presence would normally be required in the present regime. There can be some additional postal ballots. That would not really change the fate of those who are 1000-1500 Kms. away. That position may not be logistically possible. It may not be possible to make sure that 540 ballot boxes or machines with regard to every constituency of the country are kept where every unit of CRPF, BSF or every unit of Army is posted. They would be posted even in far-flung areas. This situation may not really be possible.

Since there was a strong opinion even amongst the Armed Forces, as represented by the Defence Ministry, the Election Commission strongly recommended it, but there was a division as far as political opinion was concerned. I do not think there was a division in the political opinion with regard to the desirability of ensuring that voting rights are given to those people who effectively exercise it. But on the modalities, one of the arguments which was expressed was that once we have the system of proxy voting, where the rules are amended and a relative or a family member who is so nominated in the rules or is so authorised, is permitted to vote, the secrecy of the ballot would get lost.

This was the principal objection that has been raised against the system of proxy voting. On the one hand there is a larger public interest constraint that you allow them to effectively cast their vote, but if you have the present system continued, then how effective are you making the Postal Department? There will be a larger number of them who are deprived of their voting because of the logistical support. On the other hand, the argument would be, is secrecy going to be lost in the process if they authorise a particular relative like wife, or parents or child to vote in their own place?

Now, the Government is of the considered opinion that to choose between these two, the right to vote effectively should not be deprived to them. If somebody on his own option – he has the option to exercise the postal ballot, but if he wants as an alternative because postal ballot is proving to be largely ineffective because of logistical reasons – chooses a proxy system, then that facility should be allowed to him. I am sure, this would come up for consideration before this august House.

There is naturally a strong argument that is made, that is, what happens to the secrecy of voting? Is secrecy of voting an inherent part of our electoral system? There are several instances. For instance, when we vote in this House, there is no secrecy that is maintained. Now, I may just leave this question for the consideration of the hon. Members.

This issue came up for consideration by the Judiciary as well. Is secrecy an essential part of the electoral system that we practise? Shri Brar would recollect that this issue came up in the context of the Rajya Sabha election from Punjab where some apparent aberrations had taken place and some votes were shown. Therefore, the election got challenged on the grounds that the principle of secrecy was violated.

I would like to read out one paragraph from the judgement of the Supreme Court on this issue. There are only a few sentences and I hope, the hon. Members would kindly bear with me. I am quoting from the Judgement.

"Interpretation of section 94 which appeals to us for ensuring free and fair election. Secrecy of ballot was

mooted to ensure free and fair elections. If the very secrecy of ballot instead of ensuring free and fair election strikes at the root of principles of free and fair elections, this basic postulates of democracy would be utilised for undoing free and fair elections which provide life and blood to parliamentary democracy. If secrecy of ballot instead of ensuring free and fair election is used, as is done in this case, defeats the very purpose for which it is enacted, like suppressing a wrong coming to light, or protect a fraud on the election process or even defend a crime that is forgery of ballot papers, the principle of secrecy of ballot will have to yield to a larger principle of free and fair election."

In this case the circumstances do not exist. In this case the choice is even higher. They were dealing with a case where the principle of secrecy had to yield because secrecy was used for a corrupt practice and they said that where secrecy is used for a corrupt practice, transparency perhaps may provide the sunlight. Here we are dealing with a case where the right to vote is under threat. Either you have the right to vote which is effectively denuded, or alternatively you have a right to vote where you give up your right of secrecy of your vote in favour of a person that you trust and who would be one of the nominated person in the rules that are so framed. Therefore, Government is of the considered opinion that this House takes up this issue for consideration and that in such cases, the option of postal ballot would still be available but those of the employees of these Armed Forces who wish to exercise the proxy principle, can authorise persons who would be authorised persons on their behalf, rules would be framed to give effect to this, and such a right would effectively be made available to them.

Therefore, consequential amendments on account of this are really to section 59 because section 59 so far forbids proxy voting. Therefore, section 59 permits proxy vote in case there is an enabling provision created. Then there are corresponding amendments to section 60 and section 62. Since it could also have some corresponding effect on section 171(d) of the Indian Penal Code because impersonation etc. are offences, there has to be a consequential change. These consequential changes have been made, the underlying principle being that an enabling provision for proxy vote for members of the Armed Forces, who are serving in far-flung areas, has been created by virtue of this amendment.

With this, I would commend to the hon. Members to take up this Bill for considerations and pass this legislation.

MADAM CHAIRMAN : Motion moved:

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

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Madam Chairman, I heard the logic pleaded by the hon. Law Minister, who is back to his office after his chore in Gujarat. When I was hearing the logic of the distinguished Law Minister, I thought that he was participating in a debate of university level, in a sudden competition, without the rationale of the universal suffrage.

I was watching as to when this Bill was introduced. It was introduced in the Twelfth Lok Sabha headed by Shri Atal Bihari Vajpayee and now we are debating it in the Thirteenth Lok Sabha, again headed by Shri Atal Bihari Vajpayee. The word 'proxy', I appreciate, is harping on their minds since day one because the Government itself is a proxy of Bajrang Dal and RSS.

16.11 hrs (Shri P.H. Pandian in the Chair)

Let us, first of all, not question anybody's *bona fides*. Our brothers, sisters and friends in the Armed Forces and other para-military forces, as per the Act of 1950, are the great people who defend our borders and defend the sovereignty of the nation. We salute them and continue to salute them every time an opportunity comes our way. None of us here in this House are in agreement that any of their rights should be denied or opportunities are not accorded to them. On the contrary, this Parliament shall continue to strive and shall continue to find how best their involvement in the election process in a more transparent manner is ensured. That is why we are all sitting here on both sides of the House. Therefore, I would like to make this feeling very clear in the beginning itself on behalf of our Party. We do understand the problems faced by the Armed Forces and other forces like ITBP, CRPF, BSF, Coast Guards, Naval Force and Air force in the far-flung areas. We do also understand that year after year they should not feel that their views are not counted in the matter of taking a great decision with regard to elections in the country.

If not one day, let us sit for one month if required. We must find all the ways and means to see that they participate in the election process as per their desire. What did the Committee recommend? Unfortunately, whenever they feel it convenient, this Government quotes paragraphs together from the recommendations of various Committees; be it the Committee on HRD headed by Shri S.B. Chavan, if it suits Shri Murli Manohar Joshi; or the Committee on Home Affairs headed by Shri Pranab Mukherjee, if a part of its recommendations can be well argued by the Law Minister Shri Arun Jaitley. But, if it is a Committee on Petroleum headed by Shri Malayam Singh Yadav and if the

recommendations do not suit Shri Arjun Shourie, the final opinion is not conveyed to the House. What is the final opinion of the Parliamentary Committee in this matter?

The final opinion of the Committee is that 'in view of the sharply divergent perception in the Committee on the subject matter of the Bill, it is the considered view of the Committee that the Government should take up this issue at a larger level with major political parties to explore the possibilities of evolving a consensus on this issue.' This is the direction and the recommendation of the Committee.

If I remember, hon. Prime Minister Shri Atal Bihari Vajpayee, time and again, within and outside the House, stated that on any major issue or an issue of the nature where the nation should give priority, if there is a difference of opinion, we shall try to evolve a consensus. From day one after this Government was installed, this was the claim of the Prime Minister whose Government Shri Arun Jaitley represents as a Cabinet Minister.

The Standing Committee found that on a vital matter, two divergent views are there. One feels that it should not be done and the other feels that it should be done. I would quote from the Report of the Committee. It is in para 16.2 at page five. I think this has also been omitted by Law Minister. It says:

"The other section of the Members strongly feel that the introduction of the system of the proxy voting would militate against the whole concept of historically evolved electoral process in our country, the bedrock of which is the secret ballot. "

The last paragraph says:

"They have also suggested that the Government should convene an all-party meeting for arriving at a consensus before proceeding with the Bill in Parliament"

Therefore, would it not have been fair on your part, before you come with this Bill today, to have thought that since the Session was commencing from 17th February, you should have fixed a date, talked to the political parties and understand their mind? Heavens will not fall. No election is taking place tomorrow, at least for Lok Sabha. We can also contribute. We can think once again. I did appreciate what the Defence Secretary stated before the Committee. I fully sympathise with his statement that was made before the Committee. I do not like to read the statement and waste the time of the House. Let us think of the armed forces who are in Siachen. Let us think of those people who are in the peak of Nathu La. They also think that in the country's election process, why should not we involve ourselves and understand which party will win or which candidate will win in our constituencies. They may feel that way.

Is it not the duty of Parliament to find ways and means to ensure, in this modern India where IT revolution is at its best, to find out what best course should be available for them to ensure their participation? We could do that. It is not necessary that whatever we say is final. Ultimately, it is for the Government of the day to take it into consideration. The only argument you give is 21 days has been reduced to 14 days. In the Committee, the Department of Posts said that sixty per cent of the posts were returned and representatives of the Election Commission and others might have said that it is fifteen to twenty per cent. It may be. I am not going to debate on that issue. But first convince the House whether

each vote, each adult suffrage, each individual's right to franchise is a transferable commodity or not. Is the very spirit of vote in secret, the very spirit of making my own choice or to determine, a transferable item to my son, daughter, brother, wife or anybody for that matter? Is that the spirit of the concept of Indian democracy, in terms of franchise? I am not even questioning nor am I giving any lesson or advice as to how to interpret article 14 of the Constitution, that is equality before law. I did understand when this point was considered under the People's Representation Act that a special provision is being made for special category of people. The way the country is moving, the way the society is being fragmented – I am not saying who is responsible; maybe I am responsible or maybe you are responsible – the way compassion and passion is being increased, if tomorrow in a district of Bihar or West Bengal or UP or Madhya Pradesh or Delhi or Rajasthan, a particular community says that for the last five elections it has been deprived of going to the polling centre on the day of poll and if they say that under article 14, equality before law, the authority enjoined on the armed forces in Siachen, since my condition is worse than that, give us the same proxy right so that our friends in other districts will cast the votes on our behalf, how will you question that rationale? Well, you can answer that law and order is a State subject and it is for the State to ensure whether a particular *dalit* of a village or a particular Muslim of a village or a backward of a village or a *brahman* of a village is getting his right to go to the polling centre. Well, you can answer that way.

Is that the answer? The answer is given based on the aspect of inconvenience, social suppression, communal onslaught etc. There, he can claim the equality before law. For example, for certain reasons, special provision is made for proxy voting You can say that my relations are staying in other States or other villages. Can they act on my behalf because I cannot go to the polling centre? How do you defend the logic? Therefore, I first make my

appeal before going into the details of it. My appeal to the Government is this. As far as this House is concerned, on any important issue, there was no question of any non-cooperation with the Government. On any important legislation that the Government has brought forward time and again, this House has cooperated so far. The Government might have moved some amendments. That is a different matter. My first appeal to the hon. Law Minister is this. Mr. Minister, today you are everything. Please do not insist on passing this Bill. I would request you to take the views of the hon. Prime Minister to call a meeting. Please understand the views of each political party as much as you can. Please accommodate them as much as you can and then present a new text of it. This is a dangerous provision that you are creating. Proxy vote means what? It is not to satisfy the person concerned. What does Section 171 of the Indian Penal Code say? It is on electoral rights. I quote:

"171A (b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election."

The voting right of a person is not transferable to somebody else. I may be a person sitting in Siachen. My view may be to support Shri Arun Jaitley when he contests from Gujarat. Or, I may support Shri Tripathi. I would authorise my wife. But my wife's view may not be the same. My son's view may not be the same. How can he translate my desire? How can he interpret my wish? So, it is not merely giving the power. It is not a question of making it convenient to me to say that I am involved because my son is voting. So, the very purpose, the very spirit of the constitutional sanctity of secrecy and adult suffrage as per Article 326 is totally vitiated by this measure. Therefore, it is not merely a political quarrel. It is not merely a debating point among myself, Shri Arun Jaitley, the BJP, the Congress and the CPM. It is precisely the matter that if we want to ensure maximum number of participation, we should have a good mechanism. I am not talking of the total number of people voting. I am talking of a maximum number of people's participation. I am talking of the participation of our friendly, patriotic Armed Forces personnel staying in different parts of the country. For them, we can still find a way and mechanism. There is no sanctity in saying that since the election is held today, counting should be taken up day after tomorrow. Mr. Minister, you can even say that counting can be held after one week of polling. Let all things come. The Heaven will not fall if that is done. You can plan like that. You can incorporate their views. Why are you talking of a logic because the campaign period of 21 days has been reduced to 14 days, the postal ballots will not reach in time? Therefore, this is not the solution. I do not agree to this view. This is not a solution.

Mr. Minister, I told you that I am not questioning the *bona fide* of anybody. Please tell me very honestly one thing. Shri Jaitley, you are the Law Minister. You have defended many cases in the Supreme Court. A Second Lieutenant, a Brigadier, a Lieutenant General are all officers commanding a Cantonment. In a Cantonment, it starts from the rank of a Major. A senior officer can decide his plan, choice and option in a postal ballot. In case of a proxy vote, he can vote. But tell me the position of a *jawan* who will be helpless. He will be at the beck and call of a commanding officer at the place of his posting. So, kindly try to understand the reality. The *jawans* of BSF or any other force work under the control of the commanding officers. They simply cannot say that their option is this. They have to do what the commanding officer says. This is the practical reality. Therefore, I would request you to understand the implications. It is not sacrosanct that since voting is done today, the counting has to be taken up day after tomorrow. If you feel that far-flung areas are to be covered, first you should find out the areas.

I am not talking of the Cantonment of Delhi or Meerut or Nathu La or Siachen or any other far-flung area in the North Eastern Region. We can think of many other ways to see that they are involved in the electoral process. Every person working in the Defence Forces, whether in the Army or Navy or Air Force, carries his pay book and carries his identity card. Like that, let them also carry with them their Electoral Roll Number of their constituency and some sort of an Identity Card prepared by the Army to the effect that a particular soldier belongs to a particular constituency of the country. When election is declared while the battalion is on the move, the first task of the PR Desk of the battalion should be to find out as to how many persons of this battalion are posted in a particular strategic area and a mechanism should be worked out for their participation in the electoral process. If the Commanding Officer desires to negotiate with the Election Commission and send the ballot papers to the constituency straight away, instead of sending their ballot papers directly to 56 APO or to the Army Headquarter, he can do so. So, we can work out methods of further decentralisation. But if the Government wants to introduce proxy voting by taking this logic of 14 days campaign and postal ballot practice not working well, it is not correct.

Sir, I agree with the Minister that the postal ballot practice is also not good because we all contest Lok Sabha elections and we know what happens with postal ballots. They reach very late most of the time and many times they do not even find time to despatch them in time. But what is the average percentage of polling in our country in the last five General Elections? It is not more than 58 per cent. I am now talking of the popular participation in the electoral process of the country. I am not happy with 58 per cent polling. In fact, I would desire that more and more people should come to the polling centres and exercise their voting right so that the polling percentage in our country goes up. If we see in this year's election, it may even go down further, but the polling percentage was never even 60 per cent in our country.

Therefore, if the personnel of the Armed Forces like to be involved in the electoral process in a proper manner as we involve ourselves, it is the duty of the Parliament and the Government to find out the latest possible mechanism to ensure that they really reflect their mind in the electoral process. If he knows that the following persons from so and so parties are contesting for the election, then he should be allowed to exercise his voting right according to his choice. He cannot say that he would choose his wife or brother who is looking after his establishment in his place to vote for him as proxy. As we all know, proxy vote always means false vote in popular perception. So, why should we give this proxy vote system, which is a stigma, to the Armed Forces personnel? If the Government wants to honour them and protect their right, then the Government should find out some other method by which they can really translate their ideas and express their mind in whatever manner they like. That is why, Section 59 of the Representation of the People Act, 1951 says that 'secret ballot' means it is not 'proxy'. But the Government is trying to substitute that. Is it fair?

SHRIMATI MARGARET ALVA (CANARA): Mr. Chairman, Sir, what about the Indian staff in the Embassies abroad? Will they also have the right of proxy voting? Why should only the Armed Forces have that right? We are having hundreds of our Officers and Staff working in our Embassies abroad? How will they vote?

SHRI PRIYA RANJAN DASMUNSI : Sir, Section 59 of the Representation of the People Act, 1951 says:

"At every election where a poll is taken votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy."

This provision is very clear. Therefore, I gave the example not for justifying my argument in this debate, but I wanted to honestly put forth my point of view. If I am allowed to cite another case, in a particular State, a particular community has been deprived of going to the polling centre and exercising their voting right in every election. They feel that had they been in the Army and posted in some remote corner of the country like Siachen or some other area, they could have used their proxy vote. But since they are not in the Armed Forces and they are tortured and suppressed by other communities and the State does not give any protection to them, they have no right to give a proxy vote.

Is it equality before law? Is it transparency in the election system? Is it fairness? Think of the system and not of the group. The entire Parliament has its feelings and sentiments for the Armed Forces. But why do you give a stigma to them: "If you cannot vote, you choose whosoever you like. Proxy on the following names." No, that is not.

The Armed Forces expressed the opinion that they could not participate because of their hazardous occupation elsewhere. Whenever they use the postal ballot, it does not reach them in time. They are right. Let us find out the electronic voting machines. But the Defence Secretary himself stated before the Standing Committee: "Even about the electronic voting machine also, my fear is that secrecy will be tampered and known." He is also of the view that secrecy will not be ensured while using the electronic voting machines. He did not recommend proxy. I am sorry to say this. He said it in a meeting of the Standing Committee: "These are our hazards. If you are to take a final view about the Bill, please understand our problems." The Committee at the end said: "For this reason, instead of expressing divergent opinion, let all parties be taken into confidence for a consensus." In what manner, can we involve them in a greater number to enable them to use their franchise? The Committee Report said: "Two views have been equally divided and placed." The Committee discussed it with many important people. If the Report of the Committee is read page-by-page, the ultimate view is this. 'Unanimity' is one point. There is unanimity that the Armed Forces must be ensured to exercise their right. That is the unanimity. Unanimity is not 'proxy' or 'deny their right'. It is not like that.

If you carry that spirit, Shri Jaitley, there is still time. I request you on behalf of the Congress Party that you do not insist on passing the Bill today. You call a meeting. ...(*Interruptions*) We will join with you. You take our views and expertise. Then, you can again evolve your mind and tell us. It is not that the Heavens will fall or tomorrow something is going to happen.

In the Parliament, each party is keen to see that our Armed Forces get involved in the election process in a manner as other special category people do with special category arrangement, except distorting the provision of article 14 of the Constitution, distorting the provisions of Article 326 of the Constitution, distorting the provisions of secrecy of ballot. The very basis and foundation of Indian democracy is the secrecy of ballot. Suppose I transfer my power to my wife and tell her to go on my behalf and vote. The secrecy is important and it is affected. You can say that the wife will go and there will be secrecy. That is understood. But how will the suffrage be translated in the manner I desire?

SHRI VIJAYENDRA PAL SINGH BADNORE (BHILWARA): What it really means is that you do not believe in your wife. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : I think, those who believe in their wives that they should be subservient to

them, do not respect their wives. They should also have their free thinking. ...(*Interruptions*)

MR. CHAIRMAN : You will have a chance.

...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : I do not like to question it. I only want to assure that I do not treat my wife as my subordinate. I consider her equal with respect and right of thinking.

MR. CHAIRMAN: General equality.

SHRI PRIYA RANJAN DASMUNSI : That is the difference between the people retired from the Armed Forces sitting here and the people who are in politics. Unfortunately everything is not controlled. Army can be controlled. Wives do not like to be controlled.

SHRI ARUN JAITLEY: It means you do not share secrets.

SHRI PRIYA RANJAN DASMUNSI : We certainly share secrets that are good for the family.

SHRIMATI RENUKA CHOWDHURY (KHAMMAM): Sir, I want to meet his wife. I am a Service Officer's daughter, I want to see her...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, therefore, our party in the beginning, when the Bill was introduced, raised the objection and talked to the Government. Now the Standing Committee's conclusion has also come. I urge upon the Law Minister not to be in a hurry to pass this Bill. In the last Session, we have a record of passing many Bills, but as far as this Bill is concerned, I would request him not to create a situation for future of which others will take the advantage. Therefore, I would request him to wait; the hon. Minister can give his own views. I think, he will hear more in the all-party meeting, so please give time to this Bill. At the end of this Session, he can again bring the Bill with some additions or amendments or enclosures and we will try to cooperate.

Again, I conclude by saying that our Party stands very clearly that the time has come that the people, not only of the Armed Forces but anybody, who are in the job elsewhere, who do not get proper communicative arrangements to cast their votes, should be given avenues in a manner which ensures transparency, secrecy and their own individual right, without transferring it to anybody. That is what my submission is and that is why we are opposing this Bill now.

SHRI AJOY CHAKRABORTY (BASIRHAT): Sir, I would like to know whether the hon. Law Minister concurs with the opinion of Shri Dasmunsiâ€¦ (*Interruptions*) I would like to know whether he is responding to what Shri Dasmunsi said or whether he is still pressing the Bill...(*Interruptions*)

MR. CHAIRMAN : He has asked the hon. Member to speak.

SHRI PRAKASH MANI TRIPATHI (DEORIA): Mr. Chairman Sir, I stand to support the Election Laws (Amendment) Bill 1999 to further amend the Representation of the People Act, 1951.

I have very carefully heard my hon. friend Shri Dasmunsi and a lot of sweet pills and a lot of sweetness has been spread about the imperative of giving the Servicemen the right to vote but not proxy. The cruel fact is, and let us face it, that they are opposed to giving him today the facility to vote.

SHRI PRIYA RANJAN DASMUNSI : Absolutely not...(*Interruptions*)

SHRI PRAKASH MANI TRIPATHI : Yes. The lung power will not do it...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, he is trying to do politicsâ€¦ (*Interruptions*) I desire that in the name of Armed Forces such things should not be said...(*Interruptions*)

SHRI PRAKASH MANI TRIPATHI : I am not doing any politicsâ€¦ (*Interruptions*)

SHRI HANNAN MOLLAH (ULUBERIA): Sir, this is their way of violating the principles...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, this is very unfortunateâ€¦ (*Interruptions*). Let him give his views, but not politicise thisâ€¦ (*Interruptions*)

SHRI PRAKASH MANI TRIPATHI : Sir, I will satisfy them. Today they are opposed to providing the Armed Forces the facility to be able to vote in bulk.

SHRIMATI RENUKA CHOWDHURY : They should give better ration to Armed Forces first, then they should talk about how they will vote. (Interruptions)

SHRI PRAKASH MANI TRIPATHI : Yes.

There is a very good reason for this. This Bill is one of the few Bills that has come out after an experience of 50 years of Indian bureaucracy, of the Postal Department's work, of the work of the Services and of the work of the Election Commission. We can keep on talking about it but the fact of the matter is that this is the Bill which, it is felt, is needed by the Service personnel. They have asked for it. Either this House takes a view that they are in the same category as those people who are being deprived, as pointed out by Shri Dasmunsi, from going to the polling stations or it takes the view that they are in a very important job for this country and because of those compulsions they have not been able to vote. Let us be very clear. This is a very cruel fact emerging and I am not politicising it. Everybody agrees that they must be given a way of voting in bulk.

Everybody agrees that they are one of the most disciplined lots of our society and that they will try to follow in letter and spirit how to facilitate their voting without any aberration in the concept of transparency or secrecy as required. If you are not prepared to grant this special status to the Servicemen, then you say so. It must be stated that they are no different, that we are only talking of distances and that we are talking of procedural problems. It is not only that but also it is a felt need. It is a requirement of the Services who have projected it through their Army Chief. This has been discussed in a very great detail in the Committee. It is admitted that two views had emerged, but do not say that we are making it political. We are responding to a felt need of the servicemen. As of now, we had asked the Postal Department. They gave one set of figures and ended up by saying that 60 per cent voted. I quote your figure.

In my constituency, 5,60,000 votes were cast. I am a Lieutenant General of that area. Only 49 postal ballots reached there. You can check it. These are the figures. I do not know whether you have picked up. Probably, Shri Brar may have picked up because they are more nearer to that place. Only 49 postal ballots were cast. If anybody is making out that by making this amendment, a very great deal of differences will be made, he is also mistaken. But there will be one difference that the Service personnel will feel that this House is alive to their problems, that it considers them somewhat special and that it feels that if this is given to the serviceman, he will not misuse it. If this is the feeling of this House, let us send that message. If that is not the feeling of the House, we can keep on debating any amount of amendments.

Of course, as regards the transferring of vote, Shri Priya Ranjan Dasmunsi had given his definition. I am not transferring the vote. I am asking somebody to vote for a particular person and I am asking that person with whom I have full belief to vote and that it will be like me, myself voting.

SHRIMATI MARGARET ALVA : Would you mind my asking a question? There is a very simple practical question. There are 14 days. After the withdrawal of names, the exact candidates are known. You have to communicate to this Service person in Siachen or wherever the person is that now these are the candidates finally left. Then he must communicate back to you that out of those candidates he wants to vote for so and so. How does the person from the outpost communicate with his wife or son or daughter? If he can communicate, are there telephone connections available? Where must he go to communicate? How does he communicate to the person and in what way? That means, an advance form authorising his wife is already with his wife, but the candidates are known only after withdrawal. Within 14 days, you have to communicate to him that in this constituency, so and so are left and he must communicate back that this is my choice. So it comes to the same thing as conveying a paper and getting it back because his opinion has to be recorded, as he wants, or the wife is just authorised that she can vote for any candidate and there is no harm. How do you overcome the communication of the list to him and his reply to it within that period so that the person can vote? It is the same thing. There is no difference. What is this?

SHRI PRAKASH MANI TRIPATHI : Is she going to speak on this subject?

SHRIMATI MARGARET ALVA : I am asking you questions.

SHRI PRAKASH MANI TRIPATHI : I am not here to answer anybody, but one thing I will tell you that it specifically says that the Government will frame rules to facilitate and these are the details in which we must go into and ensure that it works in a foolproof manner.

This point, I am quite sure, would be taken care of when the rules are being framed. We are not talking on that. We are talking about the concept, specifically with regard to the amendments that are being proposed in this Bill. We are not talking about the rules. Those are the things that would be framed quite clearly. ... (Interruptions)

SHRIMATI RENUKA CHOWDHURY : If wives are not allowed even to disclose the addresses and if their letters are read in protected camps, how is it going to be overcome? How safe would the Armed Services be after this? This is

an infiltration into the camps. We are not even allowed to write letters to them without those letters being censored. This amounts to trivialising the whole matter by just looking at the vote bank. ...(*Interruptions*)

SHRI KIRTI JHA AZAD (DARBHANGA): Sir, this is not the way to react when our Service personnel are fighting in the borders, giving their lives. This is an issue involving their right to cast their votes. ...(*Interruptions*)

MR. CHAIRMAN : Shri Prakash Mani Tripathi is on his legs. Please do not interrupt.

SHRI PRAKASH MANI TRIPATHI : Actually, these smart remarks about vote bank, the Bajrang Dal and all are not very relevant. Communication between Ex-servicemen and Service daughters is always welcome. You are always welcome to say that.

Now, the fact of the matter is why does all this rigmarole take place? Why is there such a delay? Why could a letter not go to the *jawan* and he could not send a reply? There is a service constraint. ...(*Interruptions*) I am just trying to explain it to you, if you would listen to me. It is because it cannot be openly given out where he is serving or where his unit is. So, it has to go through some channels that do not disclose the unit. This makes the job very much more difficult.

I would like to touch upon the point raised by Shrimati Margaret Alva here. She asked: 'If you cannot send the ballot, how can you send information whom to vote?' If there has been a revolution, it is the *jawan's* access to his hometown through telephone. Today, most of the *jawans* can and do talk to their homes. There is a revolution and that fact must be taken into account. It is not like in the old times that he sends a letter and by then the child is born and so on. Now, he can communicate by word of mouth and communication by word of mouth is today much more faster than it was yesterday and it would be better tomorrow and therefore his communication to vote such and such candidate could be looked after. The rules would be framed later; I am not going into the details of that now.

There is one additional point. The hon. Minister has clarified most of the points but I wanted to make one additional point. The matter of this ballot gets compounded by another factor. Every day, the paramilitary units and Central police organisation units that come under the Army Act are being deployed more and more during election periods. Almost all units get deployed more and more. The result of that is that the officials also are more worried about their deployment and about how they are going to move to a certain place rather than facilitate that *jawan* fill in his ballot paper and send it home.

This is the development in the last ten years and with this development, the number of votes coming through the ballot is even becoming more and more worse. So, all these arguments can go on and I do not want to throw an emotive sentence to the whole thing. But I do want to make this point that this has been a feeling of the Service personnel – people coming under the Army Act – that they are being deprived of a very basic right for doing a very important job for this country. So, they are literally being punished for doing their duties efficiently. We all know that sooner or later, the things can go very bad and it is the people in the uniform, who can do something about it which will solve their problems. They have this feeling and it is their demand. Therefore, when we say 'no' as of today, we can delay it as much as we like it. It has already got delayed. This matter was discussed threadbare, again and again, in the Committee itself for over a year and a half. It was discussed to set up a mini all-party system but where is more representation or better representation of all parties than in this House?

Therefore, what is the objective to hurry this process? It is to send the message that as they are alert to look after the interests of the country, this House is also alert for their felt need, their required need which they have asked for the last 50 years and which have been denied to them. This House should take a unanimous decision to give this facility.

Sir, a point is being made that what about other people who cannot give their votes. Well, you cannot equate the Servicemen with all other people. We are not talking of voters, we are talking of people in uniform who are giving us their lives. ...(*Interruptions*)

MR. CHAIRMAN : Shri Prakash Mani Tripathi, please conclude. You have already taken 30 minutes. The allotted time for your Party is 20 minutes.

श्री प्रकाश मणि त्रिपाठी : सभापति महोदय, मुझे इस पर ज्यादा कुछ नहीं कहना है। मैं केवल एक चीज कहना चाहता हूँ कि हमारे बहादुर जवानों के पास इस हाउस से क्या संदेश जाएगा? यह आज हम को डिसाइड करना है कि हम क्या संदेश भेजना चाहते हैं।

SHRI PRIYA RANJAN DASMUNSI : Sir, the entire House is for the Armed Forces. This kind of a thing is very bad. If somebody is trying to score some points on some pretext, it means we are giving a wrong message to the Armed Forces. This kind of sentiment is known to all of us. Everybody knows about it. This will not work. Parliament never questioned the *bona fide* of the Armed Forces. ...(*Interruptions*)

SHRI PRAKASH MANI TRIPATHI : The hon. Member can use the lungpower, but he cannot hide this fact that they

are opposed to providing this facility to the Servicemen.

Sir, with these few words, I conclude.

SHRI SHIVRAJ V. PATIL (LATUR): Sir, in the Business Advisory Committee meeting we had decided that each Bill should be given two hours' time. ...(*Interruptions*)

MR. CHAIRMAN: The hon. Speaker has written as 'one hour'.

SHRI PRIYA RANJAN DASMUNSI : No, Sir. It was decided by the hon. Speaker. Today, it was decided that each Bill should be given two hours' time. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL : Let the hon. Speaker be consulted. The Secretary-General was also there.

MR. CHAIRMAN: We can ask the Secretary-General.

SHRI S.S. PALANIMANICKAM (THANJAVUR): Sir, it was decided in the Business Advisory Committee meeting that all the Bills should be given two hours' time.

MR. CHAIRMAN: It is from tomorrow onwards.

...(*Interruptions*)

MR. CHAIRMAN : That is for the Bills to be taken up from tomorrow.

SHRI SHIVRAJ V. PATIL : No. The Bills we discussed were the Bills which were to be taken up today itself. I do not know how ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : If this is the way Opposition is being treated, we will not participate, we will not take part in any debate. This is not the way. I do not agree with it. ...(*Interruptions*)

MR. CHAIRMAN: Wait for a minute. As per the minutes of the Business Advisory Committee, the Secretary-General says, for Bills to be taken up from tomorrow, it is two hours. For Bills to be taken up today, it is only one hour.

SHRI SHIVRAJ V. PATIL : No, this was never discussed. If somebody is saying this thing, it is wrong. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : It is absolutely wrong. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL : We did not discuss. ...(*Interruptions*)

MR. CHAIRMAN: Anyhow, it is going up to 6 o'clock. Let the Member speak.

SHRI SHIVRAJ V. PATIL : That is altogether different. Even if it is decided by the BAC and if this House wants to discuss it, it will be allowed, but to say that that was to be applicable to the Bills which will be coming up tomorrow, I would submit that it was never discussed.

SHRI PRIYA RANJAN DASMUNSI : The word 'tomorrow' was not there in the minutes. I say this with authority.

MR. CHAIRMAN: You see the minutes.

...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : This is not the way to mislead the House.

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा श्रम मंत्रालय में राज्य मंत्री (श्री विजय गोयल) : अगर माननीय सदस्य इस पर एक या दो घंटा डिसकस करना चाहें तो सरकार को कोई आपत्ति नहीं है।

SHRI SHIVRAJ V. PATIL : That is right. We appreciate it and there is no dispute on this. ...(*Interruptions*)

MR. CHAIRMAN: Time is fixed for the Bills which are to be taken up from tomorrow.

SHRI SHIVRAJ V. PATIL : It was not so. A Member of the House is making the statement and if anybody is saying this, either he has not ...(*Interruptions*)

MR. CHAIRMAN: He is saying that for today, the time is not fixed. So, we will take it up.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Nothing has been decided as to today or tomorrow. It was plainly stated that all Bills will be discussed for two hours. ...(Interruptions)

MR. CHAIRMAN: Anyhow, we are going to sit up to 6 o'clock. We have got another one hour.

SHRI SHIVRAJ V. PATIL : Sir, the ruling Party Members are agreeable to discuss it. We do not want to ...(Interruptions)

MR. CHAIRMAN: If the House agrees, we will take it up to 6 o'clock. The time for discussion will be two hours.

SHRI SHIVRAJ V. PATIL : It may be discussed up to 6 o'clock or more, but then, these other things should be carefully taken note of. Maybe, they have not understood it; maybe, they have misread it or something like that, but it was not discussed.

SHRI VARKALA RADHAKRISHNAN : Sir, this is an important Bill. We would like to speak on the Bill.

MR. CHAIRMAN: Shall we discuss it up to 6 o'clock?

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: Okay, we will discuss it up to 6 o'clock.

SHRI HANNAN MOLLAH (ULUBERIA): Mr. Chairman, Sir, first of all, I want to say that the Government is in the habit of bringing such Bills in piecemeal though there is a huge backlog of issues with respect to electoral reforms and other suggestions of so many committees. The Government only takes up certain portion which may help them. With the BJP Government, this is the attitude. As Shri Dasmunsi mentioned, whenever they feel that it will help them at a particular point of time, they will pick and choose. They are not taking care of the entire gamut of electoral reforms; they are not taking care of preventing criminalisation of politics and elections; they are not taking care of State funding of election; and they are not taking care of various other issues as recommended by Indrajit Gupta Committee and other Committees. So, their method is to bring Bills in this piecemeal way. I think, it is not correct. Government should think over and bring some comprehensive Bills addressing all these pending issues so that the election and electoral process and right to franchise can be fully practised in our democratic system.

The next thing is that from our Party's side, I want to make it clear that we defend the rights of the persons in uniform. We stand by their rights – their economic rights, their political rights and their other social rights – because they are the sons and daughters of our country, they are the people of our country. They are discharging one of the most important duty by defending our nation, our sovereignty and our security. So, there are no two opinions in this country about defending the interest of the people in uniform, but unfortunately, Shri Tripathi has tried to inject here also certain element of emotion to show that they are the sole agents of the defenders, of the Armed Forces and all others are against the Armed Forces. I condemn this attitude. This is the attitude of the BJP.

17.00 hrs.

They are trying to bring some distorted versions of communalism and they are calling it *Hindutva* and trying to defend all Hindus as if they are their sole representative. This is their attitude.

SHRI PRAKASH MANI TRIPATHI : Is talking about Servicemen communalism?

SHRI HANNAN MOLLAH : This is the B.J.P.'s attitude. You are bringing an emotive issue to whip up sentiments, and you want to say that you are the sole representative of the Hindus, the Armed Forces or a particular section of the people. This is the attitude of the B.J.P., and they are utilising this in our country. ...(Interruptions)

SHRI RAMDAS ATHAWALE : B.J.P. is not for the people, and B.J.P. is for *Hindutva* only.

SHRI HANNAN MOLLAH : There are so many things, and we are demanding 'one rank, one pension' for them. You were a great votary of that. What has happened to that? After going to that side, you forgot that conveniently. This is your attitude. When it suits you, you talk about their voting rights, which is an emotive issue, as if you are their only representative.

...* This is one of your attempts or methods of placing these things. I condemn this. The Indian Army represents the Indian people, and all the Indian people stand by the Indian Army. I want to condemn the way you presented this. ...(Interruptions)

SHRI ANADI SAHU (BERHAMPUR, ORISSA): This should not go on record.

SHRI PRAKASH MANI TRIPATHI : I strongly object to this.

MR. CHAIRMAN : I will expunge that portion.

...(Interruptions)

SHRIMATI RENUKA CHOWDHURY : You have been taking pension money;

* Expunged as ordered by the Chair

you have been taking non-practising money of the Armed Forces with retrospective effect. The retired pensioners are being forced to cough up the money. I am fighting that case for you all, and you are trying to politicise our Services. ...(Interruptions)

MR. CHAIRMAN: Let us not impute any motives. Let not any Member impute motives to members of the Armed Forces.

...(Interruptions)

MR. CHAIRMAN: Nothing should go on record.

(Interruptions) €*

MR. CHAIRMAN: Please take your seat. I heard what Shri Hannan Mollah said about the Armed Forces. I am expunging it. What Shri Hannan Mollah said about communalising the Armed Forces, I am expunging it. Let us not impute the motive of 'communalism' there. It is not correct and you should not say that.

...(Interruptions)

MR. CHAIRMAN: Nothing should go on record.

(Interruptions) €*

SHRI HANNAN MOLLAH : He said that he was the sole agent of the Armed Forces, and all other parties were against the Armed Forces. This is their attitude....(Interruptions)

MR. CHAIRMAN: Nothing will go on record. Nothing should be recorded.

(Interruptions) €*

MR. CHAIRMAN: Please sit down.

SHRI HANNAN MOLLAH : They are saying that they are the sole representatives....(Interruptions)

MR. CHAIRMAN: Shri Hannan Mollah, please take your seat. Let the Members take their seats. Shri Ramdas, please take your seat.

* Not Recorded

The House will not approve of any such statement against the Armed Forces. The Armed Forces are above politics; they are the defenders of our borders. They are maintaining the integrity and sovereignty of the country. Let us not talk about politics.

...(Interruptions)

SHRIMATI RENUKA CHOWDHURY : Please check the record. That is what he has said.

MR. CHAIRMAN: I will go through the record. If there is any such thing, I will expunge that. If there is any such thing, I will expunge that portion also. Let us not talk about politics.

SHRI PRIYA RANJAN DASMUNSI : I agree with your kind observation. From this side, when the debate began, we did not say anything against the Government or the Armed Forces. ...(Interruptions)

MR. CHAIRMAN: Shri Kirti Azad, please sit down. My appeal to all the hon. Members is let us desist from making any statement against the Armed Forces.

They are not represented here. Let us not impute any motives.

SHRI PRIYA RANJAN DASMUNSI : Sir, to set the record straight, we from the Congress benches, in the beginning of the debate said, "We are here to co-operate. We have to ensure that they participate in the election process. We salute them. We want that they be involved. Have some more consultation. Take some more inputs." That is what we said. We did not say anything else. However, responding to that the speaker from the Ruling party said, "What message will go to the Armed Forces? You are denying them their rights." That is not what we said. ...(*Interruptions*) We did not say that. ...(*Interruptions*)

MR. CHAIRMAN : That is not in good taste.

SHRI HANNAN MOLLAH : I never said that. ...(*Interruptions*)

Please check the record. ...(*Interruptions*)

MR. CHAIRMAN: Please sit down. I am asking the Minister to speak.

SHRI ARUN JAITLEY: Sir, we are trying to find an answer to the issue as to how we make the right to franchise of our Armed Forces more effective.

While introducing the Bill I myself said that there were two views on the subject. One view was to respect the right of secrecy as far as the elections are concerned. The other view is that in view of that right of secrecy being protected, the right is not being effectively exercised inasmuch as the percentage of those casting their votes has become negligible. Therefore that is a solution we are trying to find. There can be, as I have said in the beginning, two views on the subject. In the Standing Committee also there were two views. I do not think this is a debate where motives should be imputed.

I am very grateful to the hon. Member Shri Dasmunsi for having given the other side of the picture. This is an issue which the House has to discuss in the absence of any consensus outside the House. But then, we have heard the statement, I have heard it, to the effect that this is an effort of the BJP ...(*Interruptions*) â€¦. ...(*Interruptions*)

SHRI HANNAN MOLLAH : No, Sir, I have not said that.

MR. CHAIRMAN: I expunge that portion.

SHRI ARUN JAITLEY: Where do these issues come in? Any effort to bring into the debate these kinds of issues should be avoided. That is my only request.

SHRI HANNAN MOLLAH : Sir, he should not put words in my mouth.

MR. CHAIRMAN: I have already expunged those remarks of the Minister.

श्री कीर्ति झा आज़ाद : <xÉBÉÉÉÒ ÉÉ|É{É@ä¶ÉxÉ xÉcÉÓ cÉäiÉÉÒ cè* BÉÖEU xÉcÉÓ cÉäiÉÉ cè* +ÉÉBÉE® ¢ÉÉiÉ BÉE®xÉÉ ¶ÉÖ°ô BÉE® näiÉä cé* ÉÉBÉE°ÉÉÒ °Éä BÉÉÉä<Ç àÉiÉäÉÉ¢É xÉcÉÓ cè*â€¦| (व्यवधान)

श्री हन्नान मोल्लाह : तुम्हारा मंत्री बनना संभव नहीं है, कितना भी चिल्लाओ।

Sir, Shri Prakash Mani Tripathy spoke as if BJP is the sole agent of the Armed Forces. I want to make it categorically clear. ...(*Interruptions*)

SHRI KIRTI JHA AZAD : Sir, in protest, I walk out of the House.

17.08 hrs.

(At this stage, Shri Kirti Jha Azad left the House.)

SHRI HANNAN MOLLAH : He spoke as if they are the sole agents to represent the Armed Forces. I opposed that attitude and I said so. They are not the sole agents for the Armed Forces. Armed Forces represent the entire people of the country. The entire population of India stand by the Armed Forces. That is our attitude. I compared that attitude with the attitude of the BJP and said that everything they say has a double meaning. They follow double standards. That is how they try to whip up emotions and try to reap benefits from it. That is their character. That is what I said. I did not say anything else. The Minister was putting words in my mouth, which I never said.

Anyway, Sir, I want to categorically say that the Standing Committee debated in detail the question of franchise and the question of secrecy. The BJP always tries to give up on the principles. This has been the attitude of this Government. When it comes to the issue of principle, they give it up. They take up those matters which suit them.

They bring out those matters which are convenient for them. When the question of principle comes, they just give it a go by. When the principle of adult franchise, single vote, secret ballot comes, they are ready to give up that principle. On many issues they gave up the principle.

We stand by the principles. These principles should not be diluted, as mentioned by Shri Dasmunsi in his submission. The principles should not be given a go by.

MR. CHAIRMAN: Kindly conclude. Time allotted to you is three minutes.

SHRI HANNAN MOLLAH : Secondly, I would say that the word 'proxy' is a very derogatory word.

Here, "proxy" is cheating. In elections, "proxy" is used as cheating. You want to give the Armed Forces the word 'cheating!' You cannot give such a word. In elections, "proxy" means cheating elections. So, this word should not be there because it is derogatory here.

In fact, I demand that the Government should discuss this Bill again with all the political parties and find out certain methods. Today when we take the postal ballots, we find that all the modern methods are not available. Our science and technology has now advanced very much. We can utilise it in ensuring the voting of all the Armed personnel provided the Government is sincere. But instead, they want the easy going and the short cuts.

Sir, for that short cuts, they are sacrificing the principles. Here, we oppose it. We think that we should stand by the principles, utilise the science and technology and try to ensure their voting rights so that they can use their franchise. That is very much possible provided the Government has an open mind to try to discuss and find a way out. We must get the way.

So, Sir, I think that this Bill is not in correct perspective. It is not just giving them their right. It is just giving them the derogatory word instead of their right. We oppose to that. I would again say that if we sit together, we can find out certain methods so that our brothers in uniform can get their voting rights and utilise them in full.

With these few words, I conclude.

SHRI M.V.V.S. MURTHI (VISA KHAPATNAM): Mr. Chairman, Sir, we are debating this Election Laws (Amendment) Bill, 1999. Three years are already over but many learned Members have expressed divergent views on this Bill. No political party should get a mileage over this Bill and particularly so on the Armed forces. The whole House is unanimous on this issue.

But at the same time, we must find a way out to provide them the opportunity to exercise their franchise in a fair and transparent manner.

The number of days between the date of final list of tally of candidates contesting and the date of election has been brought down from 21 to 14. Our communication skills have improved a lot now, and there is every chance to cast their votes in a fair and transparent manner.

But it is said that it could be substituted by "proxy". The term "proxy" means just appointing somebody on their behalf to exercise their right. I would not say it 'their vote'. I would say it 'their right'.

Sir, presently, many hon. Members are the first timers. In the elections, we see a husband contesting against his wife, a son contesting against his father. We can see this trend across the country. If that is the case, how to reflect their views in a transparent manner is the most important problem. It is not gaining their favour by any political party. If it can substitute by "proxy" vote, I accept that this Bill should be passed. But I have my own doubts. It cannot replace the vote by in person or by postal ballot. How to reflect the views if a wife or a husband or a son or a daughter is contesting against each other? They could be influenced by external means and process.

Ultimately, the very purpose for which the right is being provided to the armed personnel is being defeated. That is the crux of the problem. We should not be in a hurry to pass voluminous legislation. The learned Minister is here; he is aware of all these rules and laws. If he wants to provide another opportunity to have a political discussion, let us have that political discussion; no party wants to take any political mileage out of this situation. Already three years have passed and Heavens are not going to fall, if some more time is given. So, please give a fair opportunity to discuss it among the political parties and arrive at a consensus, and pass this Bill so that at least our brethren in the armed forces feel that we are all unanimous to provide an opportunity to them and that we are all with them. Let us not argue that only by pushing through this legislation, we will provide them a right. It is not. It may not reflect their views.

So, kindly keep these things in mind. Keeping this in view, we must provide the armed forces or the brethren who are defending our borders or defending our country a right to vote and not a proxy vote. We must find a way out so that their true ideas are reflected in the voting system. So, kindly think it over. The learned Minister can have a

discussion again on this issue with various political parties and come out with a solution so that this Bill could be passed unanimously at that time.

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Thank you, Mr. Chairman.

I am in a position to suggest certain things so that the rights of the army men are protected. Giving away that right to somebody will create a lot of confusion in the democratic set up.

Late Prime Minister, Shri Rajiv Gandhi had created Internet and e-mail, etc. Now, the world is being run by e-commerce. If a website is created, a person can communicate easily. Everyday, 'opinion polls' are being conducted by many journals online. A secret PIN number is available for bank accounts; electronically, money is being transferred from one account to another. Many advanced things have come.

Therefore, I would like to suggest straightway one thing. We have come to the electronic age of even using voting machines. The Election Commission can create a website or some software by which a person can be communicated by PIN and also, the army men who are on the border areas can very easily communicate his vote by way of electronic methods. These types of modern things can be looked into. Very easily, by this method, he can locate the ballot paper; he can choose the candidate and he can vote. The secrecy will be maintained, if a secret number is given to that particular person. Even laptop is available and they can communicate from anywhere. There is no need even for a landline. That is the position in the world and the world is within palm's distance. These things can be made available.

In the 'Statement of Objects and Reasons', they have said that this 14-day-period is coming in the way. They have shown this as the main reason. They want to have the procedural aspects to be considered. I can even say that many express letters are sent by the modern communication system. Immediately letters can be sent and replies obtained. Courier services are available. Fax machines are available. A lot of new things have come up.

Therefore, instead of thinking like that, they can think of these things. We need not carry that right or give that right to somebody else. As Shri Murthy has said just now, even husbands and wives are fighting against each other. So, we cannot lose that right of voting. That is to be considered.

I can even site one specific thing. We have got a report. In Nazareth in Sathankulam Assembly Constituency which is going for bye-elections now, about 3,000 people are sitting on fast unto death. ...*

MR. CHAIRMAN : Do not embarrass me.

...(Interruptions)

SHRI E.M. SUDARSANA NATCHIAPPAN : I am not saying that the ruling AIDMK is doing it. I am very careful in using words...(Interruptions) We are now introducing the electronic voting system and are giving identity cards. That card itself is being purchased, coerced and got back.

SHRI RAMESH CHENNITHALA : You must be knowing that the entire State Ministry is misusing it.

SHRI E.M. SUDARSANA NATCHIAPPAN : I do not want to embarrass anybody.

MR. CHAIRMAN: You should not make an allegation without any substance.

SHRI E.M. SUDARSANA NATCHIAPPAN : I am just telling as to what is happening nowadays.

MR. CHAIRMAN: Without any substance, without any material in hand, it is not advisable to make allegations against a State Government. In that case, no State Government will be spared. I am expunging that allegation.

...(Interruptions)

MR. CHAIRMAN: We are not here to deliberate on a particular constituency.

* Expunged as ordered by the Chair

SHRI PRIYA RANJAN DASMUNSI : The hon. Member has not made any allegation against any Minister or any person. He has only narrated a situation....(Interruptions)

17.22 hrs. (Dr. Raghuvansh Prasad Singh *in the Chair*)

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, I would like to submit that this proxy method will lead to...(Interruptions)

SHRI P.H. PANDIAN(TIRUNELVELI) : When an allegation is made against a Government or an individual we must have the supporting material in hand. The hon. Member does not have any material in hand. When I was in the Chair, I was a little embarrassed. I have already expunged that portion.

SHRI E.M. SUDARSANA NATCHIAPPAN : I have the newspaper's cuttings in my hand. I can produce them. New buildings were constructed. New roads were laid. All sort of misuse is being made. The entire Government machinery is doing it against the Election Laws and this was reported to the Chief Election Commissioner and he has taken action also. They have withdrawn from village administration the right to give certificate. The cooperative banks were earlier allowed to open the Pass Books which was stopped by the Election Commission. I am not speaking without any record. I have got photographs to show how sarees were distributed. I can show everything. New buildings were constructed. New roads were laid. On the temple walls...(Interruptions)

SHRI P.H. PANDIAN : Sir, the Member must first show the photographs to the Chair. Without first showing it to the Chair he cannot talk about them.

SHRI E.M. SUDARSANA NATCHIAPPAN : I am laying them on the Table of the House.

SHRI P.H. PANDIAN : This is not a good practice. When a Member makes an allegation, it should have some relevance. It has no relevance to this Bill.

MR. CHAIRMAN: He is not yielding.

SHRI S.S. PALANIMANICKAM : Sir, all allegations made by Shri Nachiappan are true....(Interruptions)

SHRI P.H. PANDIAN : Let us follow and practice the established norms. Otherwise, tomorrow I can bring hundreds of photographs. I can show them for even imputing motives. I can use photographs to defame a person and he will be out. So, we must follow the norms.

He must give it first to the Chair and the Chair should have perused that. After that, they should allow that. So, these are all baseless allegations without any facts. They are all devoid of facts. So, it need not be on record. It has no relevance to this Bill. He is misusing this forum...(Interruptions)

श्री दिलीप संघाणी (अमरेली) : पंजाब के मंत्रियों के भी फोटो आये हैं। अरे! (खुबघान)

.SHRI E.M. SUDARSANA NATCHIAPPAN : Now, the BJP is supporting AIADMK....(Interruptions)

SHRI P.H. PANDIAN : They are not going to get back even their deposit. They are going to lose....(Interruptions) What did you do in 1988 in Tripura? You used the Army personnel. You won the elections in Tripura. We are not doing that. You do not force me to say something. We are all friends....(Interruptions)

SHRI S.S. PALANIMANICKAM : Sir, I may be permitted to submit...(Interruptions)

SHRI P.H. PANDIAN : Sir, this material has no relevance. They are all forged documents. Let there be an inquiry....(Interruptions) He is side-tracking the issue. In Sathankulam, they are going to lose their deposit. They are going to lose their post...(Interruptions)

MR. CHAIRMAN : Please take your seat.

...(Interruptions)

SHRI P.H. PANDIAN : Sir, he has taken advantage because I was in the Chair. He thought that I would not come to the floor to reply him. That should not be the attitude....(Interruptions)

MR. CHAIRMAN: If you want to speak on this Bill, I will allow you. But please sit down now.

...(Interruptions)

SHRI S.S. PALANIMANICKAM : Sir, all the charges levelled by the hon. Member, Shri Nachiappan are true. Around 5000 people sat on a hunger strike in that Constituency. He is supplying all the material. If the Chair needs, tomorrow, we will supply all the proof....(Interruptions)

SHRI P.H. PANDIAN : Sir, they are not contesting the election. The DMK Party is not contesting the election because they will lose their deposit...(Interruptions)

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, they are voting in the election...(Interruptions)

SHRI P.H. PANDIAN : They are not going to vote for you. Sir, these are all baseless allegations. I would ask Shri

Dasmunsi, is it the way? Tomorrow, I would also bring some documents. You know I am a lawyer. I can finish you one by one....(Interruptions)

MR. CHAIRMAN: Please conclude.

...(Interruptions)

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, he is threatening us even in Parliament. They would also threaten the voters like this. He is saying that he will finish us. How can he say like this?...(Interruptions)

SHRI P.H. PANDIAN : Is it good? He is showing some photographs and some papers. This is not good. I had been a Presiding Officer myself.â€¦ (Interruptions)

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, I am laying all the documents on the Table....(Interruptions)

SHRI P.H. PANDIAN : This is not good. It has no relevance.â€¦ (Interruptions)

SHRI RAMESH CHENNITHALA : Sir, he is prepared to authenticate those documents and place them on the Table of the House....(Interruptions)

SHRI SHIVRAJ V. PATIL : I would request the hon. Member that we would see if there is something which should not be laid....(Interruptions)

SHRI P.H. PANDIAN : Sir, he has suddenly taken us by surprise.â€¦ (Interruptions)

SHRI RAMESH CHENNITHALA : Shri Pandian, what is happening in Sathankulam has been explained by him. Why are you saying so?...(Interruptions)

सभापति महोदय : आप अपना आसन ग्रहण कीजिए।

...(व्यवधान)

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, we want to protect the interest of the Army people....(Interruptions). I am placing the documents on the Table. In this particular Bill, we want to protect the interest of the Army people. They have to vote and participate in the democratic process. But at the same time, as an ordinary voter, who has got the right to have the secrecy of choosing his own candidate by his own physical method of going to the polling booth, looking at the ballot paper or the ballot machine, and casting his vote independently without any pressure, that right should also be given to the Army people.

That is why we want that this right should not be transferred to somebody else. If such a process of transferring the right to vote starts, then a day would come when the NRIs would also be given voting rights and said that they can cast their vote by proxy. They can cast their votes from Germany and the USA and this sort of a thing will go on. There should not be a dilution of the sanctity of the Representation of the People Act. The very concept of voting right of a person would stand to be violated in such a case. That is why we want to submit that this right of voting should not be allowed to be transferred to somebody else. It is not a Company Law where you give a proxy vote. It is a right of a citizen by birth and he exercises that right when he attains the appropriate age. A single vote can really have an effect on the results of every election, including even Parliamentary elections. One single vote against the will of a person can really alter the course of democracy.

What we would like to submit is that we should be driven by modern thoughts. We should not think that ballot papers would have to be sent to different places and many officers would be involved in the process and things like that. There is no need for it. When a person is registered as a postal ballot voter, then he should be identified and the ballot should reach that person concerned and he should vote according to his choice. Such a method should be followed.

Sir, with these few words, I oppose this Bill. I would like to request the hon. Minister to re-consider this Bill.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Mr. Chairman, Sir, thank you. I stand here in support of the Bill relating to the Election Law amendments.

Sir, before I start, I would like to cite a quotation. It says, 'you turn to me, I shall turn to you'. This is for the consumption of Shri Hannan Mollah. I may tell him that this is a Biblical saying and not anything from the Hindu scriptures. The basic principle would be that we should turn to the Armed Forces, then the Armed Forces also would turn to us in a proper manner. Instead of going into the principles, the Members of the Opposition had got

into the imbroglia relating to the procedure. We should not discuss the procedures here. Procedures can be discussed at a later stage when the question of Conduct of Election Rules, 1961 would be taken up after the passage of this Bill and after the Election Commission goes into the details about proxy voting itself. They have put the cart before the horse, instead of putting the horse before the cart.

Mr. Chairman, Sir, what Shri Tripathi has stated has weight behind it. Shri Priya Ranjan Dasmunsi quoted the Secretary, Ministry of Defence regarding his views. I would have been more happy had he quoted the Lieutenant General who had appeared before the Standing Committee. The Standing Committee was divided on the question of principle. There was no consensus. The Standing Committees stand on consensus of opinion. As there was no consensus, I am sorry to say that again on party lines, the issue of principle was not decided. There were weighty reasons as to why proxy voting should have been allowed to the members of the Armed Forces.

Sir, I would again like to reiterate what the hon. Minister has stated and also what has been stated by the former Deputy Chief of Staff of the Armed Forces, Shri Tripathi has stated. The Forces are deployed in the far-flung areas. Take the case of Nathu La or Kargil. Or, take the case of a Navy man who is in a submarine and is away from his home and where it is difficult to communicate and all those things, or for that matter take the case of the people in the Armed Forces who are deployed on peace-keeping missions outside the country or on some secret missions here and there.

If we do not give them the right to exercise their franchise in a proper manner, what would they think of us as their representatives sitting in this House? A large segment of the people will be deprived of casting their votes.

There was a mention about the postal authorities. The postal authorities are confused. They do not know whether the postal ballots relate to the service personnel or other personnel who are entitled to vote by post. That is why it was not taken into account by the Standing Committee itself. It was clearly indicated that only ten to fifteen per cent of the Armed Forces are able to cast their votes by postal ballot. You will kindly appreciate that because of mobilisation, demobilisation, posting in far-flung areas, etc., even the apex body of the Armed Forces is not able to know where a Jawan is posted. For officers it may be easy; for Jawans it may not be that easy. All these ballots come from the Returning Officer to the Record Room, to the Record Officer; and from Record Officer to the 99 APO; and then they are distributed here and there within the Army – I am not talking of the Navy or the Air Force as the hon. Minister has mentioned about them. It is a Herculean task.

It was mentioned that the electronic machines could be used. This is what Shri Radhakrishnan was trying to say when he intervened at that particular point of time. We have to keep the secrecy about the postings of the Armed Forces in different areas, which are sensitive areas where they are sent. If we give the electronic machines and such gadgets for voting, there is likelihood that their posting itself would be divulged or would be known to others. All these factors have been taken into account and after due deliberations this Bill has come. Only two sections of the R.P. Act are to be amended and the consequential changes will have to take place. But, the most important thing would be the framing of procedures which will be taken up at a later stage.

So far as the secrecy is concerned, I may remind the Minister that in 1878 this country had enacted the Evidence Act where there is a mention that any communication between a husband and wife is to be treated as sacrosanct and secret. Why did they take it into account? It is because there has to be a certain amount of secrecy maintained. So, why say that because we give the power for somebody else to vote by proxy, the entire heavens will fall; or that the democratic process itself will be in jeopardy; or that Article 14 of the constitution of India will be violated? We are trying to blow it out of proportions.

I am not going into all the details because all the details have been discussed here itself. I would like to say that this right of proxy voting is given to the personnel of the Armed Forces and all other CPMF or para-military forces who are deployed for a particular work and not to all the personnel of the para-military forces or CPMF as such. Only those who are deployed for some particular purpose and those who are governed by the Army Act, like the Assam Rifles or the Coast Guards, will have this power. All the CPMF and the para-military forces for all times to come will not have this power of proxy voting. When they are deployed for a particular purpose, only at that time they will get this power. Therefore, it is necessary that we send the correct message that we are interested in giving this power to the Armed Forces. We must send the correct message to the Armed Forces that we are sympathetic to their requirements.

While going into the different aspects, one could find that there are pros and cons to it, that any situation may come up and that no principle can be foolproof because 'to err is human'. We cannot say that we are absolutely foolproof in our system itself. But we must find out a way by which we empower them to cast their votes.

And this is the only method which has been thought out. I was quite impressed by the statement of the Lt. General who had appeared before the Standing Committee and I was also impressed by the manner in which he argued. Gen. Tripathy was modest enough not to say about the Armed Forces and their aspirations. They are the people

who do not boast about themselves. They are not the people who go about making publicity about themselves. We make it and we make it to our political advantage. That has to be shunned and everybody has to take notice of it. Very beautifully, the Lt. General presented the fact that 15 lakh personnel of the Armed Forces – it might have been something more or less – are not able to exercise their franchise because of the time constraint which is involved and because of the communication difficulties which are there in this country. As he has said, by telephonic conversation, he can ascertain about the candidate and can say as to where the vote has to be cast. At this point of time, it has not been indicated as to who would be casting the proxy vote. It has to be decided at a later stage.

So, I would urge upon the Members present here to think properly and take a decision to pass this Bill because we are making so many amendments in the election procedures. We have made three amendments in the last Session itself. We are making this amendment and we are going to make some other amendments also. It is necessary that the elections laws have to be changed. It does not have stenoplastic behaviour. It is not rigid by itself. As the society changes, as our attitudes change and as our requirements change, necessarily the election laws have also to be changed and a particular segment of people has to be given the due right so that the democratic process can be good and all encompassing. That is why, I urge upon the Members to pass this Bill.

SHRI SHIVRAJ V. PATIL (LATUR): Sir, one statement which we would like to make on the floor of the House is that we are for facilitating the voting by the Armed Forces in all the elections. No Member should fling any insinuation at us saying that we are trying to obstruct this process of facilitating the Armed Forces to vote. We are with all the Members to see that they vote and take steps to see that their votes reach the places where they can be counted. As to how this can be done was considered by the Government and the Standing Committee. It seems that the Standing Committee have suggested that they are not in a position to come to the conclusion as to whether 'proxy voting' should be allowed or not. Their objection was that, if proxy voting is allowed, the principle of secret ballot would be affected and that is why, they have suggested that the Government should consult different parties and then try to find out if something can be done in this matter to see that this principle is also not affected. I was under the impression that the Government had not consulted but I was told that the Government did consult different party leaders and representatives of the parties and have come to the conclusion.

My only submission is that, in modern times, it should not be necessary for us to go against this salutary principle of secrecy of ballot. If there is any other method which can be adopted to facilitate voting, as was suggested by one of the Members here, let us do it. And if we come to the conclusion that it is not possible, then we should accept this Bill also.

One more opportunity for consultation should be provided and if it is possible, maybe tomorrow itself, the hon. Minister can consult the Members and he may reply to the debate tomorrow after consulting others. We would also like to apply our mind to this issue and discuss this issue. If it is possible, then he would accept our proposal and if it is not possible, then we will accept his proposal. This is the only submission that I wanted to make.

SHRI VIJAYENDRA PAL SINGH BADNORE (BHILWARA): Sir, I stand to support the Election Laws (Amendment) Bill, 1999. The issues which have come forth against passing this Bill are: one is secrecy and the other is that Members have said that the person to whom this proxy is going to be given cannot be trusted. Now, that is an issue which I want to really go into. But it is a fact that you have to trust somebody. Rules are still to be made. If you cannot trust your father whom you want to give the proxy to, if you cannot give proxy to your wife, I do not know who you will trust and who you will not trust. Members from that side can trust somebody coming from Italy and they can trust her, but they will not trust their wives. I am really surprised at that. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Any citizen of India, whether his or her origin is Pakistan or Baluchistan or Afghanistan, we have faith in her. You should understand that. ...(*Interruptions*) You do not read law. ...(*Interruptions*) You just put on a cap and come here. ...(*Interruptions*)

SHRI VIJAYENDRA PAL SINGH BADNORE : You do not have any trust in your wife. ...(*Interruptions*) You do not have trust in your father. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : First you remove your illiteracy. ...(*Interruptions*) I request the Member to remove his illiteracy about the citizenship that she has and then talk. ...(*Interruptions*) He does not know his origin. ...(*Interruptions*)

SHRI VIJAYENDRA PAL SINGH BADNORE : I did not take anybody's name. ...(*Interruptions*)

I have got a lot of friends in the Army. I also have the background of the Armed forces. They always say that sitting there in the snow-clad mountains, sitting in the borders, they are in touch with their family members everyday. Every third day or fifth day, they are speaking to them. They know exactly what is happening there. That is the best news that they get. Even the *jawans* are in touch with them. Even if they are not in touch with them directly, they get in touch with them through radio and electronic media and get to know what is happening there.

They feel that just because they are in the borders, they have no way to put their faith in a party or on a person and that their votes never mattered. It is a fact. There are about twenty lakhs of personnel and theirs is only a fraction of percentage of one billion people or 80 crores of people who are voting. It does not really make a difference. I remember, every time an election is conducted and after the election is over and the results are declared, people say, 'let us count the postal votes because we have to give the exact number of postal votes which have come'. It does not make a difference in the results of the election. It will never make a difference in the results of the election. The votes of these 20 lakh people will not make a difference in most of the constituencies, not only Lok Sabha elections but also in Assembly elections. But it is only a feeling and a feel good factor. We must send a message that they are also part of us. Since they are doing this hazardous work for the country, we should create that good feeling among them. That is more important than giving voting rights. The proxy vote in a democratic system is not new. A lot of countries have adopted this system of proxy voting. It is not a new thing in a democratic system. It is not that proxy voting is being introduced only in this country and that nowhere else it is there.

It is there. But it is the faith that we have in them. It is the faith that the Defence Forces will have in us. It is very important. That message should be conveyed unanimously from this House. That is very important.

In the end, I would just say that there has been a reduction of the campaign time from 21 days to 14 days. But even when it was 21 days, people always thought that their vote would never reach in time. So, it is not just a question of that aspect. My friends very rightly pointed out as to why we cannot have a better system. If a better system can come forth, it is good. The Heaven is not going to fall if we come up with a better system. Even if we have that system, we can really amend the law again. I thank you very much for giving me this opportunity.

SHRI AJOY CHAKRABORTY (BASIRHAT): Sir, I thank you very much for giving me this opportunity to speak on this Bill.

At the very outset, I would like to say that the hon. Law Minister has brought forward a small Bill. Why does the Government bring forward piece-meal Bills in respect of the Representation of the People Act incorporating different aspects? My first point is that the Government should bring forward a comprehensive Bill. It is bringing forward only piece-meal Bills.

The hon. Law Minister has introduced the amending Bill incorporating the provision of proxy voting for the members of the Armed Forces and the members of the Para-Military Forces. He has argued that the Election Commission has reduced the period of campaign from 21 days to 14 days and it is not possible on the part of the members of the Armed Forces and the Para-Military Forces to exercise their franchise through postal ballot within a short period of time and that is why the Government has introduced this measure. For this purpose, the Law Minister is making a provision for the proxy voting.

We have tremendous respect to the members of the Armed Forces and the members of the Para-Military Forces. We salute them. They are protecting our motherland. They are sacrificing their lives for the sake of our motherland. We also agree with the hon. Law Minister that there should be a provision so that the members of the Armed Forces and the members of the Para-Military Forces can exercise their franchise and democratic rights. But I very respectfully beg to differ from the opinion of the hon. Law Minister. We cannot support the contention that they can exercise their right only by way of proxy voting.

The hon. Members from different sides argued in this regard. I would also agree with them that introduction of voting right by way of proxy voting is nothing but violation of the principle of secrecy. Suppose I am a member of the Armed Forces. I am posted in the North-East. I direct my wife to give my vote in favour of "A" Party. It is not a question of belief or disbelief which comes here between the wife and the husband. The point is that the wife has a different identity. She has every right to possess a different political opinion. My wife cannot support my political party. There is ample example in this regard. Shri Murthy has already narrated it. I cite one example.

Shri T.V. Thomas and Shrimati Gowri Thomas were both members of the Namboodripad Government. Shri T.V. Thomas represented the CPI. Shrimati Gowri Thomas represented the CPI(M). Both of them were Ministers in the Namboodripad Government but they belonged to different political parties. So, the wife has a different political identity. As I said earlier, it is not a question of belief or disbelief. I direct my wife to exercise her franchise in favour of "A" Party. My wife does not believe the principles and the ideology of "A" Party. She can exercise her franchise and vote as per her own choice in favour of "B" Party.

That is a violation of the principle of secrecy. So, we cannot support this Amendment Bill which provides for proxy voting to the members of the Armed Forces and para-military forces. I would urge the hon. Minister not to pass the Bill today and work for a consensus on this matter because it is related to our beloved brothers in the Armed Forces, para-military forces who are sacrificing their lives for the sake of the country. I would request him not to divide the House on this issue of giving voting rights to Armed Forces personnel.

I would request the hon. Minister to think again on this issue, consult all the political parties, arrive at a consensus and bring a comprehensive Bill later which can be supported by both the Treasury Benches and the Opposition Benches, cutting across party lines. I would like to submit that we should find out a way to pass such a Bill unanimously in the House so that the members of the Armed Forces and para-military forces can exercise their voting right in an appropriate manner.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Mr. Chairman, Sir, I fully support the Election Laws (Amendment) Bill, 1999. Today, when we are deliberating upon this Bill, we claim ourselves to be the biggest democracy in the world. We have adopted the Westminster model of Government. Every vote has got its value in a democracy. Therefore, if more people are involved in the electoral process and where every citizen of this country can exercise his franchise, then it would be fair.

Sir, with previous experience, it has been seen that a certain section of our society, that is, the Armed Forces personnel are not able to exercise their franchise to the fullest extent. The Reports of the Standing Committee are there and it has been mentioned clearly by the Defence Ministry and the Legislative Department that only 10 to 15 per cent of the ballot papers come back to the constituency and the rest, maybe 12 to 13 lakh voters who are in the Armed Forces and who would like to exercise their franchise, are denied this opportunity. So, this Amendment has been brought here so as to enable them to exercise their franchise. And no less a person than the Chief Election Commissioner, who is a constitutional authority, had recommended in 1997 that the system of proxy voting should be allowed.

The country from where we have adopted the Westminster type of Government, that is, the United Kingdom and other poor countries like Algeria which is democratically not very sound have allowed this system of proxy voting in their countries. So, I feel there is nothing wrong if more and more people are able to exercise their franchise in a democracy. The hon. Minister has also made a commitment in this House that Section 18 of the 1961 Act can be suitably amended later on for the convenience of the voters in the Armed Forces. So, why should the personnel of the Armed Forces be denied this right?

Sir, as per the findings of the Standing Committee, it has been seen that there is a great delay in the despatch of the postal ballots to the Returning Officer thereby the personnel of the Armed Forces are denied this democratic right. Therefore, I completely support this Bill. ...*(Interruptions)* I would not like to be interrupted by my colleagues belonging to the C.P.I. (M), because we have our relatives in West Bengal and we know how the people of some blocks and colonies who are not in favour of voting for their party are not allowed to vote in the elections there.

18.00 hrs.

SHRI SUNIL KHAN (DURGAPUR): We invite him. ...*(Interruptions)*

SHRI BIKRAM KESHARI DEO : You do not invite. ...*(Interruptions)* They are not allowed to vote....*(Interruptions)* If they are CPI(M) voters, they will vote for that party. ...*(Interruptions)* We have seen the elections in West Bengal. ...*(Interruptions)*

I support the Bill to the fullest extent. With these few words, I conclude and thank you. ...*(Interruptions)*

MR. CHAIRMAN : Now, the House stands adjourned till eleven of the clock tomorrow.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the clock on

Wednesday, February 19, 2003/Magha 30, 1924 (Saka)
