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Title: Discussion on the motion for consideration of the Representation of The People (Amendment) Bill, 2010 as passed by Rajya Sabha.

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Rajya Sabha, be taken into consideration."

(Shri Inder Singh Namdhari *in the Chair*)

Sir, it is a long awaited Bill, being agitated over for a long time. In fact, it came to Parliament some time back, in the year 2005 and was referred to the Departmentally Related Standing Committee. The Departmentally Related Standing Committee examined the whole Bill. They wanted the Government to bring a comprehensive Bill. Now, the present Bill, in fact, comprises of all the elements and it has implemented in letter and spirit the Report of the Departmentally Related Standing Committee.

Sir, it is a very simple Bill. In fact, it restores the right to vote for those Indian citizens who have gone abroad for employment, education etc. It is not that we are conferring something on them. There are as many as 25 million Indian citizens who are abroad and they do not have the right to vote. Due to this logistic reason, this Bill is being brought. There are only three elements in this Bill. The proposed section 20A.(1) says:

"â€â€â€ every citizen of India,--

- (a) whose name is not included in the electoral roll;
- (b) who has not acquired the citizenship of any other country; and
- (c) who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise outside India (whether temporarily or not),

shall be entitled to have his name registered in the electoral roll â€."

These are the only three elements of the Bill.

It is not that we, in our country, are bringing it as a unique feature. In fact, many countries, maybe about 20 or 25, have given this kind of a right to their own citizens. So, I commend this Bill for consideration of the House.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Rajya Sabha, be taken into consideration."

श्री उदय सिंह (पूर्विया): सभापति महोदय, इस सत्र के आखिरी दिन और शायद आखिरी विधेयक पर आपने मुझे बोलने का मौका दिया, इसके लिए मैं आपको बहुत-बहुत धन्यवाद देता हूँ। रिप्रजेन्टेशन ऑफ पीपुल (अमैन्डमेंट) बिल, 2010 एक वैलकम विधेयक है। इस सत्र में हमने देखा है कि सरकार के द्वारा तरह-तरह के ऐसे विधेयक पेश किये गये हैं, जो विवादों में धिरे रहे हैं और जिनकी वजह से संसद में शोर-शराबा भी हुआ और हम लोग विभाजित भी हुए। लेकिन यह एक ऐसा बिल है, जिसका सभी लोग समर्थन करेंगे, ऐसा मुझे लगता है। लेकिन मैं कुछ बातें कहना चाहता हूँ। मैं जानता हूँ कि आज आखिरी दिन है और सुबह से हम सांसदों ने काफी वर्जिश भी की है और गले भी काफी साफ किये हैं, इसलिए सब थके हुए होंगे। अब जाने का समय नजदीक है। लेकिन कुछ महत्वपूर्ण बातें मैं कहना चाहता हूँ। यह इतना आसान और साधारण नहीं है, जितना हमारे आदरणीय कानून मंत्री ने बताने की कोशिश की है।

महोदय, सबसे पहले मैं इस सरकार को बधाई दे दूँ, क्योंकि इनकी गति इतनी तीव्र है कि आप देखें मात्र चार वर्षों में यह बिल सदन में आया है। वर्ष 2006 में राज्य सभा में यह विधेयक लाया गया था, लेकिन शायद लॉ एंड जस्टिस मिनिस्ट्री ने पार्लियामेन्ट्री स्टैंडिंग कमेटी की बातों को कुछ ज्यादा गहराई से सोचने की कोशिश

की।

यह बिल 2006 से लेकर 2010 तक पेंडिंग पड़ा रहा। सरकार इस गति से चलती है या उस गति से तीव्र काम हुआ है? स्टैंडिंग कमेटी ने जो रिक्मेंडेशन दी थीं, वे सरकार ने नहीं मानीं। मैं सरकार का ध्यान इस ओर दिलाना चाहता हूँ जिसमें उसने कहा है -The Bill allows for all citizens to be enrolled in the electoral rolls in the constituency. यह कहते हैं कि जहां का पासपोर्ट है, वहां उसकी कांस्टीट्यूंसी का नाम एंटर होगा। मान लीजिये, मैं पूर्णिया निवासी हूँ, पढ़ने के लिये बाहर जाता हूँ, मेहनत करता हूँ और नौकरी करता हूँ, तरकीबी पाता हूँ। मैं अपने पूर्णिया गांव के अलावा पटना में अपना एक निवास रखना चाहता हूँ तो यह छूट मुझे होनी चाहिये। खासकर कि जब यह आर.पी.एक्ट में दिया गया है कि यदि कोई व्यक्ति दूसरी जगह चला जाता है तो उस जगह पर अपना नाम वोटर लिस्ट में जुड़वा सकता है। पहली जगह वाले लिखकर दे देते हैं कि फलां व्यक्ति का नाम उस जगह की वोटर लिस्ट में नाम हटा दिया जाये। इस विधेयक में जो बताया गया है वह उचित नहीं है। यह बात खुले दिल और दिमाग से इस बिल में नहीं आयी है। NRI is loosely defined.

सभापति महोदय, वोटर लिस्ट में किसी एन.आर.आई का नाम जुड़ेगा, इस बिल में कहीं चर्चा नहीं की गई है। सरकार यह कानून बनायेगी। मैं कानून मंत्री जी से कहना चाहूंगा - "Citizen of India not enrolled in the electoral rolls" इलेक्शन कमीशन आपसे सलाह करके रूल बनाये तो मेरे ख्याल से उचित बात होगी। ऐसा अमेंडमेंट आना चाहिये था। मैं समय सीमा को देखकर बोल रहा हूँ...(व्यवधान)

सभापति महोदय : क्या आपको समय सीमा का पता है?

श्री उदय सिंह : मालूम नहीं है लेकिन जैसा आपका आदेश होगा, उसी अनुसार बोलूंगा।

सभापति महोदय : आप जिस गति से चल रहे हैं, वह थोड़ा परिधि से बाहर हो रहा है।

श्री उदय सिंह : सभापति महोदय, मैंने अभी महत्वपूर्ण बात तो कही नहीं है। It would have been better. We have waited from 2006 to 2010. Our NRI people would have waited another year if you had brought a comprehensive Bill.

The Election Commission of India has sent you a comprehensive list of the amendments required in the Representation of People Act, but you have chosen from them selectively. You have chosen from them what suits you, and you have ignored what does not suit you.

One of the recommendations of the Election Commission is that : "Power to make rules under the Act must not lie with the Central Government", which does so today in consultation with the Election Commission, but must be turned around the other way. स्टैंडिंग कमेटी ने कहा है -

"Since the present law requires a physical presence of the voter while casting his vote, the Committee feels that only a minimum number of NRIs will vote"

उसने यह भी कहा था - "The mode of casting votes by all categories of voters, who may not be physically present, which is, Armed Forces, Paramilitary Forces, Armed Police, forces serving outside and officials posted on foreign Mission, should be made uniform." मैं समझता हूँ कि सरकार को सत्त्वाई कबूल करने में परहेज है। हमारी एन.डी.ए. सरकार के समय में एक प्रोग्राम शुरू किया गया था - नेशनल सिटीजन रजिस्टर बनाने का। नेशनल सिटीजन रजिस्टर प्रोग्राम पर इतना दबाव पड़ा कि इसकी जरूरत महसूस की गई जिसे आगे नेशनल पापुलेशन रजिस्टर के रूप में ले जाना पड़ा। वह सरकार और सदन कहता है कि हम देश को नेतृत्व देते हैं।

We give leadership to the country, but the Government does not have the gumption, does not have the courage to accept who are its citizens, who are not. We are trying to make an omnibus sort of National Population Register. जो नेशनल सिटीजन कार्ड होना चाहिए था, उसका हमने यूआईडी नाम दिया है। मैं सच में सरकार की सराहना करूंगा कि जिन्हें यूआईडी का काम दिया गया है, उनसे बेहतर व्यक्ति मिलना असंभव है। वह काम ठीक है, लेकिन अगर यह यूआईडी, नेशनल सिटीजन कार्ड बनता तो हमें कभी वोटर लिस्ट की जरूरत न पड़ती। इसमें व्यापक रूप से गड़बड़ी होती है।

महोदय, आप भी सदस्य हैं और आपको भी मालूम है कि क्षेत्र में क्या होता है। यह कन्सर्न आज इन्हीं की नहीं है, आज चाहे-अनचाहे में हम सांसद करीब 15 दिन पहले एक विवाद में, सैलरी आदि को लेकर फंस गये थे। उस पर मुझे कुछ नहीं कहना है। मेरी पार्टी की जो नीति है, जो मेरी पार्टी का मानना है, वह हमारे नेता ने स्पष्ट कर दिया है, लेकिन जो पब्लिक ओपीनियन निकलकर आयी है, वह सांसदों के पक्ष में नहीं आयी है। हमें अपने डैमोक्रेटिक प्रोसेस में लोगों का इंटरएक्शन बढ़ाना है। हम कैसे बढ़ायेंगे? 50 फीसदी से कम लोग मतदान करते हैं। मैं चेन्नई में रहता हूँ, क्या मैं यहां से निकलकर होशियारपुर अपने कैंडीडेट को वोट देने जाऊंगा? जब आपके पास सब कुछ उपलब्ध है, बायोमैट्रिक कार्ड दे रहे हैं तो अगर आप उसे नेशनल सिटीजन रजिस्टर में कन्वर्ट करें, उस कार्ड को एक सिटीजन कार्ड बनायें तो आज सारी टैक्नोलॉजी उपलब्ध है कि मैं कर्नाटक में बैठा हुआ अरुणाचल प्रदेश के अपने उम्मीदवार के लिए वहाँ से वोट दे सकता हूँ। न सिक्कुरिटी पर खर्च करने की आवश्यकता होगी और न किसी अन्य चीज पर खर्च करने की आवश्यकता होगी। यह मेरा सरकार से आग्रह है। मेरा कानून मंत्री जी से आग्रह है कि इलेक्शन कमीशन की जितनी भी रिक्मेंडेशन हैं, उन्हें आप सीरियसली लीजिये। सांसदों के बारे में क्या-क्या कहा जाता है, कौन से ऐसे अपशब्द हैं, जो हमारे लिए इस्तेमाल नहीं हुए, आप क्यों किमिन्ताइजेशन ऑफ पॉलिटिक्स अमेंडमेंट को नहीं लाते? क्या इतनी भी करेज नहीं है, इतनी भी विल नहीं है? आप इलेक्शन कमीशन की चीजों को पढ़िये और इलेक्शन कमीशन की चीजों को सलैविटवली पिकअप मत कीजिये, उन्हें काफ़िहैंसवली पिकअप कीजिये। इन्हीं बातों के साथ मैं कहना चाहूंगा कि यह चाहे कम है, it is a case of too little, too late. I think it is a good Bill and we support it wholeheartedly.

SHRI P.T. THOMAS (IDUKKI): With pride, I am supporting this Bill. This legislation, no doubt, is a feather in the cap of the

UPA Government, especially Madam Sonia Ji, and our hon. Prime Minister. The passage of this Bill has to be inscribed in golden letters in the annals of real democracy.

The NRIs are of Indian blood. Tens and thousands of NRIs are living in foreign countries without being enfranchised. Not only the Indian political leaders, but also the successive Presidents and Prime Ministers of USA, UK, UAE, Australia and France have time and again expressed and acknowledged the great contributions made by our NRIs.

We have to bow our heads before the glorious memories of the great martyrs of 1857, the First Freedom Struggle. The British Parliament was forced to pass the Indian Council Act, 1861 to provide space for Indian opinion in the Council. This is a landmark legislation. It bears the colour of the patriotic blood which was responsible for the Indian Council Act, 1861. By this historic legislation, we are expanding the horizon of the meaning of democracy. We have seen elsewhere in the world and in our neighbourhood countries, the Governments shattering and crumbling down as to allow military juntas suppressing people and democracies. But the Indian democracy stood the test of time.

We are proud of being the largest and the greatest democracy of the world. With the enactment of the present legislation, our democracy attains more greatness.

There are as many as 25,000,000 Non Resident Indians. There has been a long-pending demand from our NRIs. I hope that nobody would have any objection to the purpose of the Bill. The Bill came before the august Parliament in the year 2006 and the Standing Committee gave its report on it. The Bill seeks to provide for granting voting right to every citizen who has not acquired the citizenship of any other country and who has been absent from his place of ordinary residence in India. The Bill empowers the Central Government to issue notification to specify after consulting the Election Commission of India the time and manner in which the name of a person who is not an ordinary resident be listed in the electoral rolls.

The Bill provides that the Electoral Registration Officer shall make corrections of entries in the electoral rolls and inclusion of names in the electoral rolls after proper verification. The proposed amendment seeks to create a very valuable political right in favour of the Indian citizens working and living abroad. It will benefit all those people who are working abroad and students who have gone abroad to study. Countries like UK, USA, Canada, Australia allow their overseas citizens to vote subject to certain conditions.

There can be an issue like a person living abroad might like to contest election. The hon. Minister may kindly explain if that would be permissible. If they are allowed to contest election, they can become MLAs and MPs. However, they will be residing outside India. A clarification is needed in this regard. There should be a distinct difference between right to vote and right to stand in election.

My suggestion to the Government is that it should consider the possibility of allowing the NRIs to vote through the Internet. One problem can arise in this regard. Suppose a person from Kerala is working abroad for the last few years and after this amendment he wants to get his name registered in some other State like Delhi or UP. Can this be done? There is one more problem. If a person registered lives outside India, how will he cast his vote? They may ask for postal ballot. However, if postal ballot is allowed, it will take a long time to declare the result. The Minister may like to address this issue. Right to vote, to my mind, is a basic fundamental right of any citizen. This not only gives him a political right but also is the basic identity of a citizen of the country.

Regarding the issue of correcting the electoral rolls, it is generally seen that the Election Commission revises the rolls as on 1st January of each year. Many times, a large number of elector's names are deleted from the rolls and they come to know of it only when they go to vote and find that their names are not there in the list. In our State, in Kannur District, the ruling Party CPI(M) is always rigging and capturing the booths. Before deleting the names from the electoral rolls, the Commission should give the electors an opportunity to be heard. Most of the times the electors are ignorant of their names being struck off the rolls. Being a Member from Kerala, I am proud to say that the entire economy of our country is based on the NRIs who contribute to our economic system.

I support this Bill.

श्री लालू प्रसाद (सारण): सभापति महोदय, यह जो संशोधन विधेयक लाया गया है, यह बात ठीक है कि इसे लाया गया है, लेकिन जरूरी यह है कि भारत के जो मतदाता हैं, उनके आई-कार्ड बनाने में अरबों-खराबों रुपयों का खर्चा हो गया। अभी-अभी पचास प्रतिशत मतदाताओं का आई-कार्ड नहीं बना है। लोग डिबार कर दिए गए हैं, वोटर लिस्ट भी गलत फ़िट हो गई है। हमने शुरू में कहा था कि आई-कार्ड गरीब कहां रखेगा, कहां नहीं रखेगा, सेशन साहब के समय से हम कह रहे हैं। कानून मंत्री जी आपको नियम बनाना चाहिए कि आप 100 प्रतिशत मतदाताओं का पहचान पत्र जब तक नहीं बन जाता है, तब तक आपको व्नाव नहीं कराना

चाहिए। आप इसे मेनडेटरी कीजिए।...(व्यवधान) आप टेन्चोर की बात छोड़िए, मैं उसकी बात नहीं कर रहा हूँ। गरीब लोग डिबार हो रहे हैं। गरीब लोगों का 100 परसेंट आई-कार्ड नहीं बना है और पैसा खर्च हो गया। लोग एनआरआई हैं, ठीक है वे भारत आए। जो नियम पालन करते हैं, उनका नाम वोटर लिस्ट में होना चाहिए, लेकिन आई-कार्ड आपने नहीं बनवाया, इसका मतलब जनता का जो मौलिक अधिकार है, उससे जनता को आप वंचित कर रहे हैं। आप इस बिल को लाइए और इन्श्योर कीजिए।

मैं एक बात और कहना चाहता हूँ कि पहले लोग अपनी आंख से देख कर वोट देते थे। अब आप ईवीएस मशीन लाए हैं। बहुत से लोग अनपढ़ हैं, हर तरह के वोटर हैं। हम कह रहे हैं कि लालटेन के सामने वाला बटन दबाना, वह बटन लालटेन का दबाता है और वोट साइकिल को पड़ जाता है। साइकिल का जो दबा रहा है, वह कमल में जा रहा है, जो हाथ पर दबा रहा है, वह हाथी पर जा रहा है। यह सारा मैनुअल हो रहा है। बड़े चुतारई से तकनीकी काम करके, जिस पार्टी को वोट मतदाता देता है, उसको वोट नहीं मिलता है। इसलिए ईवीएम को हटाइए। जो पुराना मैनुअल सिस्टम था, उसको लाइए। इस बात के लिए बीजेपी एवं सभी पार्टी के लोग साथ हैं। हम इलैक्शन कमीशन के पास भी गए थे। इसमें भारी गड़बड़ी है, भारी घातमेल है, ईवीएम के नाम पर। यह नियम बनाइए, ईवीएम मशीन को हटाइए।...(व्यवधान)

सभापति महोदय : तालू जी बैठ जाइए।

â€! (व्यवधान)

श्री लालू प्रसाद : वोटिंग के समय ईवीएम खराब हो गया और पांच घण्टे इसी में खत्म हो गए। इसलिए यह जरूरी है। यह हमारी मांग है, इसे पूरा कीजिए।...(व्यवधान) बायोमीट्रिक करवा रहे हैं। काहे का बायोमीट्रिक? इसको लाइए, ताकि लालटेन में लगे तो लालटेन में निकले, साइकिल पर न चढ़ जाए। यह करना होगा, ईवीएम हटाइए और मैनुअल लाइए।

MR. CHAIRMAN : Those hon. Members who want to lay their written speeches, they can do so.

श्री मुलायम सिंह यादव (मैनपुरी): सभापति महोदय, माननीय लालू जी ने जो सवाल उठाया है, यह बहुत महत्वपूर्ण है...(व्यवधान)

MR. CHAIRMAN: This will not go on record.

*(Interruptions) â€! **

MR. CHAIRMAN: Only the speech of Shri Mulayam Singh will go in the records, nothing else.

*(Interruptions) â€! **

श्री मुलायम सिंह यादव : सभापति महोदय, जहां तक बाबा की बात है, ये मंदिर में पूजा करें। ये मंदिर में पूजा कर रहे हैं और पुजारियों को भूमित करके वोट लेकर जीत कर आ रहे हैं। हम लोग कैसे जीत कर आते हैं, यह आपको पता है। आप धड़ाधड़ दोनों काम कर रहे हैं। ...(व्यवधान) आप मंदिर में जाइए।...(व्यवधान)

सभापति महोदय, मैं सिर्फ एक ही बात कहना चाहता हूँ कि यह जो कम्प्यूटर और मशीन का चुनाव हो रहा है, बटन दबाने को खत्म कीजिए। यह अनुभव है, अमेरिका में भी अनुभव किया गया, स्वीकार किया कि इससे बेईमानी हो सकती है, होती है और हो रही है। मंत्री जी और सदन के नेता से मैं कहना चाहता हूँ कि इसे बंद करवाइए और अपने हाथ से ठप्पा लगाने का जो पुराना सिस्टम था, वही चालू करना चाहिए। उसमें बेईमानी नहीं हो सकती है। बटन दबाने में बेईमानी होती है, कहीं बटन दबाइए, अगर उसमें जरा सी भी असावधानी हो जाए, हमारा एजेंट अगर टॉयलट में चला जाए, उस समय अगर बटन को दबा दिया, आप कहीं बटन दबाइए, मोहर कहीं लगेगी, जहां उसने फिट कर दिया है, यह साबित हो चुका है। अगर इसे इलैक्शन कमीशन नहीं मान रहा है तो आप यहां से इसे बदलिए, संसद सर्वोपरि है। मैं आपको बता रहा हूँ कि इसमें बेईमानी है, रात को प्रीजाइडिंग ऑफिसर और पोलिंग ऑफिसर को खरीद लो, उन्हें अच्छी तरह से फिट कर लीजिए और चाहे जहां दबाइए, वहीं बटन दबा देंगे।

सभापति महोदय, मैं आपके माध्यम से कहना चाहता हूँ कि आप खुद हस्तक्षेप करके निर्देश दीजिए।

ओश्री पन्ना लाल पुनिया (बाराबंकी): महोदय, मैं आभारी हूँ कि आपने मुझे "द रिप्रेजेंटेशन ऑफ द पीपल (अमेंडमेंट) बिल 2010 पर विचार प्रस्तुत करने का अवसर दिया।

बहुत समय से यह मांग थी कि हमारी हिन्दुस्तानी भाई विदेशों में रह रहे हैं, उन्हें चुनावों में मत का अधिकार दिया जाना चाहिए। इस संशोधन बिल के माध्यम से वितर अपेक्षित मांग की पूर्ती की जा रही है। विदेशों में रह रहे हमारे भाई-बहन हिन्दुस्तान से ज्यादा जुड़ाव महसूस करेंगे। मेरा प्रस्ताव है कि स्वागत योग्य इस संशोधन बिल को सर्वसम्मति से पास किया जाये।

*Speech was laid on the Table

ओडॉ. रजन सुशान्त (कांगड़ा): महोदय, मेरे लिम्नलिखित सुझाव लोक प्रतिनिधित्व (संशोधन) विधेयक 2010 में जोड़ दें।

1. मैं धारा 20 क (1) की उपधारा क,ख,ग का समर्थन करता हूँ।
2. धारा 20 क (2) व (3) का भी समर्थन करता हूँ।
3. धारा 22 के (क) व ख का भी समर्थन करता हूँ।
4. धारा 23 उपधारा (2) क व ख का भी समर्थन करता हूँ।
5. धारा 28 उपधारा (2) का भी समर्थन करता हूँ।

महोदय, इससे शिक्षा, व्यवसाय या अन्य किसी विशेष कारण से देश से बाहर गए देशवासियों को जो देश से बाहर रह गया हो, जसका नाम वोटर लिस्ट में न आ सका हो, उसे भी मतदान का प्रयोग करने की जो अनुमति दी जा रही है, वह प्रशंसनीय है। हम इसका समर्थन करते हैं।

* Speech was laid on the Table

*DR. RATNA DE (HOOGHLY) : This Bill has been brought before the august House to extend voting rights to those Indians who are living abroad. Now, this Bill would enable the Non-Resident Indians (NRIs) to participate in this whole process of democracy by participating in voting. They are given the voting rights. Till now, they have been deprived of this genuine rights and they were not eligible to vote in the democratic process of the country.

This Bill also provides the manner in which enrolment of NRIs has to take place, as to what is the mode of voting and the conditionalities for contesting election. With the passage of this Bill, NRIs can register their names in the electoral rolls in their constituency and vote in the elections. This would also help NRIs to elect a Government in their home country. This would give NRIs a sense of satisfaction that they are being made a part of elections and they play a part in the election of a Government.

There is no doubt, this Bill is welcome. This is a long overdue, as far as I am concerned. Thought Indians go out for employment or business purposes for a fairly long time, they cannot be termed as Indians, by any stretch of imagination. They are Indians. There cannot be any two opinions on this aspect. By bringing this Bill, the Government has certainly making the NRIs feel that they are Indians and they have every right to vote during the electoral process.

They are also given the rights through this Bill to contest elections. These are legitimate rights, which are their due, as NRIs. But there are certain conditionalities, about which I do not want to go into detail due to paucity of time.

Conferring of voting rights on NRIs has to be welcomed by all right thinking people. NRIs contribute to India in their own way. This cannot be denied. They go out for a temporary period and come back to their motherland and wanted to serve and live in their own country. This pattern should be lauded, so to say.

With these words, I conclude.

सभापति महोदय : गोरखनाथ पाण्डेय जी, आप बोलिए। शैलेन्द्र जी, आप अपनी स्पीच ले कर दीजिए, क्योंकि आपका नाम मैंने पुकारा था, लेकिन मुतायम सिंह जी खड़े हो गए।

वेई (व्यवधान)

श्री शैलेन्द्र कुमार (कौशांबी): आपकी बात का उन्होंने समर्थन किया... (व्यवधान)

सभापति महोदय: अब मैंने पाण्डेय जी का नाम ले लिया है।

श्री गोरखनाथ पाण्डेय (भदोही): सभापति महोदय, आपने मुझे लोक प्रतिनिधित्व संशोधन विधेयक, 2006 के समर्थन में बोलने का अवसर दिया, इसके लिए मैं आपका आभारी हूँ। माननीय मंत्री जी ने कहा कि 2005 में जब बिल आया था तो उस समय कुछ संशोधन के साथ उसे पेश किया गया। सन् 2006 में भी इस एक्ट में कुछ कमियाँ रहीं, जिसे फिर से संशोधित करके लाया गया। मैं माननीय मंत्री जी को धन्यवाद देना चाहूँगा। आपने जिन तीन बिन्दुओं के बारे में कहा, पहला, जिनका नाम मतदाता सूची में नहीं है, दूसरा जिन्होंने किसी देश की नागरिकता स्वीकार नहीं की है और तीसरा, जो अपने मूल स्थान से किसी नियोजन या शिक्षा के उद्देश्य से बाहर गए हैं, उन्हें भी यहाँ मतदान देने का अधिकार हो, ऐसे प्रावधान की इसमें व्यवस्था की गई है।

16.43 hrs.

(Madam Speaker in the Chair)

अध्यक्ष महोदया, इस संशोधन विधेयक में जो निर्णय लिया गया और जिन अनिवासी भारतीयों को मतदाता सूची में लाने तथा इस सूची में उनके नाम दर्ज करने के तरीके, मतदान के तरीके और चुनाव लड़ने के तौर-तरीकों का प्रावधान है। उसमें कहीं न कहीं कुछ शक की भी गुंजाइश जाती है।

अध्यक्ष महोदया, मैं आपके माध्यम से माननीय मंत्री जी का ध्यान इस तरफ आकृष्ट करना चाहूँगा कि इस देश से बाहर लगभग एक करोड़ से भी अधिक ऐसे भारतीय हैं, जो विदेशों में रह रहे हैं और जिनकी दूसरी एवं तीसरी पीढ़ी भी आ गई है। उन्हें अपना परिचय पत्र जमा करना और उसके लिए 175 डालर शुल्क का भी

प्रावधान किया गया है, जो कहीं न कहीं उनके लिए कठिनाई है। इसमें उदार दृष्टिकोण की आवश्यकता है।

अध्यक्ष महोदय, मैं आपके माध्यम से माननीय मंत्री जी का ध्यान इस तरफ भी आकृष्ट करना चाहूंगा कि ऐसे भी कुछ लोग हैं, शिक्षा ग्रहण करने के लिए सामान्य परिवार के लोग भी हैं।

जो लोग विदेशों में रहते हैं, लेकिन उनका बाकी परिवार इस देश में रहता है, उनका लगाव है और उनका आना-जाना है, वे भी चाहते हैं कि हम अपने देश के इलैवशन में, मताधिकार का प्रयोग कर सकें। दोहरी नागरिकता... (व्यवधान)

अध्यक्ष महोदय: गोरखनाथ पाण्डेय जी, अब आप समाप्त करिये।

श्री गोरखनाथ पाण्डेय : माननीय अध्यक्ष जी, इसमें वोटर लिस्ट एक होनी चाहिए, चाहे वह पंचायत का चुनाव हो, चाहे विधान सभा का चुनाव हो और चाहे लोक सभा का चुनाव हो।... (व्यवधान)

अध्यक्ष महोदय: अब स्थान ग्रहण कर लीजिए।

श्री गोरखनाथ पाण्डेय : जांच-पड़ताल के साथ-साथ वोटर लिस्ट एक होनी चाहिए।

मैं एक बिन्दु पर आपके माध्यम से सरकार का ध्यान आकर्षित करना चाहूंगा। अन्तिम बिन्दु-आपने धारा 22 का संशोधन, आपने मूल अधिनियम की धारा 22 के 'क' में कहा: "अध्ययन रहते हुए" शब्दों के पश्चात् "तथ्यों का ऐसी रीति में जो विहित की जाये, समुचित सत्यापन करने के पश्चात्" अन्तःस्थापित की जाये। इसमें गहन जांच की आवश्यकता है। इसका दुरुपयोग न हो, मिस्यूज न हो, इसके लिए यह आवश्यक है। ... (व्यवधान)

अध्यक्ष महोदय: अब आप स्थान ग्रहण कर लीजिए। गोरखनाथ पाण्डेय जी, अब समाप्त करिये। बोलने वालों की अभी बहुत लम्बी सूची है।

श्री गोरखनाथ पाण्डेय : मैं आपके माध्यम से मंत्री जी का धन्यवाद करना चाहूंगा। मैं इस बिल का समर्थन करता हूँ।

***SHRI K.C. VENUGOPAL (ALAPPUZHA):** Respected Sir, I support the Bill moved by the honourable Law Minister. This piece of legislation indeed fulfilled the long pending cherish of the Indian Citizens those who are residing abroad. We are surely proud of the Indian system of democracy which is delivering true spirit of democracy to the Indian Masses. NRI people who has been contributing a lot of strength to the Indian economy has not got an opportunity for participating the electoral process. Actually this is creating discrimination to themselves and it leads a feeling of disappointment for themselves.

As far as my state, state of Kerala is concerned; the state has been totally supported by the NRI especially in the socio, economic areas. They are contributing a huge amount of money to our state and central government, but they were neglected by the governments in several ways. Our Airlines are using their international flight sector especially to Middle East only with a business eye. On season time they are collecting unreasonable fare from NRIs.

The treatment given by our National Career to the NRI is pathetic. The delay and cancellation of the flight is the general phenomenon as far as Air India is concerned. Perhaps some of them have lost their job due to the cancellation of the flight.

I would like to urge upon the Government to take necessary steps for addressing this problem of Air Journey and also International economical crisis also create major problems to the NRIs who are working in the real estate as well as in the construction area.

Lot of people had lost their job and some of them have facing several problems due to salary cut. The Central and State Governments should come together and make a comprehensive rehabilitation package for the returnees, those who are badly affected due to recession.

At the outset, I would like to congratulate the UPA Government for bringing such a legislation which makes the real happiness to entire Indian passport holders. I am taking this opportunity to sincerely congratulate Prime Minister, Dr. Manmohan Singh Ji, UPA Chairperson Madam Sonia Gandhi and Mr. Vayalar Ravi, Honourable Union Minister of Overseas Indian Development for fulfilling their promise to the people. Madam, this is a historic moment in this era of Indian democracy and therefore I am also expressing my happiness for participating in this legislation.

***श्री अर्जुन राम मेघवाल (बीकानेर):** महोदय, लोक प्रतिनिधित्व (संशोधन) विधेयक, 2010 के संबंध में निम्नांकित सुझाव प्रस्तुत करना चाहता हूँ।

यह स्वागत योग्य कदम है। मैं राजस्थान का रहने वाला हूँ। मेरे राज्य से बहुत लोग मिडिल ईस्ट व यूरोप व संसार के अन्य भागों में पढ़ने व कामाने के लिए गये हुए

हैं, उनके वोट कई कारणों से कट जाते हैं, उनको अब रिलीफ मिलेगी। ऐसी संभावना है लेकिन विधेयक में पूरी कार्यवाही "सत्यापन" के पश्चात होगी। मेरा सुझाव है कि यह सत्यापन की कार्यवाही सरल प्रक्रिया के तहत होनी चाहिये अन्यथा जटिल प्रक्रिया में पड़ कर एन आर आई अपने आपको परेशानी में पा सकता है। अतः प्रक्रिया सत्यापन की सरल हो, ऐसी व्यवस्था सुनिश्चित हो।

सत्यापन की प्रक्रिया हेतु जिला निर्वाचन अधिकारी कार्यालय से पृथक से प्रकोष्ठ खोला जाये ताकि उनको वोट का अधिकार पाने के लिए टेबल टू टेबल नहीं जाना पड़े।

* Speech was laid on the Table

*SHRI S. SEMMALAI (SALEM): I welcome to introduction of the Bill, as it fulfilled the aspirations and long pending demand of NRIs. There are around 22 million NRIs living globally to whom the passage of the bill would be a happy news. The bill provides voting rights and enable the NRIs to have a participatory approach in the democratic process and also to have a say on who should be govern the country.

I welcome the bill on this concept. However, I have a strong reservation on granting voting right to all NRIs. There are two categories of NRIs. A section of NRIs who frequently visits India say once a year or once in two years. There are other NRIs who come back to India say once in five or seven years.

Are we going to treat them equally? Are we to treat both categories of NRIs alike and grant them equal rights of voting?

Hon'ble Minister must have to think over it. An NRI who makes a visit to India once a blue moon may not face the issues and problems that an ordinary Indian undergoes.

The suffering of Indian residents may not be known to him. He may not know the political situation, prevailing in our country. Should we allow such NRIs who are namesake Indian to have voting right to elect a Government. I think it is conceptually wrong and makes a mockery of democracy. Those NRIs who are frequenting to homeland, knows the perception of the country and have a feel of Indianness.

I am therefore, of the view that voting right may be granted only to such NRIs who are frequently visiting India.

All other non-serious NRIs need not be given voting right as they are not really interested in India and welfare of the country. They are money spinners only.

A mechanism may be evolved based on the entries in the passport of the NRIs to put my suggestion into action. While NRIs are permitted to vote, whether they are entitled to contest in the election. Hon'ble Minister was to clarify. Another issue in which I want to share my views is the method of casting vote.

I presume Indian missions abroad will be designated as polling stations for NRIs to exercise their franchise but I would like to record my strong objection for use of electronic voting machine for casting votes of NRIs.

All experts express doubt over EVM machines being tamper proof and also bring their own version of EVMs and show it can be tampered with.

Hence I suggest that a suitable technology free from error and manipulation should be evolved before allowing NRIs to actually cast their votes.

To avoid any controversy and to make election free from rigging. It is better as suggested by my revered leader Purthchithalaivi J. Jayalathia the election future may be conducted through ballot paper system.

Hon'ble Minister may kindly consider the views in this regard.

श्री अर्जुन राय (सीतामढ़ी): अध्यक्ष महोदया, मैं आपका धन्यवाद करता हूँ कि पीपुल्स रिप्रेजेंटेटिव्स एक्ट, 2010 पर आपने मुझे बोलने का मौका दिया।

माननीय मंत्री जी ने इन बातों की ओर इशारा किया कि:

"Notwithstanding anything contained in this Act, every citizen of India,--

- whose name is not included in the electoral roll;
- who has not acquired the citizenship of any other country; and
- who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise outside India."

इन बातों की ओर माननीय मंत्री जी ने इशारा किया। इन्हीं तीन विषयों पर ये संशोधन बिल लाये हैं। 2004 में इलैक्शन कमीशन ने भारत सरकार को अपने 22 सुझाव दिये कि यहां जो इलैक्टोरल रोल है, पीपुल्स रिप्रेजेंटेशन का जो सवाल है या इलैक्शन का जो सवाल है, इसमें सुधार के लिए...(व्यवधान)

अध्यक्ष महोदया: कृपया शान्त हो जाइये, सुनिये। कृपया शान्ति से सुनिये। हां, आप बोलिये।

श्री अर्जुन राय : इसके सुधार के लिए भारत सरकार के द्वारा नियम बनाना चाहिए। इस पर डिस्कशन तो पर्याप्त हुए, लेकिन इस पर भारत सरकार 2006 में जब राज्य सभा में बिल लाई तो वह बिल पर्याप्त नहीं था। उसको वापस करके फिर से सुधार करके अप्रवासी भारतीयों के लिए इन्होंने जो एक बिल लाया है, एट ए ग्लॉस इसमें बहुत सारी खामियां प्रतीत होती हैं। मैं बताना चाहता हूँ कि हम उस जगह से आते हैं, आप भी वहीं से हैं, जहां वैशाली के लिच्छवी में दुनिया में लोकतंत्र का जन्म हुआ। लोकतंत्र का मतलब वोटिंग राइट होता है, लेकिन इस देश में ऐसे लाखों लोग हैं, करोड़ों लोग हैं, जिनको आजाद भारत में 61-62 वर्ष की आजादी के बाद भी वोट देने का अधिकार नहीं मिला और वोटर लिस्ट में उनका नाम नहीं जुड़ा।

जो भारत के बाहर यहां के लगभग दो करोड़ लोग रहते हैं, जो अप्रवासी भारतीय हैं, जो भारत की वेषभूषा, यहां का रहन-सहन, भोजन...(व्यवधान)

अध्यक्ष महोदया : कृपया यह आपसी संवाद बन्द करिये। आपसी वार्तालाप बन्द करिये और सुनिये।

श्री अर्जुन राय : सारी कल्चर, सारी संस्कृति, सारा सोच-विचार उनका भारतीय है। वे अस्थाई रूप से रहने के लिए विदेश में गये, लेकिन 1950 का भारत सरकार का जो नियम है कि अगर कोई व्यक्ति अपने रेजिडेंस से 6 महीने से ज्यादा बाहर रहता है, दूसरे देश में चला जाता है तो उसका वोटर लिस्ट से नाम काट दिया जाता है। मैं बताना चाहता हूँ...(व्यवधान)

अध्यक्ष महोदया: अर्जुन राय जी, अब समाप्त करिये।

श्री अर्जुन राय : केवल विदेश में ही नहीं, हम ग्रामीण परिवेश के लोग हैं, मैं बताना चाहता हूँ कि इस देश में भी व्यक्ति पंजाब, हरियाणा, सूत, महाराष्ट्र में बिहार से काम करने के लिए आते हैं, उनका नाम भी वोटर लिस्ट से काट दिया जाता है। विदेश की बात तो दूर है, देश में रहने वाले व्यक्ति का नाम भी काट दिया जाता है। जिस गरीब व्यक्ति का छोटे से केस में नाम है, चुनाव के वक्त उसका नाम वोटर लिस्ट से काटकर उसे वोट से वंचित कर दिया जाता है। मैं आपको बताना चाहता हूँ कि जो बिल ये लाये हैं, उस बिल के प्रावधानों से अप्रवासी भारतीय वोट कैसे डालेंगे?...(व्यवधान)

अध्यक्ष महोदया: अब आप समाप्त कर दीजिए, बैठ जाइये। अब आप समाप्त करिए। अपना स्थान ग्रहण करिए।

श्री अर्जुन राय : प्रवासी भारतीय वोट कैसे डालेंगे? डाक से डालेंगे, ई-मेल से डालेंगे या आकर डालेंगे, इस पर इन्होंने कोई चर्चा नहीं की है। बिहार में एक घुमवकड़ वर्ग के लोग हैं, जो नट जाति के लोग हैं। उनका घर कहीं नहीं है और न ही उनका कहीं वोटर लिस्ट में नाम है। ...**(व्यवधान)**

अध्यक्ष महोदया : आप समाप्त करिए।

श्री अर्जुन राय : अध्यक्ष महोदया, हम आपके माध्यम से माननीय मंत्री जी से जानना चाहते हैं कि जो घुमवकड़ लोग हैं, जिनका कोई घर नहीं है, जो इस देश के वासी हैं, उनका नाम कैसे वोटर लिस्ट में जुड़ेगा?

इन्हीं बातों के साथ मैं अपनी बात समाप्त करता हूँ।

SHRI T.K.S. ELANGO VAN (CHENNAI NORTH): Madam Speaker, at the outset, I welcome this amendment but I have one or two points of clarification which I would like to ask from the hon. Minister.

श्री गणेश सिंह (सतना): अध्यक्ष महोदया, मेरा व्यवस्था का प्रश्न है। माननीय सदस्य अपनी सीट पर नहीं हैं।

MADAM SPEAKER: Is this your seat?

SHRI T.K.S. ELANGO VAN : Yes, Madam.

MADAM SPEAKER: Then, what is your problem? Mr. Elangovan, please continue.

SHRI T.K.S. ELANGO VAN : Madam, under Section 2, amendment 20A (1) says:

"Notwithstanding anything contained in this Act, every citizen of India,-
(a) whose name is not included in the electoral roll;
(b) who has not acquired the citizenship of any other country; &€!"

Now when we are providing dual citizenship to the Indian origin people, I would like to know whether he is eligible to enroll his name in the voters' list of India. It is because he has already acquired the citizenship of some other country.

Secondly, hitherto the rule says that a person who is not ordinarily a resident of an area can register his vote. Now that this amendment removes the words 'ordinarily resident' so an Indian who is not ordinarily a resident of a specific area when his name is registered in the voters' list of that area, when he shifts his residence to some other place, whether the Electoral Registration Officer has the powers to delete his name on his own. That is my question. There are Electoral Registration rules and under these rules before deleting the name, the Electoral Registration Officer has certain steps to follow. He has to put the names on the display board for the person to verify. But many times the names are deleted without the knowledge of the voter himself. So, the Government should have some punitive measures and fix the responsibility on the Electoral Registration Officers so that the names are not deleted in an inappropriate manner.

With these words, I support the amendment.

***SHRI NAVEEN JINDAL :** This Bill fulfills a long felt demand of the people of India who have migrated to other countries but have their faith and loyalty to their motherland and want to ensure that they are also an equal partner in the process of electing the Government for the country.

The Government should now find out ways to ensure that not only these people are registered as voters but are also able to cast their votes through Internet, Proxy or Postal Ballot or any other convenient mode of voting in case they are not physically present at the place of voting where their names would be registered at the place of voting.

I am also grateful to the Hon. Prime Minister for having fulfilled his promise given in the last NRI's Conference. Having said that I would like to invite the attention of this August House through you to an equally important issue. This is regarding providing voting rights to the migratory population within the country who are not able to be present at the place of voting on the voting day where their name is registered.

It is a matter of deep concern that relates to upholding the voting rights of all citizens in India. Our democracy is based on the basic framework of ensuring the right to vote of all citizens who are eligible to vote. But in practice, the enforcement of this right is significantly undermined by the existing legal and regulatory regime.

The fact of the matter is that a significant number of our citizens are not able to exercise their right to vote. For instance,

there are no provisions in the Indian Law to enable millions of migrant workers, students studying at a place other than where their names are registered, traveling business professionals, senior or unwell citizens who may not be able to travel to the polling booth to exercise their right to vote in any alternative manner.

The right to vote under the Indian law flows from both the Constitution of India and the Representation of the People Act of 1950 and 1951 as amended from time to time and the Rules framed there-under. A citizen of India, who has completed 18 years of age, has a right to be registered as a voter in a constituency irrespective of his or her race, religion, caste or sex. Given the democratic aspirations of the citizens of India and India's global standing as the world's largest and one of the most vibrant democracies, there is a case for providing a stronger constitutional foundation for strengthening the right to vote.

The best practices that prevail in different parts of the world demonstrate that governments need to make substantial efforts to ensure greater participation of their citizenry in the electoral process. A number of developed countries implement various forms of absentee voting such as internet voting (Switzerland, US, France, etc.), Proxy Voting (Netherlands) and postal voting, which has emerged as the most popular form of absentee voting. People in countries such as the US, UK, Switzerland, Australia and some other countries have benefited by implementing postal voting measures with a view to providing greater access to the people towards exercising their right to vote. India does implement a limited form of postal voting, but the regulation covers very few people to create a meaningful impact towards making the electoral process more inclusive. For instance, the conduct of Election Rules 1961 in section 18 (a) provides for a list of persons entitled to vote by post in a parliamentary or assembly constituency; special voters (e.g. the President of India, Vice-President of India, Governors etc); service voters (e.g. armed forces, member of a force to which the Army Act applies, etc.); voters on election duty (e.g. Polling agent, pooling officer etc.); and electors subjected to preventive detention. This provision provides for the right to vote for certain specified categories of persons in India, but still leaves out a large number of people who have difficulties in exercising their legitimate right provided for enabling: "Any persons belonging to a class of persons notified by the Election Commission in consultation with the Government to give this vote by postal ballot" While this provision provides scope for the recognition of a "class of persons" to be entitled to exercise their right to vote by way of postal ballot, it has been used in the past for a limited number of cases concerning migrants from Jammu and Kashmir, and Bru and Reang tribal migrants from Mizoram and Tripura, For allowing this provision of a new "class of persons" can be identified by the Election Commissioner of India in consultation with the Government of India with a view to granting the right to vote by postal ballot for a larger group of persons.

A large number of Indian citizens, for a variety of reasons including travel, illness, disability and personal difficulties including education, employment and other innumerable reasons may not be able to physically be present on the day of the elections in the constituencies where their vote is registered. In the true spirit of Indian democracy, it is imperative that we make efforts to expand the postal ballot system to include all Indian citizens to exercise their right to vote by post. The purpose of this effort to make the electoral process in India far more inclusive and far less cumbersome, so that each and every Indian is able to exercise not only the right to vote, but also have the opportunity to vote.

In the end, I am trying to seek the facility of exercising legitimate voting right by an individual, who for reasons stated earlier by me is not able to present himself at the place of voting on the date polling is held. If the person concerned is able to produce satisfactory evidence to convince the poll conducting machinery of his reasons of absence from the place of voting, then the poll officials should facilitate his exercising of right of poll either through postal ballot or by an authorized proxy or in any other manner considered convenient and desirable by them. I appreciate the efforts of the Chief Election Commissioner and the official machinery under him in providing voting facility to persons residing in remote areas, high altitudes and the like. On the same analogy this facility may be extended to the category of the people which I have just mentioned.

I request you to kindly consider seeking law reforms and policy changes for upholding the right to vote of all Indian citizens as suggested by me above.

With these few words, I again compliment the Hon. Minister of Law.

SHRI P. KARUNAKARAN (KASARGOD): Madam, I am really happy and I congratulate the hon. Minister for bringing this legislation in this august House. Though it was not scheduled for today, but he has taken special efforts.

This has been a matter which is being discussed for a long time. We were rejecting their right to vote. But there is no reason for rejecting their right. As far as the present law is concerned, a person who resides in his house or in his locality, his name can be included in the voter list. If he is out of the country either for employment or for education, his name is not

included. There are lakhs of people who work abroad but they have families and properties here. They are paying taxes also. But the Government says that they have no voting rights. So, the stand which was taken earlier has no validity at all. The Government has realized the fact that this has to be admitted. So, I fully agree with this law.

Madam, I would speak strictly on the provisions of the Bill and not on other political issues, as has been mentioned by some others here, which has no relevance to the Bill at all.

As I understand, there could be some problems in the implementation of some of the provisions of this Bill because there are millions of people who work outside the country. Elections may take place in India or in the State of Kerala on a stipulated date and these people may not be able to come and exercise their voting rights because they may not get permission to come either from their owners or from their employers. That is one of the difficulties. I do not want to take much time of the House. While I appreciate the provisions of the Bill, I would like to point out some of the problems being faced by the NRI people.

The functions of the Embassy in various countries have to be strengthened. What we feel is that there is insufficient staff especially in the embassies of the Gulf countries. There are about 25 million NRIs and out of that 32 lakhs are from the State of Kerala alone. They have not gone there for pleasure trips, or for honeymoon trips or for any other purposes. They have gone there for reasons of getting employment in order to provide some assistance to their families which also in turn provides assistance to the nation. Last year, a sum of Rs. 24,000 crore came by way of foreign earnings from the Gulf countries alone. In the year preceding last year a sum of Rs. 32,000 crore came by way of foreign earnings. But, what have we done for these people? That is really the question. In the last three Budgets we have not made any rehabilitation scheme for these people, particularly insofar as the people from the State of Kerala are concerned. During the time of global recession they contributed by way of foreign exchange a sum of Rs. 80,000 crore. We are, in some form or other, getting crores and crores of rupees because of their working outside the country, but we are not able to give anything to them. So, I would like to request the Government to make some provisions for the people of Kerala. The State has made some provisions like providing for pension schemes and some other welfare measures. But it is not possible to make such provisions by the State alone. There are lakhs of people from States like Kerala, Tamil Nadu, Karnataka and some other States who are working outside the country. So, my first demand is that the Government should make a special scheme for them and also the functioning of the embassies should be strengthened.

Madam, the most important issue is about the sponsors and the agents who are working in India. They are really the persons who are recruiting people. There are both kinds of people, good and bad, engaged in this. When some of these sponsors and agents recruit people, they promise them better wages, better employment wages etc. But what we see in reality is that they cheat even the poor people and those people after having gone there have no money even to come back to their native country. So, the Government should take measures with regard to the proper scrutiny of the sponsors and the agents. At the same time they should not be blamed because they are doing a good job. I fully appreciate that and I also welcome this legislation.

***श्री स्तन सिंह (भरतपुर):** महोदय, माननीय विधि मंत्री महोदय लोक प्रतिनिधित्व अधिनियम 1950 में संशोधन करने वाले बिल को संसद में स्वीकृति हेतु लाये हैं। मैं इसका पुरजोर समर्थन करता हूँ। इस बिल के माध्यम से भारतीय नागरिक जो किसी भी कार्य से विदेशों में गये हुए हैं, उनको मतदान करने का अधिकार मिलेगा, जो कि उनका मौलिक अधिकार है एवं भारत के निर्माण में सक्रिय तौर पर मतदान द्वारा उनका सहयोग मिल सकेगा।

सादन निवदेन हे कि सरकार द्वारा निर्धारित प्रक्रिया के तहत ऐसे सभी प्रवासी भारतीयों के पहचान पत्र निर्धारित समय में बनवाये जायें एवं उन्हें चुनाव प्रक्रिया में भाग लेने के लिए नियमानुसार अधिकृत किया जाये।

SHRI B. MAHTAB (CUTTACK): Madam, Speaker, thank you very much for giving me this opportunity. As has been stated by the hon. Minister that India has the second largest overseas community which is estimated at 25 million people spanning over 189 countries around the world. The remittances, as was mentioned by my predecessor speaker, received from overseas community have increased by seven to eight per cent to the tune of US dollar 46.9 billion during the year 2008-09.

Madam, I would deal with four issues, which I think, the hon. Minister can explain. The four issues which arise from this Bill are, firstly, the mode of voting. How they would come to vote? It has been restricted in this Bill saying that the person who carries a passport has to be registered in the place from where the passport has been issued. The residence is notified there. He will be entitled in the voters' list and he will come to cast his vote in that polling booth. Only a patriotic Indian can demonstrate their patriotism but that patriotism will cost them dearly. It has been mentioned in other countries. Several countries facilitate exercise of franchise through postal ballot as it is in countries like the United States, Spain, Italy, Portugal, Canada and in the United Kingdom.

17.00 hrs.

It may be in Embassies and Consulates of Poland, Lithuania Ukraine, Columbia, Venezuela, Peru, France, Russia, Sweden, Philippines, Japan, Dominican Republic and Spain. They can also cast their vote through Internet as it is being done in France. We are not going into this aspect. We are asking NRIs to come down to our country, to go to their polling booth and cast their vote. It becomes very costly. This is one point.

The other point which I would like to mention here is about contesting in an election. As far as common knowledge demonstrates, the one who is enrolled in the voters list is eligible to contest. Who is eligible to be enrolled in the voting list? A person who is above the age of 18 years. Who can contest for Parliament and the Assembly seat? A person who is 25 years of age. A person who is 35 years of age can contest for President and Vice-President of India. To contest for Rajya Sabha, one should be of 30 years of age. But here, once a person is enrolled in the voters' list, can he contest? The Bill is silent on this point. I would like to get an answer from the Minister on this point.

Another great aspect in this Bill is, we are maintaining a double standard. We have not discussed this aspect. I do not know whether it has been discussed in the other House or not. Do the persons who are serving outside, who are sending money to our country, which is no doubt a great thing, pay tax? A person who is a voter in this country pays tax. And here, a provision is being made, it may come up later on, on this Bill. We may witness that problem later on, that is, a person who is not paying tax is becoming eligible to contest, to cast his vote and to form a Government for which he is not paying any tax in this country. This needs to be explained.

Lastly, I would like to mention about deletion from the electoral roll. That is a great problem and it deals with the Election Commission and there is no doubt about it. But it needs to be addressed. We have seen the manner in which deletion of names are happening. We are contesting elections for many years. We have seen how names have been deleted randomly and arbitrarily. This needs to be addressed. In this respect, a lot of provisions have been made in this Bill but it has all been mentioned as 'as may be prescribed'. It means that rules will regulate it.

With these words, I would like that the Minister may tell us on certain points. We have Non-Resident Indians. We have Persons of Indian Origin and we have Overseas Citizens of India. For Overseas Citizens of India, there is an amendment of 2003 and 2005 which clearly state that they cannot contest to become MPs, judge, MLAs or hold higher offices.

I would conclude by saying that this Bill accommodates the concern and specifies the deletion from electoral rolls. It can happen after proper verification of facts in such a manner as may be prescribed. But the Bill is not clear with regard to the rights of permanent residents of other countries. It does not deal with citizens. It deals with permanent residents of other countries. Is an Indian citizen who holds permanent resident status or a green card in the US eligible to come here and vote? This needs to be clarified.

With these words, I conclude.

MADAM SPEAKER: I request Dr. Sanjeev Naik, Shri E.T. Mohammed Basheer, Shri Prasant Kumar Majumdar and Shri Anto Antony to lay their speeches on the Table of the House. The hon. Minister may reply now.

...(Interruptions)

*SHRI ANTO ANTONY : First of all, I appreciate the Government in its decision to grant voting rights to the non-resident Indians (NRIs). Amendment of the People's Representation Act 1950 in this regard will be a great relief for the crores of NRIs who are contributing a lot for the development of the country.

I represent a State and a Constituency where the contribution of the NRIs is one of the major sources of income. According to a study conducted in 2006 there exists at least one bread-winner abroad in 15.8% families in Kerala.

In this modern era, 'right to vote' is considered as one of the fundamental rights of a citizen. In view of this fact, many countries have granted voting rights to their overseas citizens. Developments in the field of technology have made it possible to overseas citizens to cast franchise in the electoral process of their mother country. Having understood the developments across the world, our Government is also going to introduce voting rights to our overseas citizens.

On this occasion I have some humble suggestions before the Government. Section 19 of our People's Representation Act says that citizen to avail voting rights should be an ordinary resident in his/her constituency. However, Section 20 of the Act negates voting rights to NRIs on the ground that they are not the ordinary residents in any of the constituencies in India.

However, Section 20 stipulates that voting rights shall not be denied to a person, who temporarily vacates his residence; a patient, who undergoes treatment in mental asylum; or prisoners who are undergoing imprisonment. This Section, in fact, emphasizes the truth that an NRI shall not even be treated at par with a prisoner. This is against all canons of political propriety and democratic principles, for they are denied the basic right to participate in the democratic process of the nation. therefore, I request the Government to amend Section 19 and 20 of the People's Representation Act, so that the NRIs will be registered in to the voters list and able to cast their votes.

Granting of voting right to the NRIs will be justified only if the Government can make necessary arrangements that allow them to cast their vote in their host countries. Otherwise, a large number of NRIs will not be able to register their votes. This condition is none other than negating their right to vote. Many countries are allowing their nationals working in abroad to exercise adult franchise through embassies. India can also follow this method by making necessary arrangements in our High Commissions. Therefore, I request the Government to include provision to ensure that NRIs can register their votes in our missions abroad.

Moreover, I also request the Government to include provisions to identify the Constituency of the NRIs as per the address mentioned in their passports.

Once again I appreciate the intention of the Government for the noble cause of the NRIs and also request to kindly consider my suggestions regarding the implementation of the voting rights to the NRIs

*श्री ए.टी. नाना पाटील (जलगांव): महोदय, सरकार द्वारा इंडियन मेडिकल काउंसिल सेंटर बिल 2010 पेश किया गया है। इसमें युनानी और सोपा रिगवा उपचार पद्धतियों को रिकग्नाईज करने का उपबंध किया गया है। आज देश में स्वास्थ्य सुविधा की भारी कमी है और स्वास्थ्य सुविधा आम आदमी के लिए कठिन और असाध्य हो रही है। हमारे यहां एलोपैथिक उपचार पद्धतियों के द्वारा अधिकतर उपचार किया जा रहा है। इसमें काफी संशोधन भी हो रहा है। इससे नई नई उपचार पद्धतियां भी आ रही हैं। हमारे यहां जीवन पद्धतियों में आ रहे बदलावों के कारण भी आज कैंसर, हृदय रोग, मधुमेह जैसे बड़े रोग हो रहे हैं, इसका सार्वजनिक फैलाव भी हो रहा है। ऐसे रोगों के लिए एलोपैथिक औषधियों के द्वारा उपचार सही हो सकता है लेकिन हमारी जो पारंपरिक औषधियां हैं, उसके द्वारा रोगों को समूल नष्ट करने का कार्य होता है। सदियों से पारंपरिक पद्धति से यह उपचार पूर्णाली आज की ग्रामीण, जनजातीय क्षेत्र में दिखाई देती है। अगर हमने हमारी उपचार पद्धतियों पर जोर दिया होता तो आज हमें एलोपैथिक पूर्णाली पर निर्भर रहने की आवश्यकता नहीं होती। दूसरी बात है कि सरकार ने एलोपैथिक औषधियों की तरह हमारी पारंपरिक औषधियों के लिए आवश्यक संशोधन और इसकी वैज्ञानिक उपयोगिता के बारे में कभी कोशिश नहीं की है इसलिए हमारी आयुर्वेदिक, यूनानी तथा अन्य उपचार पद्धतियां आज उपेक्षित हो रही हैं। सरकार ने हाल ही में आयुष विभाग के द्वारा जिला स्तर के रूग्णालयों में आयुष उपचार के माध्यम से आयुर्वेद के उपचार की सुविधा उपलब्ध कराई है। इसे लोगों का अच्छा प्रतिसाद मिल रहा है। लेकिन हमें अपनी उपचार पद्धतियों को विश्व स्तर पर मान्यता प्राप्त कराने के लिए इसके उपचार पद्धति की विशेषता और उपयोगिता साबित करनी होगी। साथ में इसके वैज्ञानिक कसौटी पर भी हमें आगे बढ़ना होगा। आज हमारी उपेक्षा के कारण कडूनीम, हल्दी आदि उपयोगी वनस्पती औषधियों के पेटेंट विदेश स्थित कंपनियों द्वारा प्राप्त किये जा रहे हैं। इसका हमें ध्यान रखना होगा। सरकार ने पारंपरिक उपचार पद्धतियों के लिए एक अच्छा कदम उठाया है, मैं इसका समर्थन कर, अपना भाषण समाप्त करता हूँ।

*SHRI MOHAMMED E.T. BASHEER : This is a golden moment in the history of Indian democracy.

All Indians can be proud of the greatness of our democracy. It goes without saying that in the democracy, power is held by the citizens under a free electoral system. In a democracy people from all walks of life can ultimately decide the things and have opportunity to participate on the process of governance. Thereby they can mark their presence in the society. I am quite happy to note that this government is dedicated to make our democracy meaningful. While passing this kind of legislations, glorious memories of the great leaders like pundit Jawaharlal Nehru who guided us through the initial stage of parliamentary democratic process inspire us more on our duties and responsibilities.

Shri Manmohan Singh, who is in that chair now, declared in the Pravasi Bharatiya Diwas at Delhi "I recognize the legitimate demand of Indians living abroad to excise the franchise and have a say in who governs India."

Yes, the legitimate rights of NRIs have been recognized by him with the blessing of Smt. Sonia Gandhi. Shri Veerappamoiy, while piloting this bill, in the Rajya Sabha yesterday, expressed his gratification in bringing out such an Amendment and Hon'ble Minister for NRIs, Shri Vayalar Ravi, has expressed his gratitude to all the concerned for bringing out these amendments to the Representation of Peoples Act.

After this bill is passed, NRIs who are physically present in India, at the time of elections, can cast their votes. This bill is a fine-tuned version of Amendment proposed in 2006 in the light of the Standing Committee recommendations.

I wish to add that this is a much awaited legislation. Many years have lapse in fulfilling this cherished dream.

We all must realize a fact that NRIs are to be treated with all the facilities that we are enjoying in this main land. A country would be thankless if they forget those citizens who are not physically present here. There are around 25 million NRIs around the world. They all will be quite happy to hear this news. While congratulating the Government, may I submit that, all the Indians living abroad should be able to vote from there itself. In this era of digital technological advancement, this should not be a problem. Countries like US, Spain, Italy, Portugal, Canada, UK, Poland, Lithuania, Ukraine, Columbia, Venezuela, Peru, France Russia, Sweden, Philippines and Japan have already implemented this either through internet voting or through embassies.

I appeal the Government to think in a wider angle and try to make a situation through which all the NRIs can vote from any part of the world.

I once again express my heartfelt congratulations and conclude saying that this is another feather on the cap of UPA.

***श्री जगदम्बिका पाल (डुमरियागंज):** पिछले कई वर्षों से लगातार मांग उठ रही थी कि जो भारतीय विदेश चले गए हैं, वे यहां की चुनाव प्रणाली में हिस्सेदारी चाहते थे, लेकिन उन्हें अभी तक यह अवसर नहीं मिल रहा था, जबकि भारतीय विदेशों में शिक्षा, व्यापार अथवा अन्य कारणों से गये हैं और उनका नाम भारत की निर्वाचक नामावली में सम्मिलित नहीं है तथ उन लोगों ने किसी अन्य देश की नागरिकता अर्जित नहीं की है। जो किन्हीं कारणों से भारत से अनुपस्थित रहा हो, जो भारत से, अपने मामूली निवास स्थान से नियोजन, शिक्षा या अन्यथा भारत से बाहर हैं, उन्हें भी इस संशोधन से वोट देने का अधिकार प्राप्त होगा। भविष्य में प्रवासी भारतीयों के लिए अपने भारत में वोटिंग राइट मिलने जा रहा है। नःसन्देह यह संशोधन भारत के लोक प्रतिनिधित्व के विधेयक में एक पुरानी एवं प्रतीक्षित मांग पूरी हुई है। भविष्य में ऐसे निर्वाचन क्षेत्र की, जिसमें भारत में उसका ऐसा निवास, जो उसके पासपोर्ट में उल्लिखित है, अवस्थित है, वह निर्वाचक नामावली में अपना नाम रजिस्ट्रीकृत कराने का हकदार होगा। इस धारा के अधीन रजिस्ट्रीकृत प्रत्येक व्यक्ति को, यदि वह अपने मताधिकार का प्रयोग करने के लिए अन्यथा पात्र है, तो उसे उस निर्वाचन क्षेत्र में होने वाले किसी निर्वाचन में मतदान करने की अनुज्ञा दी जाएगी। विधेयक की धारा 28 का संशोधन, उसकी उपधारा (2) में खंड (ग) के पश्चात् निम्नलिखित खंड अन्तः स्थापित किए जाएंगे। धारा 28 के उपधारा (2) में धारा (ग), धारा 22 के अधीन निर्वाचक नामावलियों में किसी प्रविष्टि का संशोधन करने , उसे अन्यत् रखने या निकालने के लिए तथ्यों के समुचित सत्यापन की प्रकिया होगी। इसी तरह (गग) धारा 23 की उपधारा (2) के अधीन निर्वाचक नामावलियों में नामों को सम्मिलित करने या काटने के लिए तथ्यों के समुचित सत्यापन की प्रकिया अपनाई जाएगी। विश्व के 189 देशों में 35 लाख विदेशों में प्रवासी भारतीय हैं। इस विधेयक में चार महत्वपूर्ण मुद्दे संशोधन से जुड़े हैं। ऐसी संशोधन भारतीयों के लिए जो उनके मन में देश भक्ति है, उसे वोट का अधिकार देने से उनके मन की इच्छा पूरी होगी इस संशोधन से प्रवासी भारतीय एक तो इस मुल्क में जहां से उसके पासपोर्ट में एड्रेस है, वहां से वोट देने का अधिकार है, वहीं दूसरी तरफ भारत आने का और अपने मातृभूमि से लगाव भी प्रदर्शित करने का अवसर भी सुलभ होगा। आज भी लोक प्रतिनिधित्व के निर्वाचक नियमावली के सूचियों में व्यावहारिक रूप से काफी त्रुटि मिलती है। कभी-कभी वोटर लिस्ट से वास्तविक मतदाताओं के नाम भी काट दिए जाते हैं। मैं आभारी रहूंगा

यदि माननीय मंत्री जी भविष्य के लिए शत प्रतिशत वोटर कार्ड तथा सत्यापित वोटर लिस्ट को भी दुरुस्त करने की कार्यवाही सुनिश्चित करें। भविष्य में इंटरनेट से वोट देने की व्यवस्था पर सरकार को विचार करना चाहिए।

मैं इसी के साथ माननीय मंत्री जी द्वारा प्रस्तुत लोक प्रतिनिधित्व संशोधन विधेयक का समर्थन करता हूँ।

[*SHRI S.S. RAMASUBBU \(TIRUNELVELI\)](#): I support this Bill.

The main aim of the Bill is to allow the NRI to cast their vote in India where there is an election in their respected area. It is their legitimate right to vote if they are having their name in the voter list.

Our beloved leader Rajeev Gandhi during his regime provided the opportunity to the youngsters who were in the age of 18 could also cast their vote. He brought such a historical amendment that the voters age was reduced from 21 to 18.

Now the amendment bill gives opportunity for more than 22 million NRI, who are living in various centres for the purpose of job and education.

The Bill should clarify whether they can cast their votes directly in India or they can vote in countries in which they are occupying.

The Government should be aware that the foreign element should not take the advantage in defeating genuine people internally.

There should not be any double entry if they are having dual citizenship.

Anyhow it is a welcome decision to give the right through this bill to get the voting chance.

[*DR. SANJEEV GANESH NAIK \(THANE\)](#): I want to raise only three issues.

(i) The person who is staying outside the country will be allowed to be a prospective candidate for contesting any election like local body and assembly election and general election.

(ii) How would that person cast his vote from the country where he is staying and what is the mechanism to cast the vote.

(iii) How the person will enroll his name in the voter list by which form and how he will get the form (1) by internet (2) by post.

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Madam Speaker, I am highly grateful for the overwhelming support expressed by the hon. Members for this Bill.

Insofar as the provisions which have come before this House in the form of an amendment conferring voting rights to the NRIs, I think, it is undisputed. None of them has disputed any of these provisions. But certain additional information has been sought. I will make an attempt to answer some of them.

Coming to internet voting, we have not introduced that in India. When necessary, when technical feasibility and infrastructure is made available in this country, we may then go to that extent of exercising vote through the internet.

Another question which I would like to answer here is about the option of registering in any constituency. If the option of registering in any constituency is allowed, there may be a danger of multiple registration. We have to find out another solution to resolve this kind of a problem. National Register is a different matter altogether, not related to voting. So, I do not want to deal with it further.

Another question was with regard to the credibility of EVMs. As far as the EVMs are concerned, this issue has been examined a number of times. A Technical Expert Committee headed by Prof. P.V. Indiresan, who was the former Director of IIT, Chennai, totally examined it and then gave a finding that it is tamper proof. Of course, allegations have been made against the EVMs. But till today, nobody is able to disprove this. Of course, this is a matter which is agitating the minds of hon. Members of the House. A number of times it has been replied to and ultimately this is the finding as on today.

श्री लालू प्रसाद (सारण): अच्छी वाली मशीन लाकर आपको दिखा दिया और जो मैनीपुलेशन होती है, उसके बारे में नहीं बोल रहे हैं।...*(व्यवधान)*

अध्यक्ष महोदय : लालू प्रसाद जी, आप बैठ जाइए। मंत्री जी को बोलने दीजिए।

श्री लालू प्रसाद : अच्छी वाली मशीन आपको दिखा दी और जो मैनीपुलेशन करते हैं, वह नहीं दिखाया।...*(व्यवधान)*

अध्यक्ष महोदय : आप बैठ जाइए।

श्री लालू प्रसाद : इसमें गड़बड़ है।...*(व्यवधान)*

अध्यक्ष महोदय : आप बैठ जाइए। मंत्री जी को बोलने दीजिए।

SHRI M. VEERAPPA MOILY: It is mentioned by the hon. Members that Election Commission has made 24 proposals for a comprehensive amendment to the election laws. In fact, they have made 22 proposals. Out of these 22 proposals, we have already implemented six proposals through the Representation of People (Amendment) Act of 2009. This very House has passed it.

Insofar as other proposals are concerned, they are before the Departmentally Related Standing Committee. As and when it gives the Report, we will definitely come forth with the amendment. ...*(Interruptions)*

MADAM SPEAKER: Hon. Minister, you can address the Chair.

SHRI M. VEERAPPA MOILY: It is an ideal situation where we have ID cards for everyone. We are making all-round efforts to ensure that every voter will have an ID card. We will make all those efforts. Of course, attempts have been made before too. But till today that could not be done.

I would like to mention that our Ministry is making all-round efforts to have comprehensive electoral reforms. Maybe within two or three months' time we will be holding two-day national consultation and all those proposals which are coming would be examined. If necessary, we will definitely come forward to this House for a comprehensive amendment of electoral reforms.

With these words, I conclude. I commend the Bill for consideration.

MADAM SPEAKER: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Rajya Sabha, be taken into consideration."

The motion was adopted.

MADAM SPEAKER: Now the House will take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI M. VEERAPPA MOILY: I beg to move:

"That the Bill be passed."

MADAM SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.
