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Title: Discussion on the motion for consideration of the Election Laws (Amendment) Bill, 2016 (Discussion concluded and Bill Passed).

HON. DEPUTY SPEAKER: Now we are taking up Item 12: The Election Laws (Amendment) Bill, 2016. Hon. Minister.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950 and the Delimitation Act, 2002, be taken into consideration."

Deputy Speaker, Sir, in the last Session, The Constitution (One Hundredth Amendment) Bill was passed and it was wholeheartedly appreciated by each and everyone. The spirit and intent of that Bill was very clear and it was appreciated by all, cutting across the party lines, keeping in view of the larger interest of promoting peace and harmony in the neighbourhood.

Consequent to that enactment of the Act in 2015, all the 14,864 persons, living in 51 erstwhile Bangladesh enclaves, amalgamated to the Indian Territory opted to acquire Indian citizenship. Similarly, 987 persons out of 39,176 living in 111 Indian enclaves transferred to Bangladesh opted to retain Indian citizenship and settle in Cooch Behar District of West Bengal.

The urgency of this Bill is that the Assembly Election in West Bengal will be held by the end of May. So, before that delimitation has to be done and the persons, who have opted for the citizenship of India, should be given the voting rights. With a view to providing voting rights to those opted to acquire Indian citizenship, they have to be enrolled into the electoral roll of the respective Assembly and Parliamentary constituencies in order to facilitate updation of the said electoral rolls. The proposed Bill seeks to amend Section 11 of the Delimitation Act 2002 and Section 9 of the Representation of the People Act empowering the Election Commission to carry out the limited delimitation of the affected constituencies. Six Assembly constituencies and two Parliamentary constituencies, wherein 51 enclaves have been amalgamated, need to be brought under the Delimitation Act. That is why I am proposing this Bill.

I certainly hope that without any opposition everybody will pass this Bill because it is our duty to give them voting right as per the Constitutional provisions. Therefore, I commend this Bill for the consideration of this House.

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950 and the Delimitation Act, 2002, be taken into consideration."

The hon. Minister has requested the members who are going to participate in this debate may be very brief.

Shri Adhir Ranjan Chowdhury.

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): As a consequence of this historic pact between India and Bangladesh, it was an imperative need for this Government to make these kinds of amendments in order to facilitate the voting rights of those enclave people. The Election Commission has also requested this Government to amend Section 11 of the Delimitation Act of 2002 and Section 9 of the Representation of the People Act 1950 to enable it to carry out limited delimitation of constituencies in the affected areas as the election is imminent. Already, under this historic pact, 51 Bangladeshi enclaves in Indian Territory and 111 Indian enclaves in Bangladesh Territory were exchanged with effect from 31<sup>st</sup> July, 2015. Actually, this pact altered the geography and demography of the District of Cooch Behar in the Northern part of West Bengal. Already four Assembly segments will be delimited in pursuance of the Act. But I would like to draw the attention of the hon. Law Minister that 14,000 of 51 former Bangladeshi enclaves in India and another 979 from former Indian enclaves in the neighbouring country became Indian citizens in August last year but they are yet to be recognized as voters. The areas that will suppose to be delimited are Mekhligunj, Dinahata, Shitai and Mathabhanga. As it is still an annexed area in the administrative parlance, therefore, the voting rights could not be exercised by those affected people. That is why this amendment needs to be introduced.

Our hon. Law Minister is well aware that probably the Elections will be held before the month of May. Already, the Election Commission has started the electoral process. The time is too short. I would like to know whether it will be possible for the administration to organize this kind of exercise so as to ensure the eligible voters to vote in this impending election. Otherwise, the historic fact which was aimed of not only exchanges of enclaves but also ensure the eligible voters to vote would be diluted. That is why, the hon. Law Minister should be careful and also should have an elaborate arrangement so that those voters could exercise their franchise in the impending election.

Sir, I have personally visited those areas. Some people, especially 979 people, who were earlier the enclavers of the Bangladeshi area, opted for staying in India. सर, हैसानी की बात यह है कि इन लोगों के लिए न खाने, न रहने और न ही सोने का कोई खास इंतजाम किया गया है, ये टीन के शेड में रहते हैं। Under tin shed they are living and leading a miserable life. Believe me, the hon. Law Minister, they were virtually sobbing in front of me and they expected a good deal from the Indian Government but they have been disappointed with the arrangements made for those persons who opted for staying in our country. Now, they are pleading to us that it would be better if they are again shifted to Bangladesh where they were the earlier residents out of desperation.

शुरुआत में इन लोगों के लिए कुफ फुड का इंतजाम किया गया था, इन्हें राशन दिया जाता है लेकिन राशन देने से खाना नहीं बनता है क्योंकि ये लोग इस इलाके में नए आए हैं, इन लोगों के पास न फायरवुड है, न फ्यूल है। सबसे बड़ी बात है कि ये टीन के शेड में एक्स्ट्रा विंटर सीजन में रहते हैं। अब गर्मी का मौसम आ चुका है, आप भी सुन कर हैसल होने कि पिछले विंटर सीजन में

कई लोगों ने दम तोड़ दिया था। यह हमारे देश के लिए ह्यूमिलेशन है। It is an affront, it is a humiliation to our country that we are destined to play the hosts of those enclave people, and they are being denied their legitimate dues. Now, they are struggling for their existence, and even they prefer to again go back to their earlier settlement. This is a really a shame for us. So, I would request the Law Minister that he should, in consultation with the concerned Ministry, arrange for the amenities to those people who deserve them in terms of food, clothing, shelter and everything.

Thank you.

SHRI B. SENGUTTUVAN (VELLORE): Hon. Deputy Speaker, Sir, I thank you for affording me this opportunity to speak on this short, important and urgent Bill.

This short Bill, the Election Laws (Amendment) Bill, 2016 seeks to amend Section 9 of the Representation of the People Act, 1950 and Section 11 of the Delimitation Act, 2002.

The Bill is necessitated by the fact that in a spirit of good neighbourliness, India exchanged with Bangladesh 111 Indian enclaves in West Bengal for 51 Bangladeshi enclaves which were authorized by the 100<sup>th</sup> Amendment to the Constitution.

Since the Supreme Court of India had ruled on a Presidential Reference in a like matter earlier in 1969 that the act of cession of Indian Territory to another country can be done only by way of Amendment to the Constitution of India, the 100<sup>th</sup> Constitutional Amendment was passed by this House as well as by the Rajya Sabha permitting the exchange of the said enclaves.

A total of 14,864 persons living in the 51 erstwhile Bangladeshi territories as well as 987 persons living in the erstwhile India territories have opted for Indian citizenship and settled in India in Cooch Behar District in West Bengal.

This Amendment becomes necessary since the new areas transferred to Cooch Behar District have to be incorporated into and the areas ceded must be excluded from the relevant Parliamentary and Assembly Constituencies. The new citizens have to be provided with the voting rights. So, there is an urgency to the Amendment as the State is poised for polls in the coming months.

Sir, during the debate, one cannot but be reminded of the illegal cession of Katchatheevu. The islet was ceded by the Congress Government way back in 1974. The Congress Government then in power, transferred this small but crucial and strategic island in the Palk Straits over to Sri Lanka without following the procedure of amending the Constitution. This islet was an integral part of India since times immemorial. The Raja of Ramnad was exercising sovereignty over this islet. The DMK regime headed by Karunanidhi, which was then in power in Tamil Nadu, hardly took any exception to this as he was too absorbed in his own acts of corruption, which became the subject matter of Justice Sarkaria Commission by then.

The evil consequences of this unceremonious transfer of territory are too numerous to narrate in this short discussion. The transfer has deprived the Indian fishermen of their traditional right to fish in the Indian territorial waters. Even though the transfer gives to the Tamil Nadu fishermen the right of access to the islet to dry their nets, it is more observed in breach than in observance. Because of the present day geopolitical compulsions, the Indian Government is too indulgent towards Sri Lanka to the point of neglecting the welfare of its own citizens. Day in and day out, the Sri Lankan Navy is committing acts of atrocity after atrocity on the Indian fishermen with impunity. The Indian fishermen are arrested, expropriated and detained in jails. This is exceeding all limits of tolerance these days.

In this connection, our Party Chief Dr. Puratchi Thalaivi Amma has addressed the Prime Minister times out of number. Some years ago, with the connivance of the UPA of which the DMK was a member, Sri Lanka perpetrated atrocities and butchery on the Sri Lankan Tamils. Now, emboldened by Indian lack of response and inaction, they have turned their attention to the Indian Tamil fishermen.

Sir, a lot is expected from the present Government, which cannot afford to be a mute spectator to the atrocities of the Sri Lankan Navy on the Indian fishermen. At the least, India should station some Coast Guard Vessels in the region to protect the rights of the Indian fishermen and to protect them from wantonly being assaulted, kidnapped, robbed, looted and jailed by the Sri Lankan Navy.

With reference to the illegal handing over of Katchatheevu, our Party Chief Dr. Puratchi Thalaivi Amma has filed a litigation in the Supreme Court. The retrieval of the islet of Katchatheevu alone would find a permanent solution to the problems faced by the Indian fishermen. It is hoped that the Union Government, particularly, the Law Department would seriously address this issue as it is a national problem and not issue flippant statements ridiculing the efforts to retrieve the islet.

Sir, with this observation, I welcome the initiative of the Government in piloting this Election Laws (Amendment) Bill, 2016.

Thank you very much.

SHRI KALYAN BANERJEE (SREERAMPUR): Mr. Deputy Speaker Sir, we welcome the Election Laws (Amendment) Bill, 2016. This is a consequential result of the Constitution (119<sup>th</sup> Amendment) Bill 2013.

Sir, after many decades, this Constitution (119<sup>th</sup> Amendment) Bill, 2013 was passed in 2015. At that relevant point of time, the hon. Minister of External Affairs and the Minister of Overseas Indian Affairs in the most unequivocal term really appreciated the role of Chief Minister Mamata Banerjee for this entire exercise.

Today, we welcome this chain which had started very long back and that chain is going to be completed the moment the Bill is passed by this Lok Sabha and an assent is given by the hon. President of India.

Sir, the persons, who have opted to acquire or retain Indian citizenship will get their most cherished and fundamental right to be a voter and

cast their votes and elect their Government. As a citizen of the country, there cannot be more valuable right than this when they are accepted as the voters of this country. They are having a fundamental right.

Sir, we are having confidence upon the Election Commission of India that it will complete this process within a very short period of time since elections are knocking at the door in West Bengal. Within a few days, the notification would be issued. But we are having confidence upon the Election Commission of India that within three or four or five days, they will take expeditious steps so that these persons can cast their votes in the ensuing election. We welcome it and all cooperation would be made on behalf of the All India Trinamool Congress if the Election Commission of India takes steps for inclusion of these voters within a very few days.

I just want to point out one thing to the hon. Law Minister, although the hon. External Affairs Minister is not here. Through you, I will just point out that there was an assurance given by the Central Government to the State of West Bengal that for the purpose of rehabilitation of these persons, financial assistance would be given to the State of West Bengal. An amount was also set aside but unfortunately, the entire amount has not yet reached. Very little amount has gone there for rehabilitation. Their rehabilitation is also very necessary. When we are thinking that they should be the voters of our country and they should cast their votes, at the same time, we should also expect that they should also have a dignified life in our country which is protected under article 21 of the Constitution.

Therefore, I am just concluding by saying that we appreciate this entire exercise and we will be appreciating the Election Commission's exercise if they do take steps immediately. We will appreciate more if the hon. Law Minister immediately takes steps for releasing the balance financial assistance to the State of West Bengal so that those people can cast their votes.

Thank you Sir.

\*SHRI S.S.AHLUWALIA (DARJEELING): Sir I will speak in Bengali. Hon. Deputy Speaker Sir, last year we had the 100<sup>th</sup> Amendment of the Constitution, as a result of which, people who were staying in 51 enclaves of Bangladesh won the right to come to India and those Bangladeshis who were in the enclaves in India were able to crossover to Bangladesh. In 2015, by a notification issued by the Government of West Bengal, boundaries of some maujas were redrawn, delimitation was effected and today the Election Law (Amendment) Bill, 2016 has been introduced to implement the decisions.

In any democracy, man primarily seeks the right to vote which we are conferring today. But my previous speaker, learned friend Shri Kalyan Babu was mentioning that fundamental right is attached to the Right to Vote. Now my concern is whether we are really being able to confer this fundamental right on these people. As the first speaker Shri Adhir Babu said, some of the people who had come are contemplating to return. I don't know wherefrom he received this piece of information, but yes, they had small huts, thatched roofs, and peaceful shelter back there. At least there was an atmosphere; green environment, trees, birds, ducks, hens, cows and goats dotted the places. But unfortunately, they have not been able to shift those across the border many things were left behind. Here in India, they have got tin roofs which will become extremely hot and unlivable during summer. Whenever we offer the Right to Vote, Right to Shelter automatically follows. When our Government is talking of shelter for all, then why deprive these people? We have schemes like Indira Awas Yojana and such other schemes which can be used to provide homes to them. The land on which they are currently putting up is Government land. Until and unless, the pattas of the land are handed over, they cannot enjoy the benefits of the housing schemes. Therefore, if we are talking about rights, then all such rights are involved.

Sir, the children were studying in the schools in Bangladesh and have come here with transfer certificates. But they are not getting admission in Indian schools. The curriculum, syllabi and education system might be different from those of Indian schools. As we owe the credit of our foreign educated students or the foreign countries recognize our education, then why can't we assimilate the education of Bangladeshi school? They must have been studying in Government schools and Madrasahs there, but they should be immediately admitted to our institutions. Otherwise they will lose precious one year which will further push them back in time and hamper their career. Moreover, people were engaged in cultivation, share cropping; or were bus conductors, drivers, grocery shop owners. At least they were earning their livelihood. But when they came to India, barring 100 days work, no other occupation was offered to them. In the four constituencies

Of Dinhata Mathabhanga, Mekhliganj and Shitalkuchi, people have arrived from enclaves and we should have a blueprint of some welfare activities for them. Hon. Minister of Law is offering the Right to Vote, but people also need the Right to Food, Right to Clothing, Right to Education, Right to Work, otherwise everything becomes meaningless. Moreover, the healthcare facilities should be expanded in those areas. There might be one small, temporary health centre where doctor is available only on Saturdays and Sundays. They should have the Right to Medical Access. A proper hospital must be set up. They could be allowed to open accounts under Jan Dhan Scheme. Earlier it was decided that Jan Dhan account holders will be offered complimentary insurance worth Rs.2 lakhs. This should be applicable to these new citizens. Accident policy, health policy or life insurance policy will be beneficial for them.

In 2011 when the census was being conducted, nobody, on either side of the border could believe that this could happen. In 1974, Bangabandhu Sheikh Mujibar Rahman had signed the treaty with the then Prime Minister Smt. Indira Gandhi but it could not be implemented till last year. So people had almost lost faith. When in 2011, census was being under taken, they did not even include all the names of their family members. There are many families which have been divided into two parts, one part staying in India and the other part in Bangladesh. It is really difficult to survive with this kind of fragmented family. Thus they should now be given an opportunity to include all the names so that the families are reunited. And I feel that when man gets the Right to Vote then he exercises his right to elect his representative or to choose a popular Government in the hope that he will be able to enjoy all the rights that a citizen should get. The first right is being conferred on them by this august House through Election Commission. Within a few days, the notification of election will be issued in West Bengal. I don't know whether their names figure in the draft electoral list or not. You must be aware that the Right to Vote leads to another right that is, the right to fight an election as a candidate. So a person's name must be there in the voter list if he intends to fight election. Therefore, if the names have been included already in the draft list, then

it is okay; that may be confirmed by Hon. Minister. But if names are not there as yet, then by when those can be incorporated, should be made known, because once the notification is issued, no new names could be included. The arrangement has to be made by the Government and I hope this will be done.

With these words, the Election Laws (Amendment) Bill, 2016 further to amend Representation of Peoples Act 1950, and the Delimitation Act 2002 is being supported by me. I am just saying that the names of these people should be included in the electoral list as early as possible. I request Hon. Minister to inform this House about the present status and do the needful. Thank you sir

SHRI PINAKI MISRA (PURI): Hon. Deputy Speaker, Sir, the Election Laws (Amendment) Bill, 2016 has been brought to this House so that this House can give the right to franchise to 14,864 persons living in the erstwhile Bangladeshi enclaves which are now amalgamated to Indian territory. All of them have happily chosen to acquire Indian citizenship and, therefore, have the right to cast their votes in India. It also seeks to give a further, I think, 967 persons out of 39,000 persons living in Indian enclaves, which have been transferred to Bangladesh, who have chosen to stay back in India. We welcome them to India and they should also have the right to vote, rightly so. Therefore, this is an unexceptionable Bill. I think, all shades of opinion in this House are going to welcome this Bill and to support the Bill that the hon. Minister has brought to this House.

However, I am completely at one with what my distinguished colleagues have said before me and particularly my very distinguished colleague, Shri Ahluwaliaji, who - I am very pleasantly happy to note in this fractious House where the partisanship is so deeply divided, has made such a wonderful non-partisan speech today. He could have easily blamed the State Government for all the problems that these people are facing. Instead, he has shown great sagacity and, in fact, criticized his own Central Government that they have not risen to the mark because it is this Prime Minister's and this Government's mandate and wish-list that there should be universal housing for all by 2023 and, therefore, these people should not be left out of that loop.

All my distinguished colleagues have mentioned that merely giving them the right to vote is not enough. Article 21 of the Constitution mandates that they get much more than the right to vote, which is of course a Fundamental Right. They get a right to live with dignity, they get a right to shelter and they get a right to employment. All my distinguished colleagues have rightly mentioned that.

In this regard, I have to point out a significant fact which, I think, the distinguished Member from the AIADMK Party pointed out to this House that the fault has to be clearly attributed at the door of the Central Government. The Cabinet had approved a rehabilitation package and upgradation of infrastructure in these enclaves on December 2, 2015 which was to the tune of Rs. 1,006 crore – Rs. 899 crore for upgradation of infrastructure and Rs. 107 crore for rehabilitation. As Shri Banerjee has pointed out, the money is not coming from the Centre. This is not an isolated case.

The Standing Committee on External Affairs in 2014 – it was obviously headed by a Member who must be a Member of the Treasury Benches now – had pointed out that the Central Government must effectively coordinate with the State Governments on all matters relating to implementation of agreements of this kind. You are acquiring these Enclaves, but they are lacking in infrastructure and amenities. A detailed blueprint should be kept ready for development of these areas after consultation with State Governments, and the Standing Committee or this Parliament should be informed. As such, this is not being done. All these recommendations of the Standing Committee are continuously being observed in breach. What is the point of having Standing Committees, which give you routine recommendations twice, thrice or four times a year and they are all being consigned to the dustbins? All Governments continue to function without any kind of adherence to the directions and guidance given by the Standing Committees.

Secondly, I think that what has been mentioned by the hon. Member from AIADMK with regard to the problems in South India obtain in other parts of India as well. I am taking now, for instance, the example of bifurcation of Andhra Pradesh, which was done by the last Government in a completely ham-handed process, which has caused untold misery to people. Both sides have lost out. Andhra Pradesh has lost out and Telangana has lost out. Today, Andhra Pradesh has a demand of this Government to give them Rs. 5 lakh crore for a new Capital. How much money has been received by Andhra Pradesh? My distinguished colleagues from Andhra Pradesh, who are supporting this Government, will tell you about it.

The Telangana people are today complaining as are the people of Odisha that the Polavaram Project -- which has been hastily brought about as some kind of a package deal -- has now affected hundreds of thousands of people in Odisha and taken away hundreds and thousands of very very fertile agricultural land from Odisha. We have asked for an R&R package and that R&R package does not come from the Central Government. We go and meet the Prime Minister, and the Prime Minister who normally is so happy to state that whatever was done in the last Government, which was wrong, will be undone now. Here, in this case, he has told our MPs that : "I am very sorry, but the last Government has promised this and the last Government has made this as a national package and I can do nothing in the matter."

Now, this is not a happy situation, Mr. Deputy-Speaker, Sir. I think that the hon. Law Minister must bring it to the notice of the Government that in cases like this where these are national initiatives, Central Government initiatives, you cannot put the burden on State Governments, which are in any case suffering at the hands of a totally inequitable taxation distribution system in this country. We get so little from the Centre in terms of the spoils that go from us. I can only tell you that it was so sad to hear the Railway Minister today. Sir, Rs. 14,000 crore a year is the revenue that comes out of Odisha and you are going to give us a small portion of that back. Is this a fair distribution? Is this the manner in which this Central Government works where the Prime Minister has repeatedly talked of a fruitful partnership between the Centre and the States?

I beseech this Government that kindly heed to your own distinguished MP's advice. Kindly fulfil the promises that you have made to the States. Kindly do not leave the States to their own devices because the States, particularly, States like Odisha are dependent on the Central Government and they do not have their own devices to deal with these kinds of issues. Thank you very much. I support this Bill.

SHRI ANANDRAO ADSUL (AMRAVATI): Deputy-Speaker, Sir, I stand here to support the Election Laws (Amendment) Bill 2016.

This Bill was already passed by both the Houses. In some particular circumstance this Amendment is very much essential and the

circumstance is that in exchange of 51 Bangladeshi Enclaves in the Indian territory, 111 Indian Enclaves are in Bangladeshi territory with effect from 31 July 2015. This Amendment is essential for those people in those villages that are included in West Bengal. Election is to take place in West Bengal and that is why the people of that area should get the Constitutional right of voting.

### **15.00 hours**

This is the real purpose of this Amendment. That is why there is nothing more to speak on this Bill. I support the Election Laws (Amendment) Bill, 2016.

SHRI JAYADEV GALLA (GUNTUR): Hon. Deputy-Speaker, Sir, I thank you for giving me this opportunity to rise to support the Election Laws (Amendment) Bill, 2016. I would just want to make a couple of points. I do not want to repeat everything that all the earlier speakers have already said.

While appreciating this step by the Government to ensure the voting rights for the new citizens of India coming from Bangladesh enclaves that were in our territory earlier and also the limited delimitation that is taking place, I also would like to bring to the notice of the Minister, though the A.P. Reorganization Act was passed in 2014, one year before the Amendment to the Representation of the People Act, we are yet to get the necessary amendments to go through the delimitation exercise in both Andhra Pradesh and Telangana. In the Act, it calls for the number of Assembly Constituencies in Andhra Pradesh to go up from 175 to 225; and in Telangana, from 119 to 153, but it requires a Constitution Amendment for that, or an amendment to the A.P. Reorganization Act. One of the two things is required for this to be executed. So, I beseech the Minister to please consider this and to do it at the earliest. It has been almost two years since the A.P. Reorganization Act has been passed, and we are still waiting not only for this, but also for many other things, which I would not go into since it does not concern the Bill that is before us today. But as far as delimitation of constituencies in these two States is concerned, it is required.

The last point I would like to make is that we are talking about the right to vote for our citizens. But I would like to also bring to the notice of the House that Non-Resident Indians who retain their Indian citizenship around the world are not given this right to vote. They cannot vote in the country that they live in and they cannot vote in the country that they are citizens of. So, I would like to urge the Minister and also the Government to have a relook at this. I think it is the long-

standing demand of NRIs, and I think some assurances have also been given to the NRIs in this regard. So, please consider giving voting rights to NRIs. That will enable us to build stronger ties with our community abroad and also it will be an incentive for them to return to India and add to the growth of this nation with the wealth of knowledge and other resources that they bring back with them. Thank you.

SHRI B. VINOD KUMAR (KARIMNAGAR): Sir, in view of the impending elections in the State of West Bengal in the month of May, 2016 amendments to the Representation of the People Act, 1950 and Delimitation Act, 2002 are necessary because the areas between our country and Bangladesh have been exchanged. This House has passed a Constitution Amendment Bill earlier whereby this exchange of enclaves occurred. It is but natural that those people who have chosen to stay in our country in the areas which were transferred to India have to vote in the forthcoming elections in West Bengal. So, there is an urgency to amend these two Acts. As such, the Government has introduced the Election Laws (Amendment) Bill, 2016 which, on behalf of my Party, we are supporting.

Sir, though not similar, a situation between the States of Andhra Pradesh and Telangana arises because seven Mandals of Telangana State were transferred to the State of Andhra Pradesh through an Ordinance. Later, a Bill was introduced and passed, in spite of our protests. Sir, areas with 90 per cent of voters in the Assembly segment of Bhadrachalam in the State of Telangana were transferred to the State of Andhra Pradesh.

Now, in this country, those people are neither represented in Andhra Pradesh nor in Telangana. One MLA is elected from that area but he is nowhere now. He is neither attending the Sessions in the Andhra Pradesh Assembly nor is he attending the Session in our State. Our MP Prof. A.S.R. Naik is representing seven Assembly segments. Out of this, he is now representing only six Assembly segments in his parliamentary constituency. This is a very unfortunate situation. As requested by Shri Jayadev Galla, I too would request you to bring a Bill as early as possible to clarify the situation.

At the same time, the Andhra Pradesh State Reorganisation Act has stated in Section 26 that there should be increase of Assembly seats in both the States. So, I would request the hon. Law Minister to bring a comprehensive Bill with regard to this exchange of villages in both the States. They should be represented in a democracy. Hence, that anomaly has to be rectified as early as possible. So, I would request the hon. Minister to bring such a Bill as early as possible. I support this Bill *in toto*.

SHRI MD. BADARUDDOZA KHAN (MURSHIDABAD): Respected Deputy Speaker Sir, with your permission, I would like to speak in Bengali.

\*Sir, the historic agreement that was signed last year December for exchange of enclaves, has been supported by us all. Now we are discussing the Election Laws (Amendment) Bill, 2016 and I take the floor to support this Bill. I have keenly heard the speech of Mr. Ahluwalia who has raised certain pertinent issues. I also say that these people who have come should have the Right to Vote. And this right should be given before the forthcoming election in West Bengal after this Bill is passed in this House today, unanimously. If the Government wants and empowers the District Magistrates, this can be easily done. There is no problem, even if the notification gets issued, provided the Government is willing. I demand that this should be done. When voting rights are being conferred, civil rights should also be offered. So far they were deprived of all such rights. I can cite a small example. People, living in the enclaves, in order to get their children admitted to Indian schools used fake Indian identities or used the names of Indian fathers for their wards. This condition was prevalent. In my own constituency, there was a place called Charmeghna where people were Indian but the land was in Bangladesh. It was known as Adverse Possession Land. I ultimately wrote a letter to Hon. Minister of External Affairs and she was kind enough to intervene and finally the Adverse Possession Land came to India. I had visited the place. There were no facilities, no roads, no water, no good schools, nothing. They were just surviving without basic amenities of life. When I met them, they asked me to

build roads etc. but what could have I done? The Government has to look after these people. Both Central and the State Governments have to fulfil their responsibilities.

There is another big problem. The enclaves are all situated in the border areas. There are fences and the enclaves are scattered. After dusk, all these areas are controlled by Bangladeshi goons. The law and order situation become very grim after evening. Indian police is not allowed to enter, army is nowhere to be sighted. The crops are looted every now and then. The Central Government must ensure that the BSF steps up vigil in that area. But no one is found there people request us to save them. Robbers attack them, but there is no patrolling. When they call up the police, the refuse to go there. When they request the BSF to open the gates to save themselves, BSF personnel say that they don't have orders. Who will then save these poor people? They are Indians, our brothers. Who will safeguard their interests? Only voting rights will not suffice. They need proper education, safety. They are lagging behind in all aspects. They have no stable source of income. If they grow crops it becomes extremely difficult to carry the crops to the other side of the fence. It is difficult to transfer animals or to visit a bereaved family if someone dies on the other side. I am witness to their plight. I am thankful to the Government for the right to vote which is being offered but they also need civil rights to survive. I request the Central and State Governments to discharge their duties properly and once again submit that they should be given voting rights before the forthcoming elections.

With these few words, I once again support this Bill and conclude my speech.

**श्री कौशलेन्द्र कुमार (नालंदा) :** उपाध्यक्ष महोदय, आपने मुझे निर्वाचन संशोधन विधेयक, 2016 पर अपने विचार रखने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूँ।

सरकार ने पश्चिम बंगाल के अगले विधान सभा चुनाव को ध्यान में रखकर यह विधेयक सदन में लाने का काम किया है। इसके द्वारा चुनाव कानून संशोधन विधेयक परिशीलन अधिनियम, 2002 की धारा 11 और जनप्रतिनिधित्व कानून 1950 की धारा 9 में संशोधन की बात हो रही है, यह पुयानी मांग है। बंगलादेशी नागरिक जो बहुत दिनों से भारत में निवास करते हैं, उनको भी वोट डालने का अधिकार होना चाहिए। यह सही है कि ऐसे नागरिकों की ज्यादा संख्या पश्चिम बंगाल में है, क्योंकि यहाँ सभी क्षेत्र से सीमा मिली हुई है, लोग इधर-उधर आते-जाते रहते हैं और फिर भारत में ही बस जाते हैं। इसी क़म में फिर नागरिकता की मांग होती रहती है। अब आप यह भी मान लें कि काफी बंगलादेशी महानगरों में भी रह रहे हैं। इनकी छलत काफी दयनीय है। उनके पास न रहने के लिए मकान हैं और न पीने का साफ पानी ही उपलब्ध है।

मेरा सरकार से अनुरोध है कि वोटिंग के अधिकार के साथ-साथ इनके रहने की व्यवस्था भी कराई जाए और उन्हें हर सुविधा मुहैया कराई जाए, जिससे कि वे भारत के नागरिक के रूप में रह सकें। धन्यवाद।

**SHRI N.K. PREMACHANDRAN (KOLLAM):** Mr. Deputy Speaker, Sir, I fully support this Election Laws (Amendment) Bill 2016. This is a consequential effect of the 100<sup>th</sup> Constitution Amendment. This Bill is an enabling legislation empowering the Election Commission to have partial delimitation of the areas which have been acceded to our country after the exchange of 51 Bangladeshi enclaves in Indian territory and 111 Indian enclaves in Bangladesh territory with effect from 31<sup>st</sup> July 2015. And it is very interesting to note that 14,864 persons living in erstwhile Bangladesh enclaves now amalgamated to Indian territory opted to acquire Indian citizenship and 987 people out of 39,176 persons living in Indian enclaves transferred to Bangladesh territory opted to retain Indian citizenship and settled in India in Cooch Behar District of West Bengal. When they have opted for this, definitely we have to accept and recognize their political right that is to be conferred upon them. For that, the Representation of Peoples Act as well as the Delimitation Act of 2002 have to be amended.

The point which I would like to highlight is the inordinate delay caused by the Government of India in having such enabling provision empowering the Election Commission to have this delimitation. The 100<sup>th</sup> Constitution Amendment has come into effect on 31<sup>st</sup> July 2015, and the West Bengal Government has issued the notification on 26<sup>th</sup> August. Six months have elapsed. In all these six months the Government of India actually was sleeping over the Constitution Amendment and the notification.

Now, the Government has come with legislation because the elections are going on in the month of May. So, immediately this legislation has to be passed. Otherwise, these people who have opted for Indian citizenship will be denied the right to vote or their political right will be denied. So, there is inordinate delay on the part of the Government in bringing such legislation so that political rights of these persons are recognized. That is the first point which I would like to make.

The second point is with regard to the urgency of passing the Bill. I do fully accept the objectives. What is the commencement of the Act? You may kindly see the short title and commencement of the Act- 'It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.' So, further the date of coming into effect of the Bill will be as per the notification issued by the Government of India. My

point is, the elections are going to be held anyway before 18<sup>th</sup> of May. The Election Commission will declare the date of elections at any time. Why is the Bill not specifying the date of commencement on 1<sup>st</sup> September or with immediate effect? By going for a Gazette Notification by the Government of India so that the Bill has to come into effect, delay may take place. Kindly look into this fact. So, my point of suggestion is, let the Bill come into effect at once or I have moved an amendment that let it come into force with retrospective effect from 1<sup>st</sup> September 2015.

Another point is regarding Clause 2 of the Bill. There is partial delimitation of the constituencies that is certain persons have to be included therein and excluded therefrom. The point is 'the relevant areas consequent upon the exchange of these territories.' I would like to know what is meant by the 'relevant areas'? Have the 'relevant areas' been defined in the definition clause? No. How can you distinguish between relevant areas and irrelevant areas because when these 111 enclaves have been included in the Indian Territory, all the areas should come within the purview? Otherwise, you are going to give a discretionary power to the Election Commission. So, whatever areas are included and whatever is excluded, definitely all the areas which have been ceded to our country and which have been detached from the country should come. So, the word 'relevant' is making some suspicion or confusion. So, kindly clarify on that point so that I can withdraw my amendment otherwise I will press the amendment because the Election Commission cannot be given any authority to see whether it is relevant or irrelevant. With these words, I support the Bill. Thank you.

**श्री वीरेंद्र सिंह (भदोही) :** उपाध्यक्ष महोदय, भारत सरकार के कानून मंत्री ने पश्चिम बंगाल के कुछ मतदाताओं के भारत में आने के कारण से उनके वोट देने के अधिकार दे कर जो बिल लाया है, वह बहुत ही उचित है। मैं बहुत कम समय में अपनी बात एक सुझाव के तौर पर कहना चाहता हूँ। उपाध्यक्ष महोदय, भारतीय चुनाव प्रणाली में चुनाव निष्पक्षता से हो, यह भारतीय चुनाव प्रणाली का एक महत्वपूर्ण हिस्सा है। भारत में पहले मतपत्र से चुनाव होता था। उसके बाद उसमें कुछ गड़बड़ियाँ हुईं तो इवीएम मशीन और इलैक्ट्रॉनिक मशीन के माध्यम से चुनाव की प्रणाली अपनाई गई।

मैं आपके माध्यम से भारत सरकार के कानून मंत्री जी से यह निवेदन करना चाहता हूँ, एक सुझाव देना चाहता हूँ कि आज की चुनाव प्रणाली में चुनाव की जो गणना होती है, वह एक-एक बूथ की होती है। उसमें चुनाव किए हुए मतदाताओं के द्वारा गोपनीयता भंग होती है और चुनाव की निष्पक्षता पर सवाल खड़ा होता है। अपराधी चुनाव लड़ते हैं, उस गांव के छोटे-छोटे पूर्व के लोगों को चुनाव के बाद परिणाम देखते हैं, उन पर गोलियाँ चलती हैं और कई जगहों पर इस तरह की घटनाएं हुई हैं, इसकी प्रमाणिकता हमारे पास है, अगर जरूरत होगी तो मैं उसको प्रस्तुत कर दूंगा। मैं भारत सरकार के कानून मंत्री जी से निवेदन करना चाहता हूँ कि जिस तरह से पहले मतपत्रों की गणना गांव वाइज़ होती थी और इसी तरह की घटनाएं होने लगीं तो पूरे मतपत्रों को एक साथ मिला कर गणना होती थी, उसी तरह की प्रणाली आज के दिन अपनाई जानी चाहिए। एक गांव की इवीएम मशीन को किसी ऐसी मशीनरी से एक साथ गणना कर दी जाए कि पूरी गणना एक साथ प्रस्तुत हो सके। मैं समझता हूँ कि इसके लिए सर्वोच्च न्यायालय में भी एक याचिका दाखिल हुई थी। सर्वोच्च न्यायालय ने भी उस पर यह निर्देश दिया है या अपना सुझाव दिया है कि मतदाताओं के चुनाव को निष्पक्ष रखना और गोपनीय रखना भारतीय चुनाव प्रणाली का एक महत्वपूर्ण हिस्सा है। इसलिए चाहे बंगाल में चुनाव हो या पूरे देश में चुनाव हो, इस बात के लिए मैं आपसे सुझाव के तौर पर निवेदन करता हूँ। मुझे लगता है कि मतदाताओं के निष्पक्ष चुनाव के लिए और गोपनीय चुनाव के लिए, उनकी गोपनीयता बनाए रखने के लिए यह प्रणाली अपनाए जाने की व्यवस्था की जानी चाहिए। इन्हीं शब्दों के साथ मैं अपनी बात को समाप्त करता हूँ।

SHRI MOHAMMAD SALIM (RAIGANJ): Thank you, Sir. I am grateful to you.

This is a very innocuous Bill and it is going to be unanimously passed as a consequential Bill because all of us know and we have discussed earlier about the Constitution Amendment to transfer these enclaves which was lying pending and it was unanimously passed.

महोदय, सबसे बड़ी बात यह है, चूंकि यह काबिसवकेशल है, लेकिन यह दर्शाता है हमारी लोक सभा, संसद के लिए भी और सरकार के लिए भी कि जब हमने संविधान संशोधन किया, यह तय हुआ कि 31 जुलाई को हम हस्तांतरण कर लेंगे। अब बंगाल के चुनाव की भी हफ्ते भर के अंदर शुरूआत हो जाएगी तो सरकार किस तरह से काम कर रही है, यह भी यह दर्शाता है। इनको दिसंबर के सत्र में ही यह बिल पास कर लेना चाहिए था। चूंकि यह तो तय था और अग्रस्त महीने में ही यह ऑफिशन दे दिया गया था। ... (व्यवधान) हमने सुझाव दिया था। आपको मात्तूम होना चाहिए, जिसे अभी सब लोग सयद रहे हैं, लेकिन जो आज देश की सरकार में हैं, बंगाल की सरकार में हैं, ये दोनों दल दलगत कारणों से पहले इसका विरोध किए थे, लेकिन जब सब लोग सहमत हुए, उसकी एक बड़ी वजह यह थी, बंगाल सरकार की तरफ से यह कहा गया था, हम लोग भी यही कह रहे थे कि जो नागरिक हैं, उनकी जो नागरिक सुविधाएँ हैं, जब वे भारत के लिए ऑप्ट करेंगे, चाहे वह हमारे एंवलेव में हों या चाहे बांग्लादेश में जो एंवलेव चला जा रहा है, वहाँ के हों, तो उनको वे तमाम सुविधाएँ देनी पड़ेंगी। विदेश मंत्रालय, गृह मंत्रालय, बंगाल की राज्य सरकार और तमाम ग्रामीण मंत्रालय इन सबसे हमारी बात संसदीय समिति में हुई और इस बात की गारंटी दी गई। लेकिन आज क्या स्थिति है? इस कानून के बाद हम उन्हें वोट का अधिकार तो दे देंगे, लेकिन उन नागरिकों को जो जन सुविधाएँ मिलनी चाहिए, उसके बारे में पिछले 6 महीने का जो अनुभव है, वह सही नहीं है। आज भी वे लोग, कोई मेखलीगंज में, कोई दीनहाटा में अलग-अलग शरणार्थी शिविर में हैं।

हमारा इतना बड़ा देश है और ये चंद हजार लोग हैं, जिनके लिए भारत सरकार वचनबद्ध है और उनके लिए संसाधन जुटाने में भी कोई परेशानी नहीं है। मैं समझता हूँ कि जमीनी स्थिति यह है कि उनकी नागरिक सुविधाएँ, उनकी स्वास्थ्य सुविधाएँ और उनकी शिक्षा की सुविधाएँ, उनके बच्चों की जो सेहत की सुविधाएँ हैं, उनके बारे में भी ध्यान देना होगा। सिर्फ वोट का अधिकार ही नहीं, इन सबका भी बंटोबरत करना पड़ेगा। वे लोग बहुत परेशानी की हालत में हैं। मैं इस विषयक समर्थन करता हूँ, लेकिन उस बारे में, उस दिशा में आपकी नजर खींच रहा हूँ।

SHRI GEORGE BAKER (NOMINATED): Thank you, hon. Deputy-Speaker, Sir, for permitting me to express my views. I should be grateful if my colleagues would not interfere because we hardly get a chance to speak.

I should like to ask the hon. Law Minister something. At one time when Andhra Pradesh was a united State, at that time, there was one Anglo-Indian MLA. That Anglo-Indian MLA has now been transferred over to Telangana. Is there any provision since there are seats being increased that an Anglo-Indian can get representation from Andhra Pradesh. That is my question to him, Sir.

Thank you.

**श्री सुल्तान अहमद (उलुवेरिया) :** महोदय, माननीय सदस्य ने कहा कि 6 महीने हो गए हैं, लेकिन आश्चर्य होगा कि इनकी पार्टी बंगाल में 40 साल सत्ता में रही, वर्ष 1950 से यह समस्या थी, लेकिन ये आज चुनौती दे रहे हैं कि राज्य सरकार ने 6 महीने लगाए, इन लोगों ने 40 साल क्या किया? देश का इतना बड़ा इलाका बांग्लादेश के पास था, वहाँ के नागरिकों को जो सुविधाएँ मिलनी चाहिए थीं, वे नहीं मिलीं। वहाँ के किसान भुखमरी के शिकार हैं, जिस तरह हमारे लोगों ने कहा कि उनके पास रहने के लिए मकान नहीं है, पीने का पानी नहीं है, वे खुले मैदान में 50 साल पड़े रहे। वे लोग सत्ता में थे, ये बताएँ कि 40 साल इन्होंने क्या किया, अपने लोगों के लिए क्या किया?... (व्यवधान)

**श्री जय प्रकाश नारायण यादव (बाँका) :** उपाध्यक्ष महोदय, मैं दो मिनट में अपनी बात खत्म करूँगा। जो आदान पदान हुआ और बंगलादेशी भाइयों को हिन्दुस्तान में नागरिकता मिली, उसमें कई बातें और भी हैं। वोट का अधिकार तो अपनी जगह है, लेकिन पंचायत की सुविधा भी मिलनी चाहिए। इसी प्रकार से इंदिरा आवास है, वृद्धावस्था पेंशन है, बैंक का कर्जा है, मकान है, दुकान है, यानी सारी सुविधाएँ जब उन्हें प्राप्त होंगी, वे बुनकर होंगे तो उनको बुनकरी के संसाधन मिलने चाहिए। यह सिर्फ वोट के अधिकार का मामला नहीं है। उसकी रोज़ी, रोज़गार और बेहतर ज़िन्दगी का सवाल है जिसे पूरा किया जाए, यह हम मांग करते हैं।

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Deputy Speaker, Sir, practically I thank all the Members who have wholeheartedly supported this Bill. They want to see that all the persons who have come over to India from Bangladesh should get voting rights in the coming elections in West Bengal.

There is a small confusion in the minds of the Members who have participated in the debate with regard to why there is such an inordinate delay and is it possible to give voting rights to those people within the stipulated period that is before the notification of elections.

Sir, I would like to place it on record that a letter from the Election Commission had come to us on 26<sup>th</sup> November, 2015. We processed everything. Inter-ministerial consultations and other things have taken place. In the present Session we are placing it so that it should be passed. We had detailed discussions with the Election Commission of India. They said that they may require seven to eight weeks for this purpose. For issue of notification and examination of objections received, they require two weeks. For resolving the objections received, another two weeks are required. For the issue of Presidential notification by delimitation order another one week is required. Revision of electoral rolls of constituency requires only three weeks. This is the time schedule given by the Election Commission. So, if we are able to pass this Bill, because everybody has supported it, we will be able to give them the voting rights within the stipulated period. The Election Commission is already working on it. Some exercise has been taken by the Election Commission also.

Several other issues have been raised by various Members which are not very much connected so far as this amendment Bill is concerned. Members have raised issues with regard to rehabilitation and other basic facilities that need to be given for their livelihood. Certainly, the State Government has to take care of all these things after taking decision from the Central Government. Central Government is certainly here to give all sorts of assistance to the State Government to see that all those persons who came from Bangladesh should be rehabilitated and should be given all basic facilities.

Under Article 326 every Citizen of India should have the voting right. Especially, as far as this amendment is concerned, whenever the extent or areas are changed certainly there is a need to have an amendment of the Act because Section 9 of the RP Act or Section 11 of the Delimitation Act does not say anything about it but only talk about correcting any printing mistake or any other orders made by the Commission under Section 9 or any other error arising there from inadvertent slip or omission. So, whenever there is an extension, the extent is changed or areas are changed, certainly we need to have an amendment and for that reason I have brought this amendment Bill.

One of the issues raised by my friend, Shri Premachandran is regarding the relevant areas. Actually the relevant areas mentioned in the proposed amendment are consequent upon the exchange of the enclaves itself. There is clarity when the enclaves are exchanged between the two countries and there is no confusion as far as that matter is concerned.

Apart from that, as regards the areas of the Assembly Constituency and the Lok Sabha Constituency, the Election Commission will declare the exact areas. So, there is no confusion as far as relevant areas are concerned.

Hence I would request that the Bill may kindly be passed.

HON. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Representation of the People Act, 1950 and the Delimitation Act, 2002, be taken into consideration."

*The motion was adopted.*

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

### **Clause 2 Definitions**

HON. DEPUTY SPEAKER: Shri N.K. Premachandran to move Amendment No.2.

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, the Minister has not given any explanation regarding this Act coming into force. Therefore, I move my amendment.

Page 2, line 7,-

*omit* "relevant". (2)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 2 to Clause 2 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

### **Clause 3 Allocation of Seats and Delimitation of Constituencies**

HON. DEPUTY SPEAKER: Shri N.K. Premachandran to move Amendment No.3.

SHRI N.K. PREMACHANDRAN : Sir, I am moving the amendment.

Page 2, line 17,-

*omit* "relevant". (3)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 3 to Clause 3 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

### **Clause 1 Short Title**

HON. DEPUTY SPEAKER: Shri N.K. Premachandran to move Amendment No.1.

SHRI N.K. PREMACHANDRAN : Sir, I am moving my amendment.

Page1, lines 6 and 7,-

*for* "such date as the Central Government may, by notification

in the Official Gazette, appoint."

*substitute* "the 1<sup>st</sup> day of September, 2015". (1)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 1 to Clause 1 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

The question is:

"That Clause 1 stand part of the Bill."

*The motion was adopted.*

*Clause 1 was added to the Bill.*

*The Enacting Formula and the Long Title were added to the Bill.*

SHRI D.V. SADANANDA GOWDA: I beg to move:

"That the Bill be passed."

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill be passed."

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): I would like to raise a very genuine concern. In case where the enclaves of India are transferred to Bangladesh and *vice versa* and you are going to give the option of the citizenship, how are we going to handle this?

SHRI D.V. SADANANDA GOWDA: They need to be rehabilitated in the place where they are opting.

HON. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*